

Decision Paper

Written by: **Sabrina Morris**

May 22, 2018

1. **SUBJECT:** Second Reading of Ordinance #18-0868 Repealing Article IX Design Overlay District and establish new design overlay standards.
2. **PURPOSE:** To establish an ordinance that's more uniformed in nature with the Horry County overlay that neighbors the town limits.

2. ASSUMPTIONS:

The town desires to provide unified development within the established overlay district to provide opportunities to develop and promote commercial developments that will attract patron's and new businesses alike throughout our urban corridor.

3. FACTS:

- a. The first overlay concept for the town was presented in 2012. During that time the Planning Commission developed and proposed a strict overlay district for the Hwy. 17 corridor to also incorporate the entire C1 district as well as the C2 and C3 districts.
- b. During council review amendments were made to remove the C3 district from the overlay as well as relaxed the requirements by removing existing structures from the requirements and adding triggers for the enforcement of the overlay.
- c. Since that time the existing ordinance has made only slight changes to the appearance of the corridor while Horry County had established their own design standards that extremely exceeded the requirements of the town.
- d. Even with the more extreme standards, Horry County continues to grow with new businesses and existing businesses being renovated and growing.
- e. At the town's visioning meeting staff presented a PowerPoint presentation and requested consensus from council to create a design overlay that better mirrors the county overlay. Council gave unanimous consensus.
- f. Since that time, the Planning Commission has reviewed the county overlay and mimics their overlay in some areas and critiqued other areas of the ordinance to be more appropriate for the town. (Traffic studies were removed from the town ordinance)
- g. At the request of council the draft ordinance was sent to the Business Committee where they proposed changes. (see attached)
- h. During the 1st Reading approval it was requested by council to add illustrations to the ordinance to help explain requirements. This has been done. (see ordinance)
- i. On May 1, 2018 the Planning Commission discussed the recommended changes by the Business Committee and recommended council *not* make the changes requested by the Business Committee siting the council's request (at the Visioning Meeting) to make the overlay more strict and comparable to the Horry County overlay. The Planning Commission feels they've done what was requested and recommends approval of second reading as presented.

4. IMPACT OF SUCCESS OR FAILURE:

Failure to approve the changes would result in the same slow progress the town is seeing now. By approving the changes it may promote new businesses and increase shoppers in the town as changes and upgrades are made to existing businesses.

5. RECOMMENDATION:

On May 1, 2018 the Planning Commission discussed the recommended changes by the business committee and recommended council *not* make the changes requested by the business committee, siting the council's request (at the Visioning Meeting) to make the overlay more strict and comparable to the Horry County overlay. The Planning Commission feels they've done what was requested and recommends approval of second reading as presented.

- excluding parcels that front on Sandy Lane.
- 2. Parcels located on Sandy Lane but combined with parcels fronting on Hwy 17 or frontage road must comply.
- 3. Properties that are rezoned to C1 or C2 after adoption of this ordinance.

(1) The standards that follow shall be applicable to any development as established in the table below which is located partially or completely within the boundaries established in this ordinance.

Levels of Modification

Level of Modification	Percent of value (cost of modification divided by existing bldg. value, times 100)	Applicable sections of this overlay district that must be adhered to.
Very Minor	Any percentage up to 9 percent – including existing structure – no modification	All new or existing structures must adhere to building paint color and must comply within 12 months of the effective date of this ordinance
Minor	10 percent to 39 percent	Above plus all new or existing exterior walls must adhere, foundation landscaping requirements must be met plus signage.
Significant	40 percent to 74 percent	Above plus all existing exterior walls must adhere to requirements/materials.
Major	75 percent or more	All sections of the overlay must be adhered to
Change of Ownership	-----	All sections of the overlay must be adhered to
Change of Tenant	-----	All sections of the overlay must be adhered to
Change of Use	-----	All sections of the overlay must be adhered to

- (2) General maintenance and repair of any water, sewer, or electrical expenditures incurred in updating an existing structure where no new expansion will occur are exempt from the standards established below.
- (3) Any building that is partially located within the boundaries, shall comply with these regulations. If an existing business is damaged or destroyed due to an act of nature (flood, hurricane, tornado, etc.), or catastrophic event and the building permit is acquired within twelve (12) months and is reconstructed within twenty four (24) months of the date such damage or destruction occurred as evidenced by insurance claim or other documentation, the standards contained herein shall not apply. This exemption, however, shall not relieve the property owner of having to meet applicable building or zoning regulations that may be in place at the time of reconstruction.

SECTION 17-902. DESIGN OVERLAY DISTRICT STANDARDS ARE MINIMUM STANDARDS

- (a) Everything within the Design Overlay District shall also meet all underlying zoning district requirements set forth in Chapter 17.
- (b) Provisions of this ordinance shall be held to be the minimum requirements adopted.
- (c) If requirements set forth herein are in conflict with the requirements of any other lawfully adopted rule, regulation or ordinance, the most restrictive, or that imposing the higher standard shall govern.

SECTION 17-903. ISSUANCE OF PERMITS/CERTIFICATE OF OCCUPANCY

- (a) Planning, Building & Director shall review each application for a zoning or building permit to determine if it adheres to these criteria.
- (b) No zoning or building permit will be issued unless these requirements have been addressed to the satisfaction of the Planning, Building & Zoning Director.
- (c) No Certificate of Occupancy or Certificate of Compliance will be issued until the requirements of this Article have been met.

SECTION 17-904. NON-CONFORMING PROPERTIES/BUILDINGS

Non-conforming properties/buildings shall be brought into compliance with landscaping and building paint color(s) within one (1) year of approval of this ordinance regardless if any work has been performed on the building(s).

SECTION 17-905. DEVELOPMENT AND DESIGN REQUIREMENTS

Development of specific uses in the Design Overlay District shall be consistent with the underlying zoning district. In addition to the requirements of the applicable underlying zoning district the following supplemental development regulations shall apply:

(1) Building Exterior

a. Facades

- 1. Building facades facing the corridor must include a repeating pattern with no less than three (3) of the elements listed below. At least one (1) of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) Feet, either horizontally or vertically.
 - (a) Color change
 - (b) Texture change
 - (c) Material module change
- 2. No length of any front façade facing the corridor shall exceed thirty (30) linear feet without including at least one (1) of the following: pilasters, columns, offsets, reveals, projecting ribs canopies/porticos, colonnades, windows, trellis with vines, or an equivalent element that subdivides the wall into human scale proportions. *(see figure 1)*

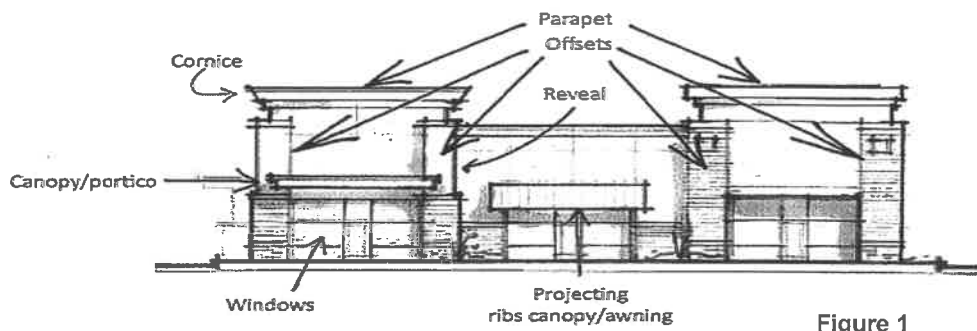


Figure 1

- 3. Shutters, if used, shall be sized so that they would fully cover the window opening if they were operable. Operable shutters are preferred, but not required.
- 4. Where parapets are not used, all rooftop mechanical equipment shall be screened. False parapets shall be limited to 20% of the total height of the façade.

The measurement shall be the average height of the parapet wall at each section of the façade as a ratio to width.

5. Where sloping roofs are used on the front or sides of a building facing the corridor the cornices shall be a minimum of one (1) foot deep.

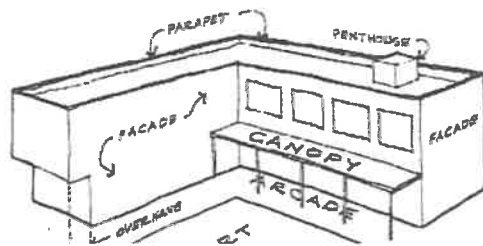
b. Materials

1. No portion of a building shall be treated with unadorned or plain concrete block, tilt-up concrete panels or prefabricated steel panels for exterior walls or surfaces of the building unless the visible finish is comprised of a suitable finish material. Materials suitable for treating visible facades may include but are not limited to brick, glass, synthetic clapboard siding (vinyl, metal or wood), split-face decorative block, stone, hardiplank siding or cementitious siding, or stucco.
2. Except as provided in this section, the rear and side facades shall be of materials and design characteristics consistent with that of the front; use of inferior or lesser quality materials for side or rear facades shall be prohibited.

c. Entrances

A minimum one (1) entrance shall front the primary corridor. A commercial or institutional building shall feature one (1) or more prominent entries on the primary façade highlighted by at least three (3) of the details listed below. Secondary entrances to smaller tenants in multi-tenant buildings shall also have at least two (2) of the features listed below. *(see figures 1 & 2)*

1. Canopy/porticos above the entrance;
2. Roof overhangs above the entrance;
3. Entry recesses/projections;
4. Arcades that are physically integrated with the entrance;
5. Raised corniced parapets above the entrance;
6. Architectural details, such as tile work and moldings, that are integrated into the building structure and design; or
7. Integral planters or wing walls (retaining wall) that incorporate landscaped areas or seating areas. A wing wall (retaining wall) is a wall secondary in scale projecting from a primary wall and not having a roof.



The Complete Illustrated Book of Development definitions

Figure 2

d. Glazing

Reflective or heavily tinted glass shall not be used on the primary or secondary façade.

(2) Building Roof.

- a. Shingles, metal standing seam, tile or other roofing materials with similar appropriate texture and of earthen appearance shall be utilized on roofs visible from the corridor.
- b. Flat roofs are allowed however they must be surrounded by parapet walls which enclose and screen all rooftop mounted mechanical equipment.
- c. Roof mounted mechanical equipment visible from the corridor shall be enclosed or

screened to ensure that such features are not visible. Enclosures and screens shall be compatible to the architectural style of the proposed building;

(3) Color Scheme

- a. Paint colors for exterior finishes shall be selected from the color range chart as approved by town council and maintained at the Planning, Building & Zoning Department. These colors are the only colors allowed.
- b. Color combinations of paints and stains shall be complimentary. In general no more than three (3) different colors per building shall be permitted. One for base color, one for trim color and one accent color. Primary colors, fluorescent, psychedelic, etc. are not permitted in the design overlay district. Color combinations shall apply not only to new construction, additions, and/or renovations, but also when repainting the building at any time.

(4) Accessory structures/uses

- a. Accessory structures such as garbage dumpster enclosures shall be the same in style, color, and materials with the principal building structure(s).
- b. The requirements of the underlying zoning district shall govern the distance separation requirements from the principal structure and other accessory structures.
- c. Accessory structures shall be limited in size to twenty-five (25) percent of the primary structure or one thousand (1000) square feet; whichever is less.

SECTION 17-906. SPECIAL DESIGN STANDARDS

- (1) Gas stations and commercial convenience stores shall utilize either sloping roof (gable or hip roof design) or parapet walls which properly screen any rooftop mounted mechanical equipment. The canopies over the gas pumps are encouraged to be attached to the main building and integrated into the architectural roof design. The canopy portion of the structure shall be subject to a twenty-five (25) foot setback from any property line. The canopy shall not encroach upon any required buffer area. The principal structure/building shall still be subject to all setback requirements as set forth within the zoning ordinance. If the canopy is placed forward of the primary building structure, then the support columns of the canopy shall be clad in brick, brick veneer, decorative split-face block or stucco covered block.
- (2) Chain Link Security fence enclosures may only be utilized within commercial areas if there is no reasonable alternative and only when screened by landscape material to create a six (6) foot tall opaque screen. If permitted, chain link fences, including posts and rails, shall be black, brown or green and vinyl coated.
- (3) Menu stands, order boxes, pick-up windows, service/teller windows, required queuing associated with drive thru services shall be located to the side or rear of the building. For the purpose of this section, the side and rear shall mean the area behind a projected line running parallel from the front (street facing) side(s) of the structure to the side property line.
- (4) Pedestrian access shall be maintained and prioritized across any intersecting drive through provision of a concrete walkway or other similar treatment that emphasizes the pedestrian routes between parking areas and buildings in order to provide a safe and comfortable pedestrian crossing.
- (5) Outdoor freestanding propane stations and storage facilities shall be opaquely screened from public view with landscaping or a solid fence of wood, stone or brick material. Fences exceeding six (6) feet in height shall have landscape plantings on any side facing the main corridor or residentially zoned property. Materials stored outdoors, excluding vehicles, trailers, or mobile machinery or equipment shall be stacked no higher than one

- (1) foot below the top of required screening device.
- (6) Retail Garden Center:
- a. The outdoor storage and display of living plant material (i.e. garden center) and its associated materials may use a combination wrought iron and masonry screen.
 - b. Any merchandise typically associated with a retail garden center such as mulch, lawn equipment, propane items, barbeque grills, paving stones, landscaping timbers, bird baths, garden chemicals, etc. may be stored within this area provided that these items are not prominently displayed or featured from the public right of-way through the wrought iron portion of the screen. This may be accomplished by placing living plant materials such that these plants serve as a semi-opaque screen for the non-living plant material.
- (7) Ancillary Outdoor Storage: The following are requirements for ancillary outdoor storage in non-residential districts located within the Overlay. All uses with ancillary outdoor storage and display of any goods, materials, merchandise, equipment, parts, or vehicles (overnight parking) shall not be permitted unless in conformance with the following regulations:
- a. All proposed areas used for ancillary outdoor storage and the associated method of screening shall be indicated on an approved site plan along with scaled elevation drawings indicating the type of screening and materials proposed to be used.
 - b. Outdoor storage shall be screened from the corridor by a seven (7) foot high opaque enclosure or equal to the height of the stored material (not to exceed seven (7) feet in height). No portion of the screening device shall be used for advertising and display of signage. Fencing shall consist of wood, stone, or brick materials. Chain link, plastic or concrete materials are prohibited. Materials stored outdoors, excluding vehicles, trailers, or mobile machinery or equipment shall be stacked no higher than one (1) foot below the top of required screening device.
 - c. Outdoor storage shall observe the same setback requirements as that of the principal building.
 - d. Outdoor storage areas cannot be located forward of the principal building and when possible shall be located to the side of the building not facing a public street.
 - e. The following activities are excluded from the requirements:
 1. General construction activities
 2. Operations with primary outside storage.
- (8) Structures (not parcels) Exceeding Twenty Five Thousand (25,000) Square Feet of Building must be separated from lands designated, zoned or used for a residential purpose by at least fifty (50) feet.
- (9) Businesses engaged in the sale and/or rental of autos, boats, or recreation- related vehicles that have frontage within the overlay shall adhere to the following:
Each business shall be permitted one display pad for merchandise sold at such establishment. The display pad shall be permitted as follows:
- a. Automobiles and boats shall be no larger than 200 square feet
 - b. Recreational Vehicles shall be no larger than 400 square feet
 - c. An additional display pad of the same size shall be permitted for each 200 feet of corridor frontage.
 - d. The display pad shall be located behind the required perimeter buffer.
 - e. The display pad may be elevated a maximum of 18 inches above finished grade.
- (10) Businesses engaged in salvage operations, repair of automobiles or storage of possessions in individually enclosed units/garages that have frontage along the Corridor shall adhere to the following:

- a. Storage areas for salvaged materials or vehicles waiting for repair shall be screened from the corridor by a seven (7) foot high opaque enclosure or equal to the height of the stored material not to be higher than seven (7) feet located to the rear of the primary structure on the site.
- b. Fencing shall consist of wood, stone, or brick materials. Chain link, plastic or concrete materials are prohibited.
- c. An eight (8) foot wide landscaped buffer shall be provided around the base of the enclosure to "soften" its appearance. Landscaping utilized shall be consistent with the foundation landscaping requirements of the principle structure as defined herein.
- d. A minimum seven (7) foot solid or opaque fence shall be required around any storage of recreational vehicles and mini-storage units

SECTION 17-907. SHIPPING/RECEIVING AREAS, UTILITY LOCATIONS AND DUMPSTERS

- (1) Shipping/receiving areas
 - a. Proposed structures, requiring shipping docks for the receipt or shipping of merchandise shall locate such docks in the rear of the structure or within a service courtyard shared by different businesses. Shared courtyards may be accessed from the front of the structure provided the entrance to such area is designed to blend into the architectural style of the structure and no docks are visible from the corridor or adjacent parking areas. If no courtyard is present then landscaping or a solid screen made of durable architectural opaque screen at least eight (8) feet in height. The screening shall be designed to obscure views from on and offsite public areas, except for necessary penetrations.
 - b. Loading and unloading of commercial vehicles or of any other vehicles used for commercial purposes is only permitted between the hours of 6:00 a.m. and 11:00 p.m. when a residential structure is within one hundred (100) feet of the loading area.
- (2) New utility services shall be located underground. Existing utilities shall be located underground when possible.
- (3) Dumpsters shall be placed in the rear yard. In the case of a double frontage lot the front shall be considered the primary corridor.
 - a. Dumpsters shall be surrounded on at least three (3) sides with solid walls. Solid walls shall be constructed of materials used in construction of the principal building, brick, stucco or split-face block and be at least six (7) feet in height. The dumpster gate shall be solid metal or wood fabrication.
 - b. An opaque wooden fence may be used in lieu of architectural materials for locations not visible from off-site public areas.

SECTIONS 17-908 ACCESS MANAGEMENT

- (1) Nonconforming Driveways
 - a. Driveways that do not conform to the regulations in this Ordinance and constructed before the adoption of this Ordinance shall be considered legal nonconforming driveways. Existing driveways granted a temporary permit are legal nonconforming driveways until such time as the temporary permit expires.
 - b. Loss of legal nonconforming status results when a nonconforming driveway ceases to be used for its intended purpose, as shown on an approved site plan for a period of six (6) months or more. Any reuse of the driveway may only take place after the driveway conforms to all

aspects of this Ordinance.

- c. Legal nonconforming driveways may remain in use until such time as the use of the driveway or property is changed or expanded. If it is changed then it must follow. (See Section (3) Change of Use, below.)
- d. Nothing in this Ordinance shall prohibit the repair, improvement, or modification of lawful nonconforming driveways.

(2) Driveway Location and Design

- a. Driveways across from median openings shall be consolidated wherever feasible to coordinate access at the median opening.
- b. Driveways with more than one (1) entry and one (1) exit lane shall incorporate above grade channelization features to separate the entry and exit sides of the driveway. Where above grade channelization impairs truck off tracking, said mechanism shall be setback from the right-of-way so as not to impede the necessary turning radius for safe truck off tracking.
- c. Driveways shall be designed with adequate on-site storage for entering and exiting
Driveway medians shall be improved with at least one (1), two and one-half (2 ½) inch caliper canopy tree to reduce parking lot heat and glare for every fifty (50) feet of median length. Five (5) shrubs must be provided per tree. Two (2) understory trees may be substituted for each required canopy tree in areas constrained by overhead utility line or in limited cases at the discretion of the Planning Department to provide visibility to signage and or architectural features. The remaining area of the driveway median shall be planted with vegetation that complements the structure or a suitable groundcover. All landscaping shall be located so as to not impede any required sight triangles. Acceptable plant species, maintenance standards, and sizes to meet the above requirements are listed below vehicles to reduce unsafe conflicts with through traffic or on-site traffic and to avoid congestion at the entrance.
- d. On site storage for entering and exiting vehicles shall be buffered from the parking area. Said buffer shall consist of an above grade landscaping strip no less than three (3) feet in width and vegetated with at least one (1) two and one-half (2 ½) inch caliper canopy trees to reduce parking lot heat and glare for every twenty-five (25) feet of median length. Five (5) shrubs shall be provided per tree. Two (2) understory trees may be substituted for each required canopy tree in areas constrained by overhead utility lines or in limited cases at the discretion of the Planning Department to provide visibility to signage and or architectural features. The remaining area of the buffer shall be planted with vegetation that complements the structure or a suitable groundcover. Acceptable plant species, maintenance standards, and sizes to meet the above requirements are listed in Article VII Landscape and Tree Protection.

SECTION 17-909. PARKING AREA STANDARDS

To reduce the visual mass and enhance the appearance of parking areas from the corridor, the following standards shall be met:

- (1) To soften the transition between active commercial areas and the street, all parking facilities shall be buffered from the corridor. Such screening shall be provided for utilizing the area provided for in the perimeter buffer and setback areas.
- (2) Parking areas shall be designed so that parking within modules shall be designed such that a 10' x 18' island is provided every (10) continuous parking spaces in a row, for a maximum of twenty (20) spaces per bay between islands. At the end of each parking bay within a module a 10' x 38' planted island will be provided. Parking islands shall be surrounded by

- (3) curbing to prevent vehicular intrusion and limit vehicle overhand. (see figure 3)
- (3) Parking Islands shall be improved with at least one, two and one-half (2 ½) inch caliper Two (2) understory trees may be substituted for each required canopy tree in areas constrained by overhead utility line or in limited cases at the discretion of the Planning, Building and Zoning Department to provide visibility to signage and or architectural features. The remaining area of the parking island shall be planted with vegetation that complements the structure or a suitable groundcover. Acceptable landscaping shall meet the requirements of Article VII Landscape and Tree Protection. (see figure 3)

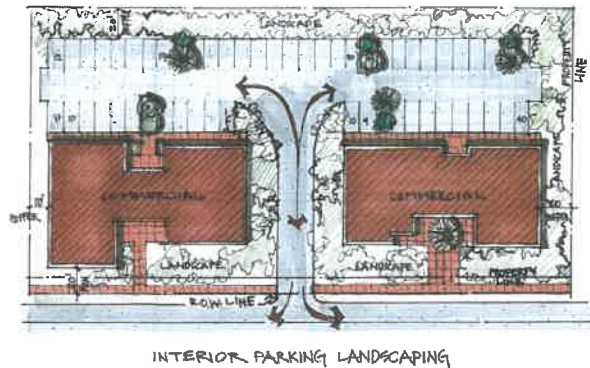


Figure 3

- (4) Parking of any vehicle for anyone other than persons engaging in commerce at the business located on the property is prohibited. Overnight parking of commercial motor vehicles, tractor trailers, boats, vessels, recreational vehicles, campers, motor homes or similar means of conveyance or places of abode is prohibited, except in conjunction with a special event where a permit has been issued by the Town.

The Planning, Building and Zoning Director is provided the flexibility to work with businesses with tight parking situations to have them enhance appearance by other means than landscape buffers.

SECTION 17-910. PEDESTRIAN WALKWAYS

- (1) Pedestrian pathways shall connect building entrances, site amenities and connections to the public sidewalk system, including through landscaped areas in parking lots when necessary to provide a reasonable direct path for entrance/exit. If no public sidewalk system exists adjacent to the property then the pedestrian access shall be constructed up to the right of way. (see figure 4)

Footpath design: The zone system

- Good footpaths have 3 clear zones:
1. Pedestrian zone: continuous space for walking
 2. Frontage zone: buffer between street-side activities and the pedestrian zone
 3. Furniture zone: space for landscaping, furniture, lights, bus stops, signs and private property access ramps

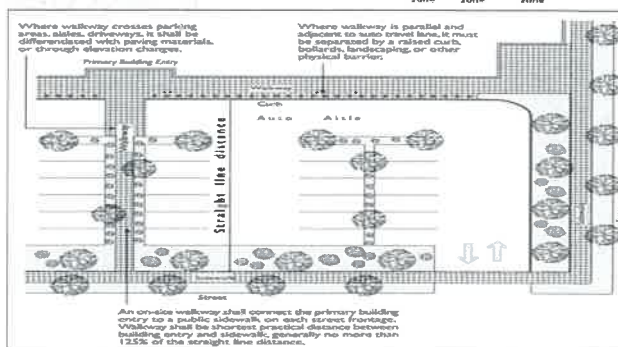
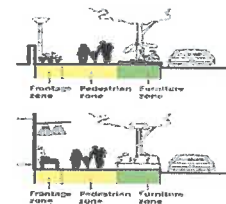
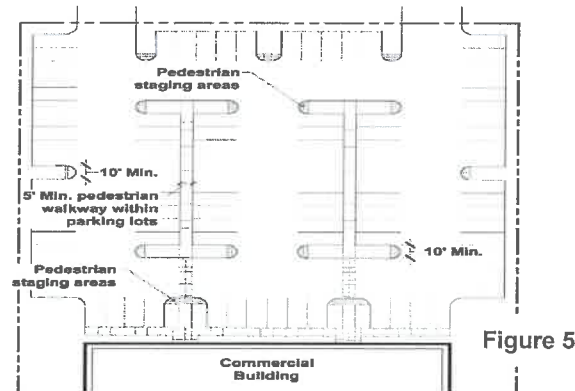


Figure 4

- (2) For parking uses of over five hundred (250) spaces a pedestrian network shall be provided to connect parking areas to the building areas. In the case of office and institutional uses, a pedestrian path leading to the building entrance shall be provided within one hundred eighty (180) feet of all parking spaces. In case of retail or other commercial uses a pedestrian path shall be provided within one hundred eighty (180) feet of all parking spaces. *(see figure 4)*
- (3) Internal pedestrian access shall be provided to connect off-street surface parking areas with primary building entrances and the public sidewalk system. *(see figure 4 & 5)*
- (4) Pedestrian pathways shall be constructed with asphalt, cement or other comparable material. *(see figure 4 & 5)*
- (5) At least one internal pedestrian walkway with a minimum width of five (5) feet shall be provided from the primary building entrance to the public sidewalk system. In the case of the corner lots, a connection shall be made to the sidewalk of both streets. *(see figure 4 & 5)*



- (6) The pathways shall be of contrasting color or materials when crossing drive aisles (painted or striped crosswalks do not satisfy this requirement). Speed table or textured surfaces creating a rumble effect shall be required at high volume crossings. *(see figure 6)*
- (7) All internal pedestrian walkways shall be distinguished from driving surface materials through the use of durable, low maintenance surface materials such as pavers, bricks, or scored/stamped concrete/asphalt to enhance pedestrian safety, as well as the attractiveness of the walkways. *(see figure 6)*



Figure 6

- (8) Pedestrian Zones in front of Commercial Buildings, Retail and Linear Multi-entrance Office. A pedestrian zone including sidewalks, landscape planters and amenities such as benches, special paving areas or insets, trash receptacles, fountains or public art shall be provided adjacent to the entrances of every retail or linear multi entrance office building in scale with the size of building. The width shall be no less than ten (5) feet. *(see figure 7)*



Figure 7

SECTION 17-911. LIGHTING

A lighting plan shall be required with submittal of all commercial development plans within the overlay in order to reduce unnecessary dispersal of light and glare to surrounding lands and/or right of way. Emergency lighting for public safety and hazard warning, holiday decorations, residential lighting, and public streetlights are exempt from the provisions of this ordinance.

(1) **Detailed Lighting Plan**

The lighting plan shall show the location of all site lighting including lights mounted on buildings that are intended to illuminate spaces adjacent to the building. The lighting plan shall include specifications and details of all fixtures, and a photometric plan. The photometric plan may be waived for small or infill sites where code compliance and compatibility can be determined through other data.

(2) **Orientation and Shielding.**

Light fixtures in excess of one hundred (100) watts or two hundred (200) lumens shall use full cut-off lenses or hoods to prevent glare or spillover from the project onto adjacent lands or right of way. Standard decorative street lights are exempt. No illumination across any residentially zoned lot line is allowed. The orientation of all lighting shall be downward.

(3) **Height**

- a. Luminary heights shall not exceed eighteen (18) feet except in areas where the total number of parking spaces exceeds one hundred (100); in such instances the luminaries shall be no higher than twenty-five (25) feet provided they are limited to the central areas of the parking lot and lower fixtures not exceeding eighteen (18) feet in height are utilized along the primary vehicular/pedestrian corridors.
- b. If a luminary is within fifty (50) feet of a residentially zoned parcel, the height of the luminary shall be no greater than eighteen (18) feet with the fixture located along the edge of the parking area and light directed back into

the site.

- c. Wherever possible, illumination of outdoor seating areas, building entrances, and walkways shall be accomplished by use of ground mounted fixtures not more than four (4) feet in height.

- (4) **Type**
Each outdoor luminary shall be a recessed or a full cutoff luminary, and the use of decorative luminaries with full cutoff optics is desired.
- (5) **Location**
All exterior lighting fixtures shall be located a minimum of five (5) feet from a property line or right-of-way line and shall not be located within a required buffer area unless they are located at the interior edge.
- (6) **Hue**
Lighting sources shall be color neutral types such as led, halogen or metal halide. Light types of limited spectral emission such as low-pressure sodium or mercury vapor lights are prohibited.
- (7) **Floodlights and Spotlights**
Floodlights or other type of lighting attached to light poles that illuminate the site and/or buildings are prohibited.
- (8) **Prohibited Lighting**
The following lighting fixtures are prohibited: searchlights, laser source lights, or any similar high-intensity light, except in emergencies by police and fire personnel.
- (9) **Canopy Lighting**
Lighting installed on canopies are permitted at .8w/per square foot under any area that is illuminated and drive-thru facilities are permitted maximum 400w per drive-thru. Lighting shall use diffusers and be shielded. No light source or lens in a canopy structure shall extend downward further than the lowest edge of the canopy ceiling, unless the fixture is of a full cut-off design.
- (10) **Building Lighting**
 - a. Property owners and managers are encouraged to safely illuminate building entry/exit locations; however, such areas shall only be illuminated using wall mounted lights as described below or off-building lighting that does not generate glare or otherwise allow the light to be viewed directly from off the property or from adjacent roadways or the corridor. Building walls may be illuminated.
 - b. **Wall Mounted Lights**
Wall mounted lights shall be fully shielded luminaries to prevent the light source from being visible from any adjacent residential property or public street right-of-way. Nothing in this subsection shall prevent the use of sconces or other decorative lighting fixtures. The number of fixtures are calculated at .15w per square foot of illuminated wall surface or 3.75w per linear foot for each illuminated wall or surface length.

SECTION 17-912. LANDSCAPING

- (1) **Foundation Landscaping.** *(see figure 8)*
Landscaping shall be provided adjacent to buildings to enhance architectural features, provide a visual transition from building to the side and define and enhance building entrances. Material shall be generally massed at corners, entrances and other features. The majority of flowerbed/groundcover areas shall be oriented toward pedestrian paths and other high visibility areas.
 - a. A minimum 5 foot foundation landscape strip shall be required along the façade and

exposed sides of all buildings within a development at 1 shrub per 5 foot. The landscaping shall be composed of mixtures of planting materials. If the building is taller than 25 foot the foundation landscaping shall incorporate two (2) canopy trees per building.

- b. The measurement of public area building perimeter does not include loading and service areas, building facades adjacent to permanent natural or wooded areas, or other areas not normally visible 1) to the public visiting the site, 2) from other buildings on the site; or 3) from public areas off-site.

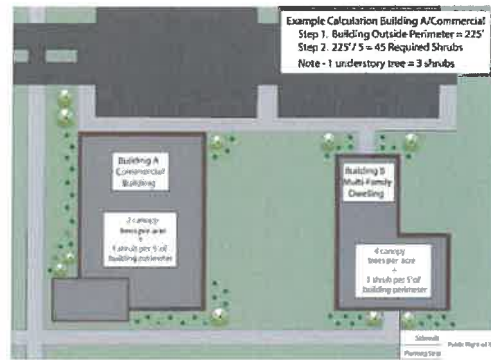


Figure 8

(2) Perimeter landscaping (see figure 9)

- a. A landscaped buffer shall be provided around all perimeters for parcels that abut the corridor. The buffer width shall be ten (10) feet. In addition, the buffer widths may be reduced to five (5) feet if land is restricted in size. Landscaping within the buffer shall be provided in accordance with these designs and is dependent on the type of commercial or residential use on the property. These buffer provisions affect no setback dimensions.

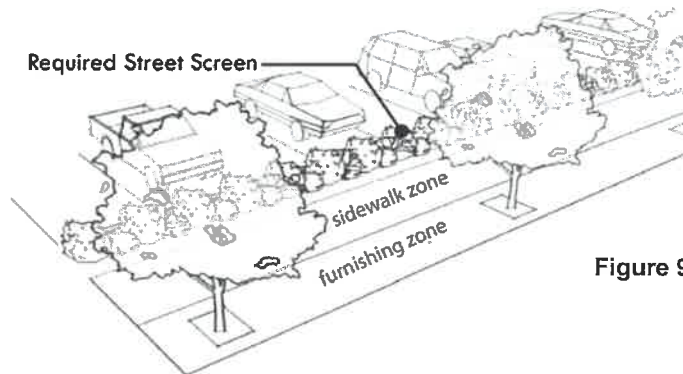


Figure 9

- b. Perimeter adjacent to public right-of-way: A visual clearance area between the height of two and one-half (2 1/2) feet and ten (10) feet shall be maintained on the corners of all property adjacent to the intersection of two (2) streets or a driveway providing access to a public or private street within thirty (30) feet of the intersection of the right-of-way of streets or of streets and driveways. (see figure 10)

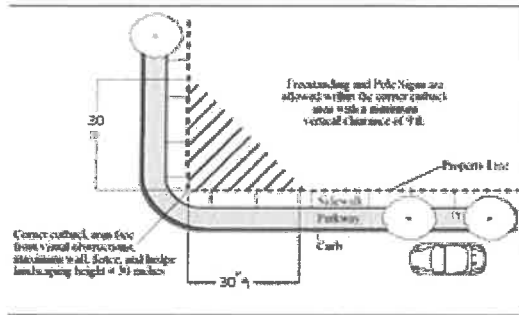


Figure 10

- c. When any commercial property being developed abuts a single family residential property, a buffer as shown below shall be utilized to mitigate the transition from all levels of commercial development to residential development. (see figure 11)

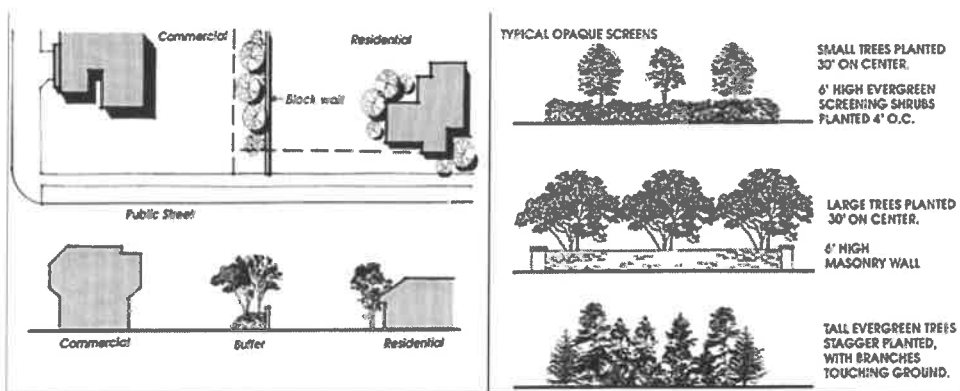


Figure 11

- d. No fence, berm, or landscape material shall be designed or located in a manner that obstructs the vision of vehicular traffic at street and/or driveway intersections. When a new residential development is created adjacent to or abutting to an existing non-residential zoned property within the corridor, it is the responsibility of that new residential development to meet the buffer requirements and improvement standards.
- e. Permitted uses within the required buffer include driveway access; transit oriented uses including bus stops and shelters; pedestrian and bike paths; and lighting fixtures, signs, benches, and other streetscape furniture.

(3) **Irrigation**

All required planting areas shall be mechanically irrigated. Bubbler or drip irrigation systems are encouraged in order to reduce water consumption and overspray onto pedestrian and vehicle use area. This shall include all tree islands, medians and all areas of required frontage landscaping between the parking lot and public streets. Required planting areas associated with parking lots containing less than thirty (30) parking spaces are not required to be irrigated. However, an exterior water source (such as a hose bib) shall be located

within one hundred (100) feet of all required planting areas. If the project area is required to be irrigated, the following statement on the Site and Landscaping Plan must be provided "All planting areas shall be mechanically irrigated." and/or, an irrigation plan must be provided.

(4) **Maintenance**

Maintenance shall consist of mowing, removal of litter and dead plant materials, necessary pruning, and maintenance of screens in conformance with the surrounding area. Natural watercourses within a buffer shall be maintained as free flowing and free of

debris. Stream channels shall be maintained to improve floodplain areas. It shall be unlawful to deviate from approved landscape plan unless otherwise permitted by the Zoning Administrator or designee.

(5) **Berm construction requirements** (see figure 12)

When a berm is utilized to provide separation between non-similarly zoned properties or for the purpose of modifying other standards elsewhere required by these regulations, it shall adhere to the following:

- a. Have side slopes no greater than 3:1. Any alternative designs shall be noted on all plans; and
- b. Be vegetated with the plant materials that are suitable to high well drained soils.
- c. Plants used for landscaping shall be indigenous to the local climate and properly maintained in a healthy, controlled manner by the property owner.
- d. Non-vegetated areas on the berm shall be covered with a groundcover, mulch, or grass suitable to stabilize the side slopes of the berm (used when modifying parking lot location); and
- e. Breaks in the berm may be allowed every six (6) to eight (8) feet or as needed for drainage.

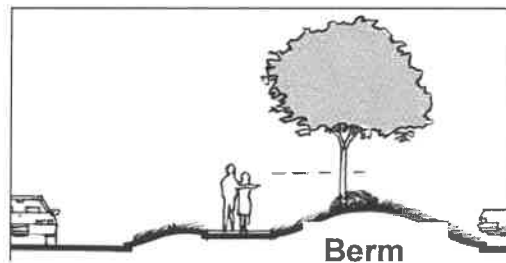


Figure 12

(6) **Drainage and utility encroachment into the perimeter buffer**

- a. Stormwater facilities and conveyances encroaching into the perimeter buffer- New stormwater facilities including conveyances shall not be located on the exterior of any required landscape buffer. If an existing conveyance or stormwater facility exists along the property line or in the area which would normally constitute the buffer location, then the buffer width must be met internal to said facility or conveyance. Any encroachment into the buffer area may not encroach more than ten (10) percent into the total required width of the buffer. An encroachment includes any required easement width necessary to access and/or maintain the facility or conveyance to meet the requirements of Stormwater Ordinance.
- b. Utility encroachment into the perimeter landscaping – Water, gas and electric utilities shall not encroach into the landscaped areas of the perimeter buffer, but may encroach into the streetscape buffer.

(7) **Alternate designs allowed**

The Planning, Building and Zoning Director may, at their discretion, approve an alternate buffer design incorporating visually appealing fencing or earthen berms. The Planning, Building and Zoning Director may, at its discretion, approve alternate species not included on the approved plant list if the property owner submits a letter from a registered landscape architect, horticulturist, botanist, or plant nursery operator stating that the growing conditions in the Town favor the healthy growth and maintenance of that species. The Planning, Building and Zoning Director may also require landscaping to be installed in locations left empty from the parking layout, such as corner islands associated with angled parking layouts, at its discretion.

(8) **Tree preservation**

The following standards apply to all properties within overlay.

The Planning Department can grant up to a five (5) percent reduction in the number of off-street parking spaces required on the site if the reduction in pavement will preserve the root zones of existing healthy trees of eight (8) inches or greater.

(9) Required compliance

Existing properties having pavement and/or concrete where landscaping is required shall remove the existing pavement/concrete in order to meet the requirements herein.

SECTION 17-913. SIGN DESIGN STANDARDS

In addition to all signs having to meet the requirements of Article VI of this ordinance the following shall apply to any new signage, additional signage or any sign changes within the Design Overlay District.

- a. Signage shall be designed, constructed and installed by a town licensed sign company.
- b. All proposed signage shall be indicated on the architectural elevation plan and include location and dimensions to scale.
- c. Freestanding signs and wall signs shall compliment the architectural style of the building and shall be designed as an architectural element of the building.
- d. Materials, colors, and lighting of signs shall be compatible with the materials used in the construction of the building.
- e. Wall signs shall be proportionately sized with other architectural features of the building and fit within the confines of the architectural details of the building as to not obscure or detract from those details. Business signs erected upon or above a roof or parapet of a building shall not be permitted within the Design Overlay District.

SECTION 17-914 APPEALS/VARIANCES

Any person aggrieved by the Development Directors action or decision, or seeking relief from a requirement of the design overlay district shall make a formal request to the Board of Zoning Appeals.

SECTION 17-915 VIOLATIONS DECLARED MISDEMEANOR; REMEDIES

A violation of this ordinance is hereby declared to be a misdemeanor under the laws of the state, and upon conviction thereof, an offender shall be punished by a fine not exceeding five hundred dollars (\$500.00), plus fees and assessments, or by imprisonment for a period not exceeding thirty (30) days. Each day any violation of this ordinance shall continue shall constitute a separate offense.

SECTION 17-916 – SECTION 17-920 RESERVED

SEVERABILITY. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this article, which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

EFFECT OF SECTION HEADINGS. The headings or titles of the sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this ordinance.

REPEAL AND EFFECTIVE DATE. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed. This ordinance shall take effect immediately upon approval at second reading by the Town Council of the Town of Surfside Beach, South Carolina

BE IT ORDERED AND ORDAINED by the Mayor and Town Council of the Town of Surfside Beach, South Carolina, in assembly and by the authority thereof, this _____ day of _____ 2018.

Robert F. Childs, III, Mayor

Ron Ott, Town Council

Debbie Soles, Town Council

Mark L. Johnson, Town Council

David L. Pellegrino, Mayor Pro Tempore

Bruce Dietrich, Town Council

Randle M. Stevens, Town Council

Attest:

Debra E. Herrmann, CMC, Town Clerk

Sabrina Morris

From: Debra Herrmann <dherrmann@surfsidebeach.org>
Sent: Thursday, April 19, 2018 4:54 PM
To: 'Sabrina Morris'
Cc: Jim Duckett
Subject: FW: bus. comm recommendations on Overlay
Attachments: Business Committee Recommendations re Overlay.pdf

These are the recommended changes from the business committee.

Debra E. Herrmann, CMC, Town Clerk
Town of Surfside Beach – *“The Family Beach”*
115 US Highway 17 North, Surfside Beach, SC 29575
www.surfsidebeach.org
843.913.6333 office
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From: Debra Herrmann [mailto:dherrmann@surfsidebeach.org]
Sent: Tuesday, April 10, 2018 2:34 PM
To: The Hon. Bob Childs <childsny99childs@aol.com>; The Hon. David Pellegrino <pelldb@hotmail.com>; The Hon. Julie Samples <jsamples@surfsidebeach.org>; The Hon. Mark Johnson <markjohnson@surfsidebeach.org>; The Hon. Randle M. Stevens <randlemstevenssbt@gmail.com>; The Hon. Ron Ott <rott@surfsidebeach.org>; The Hon. Timothy T. Courtney <tcourtney@surfsidebeach.org>
Cc: Bruce Dietrich <BHDjr6220@yahoo.com>; Sammy Truett <mooreandassociates@earthlink.net>
Subject: FW: bus. comm recommendations on Overlay

Mr. Truett asked that these recommendations on the overlay district be provided to you. Printed copies will be on the dais this evening.

Debra

Debra E. Herrmann, CMC, Town Clerk
Town of Surfside Beach – *“The Family Beach”*
115 US Highway 17 North, Surfside Beach, SC 29575
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843.913.6333 office
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WARNING: All e-mail correspondence to and from this address may be subject to public disclosure under the South Carolina Freedom of Information Act (FOIA), §30-410 SC Code of Laws.

From: Sammy [mailto:sammy818@earthlink.net]
Sent: Tuesday, April 10, 2018 11:55 AM

To: Debra Herrmann <DHERRMANN@SURFSIDEBEACH.ORG>

Subject: Fwd: bus. comm

----- Forwarded Message -----

Subject: bus. comm

Date: Tue, 10 Apr 2018 11:47:20 -0400

From: Sammy <sammy818@earthlink.net>

To: Debra Herrmann <dherrmann@mail.surfsidebeach.org>

debra

please submit the business committees suggested changes to the commercial overlay district to council for there consideration.

thanks

sammy

ARTICLE IX. DESIGN OVERLAY DISTRICT

SECTION 17-900. PURPOSE AND INTENT

- (1) The Overlay Zone is established to provide standards relative to accessibility, appearance and safety in the development of commercial and office projects. Therefore, single-family lots of record are excluded from the overlay requirements. Furthermore, the overlay is established to provide unified development that promotes a sense of place and provides opportunities to develop projects to be compatible with the carrying capacity of an urban corridor.
- (2) When any existing town ordinance is amended, the more restrictive provisions of such revised ordinance shall apply even if these Overlay Zone standards are less restrictive.
- (3) The following standards provide the minimum requirement that must be met in order to receive Planning, Building and Zoning Department authorization to develop or redevelop property within the Overlay Zone as established by the Zoning Ordinance.
- (4) The standards established herein address only site plan or design-related issues encountered in the development or redevelopment of property within the Overlay Zone. Specific zoning-related standards are established in the Zoning Ordinance and must also be met prior to beginning development or redevelopment activities in the Overlay Zone.

SECTION 17-901. BOUNDARIES/APPLICABILITY

The boundaries of the Design Overlay District are as follows:

1. All parcels either partially or completely within the C1 and C2 zoned area of the town, excluding parcels that front on Sandy Lane.
 2. Parcels located on Sandy Lane but combined with parcels fronting on Hwy 17 or frontage road must comply.
 3. Properties that are rezoned to C1 or C2 after adoption of this ordinance.
- (1) The standards that follow shall be applicable to any development as established in the table below which is located partially or completely within the boundaries established in this ordinance.

Levels of Modification

Level of Modification	Percent of value (cost of modification divided by existing bldg. value, times 100)	Applicable sections of this overlay district that must be adhered to.
Very Minor	Any percentage up to 9 percent – including existing structure – no modification	All new or existing structures must adhere to building paint color and must comply within 12 months of the effective date of this ordinance
Minor	10 percent to 39 percent	Above plus all new or existing exterior walls must adhere, foundation landscaping requirements must be met plus signage.
Significant	40 percent to 74 percent	Above plus all existing exterior walls must adhere to requirements/materials.
Major	75 percent or more	All sections of the overlay must be adhered to
Change of Ownership	-----	All sections of the overlay must be adhered to
Change of Tenant	-----	All sections of the overlay must be adhered to
Change of Use	-----	All sections of the overlay must be adhered to

taken out

ARTICLE IX. DESIGN OVERLAY DISTRICT

- (2) General maintenance and repair of any water, sewer, or electrical expenditures incurred in updating an existing structure where no new expansion will occur are exempt from the standards established below.
- (3) Any building that is partially located within the boundaries, shall comply with these regulations. If an existing business is damaged or destroyed due to an act of nature (flood, hurricane, tornado, etc.), or catastrophic event and the building permit is acquired within twelve (12) months and is reconstructed within twenty four (24) months of the date such damage or destruction occurred as evidenced by insurance claim or other documentation, the standards contained herein shall not apply. This exemption, however, shall not relieve the property owner of having to meet applicable building or zoning regulations that may be in place at the time of reconstruction.

SECTION 17-902. DESIGN OVERLAY DISTRICT STANDARDS ARE MINIMUM STANDARDS

- (a) Everything within the Design Overlay District shall also meet all underlying zoning district requirements set forth in Chapter 17.
- (b) Provisions of this ordinance shall be held to be the minimum requirements adopted.
- (c) If requirements set forth herein are in conflict with the requirements of any other lawfully adopted rule, regulation or ordinance, the most restrictive, or that imposing the higher standard shall govern.

SECTION 17-903. ISSUANCE OF PERMITS/CERTIFICATE OF OCCUPANCY

- (a) Planning, Building & Director shall review each application for a zoning or building permit to determine if it adheres to these criteria.
- (b) No zoning or building permit will be issued unless these requirements have been addressed to the satisfaction of the Development Director.
- (c) No Certificate of Occupancy or Certificate of Compliance will be issued until the requirements of this Article have been met.

SECTION 17-904. NON-CONFORMING PROPERTIES/BUILDINGS

Non-conforming properties/buildings shall be brought into compliance with landscaping and building paint color(s) within one (1) year of approval of this ordinance regardless if any work has been performed on the building(s).

SECTION 17-905. DEVELOPMENT AND DESIGN REQUIREMENTS

Development of specific uses in the Design Overlay District shall be consistent with the underlying zoning district. In addition to the requirements of the applicable underlying zoning district the following supplemental development regulations shall apply:

(1) Building Exterior

a. Facades

1. Building facades facing the corridor must include a repeating pattern with no less than three (3) of the elements listed below. At least one (1) of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) Feet, either horizontally or vertically.
 - (a) Color change
 - (b) Texture change

ARTICLE IX. DESIGN OVERLAY DISTRICT

(c) Material module change

2. No length of any front façade facing the corridor shall exceed thirty (30) linear feet without including at least one (1) of the following: pilasters, columns, offsets, reveals, projecting ribs canopies/porticos, colonnades, windows, trellis with vines, or an equivalent element that subdivides the wall into human scale proportions.
3. Shutters, if used, shall be sized so that they would fully cover the window opening if they were operable. Operable shutters are preferred, but not required.
4. Where parapets are not used, all rooftop mechanical equipment shall be screened. False parapets shall be limited to 20% of the total height of the façade. The measurement shall be the average height of the parapet wall at each section of the façade as a ratio to width.
5. Where sloping roofs are used on the front or sides of a building facing the corridor the cornices shall be a minimum of one (1) foot deep.

b. Materials

1. No portion of a building shall be treated with unadorned or plain concrete block, tilt-up concrete panels or prefabricated steel panels for exterior walls or surfaces of the building unless the visible finish is comprised of a suitable finish material. Materials suitable for treating visible facades may include but are not limited to brick, glass, synthetic clapboard siding (vinyl, metal or wood), split-face decorative block, stone, hardiplank siding or cementitious siding, or stucco.
2. Except as provided in this section, the rear and side facades shall be of materials and design characteristics consistent with that of the front; use of inferior or lesser quality materials for side or rear facades shall be prohibited.

c. Entrances

A minimum one (1) entrance shall front the primary corridor. A commercial or institutional building shall feature one (1) or more prominent entries on the primary façade highlighted by at least three (3) of the details listed below. Secondary entrances to smaller tenants in multi-tenant buildings shall also have at least two (2) of the features listed below.

1. Canopy/porticos above the entrance;
2. Roof overhangs above the entrance;
3. Entry recesses/projections;
4. Arcades that are physically integrated with the entrance;
5. Raised corniced parapets above the entrance;
6. Architectural details, such as tile work and moldings, that are integrated into the building structure and design; or
7. Integral planters or wing walls that incorporate landscaped areas or seating areas. A wing wall is a wall secondary in scale projecting from a primary wall and not having a roof.

d. Glazing

Reflective or heavily tinted glass shall not be used on the primary or secondary façade.

(2) Building Roof.

- a. Shingles, metal standing seam, tile or other roofing materials with similar appropriate texture and of earthen appearance shall be utilized on roofs visible from the corridor.
- b. Flat roofs are allowed however they must be surrounded by parapet walls which enclose and screen all rooftop mounted mechanical equipment.
- c. Roof mounted mechanical equipment visible from the corridor shall be enclosed or screened to ensure that such features are not visible. Enclosures and screens shall be compatible to the architectural style of the proposed building;

ARTICLE IX. DESIGN OVERLAY DISTRICT

(3) Color Scheme

- a. Paint colors for exterior finishes shall be selected from the color range chart as approved by town council and maintained at the Planning, Building & Zoning Department. These colors are the only colors allowed.
- b. Color combinations of paints and stains shall be complimentary. In general no more than three (3) different colors per building shall be permitted. One for base color, one for trim color and one accent color. Primary colors, fluorescent, psychedelic, etc. are not permitted in the design overlay district. Color combinations shall apply not only to new construction, additions, and/or renovations, but also when repainting the building at any time.

(4) Accessory structures/uses

- a. Accessory structures such as garbage dumpster enclosures shall be the same in style, color, and materials with the principal building structure(s).
- b. The requirements of the underlying zoning district shall govern the distance separation requirements from the principal structure and other accessory structures.
- c. Accessory structures shall be limited in size to twenty-five (25) percent of the primary structure or one thousand (1000) square feet; whichever is less.

SECTION 17-906. SPECIAL DESIGN STANDARDS

- (1) Gas stations and commercial convenience stores shall utilize either sloping roof (gable or hip roof design) or parapet walls which properly screen any rooftop mounted mechanical equipment. The canopies over the gas pumps are encouraged to be attached to the main building and integrated into the architectural roof design. The canopy portion of the structure shall be subject to a twenty-five (25) foot setback from any property line. The canopy shall not encroach upon any required buffer area. The principal structure/building shall still be subject to all setback requirements as set forth within the zoning ordinance. If the canopy is placed forward of the primary building structure, then the support columns of the canopy shall be clad in brick, brick veneer, decorative split-face block or stucco covered block.
- (2) Chain Link Security fence enclosures may only be utilized within commercial areas if there is no reasonable alternative and only when screened by landscape material to create a six (6) foot tall opaque screen. If permitted, chain link fences, including posts and rails, shall be black, brown or green and vinyl coated.
- (3) Menu stands, order boxes, pick-up windows, service/teller windows, required queuing associated with drive thru services shall be located to the side or rear of the building. For the purpose of this section, the side and rear shall mean the area behind a projected line running parallel from the front (street facing) side(s) of the structure to the side property line.
- (4) Pedestrian access shall be maintained and prioritized across any intersecting drive through provision of a concrete walkway or other similar treatment that emphasizes the pedestrian routes between parking areas and buildings in order to provide a safe and comfortable pedestrian crossing.
- (5) Outdoor freestanding propane stations and storage facilities shall be opaquely screened from public view with landscaping or a solid fence of wood, stone or brick material. Fences exceeding six (6) feet in height shall have landscape plantings on any side facing the main corridor or residentially zoned property. Materials stored outdoors, excluding vehicles, trailers, or mobile machinery or equipment shall be stacked no higher than one (1) foot below the top of required screening device.

ARTICLE IX. DESIGN OVERLAY DISTRICT

- (6) Retail Garden Center:
- a. The outdoor storage and display of living plant material (i.e. garden center) and its associated materials may use a combination wrought iron and masonry screen.
 - b. Any merchandise typically associated with a retail garden center such as mulch, lawn equipment, propane items, barbeque grills, paving stones, landscaping timbers, bird baths, garden chemicals, etc. may be stored within this area provided that these items are not prominently displayed or featured from the public right of-way through the wrought iron portion of the screen. This may be accomplished by placing living plant materials such that these plants serve as a semi-opaque screen for the non-living plant material.
- (7) Ancillary Outdoor Storage: The following are requirements for ancillary outdoor storage in non-residential districts located within the Overlay. All uses with ancillary outdoor storage and display of any goods, materials, merchandise, equipment, parts, or vehicles (overnight parking) shall not be permitted unless in conformance with the following regulations:
- a. All proposed areas used for ancillary outdoor storage and the associated method of screening shall be indicated on an approved site plan along with scaled elevation drawings indicating the type of screening and materials proposed to be used.
 - b. Outdoor storage shall be screened from the corridor by a seven (7) foot high opaque enclosure or equal to the height of the stored material (not to exceed seven (7) feet in height). No portion of the screening device shall be used for advertising and display of signage. Fencing shall consist of wood, stone, or brick materials. Chain link, plastic or concrete materials are prohibited. Materials stored outdoors, excluding vehicles, trailers, or mobile machinery or equipment shall be stacked no higher than one (1) foot below the top of required screening device.
 - c. Outdoor storage shall observe the same setback requirements as that of the principal building.
 - d. Outdoor storage areas cannot be located forward of the principal building and when possible shall be located to the side of the building not facing a public street.
 - e. The following activities are excluded from the requirements:
 1. General construction activities
 2. Operations with primary outside storage.
- (8) Structures (not parcels) Exceeding Twenty Five Thousand (25,000) Square Feet of Building must be separated from lands designated, zoned or used for a residential purpose by at least fifty (50) feet.
- (9) Businesses engaged in the sale and/or rental of autos, boats, or recreation- related vehicles that have frontage within the overlay shall adhere to the following:
Each business shall be permitted one display pad for merchandise sold at such establishment. The display pad shall be permitted as follows:
- a. Automobiles and boats shall be no larger than 200 square feet
 - b. Recreational Vehicles shall be no larger than 400 square feet
 - c. An additional display pad of the same size shall be permitted for each 200 feet of corridor frontage.
 - d. The display pad shall be located behind the required perimeter buffer.
 - e. The display pad may be elevated a maximum of 18 inches above finished grade.
- (10) Businesses engaged in salvage operations, repair of automobiles or storage of possessions in individually enclosed units/garages that have frontage along the Corridor shall adhere to the following:
- a. Storage areas for salvaged materials or vehicles waiting for repair shall be screened from the corridor by a seven (7) foot high opaque enclosure or equal to the height of the stored material not to be higher than seven (7) feet located to the rear of the

ARTICLE IX. DESIGN OVERLAY DISTRICT

- primary structure on the site.
- b. Fencing shall consist of wood, stone, or brick materials. Chain link, plastic or concrete materials are prohibited.
- c. An eight (8) foot wide landscaped buffer shall be provided around the base of the enclosure to "soften" its appearance. Landscaping utilized shall be consistent with the foundation landscaping requirements of the principle structure as defined herein.
- d. A minimum seven (7) foot solid or opaque fence shall be required around any storage of recreational vehicles and mini-storage units

SECTION 17-907. SHIPPING/RECEIVING AREAS, UTILITY LOCATIONS AND DUMPSTERS

- (1) Shipping/receiving areas
 - a. Proposed structures, requiring shipping docks for the receipt or shipping of merchandise shall locate such docks in the rear of the structure or within a service courtyard shared by different businesses. Shared courtyards may be accessed from the front of the structure provided the entrance to such area is designed to blend into the architectural style of the structure and no docks are visible from the corridor or adjacent parking areas. If no courtyard is present then landscaping or a solid screen made of durable architectural opaque screen at least eight (8) feet in height. The screening shall be designed to obscure views from on and offsite public areas, except for necessary penetrations.
 - b. Loading and unloading of commercial vehicles or of any other vehicles used for commercial purposes is only permitted between the hours of 6:00 a.m. and 11:00 p.m. when a residential structure is within one hundred (100) feet of the loading area.
- (2) New utility services shall be located underground. Existing utilities shall be located underground when possible.
- (3) Dumpsters shall be placed in the rear yard. In the case of a double frontage lot the front shall be considered the primary corridor.
 - a. Dumpsters shall be surrounded on at least three (3) sides with solid walls. Solid walls shall be constructed of materials used in construction of the principal building, brick, stucco or split-face block and be at least six (7) feet in height. The dumpster gate shall be solid metal or wood fabrication.
 - b. An opaque wooden fence may be used in lieu of architectural materials for locations not visible from off-site public areas.

SECTIONS 17-908 ACCESS MANAGEMENT

- (1) Nonconforming Driveways
 - a. Driveways that do not conform to the regulations in this Ordinance and constructed before the adoption of this Ordinance shall be considered legal nonconforming driveways. Existing driveways granted a temporary permit are legal nonconforming driveways until such time as the temporary permit expires.
 - b. Loss of legal nonconforming status results when a nonconforming driveway ceases to be used for its intended purpose, as shown on an approved site plan for a period of six (6) months or more. Any reuse of the driveway may only take place after the driveway conforms to all aspects of this Ordinance.
 - c. Legal nonconforming driveways may remain in use until such time as the use of the driveway or property is changed or expanded. If it is changed then it must follow. (See

ARTICLE IX. DESIGN OVERLAY DISTRICT

Section (3) Change of Use, below.)

- d. Nothing in this Ordinance shall prohibit the repair, improvement, or modification of lawful nonconforming driveways.

(2) Driveway Location and Design

- a. Driveways across from median openings shall be consolidated wherever feasible to coordinate access at the median opening.
- b. Driveways with more than one (1) entry and one (1) exit lane shall incorporate above grade channelization features to separate the entry and exit sides of the driveway. Where above grade channelization impairs truck off tracking, said mechanism shall be setback from the right-of-way so as not to impede the necessary turning radius for safe truck off tracking.
- c. Driveways shall be designed with adequate on-site storage for entering and exiting
Driveway medians shall be improved with at least one (1), two and one-half (2 ½) inch caliper canopy tree to reduce parking lot heat and glare for every fifty (50) feet of median length. Five (5) shrubs must be provided per tree. Two (2) understory trees may be substituted for each required canopy tree in areas constrained by overhead utility line or in limited cases at the discretion of the Planning Department to provide visibility to signage and or architectural features. The remaining area of the driveway median shall be planted with vegetation that complements the structure or a suitable groundcover. All landscaping shall be located so as to not impede any required sight triangles. Acceptable plant species, maintenance standards, and sizes to meet the above requirements are listed below vehicles to reduce unsafe conflicts with through traffic or on-site traffic and to avoid congestion at the entrance.
- d. On site storage for entering and exiting vehicles shall be buffered from the parking area. Said buffer shall consist of an above grade landscaping strip no less than three (3) feet in width and vegetated with at least one (1) two and one-half (2 ½) inch caliper canopy trees to reduce parking lot heat and glare for every twenty-five (25) feet of median length. Five (5) shrubs shall be provided per tree. Two (2) understory trees may be substituted for each required canopy tree in areas constrained by overhead utility lines or in limited cases at the discretion of the Planning Department to provide visibility to signage and or architectural features. The remaining area of the buffer shall be planted with vegetation that complements the structure or a suitable groundcover. Acceptable plant species, maintenance standards, and sizes to meet the above requirements are listed in Article VII Landscape and Tree Protection.

SECTION 17-909. PARKING AREA STANDARDS

To reduce the visual mass and enhance the appearance of parking areas from the corridor, the following standards shall be met:

- (1) To soften the transition between active commercial areas and the street, all parking facilities shall be buffered from the corridor. Such screening shall be provided for utilizing the area provided for in the perimeter buffer and setback areas.
- (2) Parking areas shall be designed so that parking within modules shall be designed such that a 10' x 18' island is provided every (10) continuous parking spaces in a row, for a maximum of twenty (20) spaces per bay between islands. At the end of each parking bay within a module a 10' x 38' planted island will be provided. Parking islands shall be surrounded by curbing to prevent vehicular intrusion and limit vehicle overhand.
- (3) Parking Islands shall be improved with at least one, two and one-half (2 ½) inch caliper Two (2) understory trees may be substituted for each required canopy tree in areas constrained by overhead utility line or in limited cases at the discretion of the Planning,

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Building and Zoning Department to provide visibility to signage and or architectural features. The remaining area of the parking island shall be planted with vegetation that complements the structure or a suitable groundcover. Acceptable landscaping shall meet the requirements of Article VII Landscape and Tree Protection.

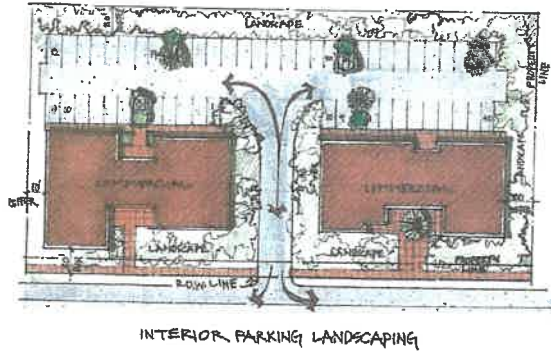


FIGURE 11

- (4) Parking of any vehicle for anyone other than persons engaging in commerce at the business located on the property is prohibited. Overnight parking of commercial motor vehicles, tractor trailers, boats, vessels, recreational vehicles, campers, motor homes or similar means of conveyance or places of abode is prohibited, except in conjunction with a special event where a permit has been issued by the Town.

The Planning, Building and Zoning Director is provided the flexibility to work with businesses with tight parking situations to have them enhance appearance by other means than landscape buffers.

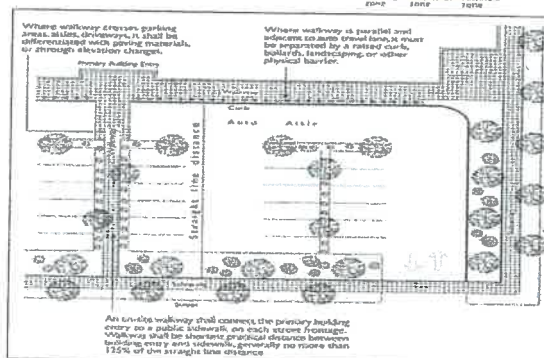
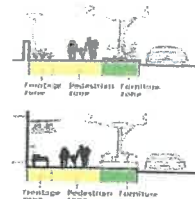
SECTION 17-910. PEDESTRIAN WALKWAYS

- (1) Pedestrian pathways shall connect building entrances, site amenities and connections to the public sidewalk system, including through landscaped areas in parking lots when necessary to provide a reasonable direct path for entrance/exit. If no public sidewalk system exists adjacent to the property then the pedestrian access shall be constructed up to the right of way.

Footpath design: The zone system

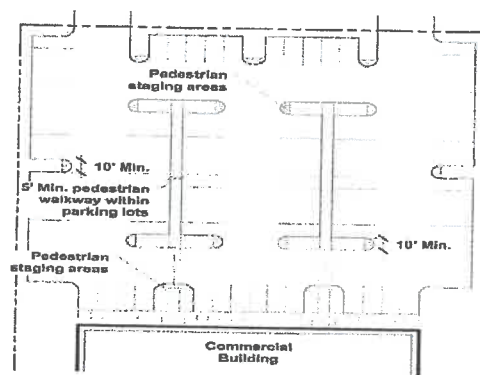
Good footpaths have 3 clear zones:

1. Pedestrian zone: continuous space for walking
2. Frontage zone: buffer between street-side activities and the pedestrian zone
3. Furniture zone: space for landscaping, furniture, lights, bus stops, signs and private property access ramps



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- (2) For parking uses of over five hundred (250) spaces a pedestrian network shall be provided to connect parking areas to the building areas. In the case of office and institutional uses, a pedestrian path leading to the building entrance shall be provided within one hundred eighty (180) feet of all parking spaces. In case of retail or other commercial uses a pedestrian path shall be provided within one hundred eighty (180) feet of all parking spaces.
- (3) Internal pedestrian access shall be provided to connect off-street surface parking areas with primary building entrances and the public sidewalk system.
- (4) Pedestrian pathways shall be constructed with asphalt, cement or other comparable material.
- (5) At least one internal pedestrian walkway with a minimum width of five (5) feet shall be provided from the primary building entrance to the public sidewalk system. In the case of the corner lots, a connection shall be made to the sidewalk of both streets.



- (6) The pathways shall be of contrasting color or materials when crossing drive aisles (painted or striped crosswalks do not satisfy this requirement). Speed table or textured surfaces creating a rumble effect shall be required at high volume crossings.
- (7) All internal pedestrian walkways shall be distinguished from driving surface materials through the use of durable, low maintenance surface materials such as pavers, bricks, or scored/stamped concrete/asphalt to enhance pedestrian safety, as well as the attractiveness of the walkways.



- (8) Pedestrian Zones in front of Commercial Buildings, Retail and Linear Multi-entrance Office. A pedestrian zone including sidewalks, landscape planters and amenities such as benches, special paving areas or insets, trash receptacles, fountains or public art shall be provided adjacent to the entrances of every retail or linear multi entrance office building in scale with the size of building. The width shall be no less than ten (5) feet.

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SECTION 17-911. LIGHTING

A lighting plan shall be required with submittal of all commercial development plans within the overlay in order to reduce unnecessary dispersal of light and glare to surrounding lands and/or right of way. Emergency lighting for public safety and hazard warning, holiday decorations, residential lighting, and public streetlights are exempt from the provisions of this ordinance.

(1) **Detailed Lighting Plan**

The lighting plan shall show the location of all site lighting including lights mounted on buildings that are intended to illuminate spaces adjacent to the building. The lighting plan shall include specifications and details of all fixtures, and a photometric plan. The photometric plan may be waived for small or infill sites where code compliance and compatibility can be determined through other data.

(2) **Orientation and Shielding.**

Light fixtures in excess of one hundred (100) watts or two hundred (200) lumens shall use full cut-off lenses or hoods to prevent glare or spillover from the project onto adjacent lands or right of way. Standard decorative street lights are exempt. No illumination across any residentially zoned lot line is allowed. The orientation of all lighting shall be downward.

(3) **Height**

- a. Luminary heights shall not exceed eighteen (18) feet except in areas where the total number of parking spaces exceeds one hundred (100); in such instances the luminaries shall be no higher than twenty-five (25) feet provided they are limited to the central areas of the parking lot and lower fixtures not exceeding eighteen (18) feet in height are utilized along the primary vehicular/pedestrian corridors.
- b. If a luminary is within fifty (50) feet of a residentially zoned parcel, the height of the luminary shall be no greater than eighteen (18) feet with the fixture located along the edge of the parking area and light directed back into the site.
- c. Wherever possible, illumination of outdoor seating areas, building entrances, and

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walkways shall be accomplished by use of ground mounted fixtures not more than four (4) feet in height.

- (4) **Type**
Each outdoor luminary shall be a recessed or a full cutoff luminary, and the use of decorative luminaries with full cutoff optics is desired.
- (5) **Location**
All exterior lighting fixtures shall be located a minimum of five (5) feet from a property line or right-of-way line and shall not be located within a required buffer area unless they are located at the interior edge.
- (6) **Hue**
Lighting sources shall be color neutral types such as led, halogen or metal halide. Light types of limited spectral emission such as low-pressure sodium or mercury vapor lights are prohibited.
- (7) **Floodlights and Spotlights**
Floodlights or other type of lighting attached to light poles that illuminate the site and/or buildings are prohibited.
- (8) **Prohibited Lighting**
The following lighting fixtures are prohibited: searchlights, laser source lights, or any similar high-intensity light, except in emergencies by police and fire personnel.
- (9) **Canopy Lighting**
Lighting installed on canopies are permitted at .8w/per square foot under any area that is illuminated and drive-thru facilities are permitted maximum 400w per drive-thru. Lighting shall use diffusers and be shielded. No light source or lens in a canopy structure shall extend downward further than the lowest edge of the canopy ceiling, unless the fixture is of a full cut-off design.
- (10) **Building Lighting**
 - a. Property owners and managers are encouraged to safely illuminate building entry/exit locations; however, such areas shall only be illuminated using wall mounted lights as described below or off-building lighting that does not generate glare or otherwise allow the light to be viewed directly from off the property or from adjacent roadways or the corridor. Building walls may be illuminated.
 - b. **Wall Mounted Lights**
Wall mounted lights shall be fully shielded luminaries to prevent the light source from being visible from any adjacent residential property or public street right-of-way. Nothing in this subsection shall prevent the use of sconces or other decorative lighting fixtures. The number of fixtures are calculated at .15w per square foot of illuminated wall surface or 3.75w per linear foot for each illuminated wall or surface length.

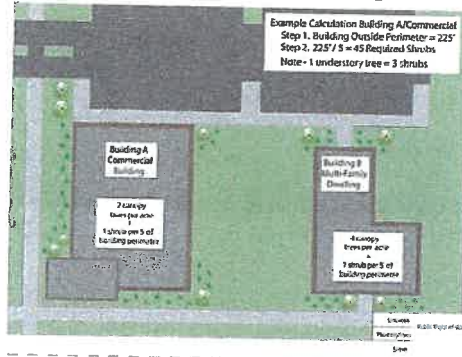
SECTION 17-912. LANDSCAPING

- (1) **Foundation Landscaping**
Landscaping shall be provided adjacent to buildings to enhance architectural features, provide a visual transition from building to the side and define and enhance building entrances. Material shall be generally massed at corners, entrances and other features. The majority of flowerbed/groundcover areas shall be oriented toward pedestrian paths and other high visibility areas.
 - a. A minimum 5 foot foundation landscape strip shall be required along the façade and exposed sides of all buildings within a development at 1 shrub per 5 foot. The landscaping shall be composed of mixtures of planting materials. If the building

ARTICLE IX. DESIGN OVERLAY DISTRICT

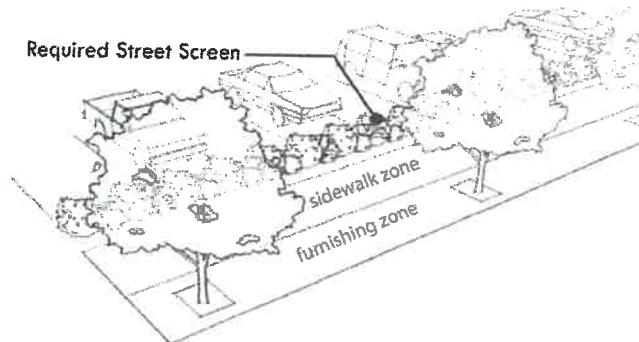
is taller than 25 foot the foundation landscaping shall incorporate two (2) canopy trees per building.

- b. The measurement of public area building perimeter does not include loading and service areas, building facades adjacent to permanent natural or wooded areas, or other areas not normally visible 1) to the public visiting the site, 2) from other buildings on the site; or 3) from public areas off-site.



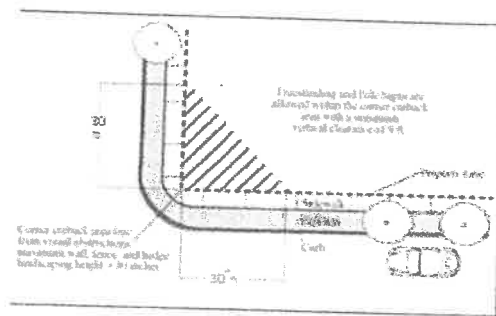
(2) Perimeter landscaping

- a. A landscaped buffer shall be provided around all perimeters for parcels that abut the corridor. The buffer width shall be ten (10) feet. In addition, the buffer widths may be reduced to five (5) feet if land is restricted in size. Landscaping within the buffer shall be provided in accordance with these designs and is dependent on the type of commercial or residential use on the property. These buffer provisions affect no setback dimensions.

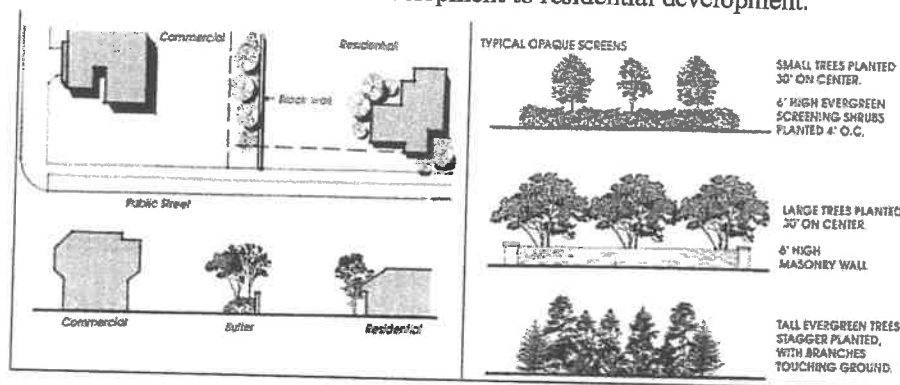


- b. Perimeter adjacent to public right-of-way: A visual clearance area between the height of two and one-half (2 1/2) feet and ten (10) feet shall be maintained on the corners of all property adjacent to the intersection of two (2) streets or a driveway providing access to a public or private street within thirty (30) feet of the intersection of the right-of-way of streets or of streets and driveways (See diagram below).

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- c. When any commercial property being developed abuts a single family residential property, a buffer as shown below shall be utilized to mitigate the transition from all levels of commercial development to residential development.



- d. No fence, berm, or landscape material shall be designed or located in a manner that obstructs the vision of vehicular traffic at street and/or driveway intersections. When a new residential development is created adjacent to or abutting to an existing non-residential property within the corridor, it is the responsibility of that new residential development to meet the buffer requirements and improvement standards.
- e. Permitted uses within the required buffer include driveway access; transit oriented uses including bus stops and shelters; pedestrian and bike paths; and lighting fixtures, signs, benches, and other streetscape furniture.

(3) Irrigation

All required planting areas shall be mechanically irrigated. Bubbler or drip irrigation systems are encouraged in order to reduce water consumption and overspray onto pedestrian and vehicle use area. This shall include all tree islands, medians and all areas of required frontage landscaping between the parking lot and public streets. Required planting areas associated with parking lots containing less than thirty (30) parking spaces are not required to be irrigated. However, an exterior water source (such as a hose bib) shall be located

within one hundred (100) feet of all required planting areas. If the project area is required to be irrigated, the following statement on the Site and Landscaping Plan must be provided "All planting areas shall be mechanically irrigated." and/or, an irrigation plan must be provided.

(4) Maintenance

Maintenance shall consist of mowing, removal of litter and dead plant materials, necessary pruning, and maintenance of screens in conformance with the surrounding area. Natural watercourses within a buffer shall be maintained as free flowing and free of debris. Stream channels shall be maintained to improve floodplain areas. It shall be

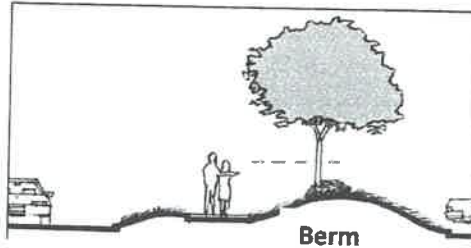
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unlawful to deviate from approved landscape plan unless otherwise permitted by the Zoning Administrator or designee.

(5) **Berm construction requirements**

When a berm is utilized to provide separation between non-similarly zoned properties or for the purpose of modifying other standards elsewhere required by these regulations, it shall adhere to the following:

- a. Have side slopes no greater than 3:1. Any alternative designs shall be noted on all plans; and
- b. Be vegetated with the plant materials that are suitable to high well drained soils.
- c. Plants used for landscaping shall be indigenous to the local climate and properly maintained in a healthy, controlled manner by the property owner.
- d. Non-vegetated areas on the berm shall be covered with a groundcover, mulch, or grass suitable to stabilize the side slopes of the berm (used when modifying parking lot location); and
- e. Breaks in the berm may be allowed every six (6) to eight (8) feet or as needed for drainage.



(6) **Drainage and utility encroachment into the perimeter buffer**

- a. Stormwater facilities and conveyances encroaching into the perimeter buffer- New stormwater facilities including conveyances shall not be located on the exterior of any required landscape buffer. If an existing conveyance or stormwater facility exists along the property line or in the area which would normally constitute the buffer location, then the buffer width must be met internal to said facility or conveyance. Any encroachment into the buffer area may not encroach more than ten (10) percent into the total required width of the buffer. An encroachment includes any required easement width necessary to access and/or maintain the facility or conveyance to meet the requirements of Stormwater Ordinance.
- b. Utility encroachment into the perimeter landscaping – Water, gas and electric utilities shall not encroach into the landscaped areas of the perimeter buffer, but may encroach into the streetscape buffer.

(7) **Alternate designs allowed**

The Planning, Building and Zoning Director may, at their discretion, approve an alternate buffer design incorporating visually appealing fencing or earthen berms. The Planning, Building and Zoning Director may, at its discretion, approve alternate species not included on the approved plant list if the property owner submits a letter from a registered landscape architect, horticulturist, botanist, or plant nursery operator stating that the growing conditions in the Town favor the healthy growth and maintenance of that species. The Planning, Building and Zoning Director may also require landscaping to be installed in locations left empty from the parking layout, such as corner islands associated with angled parking layouts, at its discretion.

(8) **Tree preservation**

The following standards apply to all properties within overlay.

The Planning Department can grant up to a five (5) percent reduction in the number of

Remove discretionary language.

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off-street parking spaces required on the site if the reduction in pavement will preserve the root zones of existing healthy trees of eight (8) inches or greater.

(9) Required compliance

Existing properties having pavement and/or concrete where landscaping is required shall remove the existing pavement/concrete in order to meet the requirements herein.

SECTION 17-913. SIGN DESIGN STANDARDS

In addition to all signs having to meet the requirements of Article VI of this ordinance the following shall apply to any new signage, additional signage or any sign changes within the Design Overlay District.

- a. Signage shall be designed, constructed and installed by a town licensed sign company.
- b. All proposed signage shall be indicated on the architectural elevation plan and include location and dimensions to scale.
- c. Freestanding signs and wall signs shall compliment the architectural style of the building and shall be designed as an architectural element of the building.
- d. Materials, colors, and lighting of signs shall be compatible with the materials used in the construction of the building.
- e. Wall signs shall be proportionately sized with other architectural features of the building and fit within the confines of the architectural details of the building as to not obscure or detract from those details. Business signs erected upon or above a roof or parapet of a building shall not be permitted within the Design Overlay District.

SECTION 17-914 APPEALS/VARIANCES

Any person aggrieved by the Development Directors action or decision, or seeking relief from a requirement of the design overlay district shall make a formal request to the Board of Zoning Appeals.

SECTION 17-915 VIOLATIONS DECLARED MISDEMEANOR; REMEDIES

A violation of this ordinance is hereby declared to be a misdemeanor under the laws of the state, and upon conviction thereof, an offender shall be punished by a fine not exceeding five hundred dollars (\$500.00), plus fees and assessments, or by imprisonment for a period not exceeding thirty (30) days. Each day any violation of this ordinance shall continue shall constitute a separate offense.

SECTION 17-916 – SECTION 17-920 RESERVED