

CHAPTER 3 DISTRICTS AND REGULATIONS
ARTICLE 1317 - DISTRICTS

1317.5 NEIGHBORHOOD MIXED USE

1317.5.1 INTENT

The Neighborhood Mixed Use district is coded to provide pedestrian-scaled higher density residential homes and opportunities for limited scale commercial activities in existing mixed use areas and at the functional center of new neighborhoods. This district permits the construction of commercial-only buildings with a maximum first-floor area of 2,500 square feet along the frontage of main roads only. Development interior to the site shall be exclusively residential or be comprised of true mixed use buildings such as live work units or other buildings with 50% or more of their total area in residential use. The architectural guidelines detailed in this section are enumerated to permit the construction of various building types in close proximity to each other. In order to preserve the architectural heritage of the City of Fairmont, existing residential structures proposed for mixed use in these areas shall be preserved and adapted for re-use in lieu of new construction. Individual office uses may not exceed 5,000 square feet in area. Also, this district permits a maximum of 2,500 square feet first floor area. Parking may be satisfied using on-street parking or shared rear-lot parking areas.

1317.5.2 USES PERMITTED BY RIGHT; USES PERMITTED WITH CONDITIONS; CONDITIONAL USES (See Chapter 3 Article 1331 for conditions relating to uses permitted with conditions and conditional uses)

Uses Permitted by Right

Residential

Single Family Residences

Mixed Use and Commercial

Office, retail, or service uses not exceeding 2,500 sq ft in total floor area utilizing existing construction.

Uses Permitted with Conditions

Essential Services, Class 1 & 2

Home Occupations

Residential Care Home

Bed and Breakfast Inns

Duplexes (Two Family Residences)

Daycares/Preschools

Cemetery

Civic Uses

Conditional Uses

Mixed Use Buildings and Live-Work Units

Multi-Family Residences

Convenience Stores

Institutional Uses

Office, retail, or service uses not exceeding 2,500 sq ft in total first floor area and 5,000 sq ft in total floor area (new construction)

Recreational Facilities

Restaurant and restaurant lounges

Exclusions

Adult establishments

Automotive/Boat/Heavy Equipment/Manufactured Home Repair, Sales & Service, including filling stations

Bars/Nightclubs

Drive-through facilities

Gambling facilities

Light and Heavy manufacturing uses

Highway Commercial Uses (unless otherwise permitted herein)

Mining or Landfill Operations

Mini-storage

Outdoor Kennels

Outdoor storage or sales

Warehousing and/or storage necessitating truck travel (not including servicing of establishments located within the district).

All other uses which are not specifically enumerated or construed by the Planning Director to be compatible with this District.

Parking Lots, except as an accessory use to a permitted use, a use permitted with conditions, or a conditional use and only upon submission, review and approval of a site plan by the Planning Commission.

1317.5.3 LOT SPECIFICATIONS

Refer to Chapter 3, Article 1351 General Zoning Requirements for infill lot development standards. Civic buildings are exempt from front setback requirements.

Permitted Building Types

Allyard (Existing Re-Use or Infill Only)

Sidyard Building

Rearyard Building

Courtyard Building

Civic Building

Lot Width

All lots must front along a minimum of 40 ft of publicly dedicated right of way in order to be built on.

Minimum Lot Width at Building Line: 40 ft

Frontage Build-Out

Minimum: 60%

Frontage build-out may be accomplished with a minimum build-out of 50% with the remaining frontage line occupied by a wall or hedge not to exceed 4 ft in height.

Principal Structure Setbacks

Minimum Front: 10 ft

Major arterial roadway front 25 ft

Maximum Front: 25 ft

Encroachments into Front: 5 ft (Encroachments into right of way permitted on the second or third story only on non-state maintained roads)

Minimum Side: 5 ft

Minimum Rear: 40ft

Exceptions:

- Non-residential buildings that abut alley – 0 ft
- Single Family Detached Residences- 25 ft

Accessory Structure Setbacks

Side: 5 ft

Rear: 5 ft (Exception: Garages on alleys shall be setback a minimum of 20 feet the alley's pavement edge.)

1317.5.5 GENERAL PROVISIONS

A. All buildings shall comply with the provisions of Chapter 3, Article 1341 Architectural Requirements.

B. Corner lots shall have two front yards and utilize the minimum front setbacks for each unless otherwise determined by the Planning Department.

C. Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback a maximum of 5 ft open decks and patios are permitted to encroach into the rear setback to within 5 feet of the property line.

D. Accessory buildings, pools, and other similar structures shall be constructed in the rear yard only and shall be set back a minimum of 5 ft from the side and rear property lines. The Planning Director may permit the placement of an accessory building in a side yard, if no practical alternative exists, provided the provisions of Chapter 3, Article 1341 Architectural Requirements are met. The following uses are permitted within accessory

structures: parking, gazebo, pool house, equipment storage, artist studio space, sauna, workshop, satellite dish, and conservatory. The aggregate floor area of all accessory structures shall not exceed ½ the total floor area of the principal structure.

E. Satellite dishes may not exceed 2 feet in diameter.

F. Hedges shall be planted at least 3 feet from the property line. Garden walls shall be constructed at least 1 foot from the property line. Fences may be placed on the property line. Front yard fences shall not exceed 4 ft in height and shall be constructed of split rail, wooden picket, chain link in accordance Chapter 3, Article 1341.6.2(B)(2), or other material as determined by the building inspector which will not present or create a solid visual obstruction. Side, rear and court yard fences shall not exceed 6 feet in height. Fences shall be constructed such that the finished (sheathed) side is oriented towards adjoining lots, streets, or the public right-of-way.

G. Mailboxes, newspaper boxes, walls, fences, birdhouses, flagpoles, and pump covers may be placed in any front, side or rear yard. Doghouses may be placed in rear yards only.

H. Trash containers and mechanical equipment, loading docks and loading facilities shall be located in the side or rear yard only and shall be screened from view. Mechanical equipment for single-family residential uses shall be setback a minimum of 3 feet from the property line.

1317.5.6 HEIGHT

Maximum Height

All Structures: 3 Stories

Minimum Height

2 Stories