

## **CHAPTER TWELVE**

### **COMMERCIAL AND OFFICE DISTRICTS**

#### **ARTICLE I, NEIGHBORHOOD SHOPPING DISTRICT (NS):**

12-1.1 **Purpose and Intent.** Several areas have been designated as appropriate for development as neighborhood activity centers. Some neighborhood activity centers exist and are developed or developing according to a conventional automobile-dependent model for suburban shopping centers. It is the intent of the County that existing neighborhood shopping districts be encouraged, as additional development and redevelopment occurs within them, to be retrofitted as neighborhood activity centers, consistent with design guidelines for activity centers specified in this Chapter. New neighborhood shopping districts may be established around intersections indicated on the Comprehensive Plan, Land Use Element, subject to conformance with design guidelines for activity centers specified in this Chapter.

Neighborhood shopping districts are activity centers that provide convenient commercial developments that serve residential areas within an approximate one-half mile radius. Generally, the uses permitted to locate in NS districts are those that have an economic threshold of 5,000 population or less. Some uses that are not retail or service in nature are also allowed so a variety of uses may locate in existing buildings. In any given location, NS districts are not intended to exceed ten acres of land or a total gross leaseable floor area of more than 75,000 square feet, and in many cases they are not that large in area or square footage. Individual establishments do not exceed 10,000 square feet. Neighborhood shopping districts contain uses of low intensity when compared to urban village districts and commercial business districts.

This district is to intended to discourage the random sprawl of commercial development by concentrating neighborhood-serving businesses in activity centers at road intersections rather than in a strip or linear pattern, and to limit commercial and other uses to those that do not compete with the continued development of urban villages. Objectives of the neighborhood shopping district are to encourage new smaller-scale activity centers that have definable edges, to locate shops and services at high visibility places, and to require that new buildings respect the scale and design of existing neighborhoods and fit into the streetscape. Some of the residential areas served by neighborhood shopping districts are within walking distance, and therefore, pedestrian access is facilitated and off-street parking is restricted.

Development within the NS district is subject to the general site development and design regulations and is further encouraged to adhere to the design guidelines for activity centers.

12-1.2 **Permitted and Conditional Uses.** As provided in Table 12.1. Certain specific uses are regulated by Chapter 16.

12-1.3 **Performance Standards.** As provided in Table 12.2.

12-1.4 **Site Development Regulations.** As provided in Chapter 12, Article 10. In addition, development within the NS district should adhere to the design guidelines for activity centers as specified in Chapter 13. However, newly established NS districts are expected to substantially conform to the design guidelines for activity centers.

#### **ARTICLE II, URBAN VILLAGE (UV):**

12-2.1 **Purpose and Intent.** These districts are intended to provide mixed use centers of moderate intensity, including primarily commercial developments that serve the recurring weekly shopping and service needs of residential areas within an approximate one and one-half to two-mile radius. Generally, the uses permitted to locate in the UV district are those that have an economic threshold of between 10,000 and 40,000 population. In any given location, UV districts are not intended to exceed seventy-five acres of land. UV districts do not exceed a total gross leasable floor area of more than 300,000 square feet for retail and service uses. Individual establishments do not exceed 60,000 square feet. "Big box" retail is not considered appropriate in urban village zoning districts unless reduced considerably in scale and intensity and developed according to design guidelines for activity centers. UV districts contain uses of approximately twice the intensity of NS districts but of lower intensity when compared to the Commercial Business zoning district (CBD).

Urban Village zoning districts are intended to discourage the random sprawl of commercial development by concentrating businesses in focus areas at road intersections rather than in a strip or linear pattern. Objectives of the urban village zoning district are to accommodate the automobile but provide environments that facilitate pedestrian access. The urban village should be pedestrian friendly and human scaled, with wide sidewalks, period furnishings

and lighting, and landscape planting. Pedestrian safety must be facilitated with crosswalks, crossing lights, and shelters. Vehicular traffic should be slowed within the district and parking developed on-street where permitted and off-street.

Urban villages provide for a mixture of compatible land uses. Some uses that are not retail or service in nature are also allowed so a variety of uses may locate in existing buildings. This district may also include cultural and social activities, museums, and theaters. Objectives of UV districts are to encourage activity centers that have definable edges, to locate shops and services at high visibility places, and to provide for an attractive building arrangement and streetscape.

12-2.2 **Permitted and Conditional Uses.** As provided in Table 12.1. Certain specific uses are regulated by Chapter 16.

12-2.3 **Performance Standards.** As provided in Table 12.2.

12-2.4 **Site Development Regulations.** As provided in Chapter 12, Article 10. In addition, development within the UV district should adhere to the design guidelines for activity centers as specified in Chapter 13. However, newly established UV districts are expected to substantially conform to the design guidelines for activity centers.

### **ARTICLE III, COMMERCIAL BUSINESS DISTRICT (CBD):**

12-3.1 **Purpose and Intent.** This district is intended to provide for the more intensive commercial uses that serve the weekly and less frequent shopping and service needs of the locality and region. Commercial business districts permit uses of approximately twice the intensity of village activity center districts. While the size of establishment is unlimited, those developments that are 75,000 square feet or greater are limited to location criteria as defined by 12-11.4(c) and 12-12.3. Development is expected to be generally auto-accommodating, although adequate provision should be made for pedestrian and bicycle access per the Bicycle Transportation and Pedestrian Plan and for public transit where appropriate.

Where the Future Land Use map shows Activity Center designations, pedestrian-oriented provisions are a requirement for rezoning (Chapter 13 offers guidelines). Furthermore, Activity Center areas are intended for mixed-use developments. Zoning applications for these areas should limit individual establishments to less than 100,000 square feet (per Comprehensive Plan Chapter 7 land use definitions). As such, a CBD zoning is not always appropriate for Activity Center areas. Similarly, where the Future Land Use map indicates Corridor Transitional, rezoning applications shall be considered for CBD only where applicant demonstrates elements that integrate the development with adjacent uses either through architecture, buffers, landscaping or other controls to minimize the impacts on surrounding lower intensity land uses, including conditions that limit uses to lower intensity activities.

12-3.2 **Permitted and Conditional Uses.** As provided in Table 12.1. Certain specific uses are regulated by Chapter 16.

12-3.3 **Performance Standards.** As provided in Table 12.2 and when applicable, per Articles 11 and 12.

12-3.4 **Site Development Regulations.** As provided in Chapter 12, Article 10 and when applicable, Articles 11 and 12. Newly established CBD districts are not required to conform to Chapter 13, design guidelines for activity centers. However, the principles and guidelines for activity centers may be considered in the rezoning process for CBD zoning districts to ensure compatibility with adjacent residential neighborhoods.

### **ARTICLE IV, HIGHWAY BUSINESS DISTRICT (HB):**

12-4.1 **Purpose and Intent.** These districts are intended to provide commercial activities specifically designed to serve patrons from automobiles and to serve automobile needs. Development in the highway business district is expected to be predominantly auto-accommodating. The County's intent in establishing this district is to provide for highway commercial developments while improving their appearance and function. A string of freestanding businesses leads to an anonymous character of most highways. This district is intended to provide for the gradual visual improvement of commercially developed corridors. Improvements and new development within this district must be consistent with general site development and design regulations that are designed to improve views from the roadway and provide for enhanced treatment of roadway edges. Strip commercial revitalization districts must protect adjacent single family residential areas with buffers and screening. The reuse of aging commercial areas is encouraged to reinforce the County's efforts to remain free of blight over the long term.

12-4.2 **Permitted and Conditional Uses.** As provided in Table 12.1. Certain specific uses are regulated by Chapter 16.

12-4.3 **Performance Standards.** As provided in Table 12.2.

12-4.4 **Site Development Regulations.** As provided in Chapter 12, Article 10. Newly established HB districts are not required to conform to Chapter 13, design guidelines for activity centers.

**ARTICLE V, HEAVY COMMERCIAL DISTRICT (HC):**

12-5.1 **Purpose and Intent.** These districts are intended to provide areas for the operation of heavy commercial uses such as contractor's establishments, open storage yards, and pre-fabricated metal shop and pole buildings. These districts are not suitable for location adjacent to single family residential subdivisions unless extensively buffered, screened, and separated from residential neighborhoods. Heavy commercial uses are generally not compatible with retail shopping and service uses, because they are not frequented by the traveling public but instead cater to a limited clientele. HC districts do not create pedestrian friendly environments. These areas do not necessarily require highway frontage but have access to major roads either directly or through other commercially zoned properties. Due to their infrequent or low volume use, heavy equipment storage and use areas are not necessary required to be paved with asphalt or concrete but must be appropriately surfaced with at least gravel and drained. Uses that require frequent visitations should provide for paved parking areas. Equipment and storage yards are typically required to be secured with chain link fencing, including barbed wire top strands. Lighting of yards is required for security purposes but not at a level needed for nighttime human activity. Activity is dormant outside of regular business hours, except for occasional starting, exiting, and entering of service vehicles and trucks.

12-5.2 **Permitted and Conditional Uses.** As provided in Table 12.1. Certain specific uses are regulated by Chapter 16.

12-5.3 **Performance Standards.** As provided in Table 12.2.

12-5.4 **Site Development Regulations.** As provided in Chapter 12, Article 10. Newly established HC districts are not required, nor expected, to conform to Chapter 13, design guidelines for activity centers.

**ARTICLE VI, BUSINESS PARK (BP):**

12-6.1 **Purpose and Intent.** These districts are established to promote sound and harmonious economic development by providing high-quality business and distribution sites for research laboratories, wholesale centers, and commerce in an attractive, campus-style setting with good access to major roads and provided with public water supply and sewerage. Generally, a business park requires ten acres or more of land, with frontage on a state highway or with arterial access connecting to a nearby state highway, and requires the development of one or more new public roads built to accommodate large trucks. Business parks are intended to accommodate the overnight parking and storage of trucks and truck trailers subject to consistency with a campus-style environment. Roads and utilities are installed for multiple development sites that are graded and prepared for individual sale or lease. Campus developments that include individual sites to be sold and developed must comply with applicable requirements for subdivisions. In addition, proposals for BP districts are expected to submit for public review, and abide by, a set of restrictive covenants designed to ensure an attractive campus-style environment and compatibility with adjacent land uses.

12-6.2 **Permitted and Conditional Uses.** As provided in Table 12.1. Certain specific uses are regulated by Chapter 16.

12-6.3 **Performance Standards.** As provided in Table 12-2.

12-6.4 **Site Development Regulations.** As provided in Chapter 12, Article 10. Newly established BP districts are not required to conform to Chapter 13, design guidelines for activity centers. However, development is expected to be consistent with principles of campus planning for business parks and compatibility as may be articulated in restrictive covenants.

**ARTICLE VII, OFFICE AND INSTITUTIONAL DISTRICT (O&I):**

12-7.1 **Purpose and Intent.** These districts are established to promote the development of a complementary mix of professional, medical, and general offices and institutional uses that are oriented toward the provision of services rather than the sale of products. Generally, O&I districts are intended to accommodate office developments that provide in the aggregate less than 75,000 square feet of gross floor area. Office developments greater than 75,000 square feet are appropriate in CBD districts, or integrated into urban villages. Business services and restaurants that are integrated into, and which are primarily intended to serve office parks containing at least 50,000 square feet of gross floor area, are permitted so as to reduce vehicle trips. Restaurants that serve more than the office park or that cater to passerby traffic may be permitted as conditional uses. O&I districts may be

appropriate as a transition between activity centers and single family residential neighborhoods, although vacant tracts situated as such shall not necessarily be assumed to be appropriate for O&I zoning.

12-7.2 **Permitted and Conditional Uses.** As provided in Table 12.1. Certain specific uses are regulated by Chapter 16.

12-7.3 **Performance Standards.** As provided in Table 12.2.

12-7.4 **Site Development Regulations.** As provided in Chapter 12, Article 10. Development within existing O&I districts is strongly encouraged to consider appropriate aspects of the activity center design guidelines specified in Chapter 13. When new O&I districts are proposed to abut or are to be located within 1,000 feet of a NS or UV zone, such districts will be reviewed for consistency with, and expected to conform to, design guidelines for activity centers.

#### **ARTICLE VIII, OFFICE RESIDENTIAL DISTRICT (OR):**

12-8.1 **Purpose and Intent.** These districts are appropriate in areas situated between activity centers or office and institutional districts and single family residential areas. These districts are intended to provide for low intensity, small-scale offices that do not exceed 5,000 square feet of gross floor area devoted to offices on an individual site. Development is intended to be of an intensity, scale, and character similar to nearby residential development to promote compatibility with the surrounding area. All new development is required to be in architectural harmony with existing residential structures.

OR districts are particularly appropriate for properties that front collector or arterial streets on the fringe of stable residential neighborhoods. Rezoning to the OR district is anticipated at the individual parcel level in such locations, though parcels situated as such shall not necessarily be assumed to be appropriate for OR uses. Development within OR districts are expected to have roof-pitches and architectural treatments similar to detached single-family residences, parking areas in proportion to single family residential uses, and site development features that ensure a coexistence with the adjacent, quiet residential living environment. OR districts allow the conversion of existing residential structures to offices. Small-scale institutional residential facilities, and small day care centers, are permitted as conditional uses.

12-8.2 **Permitted and Conditional Uses.** As provided in Table 12.1. Certain specific uses are regulated by Chapter 16.

12-8.3 **Performance Standards.** As provided in Table 12.2.

12-8.4 **Site Development Regulations.** As provided in Chapter 12, Article 10. Development within OR districts is strongly encouraged to consider applicable residential design guidelines to ensure compatibility with adjacent residential neighborhoods.

#### **ARTICLE IX, OFFICE COMMERCIAL MULTIPLE STORY (OCMS):**

12-9.1 **Purpose and Intent.** These districts are intended to provide for significant vertical (multi-story) developments within employment centers. Uses within these districts are primarily office and major institutional uses but may include a mix of retail, service, and restaurant space, typically on the ground floor within a single building. Only those commercial uses that support a predominantly pedestrian orientation are permitted. Automobile-related businesses, open air businesses, open storage yards, and other uses that do not support pedestrian activity between and among uses in the employment center are not permitted. Individual business establishments do not exceed 25,000 square feet in these districts.

A minimum of fifteen acres is required to establish an office-commercial multi-story district; this requirement is intended to ensure that buildings and developments are master planned, to provide adequate setbacks and buffering, and to avoid small-scale, piecemeal, uncoordinated development of multi-story buildings that would be out of character with the purposes of this district. Minimum building setbacks are greater in these districts because of the greater height permitted. These districts are not appropriate adjacent to residential and office residential districts unless extensively separated and buffered at side and rear property lines according to a sliding scale of increased buffer widths and building setbacks determined on the basis of the number of stories. In most instances, multi-story buildings will need to be accompanied by decked parking structures rather than (or in addition to) surface parking lots because of the limitations on building coverage and the minimum open space requirements. These districts are only appropriate in areas with arterial road access and where developments are adequately served by public water, sanitary sewerage, fire, emergency medical services, police and/or private security, and other public facilities and services.

- 12-9.2        **Permitted and Conditional Uses.** As provided in Table 12.1. Certain specific uses are regulated  
by Chapter 16.
- 12-9.3        **Performance Standards.** As provided in Table 12.2.
- 12-9.4        **Site Development Regulations.** As provided in Chapter 12, Article 10.

**TABLE 12.1**  
**PERMITTED USES IN COMMERCIAL AND OFFICE DISTRICTS**

**P = Permitted**  
**C = Conditional**  
**X = Not Permitted**

Use	Commercial and Office Zoning Districts								
	NS	UV	CBD	HB	HC	BP	O&I	OR	OCMS
Accessory uses and structures determined by the Director to be normally incidental to one or more permitted principal uses	P	P	P	P	P	P	P	P	P
Adult entertainment and adult materials establishments	X	X	X	X	X	X	X	X	X
Automobile sales and service establishments	X	X	P	P	X	X	X	X	X
Bed and breakfast inns	X	C	P	P	X	X	X	X	P
Business service establishments, not exceeding 2,500 square feet of gross floor area	P	P	P	P	X	P	C	C	P
Business service establishments of 2,500 square feet or more of gross floor area	C	P	P	P	X	P	X	X	P
Campgrounds	X	X	C	C	X	X	X	X	X
Cemeteries	X	X	P	P	X	X	X	X	X
Churches, temples, synagogues, and places of worship, including cemeteries as accessory uses	(Note 1)	(Note 1)	(Note 1)	(Note 1)	(Note 1)	(Note 1)	(Note 1)	(Note 1)	(Note 1)
Clinics	X	P	P	P	X	C	P	C	P
Club or lodge, nonprofit	X	P	P	P	C	P	P	C	P
Colleges, universities, and trade and technical schools	X	C	P	P	X	P	C	X	P
Commercial recreational facility, indoor	X	P	P	P	X	C (Note 2)	C (Note 2)	X	P
Commercial recreational facility, outdoor	X	X	C	C	C	X	X	X	C
Communication towers and antennas	C	C	C	C	C	C	C	C	C
Conservation areas	P	P	P	P	P	P	P	P	P
Conservation subdivisions	X	X	X	X	X	X	X	X	X
Contractor's establishments	X	X	P	P	P	P	X	X	X
Convenience stores, with or without gasoline pumps	P	P	P	P	X	X	X	X	P
Day care centers serving ten persons or less	P	P	P	P	X	P	P	P	P

Use	Commercial and Office Zoning Districts								
	NS	UV	CBD	HB	HC	BP	O&I	OR	OCMS
Day care centers serving more than ten persons	P	P	P	P	X	C	P	C	P
Drive-through facilities	C	C	P	P	X	X	X	X	C
Dwellings, single-family detached	X	X	X	X	X	X	X	X	X
Dwellings, single-family attached (townhouses)	X	X	X	X	X	X	X	X	X
Dwellings, two-family (duplexes)	X	X	X	X	X	X	X	X	X
Dwellings, multi-family	X	X	X	X	X	X	X	X	X
Finance, insurance and real estate establishments, less than 5000 square feet of gross floor area per establishment	P	P	P	P	X	P	P	X	P
Finance, insurance and real estate establishments of 5000 square feet or more of gross floor area per establishment	X	P	P	P	X	P	P	X	P
Forest uses associated with production, management and harvesting of timber	X	X	X	X	X	X	X	X	X
Heliports and Helipads	X	X	C	C	C	X	X	X	X
Hospitals and related health services not otherwise specified	X	X	P	P	X	X	C	X	P
Junk yards	X	X	X	X	C	X	X	X	X
Kennels, Animal Hospitals and Veterinary Clinics with outdoor facilities such as pens, kennels, runs, etc.	X	X	C	C	C	X	X	X	X
Kennels, Animal Hospitals and Veterinary Clinics without outdoor facilities	X	X	P	P	P	X	X	X	X
Lodging services	X	C	P	P	X	X	X	X	P
Machine shops	X	X	P	P	P	P	X	X	X
Minor subdivisions for non-residential uses	P	P	P	P	P	P	P	P	P
Major subdivisions for non-residential uses	P	P	P	P	P	P	P	P	P
Manufacturing, processing, and assembling	X	X	C	C	C	P	X	X	X
Mini-warehouses	X	X	P	P	P	P	X	X	X
Miscellaneous service establishments	X	C	P	P	X	C	X	C	P
Offices	P	P	P	P	P	P	P	P	P
Open air businesses	X	C	P	P	X	X	X	X	X
Open storage yards	X	X	C	P	P	P	X	X	C



Uses	Commercial and Office Zoning Districts								
	NS	UV	CBD	HB	HC	BP	O&I	OR	OCMS
Warehouses and storage buildings not exceeding 10,000 square feet on a given site	X	X	C	X	X	X	X	X	X
Wholesale trade establishments	X	X	C	X	X	P	X	X	X

Notes

Table 12.1

- (1) Churches are permitted uses in each commercial category. If a church or its customary accessory use(s) are adjacent to a residential use or residentially zoned property, an undisturbed buffer of at least fifty (50) feet wide shall be provided along the property lines adjacent to said use or zoning. Prior to development of any associated accessory uses, approval of the site plan must be granted by the Board of Commissioners. If the accessory use is a school, a conditional use permit is required and all requirements for a conditional use permit must be followed.
- (2) Within the Business Park (BP) and Office and Institutional (O&I) zoning districts, only the following indoor commercial recreational facilities shall be considered as conditional uses (C): assembly halls, auditoriums, meeting halls, art galleries and museums, physical fitness centers, and health clubs. All other indoor commercial recreational facilities are considered prohibited (X).
- (3) See Ordinance No. 103 (Shooting Range Ordinance).
- (4) In cases where a use is proposed but is not listed in this table, the Director shall make an administrative determination as to whether or not the use is permitted in the zoning district or districts in question. The Director will compare the proposed use to substantially similar uses to determine if the proposed use will be considered a prohibited, permitted, or conditional use. In making such determinations, the Director shall consult the purpose and intent statements of the zoning district or districts in question, in addition to comparing the use in question to uses specifically listed in this table.

**TABLE 12.2  
 PERFORMANCE STANDARDS  
 FOR COMMERCIAL OF OFFICE DISTRICTS**

Performance Standard	Commercial and Office Zoning Districts								
	NS	UV	CBD	HB	HC	BP	O&I	OR	OCMS
Minimum lot area for zoning to the district (Note 1)	1 acre	5 acres	None	None	0.5 acre	10 acres	2 acres	0.5 acre	15 acres
Maximum building coverage (% of lot)	23%	46%	70%	55%	55%	35%	35%	18%	55%
Maximum gross square footage per business establishment	10,000 square feet	60,000 square feet	No maximum	No maximum	40,000 square feet	10,000 square feet (Note 2)	10,000 square feet	2,500 square feet	25,000 square feet
Maximum height (number of stories)	2 stories	3 stories	5 stories	3 stories	2 stories	3 stories	3 stories	2 stories	10 stories
Maximum height (feet)	35	45	75	45	35	60	45	35	135
Minimum landscaped open space (%)	20%	15%	15%	15%	15%	30%	20%	20%	25%
Minimum front yard landscape strip paralleling road frontage (feet) (Note 4)	10 feet	10 feet	10 feet	10 feet	10 feet	25 feet	10 feet	10 feet	40 feet
Minimum front building setback/ front yard from dedicated right of way (This setback is required on all property lines with road frontage)	10 feet	10 feet	40 feet	40 feet	50 feet	50 feet	40 feet	40 feet	10 feet of setback per story
Minimum buffer along side or rear yard abutting a residential, OR, A1, A2, or AG-Res or CONS district	20 feet	30 feet	40 feet	40 feet	50 feet	50 feet	30 feet	15 feet	75 feet, plus 5 feet buffer per story

Performance Standard	Commercial and Office Zoning Districts								
	NS	UV	CBD	HB	HC	BP	O&I	OR	OCMS
Minimum building setback along side or rear yard abutting a residential, A1, <del>A2</del> , AG-Res, <del>CONS</del> or OR district	30 feet	40 feet	50 feet (Note 7)	50 feet	60 feet	60 feet	40 feet	30 feet	85 feet, plus 5 feet setback per story
Minimum side building setback/side yard	10 feet (Note 5)	10 feet (Note 5)	10 feet (Note 5)	15 feet	30 feet	30 feet	25 feet	15 feet	50 feet
Minimum rear building setback/rear yard	25 feet	25 feet	25 feet	25 feet	30 feet	30 feet	25 feet	25 feet	75 feet
Minimum rear building setback abutting an alley	10 feet	10 feet	None	10 feet	30 feet	30 feet	25 feet	25 feet	75 feet
Maximum density, residential uses (units per acre) (Note 6)	4 units per acre	6 units per acre	10 units per acre	6 units per acre	Not permitted	Not permitted	Not permitted	4 units per acre	10 units per acre
Minimum heated floor space (Note 3)	1,000 square feet	900 square feet	900 square feet	900 square feet	700 square feet	700 square feet	900 square feet	900 square feet	700 square feet

Notes:

Table 12.2

- (1) A smaller area can be rezoned to this category if combined with an existing and when combined, the two parcels meet this minimum size.
- (2) This provision does not apply to manufacturing, processing, and assembling, office uses, and wholesale or warehousing uses, when permitted and located in the BP district.
- (3) The minimum heated floor area per dwelling unit excludes common areas such as common hallways and shared spaces. This performance standard is solely for those properties zoned commercial with a conditional use permit for residential dwellings approved prior to the May 17, 2004 amendments to the UDC. This performance standard should not be interpreted as permitting residential dwellings in a commercial district.
- (4) Measured from the dedicated right-of-way.
- (5) The side building setback/side yard in a NS, UV, or CBD zoning district may be reduced to zero setback on a side where an existing building(s) on property abutting the subject property is or will be constructed without a side building setback/side yard. The purpose of this provision is to allow for a continuous building façade across property lines to create a pedestrian-oriented streetscape that would otherwise be interrupted by a side setback requirement.
- (6) Where permitted, single family detached dwellings, single family attached dwellings, two family dwellings (duplexes), and multi family dwellings within the NS, UV and CBD districts shall be limited to twenty-five percent (25%) of the total acreage. Such residential uses shall be connected to sewer. This performance standard is solely for those properties zoned commercial with a conditional use permit for residential dwellings approved prior to the May 17, 2004 amendments to the UDC. This performance standard should not be interpreted as permitting residential dwellings in a commercial district.
- (7) For individual retail 40,000 square feet or greater, see also Article 11 and Article 12 for minimum standards.

**ARTICLE X. GENERAL SITE DEVELOPMENT AND DESIGN REGULATIONS FOR ALL COMMERCIAL AND OFFICE DISTRICTS:**

12-10.1 **Purpose and Intent.** Careful attention to attractive and citizen-friendly urban design is in the economic interests of the County, its citizens, and business owners. The County's Land Use Element of the Comprehensive Plan places an emphasis on design guidelines to improve the aesthetic appearance and function of the County's commercial areas. The Land Use Element reveals civic concerns over design-related issues, such as pedestrian access, safe bike routes, roadway landscaping and medians, attractive shopping centers, and less intrusive parking lots. Attractive and integrated urban design features tend to improve the County's image, raise overall property values, attract new businesses and residents, and improve the quality of life. Investment in design features tends to result in a positive return on investment for government, private industry, and property owners. For example, the money spent on landscaped roadway medians, sidewalks, and street trees is likely to be amply returned in the form of increased tax revenue resulting from the overall increase in property values that accompanies attractive and desirable urban and suburban areas.

Much of the existing commercial development in Forsyth County, particularly development along the County's principal highways, is in need of aesthetic and functional enhancement. Existing conditions that are inconsistent with the objectives of the County's Land Use Element include: chain link fencing enclosures of autos and trailers without adequate screening; various building materials and/or equipment stored in front yards in view of the traveling public; continuous, uncurbed, highway access; old, dilapidated, and/or unattractive awnings and façade treatments; excessive signage in the form of fluttering ribbons, portable signs, sandwich signs, and welcome flags; a lack of front yard landscaping; storage/maintenance bay doors and loading areas facing the highway; dumpsters placed in front/side yards in unobstructed view from highways; and a general lack of interparcel access (i.e., connections between adjacent developments).

It is the intent of Forsyth County to require that new commercial developments install appropriate improvements and comply with general design regulations that are intended to improve aesthetic appearance and function. It is also the intent of the County to require substantial progress toward compliance with these improvement requirements and general design regulations in cases where existing businesses are expanded.

These design regulations are intended to merge traffic engineering, civil engineering, urban design, landscape architecture, and land use planning principles into a set of regulations for commercial developments and properties in the unincorporated areas of the County. The regulations are the minimum necessary to: preserve the carrying capacity of major arteries; reduce the number of vehicular turning movements to and from the major artery, thereby reducing the potential for automobile and pedestrian traffic accidents; encourage and promote the most suitable uses of land; ensure the adequate grading and draining of developments; promote an environment which reduces the visual clutter and other distracting characteristics resulting from various aspects typical of urban and suburban commercial strip development; prohibit the needless, wasteful and purposeless aesthetic degradation of the County's highway and major street corridors; and promote a more healthy environment.

12-10.2 **Applicability.** This article shall apply to all properties located within all commercial and office zoning districts of unincorporated Forsyth County. New development shall be required to conform to these regulations. A substantial improvement of an existing development shall be required to conform to these regulations or make substantial progress toward meeting the regulations contained within this chapter.

12-10.3 **Utilities.** All telephone and electricity transmission lines serving uses on site shall be installed underground.

12-10.4 **Grading and Site Development.** Buildings and parking lots shall be appropriately drained so as to prevent damage to abutting properties or public streets. Grading plans for new development shall be submitted to the Director, who shall disseminate the plans to all appropriate departments for review and approval, and all grading activities shall comply with approved plans. Stormwater management plans shall be submitted to the Director and shall be reviewed by the Director of Engineering for review and approval, and all such drainage improvements shall be designed, installed and maintained in accordance with the standards of Ordinance No. 75 (Storm Water Management Ordinance) as adopted and as may be amended from time to time. All disturbed or graded ground areas of a building site not used for buildings or open storage areas shall be appropriately stabilized and grassed or covered with plants or landscaping materials.

12-10.5 **Curb Cuts and Access Specifications.** All entrances or exits of any street or driveway, public or private, from or to any state highway shall be approved by the State Department of Transportation and the Director of Engineering prior to the construction of such entrances or exits and prior to the issuance of any development permit for any improvement to be served by such entrances or exits.

No curb cut or access driveway shall be permitted to be located closer than one hundred (100) feet to the nearest existing or proposed right-of-way of an intersecting roadway or closer than forty (40) feet to a side property line unless the adjacent property owner is in agreement with the encroachment of the driveway and approval is obtained from the Director of Engineering. Curb cuts or access driveways shall be no narrower than twenty four (24) feet from back of curb to back of curb. Strict adherence to these requirements may not be practical in all instances as determined by the Director of Engineering. The Director of Engineering may limit the maximum width of a curb cut and/or the number of curb cuts to a parcel as necessary when it is deemed to be of benefit to the safety and welfare of the public.

The Director of Engineering must approve any commercial or office development accessed by an easement. Such approval will only be granted upon verification that the proposed access maintains a safe and efficient transportation network.

In cases of a substantial improvement of an existing development on a site that does not meet these curb cut and access specifications, the applicant may be required by the Director of Engineering to prepare an access plan as part of plans for the substantial improvement that either meets these requirements or moves substantially toward compliance with these regulations. Approval by the Georgia Department of Transportation and the Director of Engineering shall be required, as applicable.

Additional right-of-way shall be dedicated to the public as required by the most current functional classification of Forsyth County roads as designated in the Major Transportation Plan. Roadway entrances and improvements, including necessary acceleration and/or deceleration lane(s) and right/left turn lanes, shall be designed, installed, and maintained as approved by the State Department of Transportation, as applicable, or the Director of Engineering, in accordance with State or County requirements, as applicable and as may be amended from time to time.

The following factors may be considered during the review and approval of a specific location of an entrance: 1) The location of existing or planned median breaks; 2) separation requirements between the entrance and major intersections; 3) separation requirements between other entrances; 4) the need to provide shared access with other sites; 5) the need to align with previously approved or constructed access points on the opposite side of the street; 6) and the minimum number of entrances needed to move traffic onto and off the site safely and efficiently.

12-10.6 **Interparcel Connections.** New development that contains or is intended to contain more than one building or use on site shall provide connections so that automobile trips between and among such buildings or uses can be accomplished without using the highway or major street. New developments and substantial improvements to existing developments shall provide for pedestrian and automobile access connections between adjacent properties under different ownership when the uses of the properties are of such compatibility that patrons may frequent both buildings or uses in the same vehicle trip.

12-10.7 **Location of Loading and Unloading Areas.** All areas and facilities devoted to the loading and unloading of goods and merchandise shall be located to the side or rear of the building and lot. Loading and unloading areas shall not front the right-of-way of the highway or major street. Overhead doors for loading bays shall not face the highway or major street.

In cases where this regulation is not practical for new development, or in cases where an existing building to be substantially improved does not meet the requirements in this section, the property shall be screened from view from the highway or major street along the entire property frontage, except in cases where access areas are approved. Buildings that are permitted to have overhead doors facing the public right-of-way shall incorporate design features so that aesthetic impact of the overhead doors is softened through architectural detailing, or staggering with recesses and projections.

12-10.8 **Location of Parking Areas.** Parking areas shall be set back at least ten (10) feet from public rights-of-ways. Parking areas are encouraged but not required to be located in side and rear yards where such parking areas can be partially or wholly screened by buildings from the public right-of-way.

12-10.9 **Open Display of Vehicles, Equipment, and Merchandise.** In commercial zoning districts where permitted, the outside storage or display of vehicles, equipment, and merchandise to be rented, leased, or sold, shall be visible along no more than thirty percent (30%) of the frontage of the property abutting the highway or major street, excluding approved driveway entrances and exits. Major streets include all roads classified by the Forsyth County Transportation Plan as minor arterial and greater and include Freedom Parkway, Ronald Reagan Boulevard and Old Atlanta Road. Screening may be accomplished by vegetation, by a building that meets architectural standards of this chapter, by an earthen berm, by a 100 percent opaque, solid wooden fence or wall, or combination of these screening methods. Vegetative screening must be specified on the applicant's landscape plan. The use of low-lying landscaping that does not screen the display areas from view from the public right-of-way shall not be deemed to comply with this requirement.

12-10.10 **Screening of Outside Storage Yards.** All areas devoted to the outside storage of vehicles, merchandise, and/or equipment not intended for display for public rent, lease, or sale, shall be screened from view from the right-of-way of the highway or major street along the entire property frontage, except in areas where access crossings have been approved. Screening may be accomplished by vegetation, by a building that meets architectural standards of this chapter, by an earthen berm, by a 100 percent opaque, solid wooden fence or wall, or combination of these screening methods. Vegetative screening must be specified on the applicant's landscape plan. The use of low-lying landscaping that does not screen the display areas from view from the public right-of-way shall not be deemed to comply with this requirement.

12-10.11 **Screening of Dumpsters.** All garbage dumpsters and other similar areas devoted to the storage of waste materials shall be screened on three (3) sides of said dumpster or area with a minimum six (6) foot high solid wooden fence, or a wall constructed of materials substantially similar in appearance to the building on site that complies with the architectural requirements of these regulations. In addition, said dumpster areas shall be gated on the fourth side, and the gate shall be architecturally finished.

12-10.12 **Outdoor Lighting.** See Chapter 16.

12-10.13 **Building Materials.** Building exteriors not screened from view from the right-of-way or any property line shall have an architectural treatment of brick, brick/frame, stone, or stucco, or another architectural treatment approved by the Director. Any awnings shall be maintained in good order, and any dilapidated awnings or canopies shall be removed.

12-10.14 **Building and Utility Appurtenances.** All water towers, cooling towers, storage tanks, and other structures or equipment incidental to the primary use of a building or site shall be architecturally compatible with the principal building or effectively screened from view from the public right-of-ways. All rooftop mechanical equipment shall be screened from the view from the public right-of-way and adjacent streets by material compatible with the building architecture, by the use of a parapet wall, or by specially designed rooftop penthouse enclosures. Ground mounted equipment such as power transformers and air-conditioning units shall be screened from view from public right-of-ways by fencing or landscaping.

12-10.15 **Landscaping.** Every building site and commercial use area shall be landscaped. A minimum ten-foot wide landscape strip shall be installed and maintained along the entire property fronting the highway or major street, except in cases where access areas are approved. A minimum six-foot wide landscape strip shall be required along all side and rear lot or lease lines, except in cases where access areas are approved. The area surrounding the road entrance(s) to the site or area, the front landscape strip, required parking lot landscaping, and all other required landscape and/or open spaces, shall be designed, installed, and maintained according to plans prepared by a professional landscape architect, architect, surveyor, engineer, or land planner submitted to and approved by the Forsyth County Planning and Development Department. Landscaping shall be reviewed and approved via submittal of a landscaping plan prior to the issuance of a site development permit. Plantings shall be completed prior to issuance of a final plat or as built approval by the Department. Tree installation and removal shall be in compliance standards provided in Ordinance No. 98 (Tree Protection and Replacement Ordinance), as may be amended from time to time, and administrative standards for the preservation and replacement of trees as adopted and as may be amended from time to time. The six (6) foot and ten (10) foot landscape strips required in this section shall not be required for any front, side, or rear lot or lease lines that require a buffer, which is equal to or greater than the depth of the otherwise required landscape strip.

12-10.16 **Signage.** All signs in commercial districts shall comply as applicable with Ordinance No. 74 (Sign Ordinance), as may be amended from time to time.

12-10.17 **Plans.** Site development as-built drawings, containing a boundary survey, location, elevation, height, and square footage of buildings, parking areas, utilities, walls, and stormwater facilities, pertinent site development data, and any other requirements of the Planning Director or Director of Engineering, shall be submitted to and approved by the department prior to the issuance of a certificate of occupancy.

12-10.18 **Maintenance.** Commercially zoned properties require maintenance per Chapter 10-1.14.

12-10.19 **Fencing.**

- (A) Chain link fencing is prohibited along any road frontage in all commercial zoning districts except Heavy Commercial (HC). Road frontage is defined as the property line abutting a public right of way that provides public access or visibility to the premises.
- (B) Chain link fencing may be allowed along the sides or rear if screened from view of the right of way with vegetation for the full length and height of fencing material. Chain link fencing may also be allowed if located within the front yard as long as the length of fencing does not measure more than twenty-five (25) percent of the road frontage length if screened from view of the right of way with vegetation for the full length and height of fencing material.

**ARTICLE XI, ADDITIONAL REQUIREMENTS FOR LARGE-SCALE RETAIL ESTABLISHMENTS  
40,000 SQUARE FEET OR GREATER:**

12-11.1 **Purpose and Intent.** “Large-scale retail” refers to any individual retail establishment that is 40,000 square feet or greater. This size threshold refers to an individual establishment and its associated outdoor areas used for display and storage. The purpose of establishing requirements for large-scale retail establishments is to apply design standards and additional conditions to large developments proposed in Forsyth County in order to ensure that such developments are appropriately located, are integrated with surrounding area or positively contribute to the changing community character, and meet the County’s goals for new commercial development per the Comprehensive Plan. As such, these regulations intend to promote high quality materials and design, promote pedestrian-friendly environments, encourage infrastructure concurrency, and encourage responsible storm-water management practices.

Furthermore, within newly emerging centers of commercial activity, large-scale retail development plays an important role in defining the direction of the community character. In the absence of previously adopted Overlay Design Standards regulating sites for new large-scale retail, prior to the issuance of a land-disturbance permit, applicants shall work with Planning Staff to establish an architectural theme for the area in keeping with surrounding characteristics and/or with the Sub-Area Vision documented in the Comprehensive Plan. The architectural theme area shall be the subject of a future overlay designation to be defined by the Board of Commissioners.

12-11.2 **Restrictive Covenants.** For individual retail establishments 75,000 square feet or greater, a landlord shall not be permitted to enter into a lease agreement whereby the landlord is precluded from marketing and renting to future lessees once a tenant has vacated the premises. Once a tenant has vacated the premises, the landlord shall be free to market to any person or company allowed by County codes.

12-11.3 **Delivery and Garbage Pick-Up.** Hours for truck delivery or for garbage pick-up services shall be limited to the hours between 7:00 a.m. and 9:00 p.m. Trucks shall turn off their engines during deliveries; trucks with refrigeration units may be exempt from this provision. Signs posted in delivery area shall advise truck drivers of this requirement.

12-11.4 **Infrastructure Requirements.**

- (A) **Availability of Sewer.** Large-scale retail establishments shall be served by either Public Sewer, or an existing Private Sewage Treatment Plant. Private Sewage Treatment Plant service shall only be approved if the proposed site was approved by the Forsyth County BOC as part of the service area for the Private Plant. If the property where the development is to be located is already correctly zoned, proof of sewer availability must be demonstrated prior to a land disturbance permit being issued. If the property needs to be rezoned or obtain sketch plat approval, the applicant for the rezoning/sketch plat approval must demonstrate sewer will be available within one year of the rezoning/sketch plat request being approved or by the time a land disturbance permit is issued, whichever is sooner. In no case shall a Certificate of Occupancy be released without existing, operational access to off-site sewage treatment.
- (B) **Traffic Study.** A traffic study is required for all large-scale retail development. Two copies of said traffic study shall be submitted with all rezoning requests and/or sketch plat applications for approval by the Director of Engineering. If rezoning or sketch plat approval is not required, two copies of a traffic study shall be submitted with an application for a land disturbance permit. Based on the approved traffic study, the Forsyth County Master Transportation Plan, and any other local, state or federal requirements, the Director of Engineering shall determine all necessary road improvements to be completed.
- (C) **Access Road Classification.** Additionally, individual retail establishments 75,000 square feet or greater shall not be accessed via Minor Collector or Local Streets, as classified by the Master Transportation Plan, unless there is also frontage on a road of higher classification (Arterial, Highway, etc). Under exceptionally unusual circumstances, if there already exists a concentration of commercial activity, the Director of Engineering may waive the road classification criteria based upon documentation that road improvements with identified funding sources will accommodate anticipated project-generated traffic volume to the degree that LOS D or better is maintained for the affected road segment.

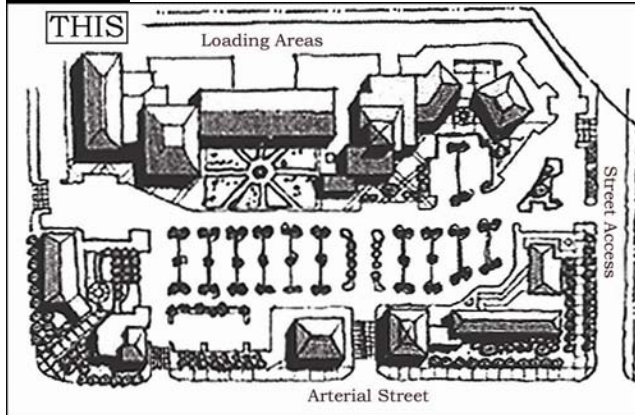
12-11.5 **Site Design Guidelines and Requirements.**

- (A) **Open Space.** A minimum of twenty percent (20%) of the site shall be landscaped open space.
- (B) **Location of Loading and Unloading Areas.** All areas and facilities devoted to loading and unloading

- of goods and merchandise shall be located to the side or rear of the building and lot. Location should be restricted, however, to whichever location does not abut a residentially zoned property, if applicable.
- (C) Outdoor Storage and Display. Neither parking lots, nor areas immediately adjacent to the buildings other than garden center uses shall be used for storage or sale of goods. Garden center goods shall be within areas enclosed by decorative fencing and be at least partially screened. Display or sale of goods outside the interior permanent and sheltered portions of a building is prohibited. Exceptions to this provision include: seasonal holiday trees, seasonal sales of nursery supplies, and pumpkin sales. In no instance shall outdoor display obstruct sidewalks or otherwise impede pedestrian movement to entrance of the store.
- (D) Setbacks and Buffer, adjacent to residentially zoned parcels. If the subject property abuts a residential, OR, A1, ~~A2,~~ or AG-Res ~~or CONS~~ district, the following minimum side or rear setback and buffer requirements apply:
- (1) The minimum building setback shall be 100 feet, the first 50 feet being an undisturbed buffer, which shall meet the requirements of the Forsyth County Buffer Standards.
  - (2) To ensure that a visual buffer is achieved, the County may or may not require the installation of a four-foot high earthen berm with plantings per the Forsyth County Buffer Standards. The County Arborist will make the determination of a berm requirement based upon a review of the Tree Protection and Replacement Plan and existing topography and vegetation.
- (E) Landscaping.
- (1) Walkways shall feature adjoining planted landscaped areas for no less than fifty (50) percent of their length.
  - (2) Along the building façade featuring the primary entrance, within in an area no further than 15 feet from the foundation, there shall be landscaping with trees. Minimum installation requires 4.5 caliper inches per 100 linear feet with a 1 ½ inch caliper and 8 foot installation height minimum for each tree. Trees shall count towards the tree density requirement as outlined in Ordinance No. 98 (Tree Protection and Replacement Ordinance). Tree placement should be grouped and staggered rather than following a regulated line along the façade. Tree placement must be approved by the County Arborist. Trees located in the sidewalks or other areas subject to pedestrian traffic shall require tree grates or other suitable tree protection measures; method of tree protection shall be indicated on plans.
  - (3) Landscape strips requirements. In addition to section 12-10.15:
    - (a) The required minimum landscape strip shall be 15-foot wide along the entire property fronting a public street.
    - (b) All landscape strips are required to contain a combination of at least two of the following elements: vegetative ground cover, herbaceous ornamentals, or low to mid-level shrubs; they must also include a combination of large canopy trees with either understory trees or large shrubs. One-third of landscaping plantings shall be of the evergreen variety. Understory trees must be six to eight feet in height at time of planting. Large shrubs must be four to six feet in height at time of planting and reach a height of at least eight feet.
  - (4) Landscape Installment and Maintenance. A landscape installment guaranty must be provided prior to the release of Certificate of Occupancy (CO). The guaranty shall be stamped and signed by a registered landscape architect certifying that landscaping meets the standards of this code. Landscape plantings must be replaced if damaged or dead.
- (F) Parking and Pedestrian Circulation and Parking Islands. Parking areas are transitional spaces where users change modes of travel from car, bus or bicycle to pedestrian. As such, parking areas should provide safe, convenient, and efficient access to serve all travel modes. They should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall visual impact of the paved surface. If buildings are located closer to streets, the visual scale of the complex is reduced, pedestrian traffic is encouraged, and architectural details take on added importance.
- (1) Parking lot location. Parking areas should be distributed around large buildings along not less than two facades (front, rear or sides) in order to shorten the distance to other buildings and public sidewalks. Parking shall be of an adequate distance from loading areas as to avoid any points of conflict and ensure pedestrian safety. No more than fifty (50) percent of the off-street parking area for the lot, tract or area of land devoted to the large retail establishment should be located

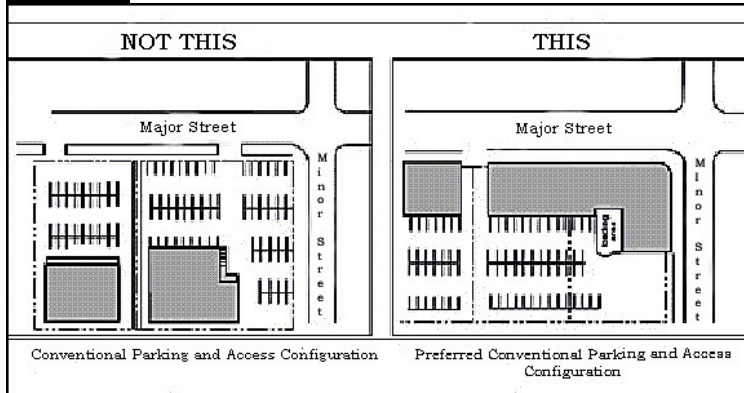
along the property fronting a public road and between the front façade and the road (the "Front Parking Area"). See Figures 1, 2, and 3 for examples that compare desirable layouts to traditional parking distribution.

**FIGURE 1**

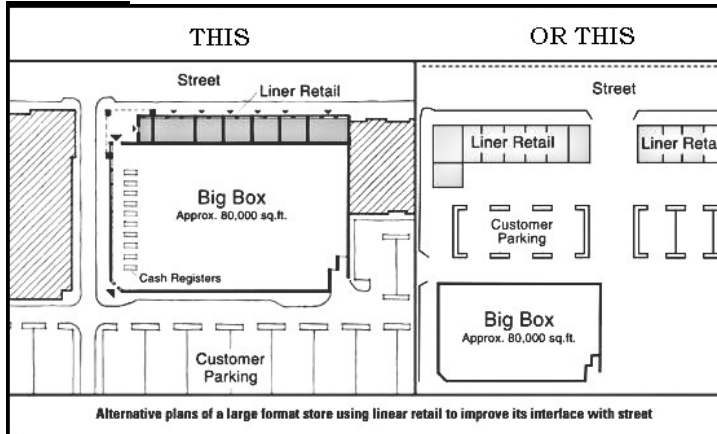


Source: Surprise, AZ

**FIGURE 2**



**FIGURE 3**



- (2) Parking lot location and parking islands requirements. Large-scale retail establishments shall provide a minimum of 15% of the total front parking area as landscaped islands. Side and rear parking lots shall provide a minimum of 12.5% of the total parking area as landscaped islands.

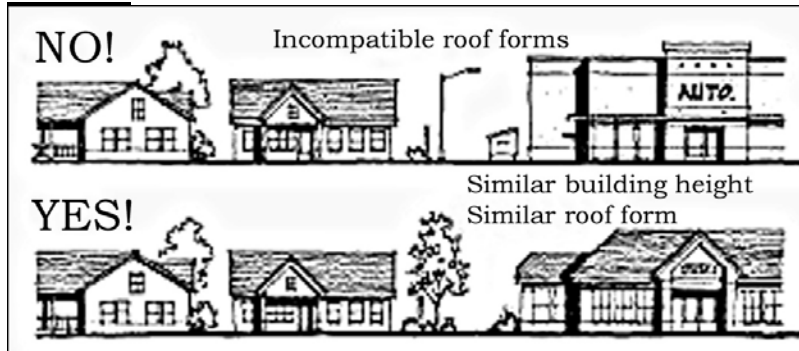
- (a) Each parking island is required to contain a combination of at least two of the following elements: grass, shrubbery, flowers, or other landscaping material, in addition to the tree requirements delineated below.
  - (b) Parking island tree specifications. In addition to the requirements of the Ordinance No. 98 (Tree Protection and Replacement Ordinance), the following standards for tree islands apply:
    - (i) Trees shall be provided and maintained adjacent to, and in the interior portion of, parking lots in a ratio of 1 tree for each 7 parking spaces. In addition, every parking space shall be within 50 feet of the trunk of a tree.
    - (ii) Trees shall be at least 3 inches in caliper and shall be an Overstory species. The minimum planting area or island for each tree shall be at least 200 square feet. If shared with other trees, 100 square feet for each additional tree shall be added.
    - (iii) Each planting area or island shall not be less than 4 feet in width in any direction. Each Landscape Island shall be maintained such that plantings are allowed to be established. Any dead plantings shall be replaced.
  - (c) Landscape islands shall be located at the end of every Parking Bay and at every 150 linear feet of continuous parking space. Measuring from the trunk, the tree must be a minimum of 6 feet from the back of the curb. No portion of an island less than three feet in width may be counted in the area. Landscape islands for Single Parking Bays shall contain a minimum of 200 square feet. Landscape islands for Double Parking Bays shall require a minimum of two 200 square foot islands or one continuous Landscape Island of 400 square feet.
  - (d) Landscape islands shall be located in such a manner as to divide and break up the parking area. A planting area, which intrudes upon or is located wholly within a generally rectangular area that is (a) devoted to parking and (b) between a building and a Lot line or between two buildings will generally serve this purpose.
- (3) Pedestrian Circulation.
- (a) Sidewalks at least five (5) feet in width shall be provided along all sides of the lot that abut a public street.
  - (b) Continuous internal pedestrian walkways, no less than five (5) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points.
  - (c) Sidewalks, no less than five (5) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the facade of the building to meet landscaping requirements in section 12-11.4 E (2) above.
  - (d) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of color and durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- (4) Excess parking. To avoid excessive parking surpluses which increase impervious surfaces, parking shall not be provided in quantities greater than 10% of the required minimum. For large-scale retail developments exceeding the minimum parking requirements, all excess parking shall be of porous material.
- (5) Interconnectivity. Unless waived by the Planning Director, developments shall provide direct connections and safe street crossings to adjacent land uses, either to existing adjacent commercial (via shared curb-cuts or cross-access easements) or plan for such connectivity to future adjacent commercial by providing drive-way stub-out.
- (G) Transit Stops. Large-scale retail developments 75,000 square feet or greater shall cooperate with the Georgia Department of Transportation and the Georgia Regional Transportation Authority or its successor to establish park and ride lots should these agents deem the site an appropriate location.
- (H) Public Spaces. Each retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least (2) two of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Planning Director, adequately

enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

12-11.6 **Architectural Design Standards.** The intent of architectural design standards is to ensure a base level of quality architecture that is responsive to its context and contributes to the architectural character of an area rather than a design solution that is based on a standardized formula or market prototype superimposed on the selected site.

All buildings shall be designed to be compatible with the surrounding land uses. In predominantly rural or rural-residential areas, proposals must demonstrate landscaping and architectural treatment aimed to integrate into the surrounding character; in the case of poor context (i.e., areas in transition or ready for redevelopment) then the proposed development will cultivate new standards for the area by meeting the minimum requirements below.

**FIGURE 4**



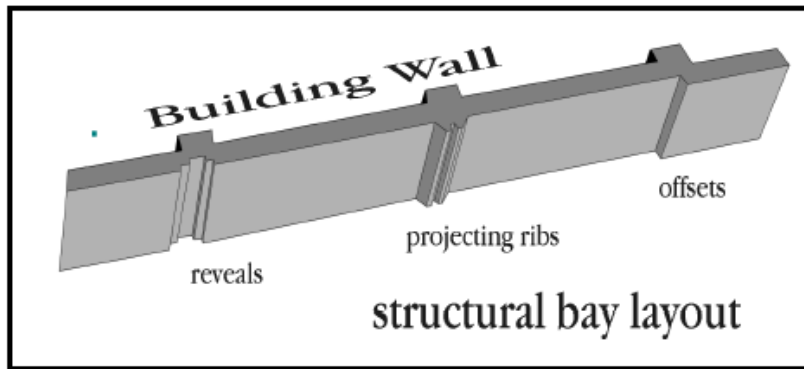
Source: City of Toledo

In multiple building developments, all buildings and structures in the development shall be of similar architectural style and shall demonstrate an overall cohesive architectural theme that creates a sense of place. Building design that is based on a standardized formula associated with a business or franchise shall be modified to meet the provisions of this section.

(A) **Facades and Exterior Walls.**

- (1) Front facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred (100) horizontal feet.
- (2) Minimum Wall Articulation. Front facade design shall provide varying wall offsets and other architectural features to create horizontal (wall) and vertical building articulation. Along with the wall plane requirements in (1) above, at least two of the following treatments shall be incorporated:
  - (a) change in texture or masonry pattern
  - (b) fenestrian (window treatment)
  - (c) an expression of architectural or structural bays through a change in plane no less than twelve inches in width, such as an offset, reveal or projecting rib
  - (d) an equivalent element that subdivides the wall into pedestrian scale proportions, as approved by the Director of Planning

**FIGURE 5**



Source: Fort Collins, CO

(B) Entryways.

- (1) The principle entry area of a building or, if among larger development, the largest tenant or central location of a group of buildings shall be articulated and should express greater architectural detail than other portions of the building, featuring no fewer than three (3) of the following elements:
  - (a) overhangs
  - (b) canopies
  - (c) recesses/projections
  - (d) arcades
  - (e) corniced parapets over the door
  - (f) peaked roof forms
  - (g) arches
  - (h) display windows
  - (i) moldings or tile work integrated into the building
  - (j) integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

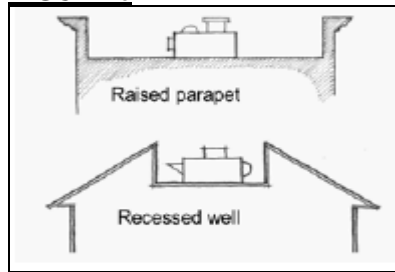
Where additional stores will be located in the large retail establishment, each such store that is 5,000 square feet and greater shall have at least one (1) exterior customer entrance, which shall conform to the above requirements.

(C) Roof features. Rooflines shall incorporate roof features (extensions, and/or projections such as gable, hip, parapet, dormers or others) that achieve visual interest through variation along 35% of the entire horizontal length of roofline. These features shall conform to the following specifications:

- (1) Roof projections shall extend a minimum 15 feet from the exterior wall except for parapet extensions which shall rise a minimum of 10 feet above the parapet's baseline. Parapets shall feature three dimensional cornice treatment. Roof features shall not exceed the average height of the supporting walls.
- (2) Cornices, if present, shall feature three dimensional treatments of not less than twelve (12) inches in profile. Overhang eaves, if present, shall extend no less than 3 feet past the supporting walls.
- (3) The roof pitch of sloped roofs shall be a minimum of 4:12.

- (D) Screening rooftop equipment. Roof top equipment such as HVAC units shall be fully screened. Screening shall be of material that serves as sound proofing to minimize noise trespass.

**FIGURE 6**



- (E) Colors. Facades shall be of low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, primary colors, metallic colors, black or fluorescent colors is prohibited. Building trim and accent areas may feature higher intensity colors, subject to approval of the Planning Director.
- (F) Exterior building material. The following building materials are prohibited from front and side facades: smooth-faced concrete block, plastic siding, smooth-faced tilt-up concrete panels, corrugated metal siding, and prefabricated steel panels. Textured concrete masonry units (CMU) is permitted but shall be limited to 70% of total front façade with remaining façade material composed of brick, stone, stucco, glass or other high quality material. Tilt-up panels may be used only for rear loading areas that are not visible to the public.
- (G) Exemptions. The Planning Director may exempt all or parts of the design standards in this section for commissioned buildings by an architect for a site when the design constitutes a unique, one of a kind building that meets or exceeds the intent of these design standards, as demonstrated by architectural elevations.

**ARTICLE XII. ADDITIONAL LOCATION AND ZONING REQUIREMENTS FOR LARGE-SCALE RETAIL ESTABLISHMENTS 75,000 SQUARE FEET OR GREATER:**

Individual large-scale retail establishments 75,000 square feet or greater shall comply with the provisions of this section to minimize their public impacts. This section regulates the location of individual retail establishments that are 75,000 square feet or greater and ensures that excessively sized buildings do not remain abandoned and/or empty for a significant period of time. The 75,000 square foot threshold refers to an individual structure and its associated outdoor areas used for display and storage.

12-12.1 **Re-use of Properties.** Plans for the removal or adaptive re-use of the principal structure governed by this ordinance shall be made should the facility not be used for commercial retail purposes for a period of 24 consecutive months.

The owner and/or lessee meets the intent of this section if he or she provides an executed lease, a sale agreement or evidence of a pending lease/sale agreement (executed within 24 months), or executes an adaptive reuse agreement with the County.

12-12.2 **Vacancy Maintenance Requirements.** In addition to maintenance requirements established by UDC 10-1.14, owner shall provide security patrols on the site to deter vandalism or other illegal activities on the property.

12-12.3 **Location Criteria.** Individual retail establishments 75,000 square feet or greater may only locate on property that is properly zoned and meets the location criteria established herein. Establishments under the same corporate ownership proposed on the same development site but with separate structures aimed to defeat the intent of this Code may still be limited to this location criteria, per administrative decision by the Planning Director. In addition to the items established in Chapter 8 of this Code, for considering zoning amendments, the following will be considered to evaluate approval or denial of proposed large-scale retail use:

- (A) Areas identified by the Future Land Use map as Activity Center use are generally not appropriate for individual large-scale establishments that are 75,000 square feet or greater and the Comprehensive Plan explicitly states nothing greater than 100,000 square feet should be considered within Activity Centers; applicant must demonstrate exceptional efforts for pedestrian-oriented and village-center oriented site-design for this use to be considered appropriate within Activity Center designations.

- (B) Individual establishments 75,000 square feet or greater shall not be adjacent to existing residential subdivisions composed of 30 lots or more, except that this prohibition shall not be applicable if along the shared property line a 150 foot setback is provided, of which 100 feet shall be an undisturbed buffer. Furthermore, the undisturbed buffer shall be augmented with plantings per the County Buffer Standards if existing vegetation does not achieve the intended visual screen.