Article V: Overlay Zoning District and PD, Planned Development District

**Section 5.1 General**

*5.1.1 Establishment of Districts*

The following Overlay and Special Purpose Zoning Districts are established:

Table 5-1, Overlay and Special District Zoning

|  |  |
| --- | --- |
| **District Name** | **Type** |
| FH, Flood Hazard Overlay | Overlay Zoning District |
| Downtown Commercial Corridor Overlay | Overlay Zoning District |
| PD, Planned Development District | Special District |

*5.1.2 Procedure for Establishment*

Overlay and Special Purpose zoning districts shall be established, changed or modified in accordance with the procedures applicable to all zoning districts as described in Article IV of this Ordinance.

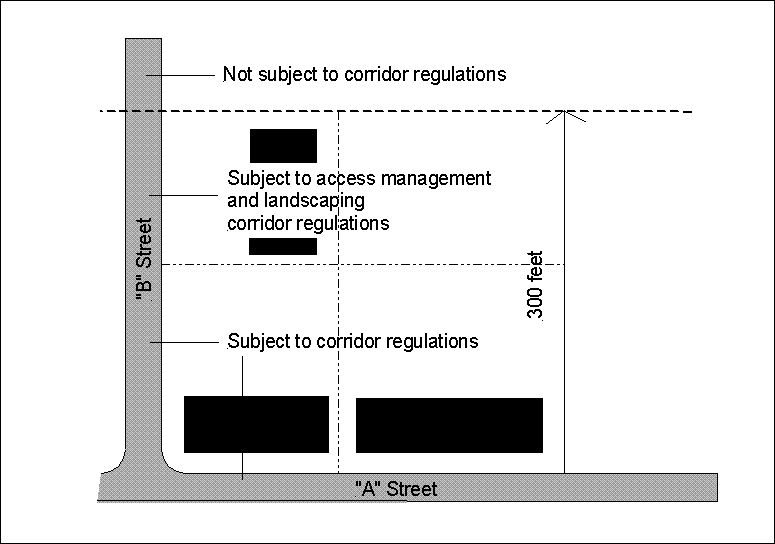
*5.1.3 Overlay Zoning District Applicability*

The overlay zoning districts only apply to parcels indicated on the corresponding Overlay Zoning District Maps. In the event that the definite boundaries of the district cannot be ascertained, Corridor Overlay Districts shall be deemed to encompass the depth of the lots fronting on both sides of the corridor street up to three hundred (300) feet and all property within three hundred (300) feet of the edge of the right of way which utilizes the corridor street for direct access, unless otherwise specified.

The streets designated in Section 5.3 Table 5-1, Column B, are referred to as Corridor Streets (see Figure 5-1).

A street that intersects a designated Corridor Street is referred to as an Intersecting Street (see Figure 5-1).

Figure 5-1, Corridor and Intersecting Streets



**Corridor Street**

I**ntersecting Street**

*5.1.4 Overlay Zoning District Effect*

1. The overlay zoning districts contained in this Ordinance are zones that impose a set of additional requirements or relax a set of requirements imposed by the underlying zoning district. Therefore, compliance with Article 3, Section 3.4 Zoning Map Amendment (Rezoning), of this Ordinance, is not required for parcels within these overlay zoning districts to be developed in compliance with the overlay zoning district regulations, including but not limited to the use regulations and density, intensity and dimensional standards of the overlay zoning districts. Development of parcels within the overlay zoning districts shall comply with all other applicable requirements and processes of this Ordinance.
2. If the land use recommendation for a parcel in an overlay zoning district, as shown on the overlay zoning district map, is not utilized, the regulations of the underlying zoning district shall apply.

**Section 5.2 FH, Flood Hazard Overlay District**

The Flood Hazard Overlay District includes (1) flood plains, (2) areas of shallow flooding, (3) areas of special flood hazard, and (4) floodways. The development of these areas, as reflected on Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) for Holly Hill, may not occur where alternative locations exist, because of the inherent hazards and risks involved. Before a building permit and/or a development permit are issued, the applicant shall demonstrate that new structures cannot be located out of the Flood Hazard Overlay District. Where there is no alternative to a location in a Flood Hazard Overlay District, proposed development shall be regulated by the following.

* + 1. *Findings of Fact*

1. The special flood hazard areas of Holly Hill are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

*5.2.2 Statement of Purpose*

It is the intent of this Section to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
4. Control filing, grading, dredging and other development which may increase erosion or flood damage; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

*5.2.3 Objectives*

The objectives of this Section are:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in floodplains;
6. To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. To ensure that potential property buyers are notified that property is in a flood area.

*5.2.4 Lands to Which This Section Applies*

This Section 5.2 shall apply to all areas of special flood hazard within the jurisdictional boundaries of Holly Hill.

*5.2.5 General Development Standards*

Development may not occur in the Special Flood Hazard Area (SFHA) where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the SFHA and that encroachments onto the SFHA are minimized.

In all areas of special flood hazard the following provisions are required:

1. **Anchoring** - All new construction and substantial improvements of existing structures shall be anchored to prevent floatation, collapse, or lateral movement of the structure.
2. **Flood Resistant Materials and Equipment** -All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage in accordance with Technical Bulletin 2, Flood Damage – Resistant Materials Requirements, dated 8/08, and available from the Federal Emergency Management Agency (Reference 5-1, Flood Damage – Resistant Materials Requirement available at https://www.fema.gov/media-library-data/20130726-1502-20490-4764/fema\_tb\_2\_rev1.pdf.)
3. **Minimize Flood Damage** –All new construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage.
4. All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. Manufactured homes shall be anchored to prevent floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
7. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment or contamination during flooding; and
9. Any alteration, repair, reconstruction, or improvement to a structure that is not in compliance with the provisions of this Ordinance, shall be undertaken only if non-conformity is not furthered, extended, or replaced.

*5.2.6 Specific Development Standards*

In all areas of special flood hazard where base flood evaluation data are available, the following shall be required.

1. Residential Construction - New Construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than one foot above the base flood elevation. A pre-construction and post-construction flood evaluation certificate shall be submitted. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, creating a fully enclosed area, said enclosed area shall:
2. be designed to preclude permanent living space;
3. be useable solely for parking vehicles, building access, or storage; and
4. include openings sufficient to facilitate unimpeded movement of floodwaters and/or be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwaters.

Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

1. provide a minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
2. The bottom of all openings shall be no higher than one foot above grade;
3. openings may be equipped with screens, louvers, valves, or other breakaway coverings or devices provided they permit the automatic flow of floodwaters in both directions; and,
4. fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side.
5. Non-Residential Construction - New construction or substantial improvements of any commercial, industrial, or non-residential structure shall have the lowest flood elevated no lower than one foot above the level of the base flood elevation. No basements are permitted. Structures located in A-Zones may be flood proofed in lieu of elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic loads and the effect of buoyancy. A registered, professional engineer or architect shall certify that the standards of this subsection are satisfied. Agricultural structures may be wet-flood proofed in accord with Technical Bulletin 7-93, Wet Flood Proofing Requirements for Structures Located in Special Flood Hazard Areas in Accordance with the National Flood Insurance Program, document number FIA-TB-7.
6. Temporary Development - All applicants for a temporary use must submit to the Zoning Administrator, prior to the issuance of a development permit, a written plan for the removal of any temporary use or structure in the event of a hurricane or flash flood warning notification. The plan shall be reviewed and approved in writing, and must include the following information:
7. a specified time for which the temporary use will be permitted,
8. the name, address, and phone number of the individual responsible for the removal of said use,
9. the time frame prior to the event at which any structure will be removed (i.e. minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification),
10. a copy of a contract or agreement with a trucking company to insure the availability of removal equipment when needed,
11. designation of a location outside the floodplain to which said temporary structure will be moved, and
12. a plan to restore the area to its natural condition once the temporary permit expires or the temporary use is terminated, whichever is first.
13. Accessory Structures - An accessory structure, the cost of which is greater than $3,000, must comply with the elevated structure requirements of this section. When accessory structures of $3,000 or less are to be placed in the floodplain, such structures shall:
    1. not be used for human habitation (including work, sleeping, living, cooking, or restroom areas); and
    2. be designed to have low flood damage potential, be constructed and placed on the building site so as to offer minimum resistance to floodwaters, and be firmly anchored to prevent flotation, collapse, or lateral movement.
14. Floodways-The following provisions shall apply within floodways:
    1. No encroachments, including fill, new construction, substantial improvements, additions, or other developments shall be permitted unless it has been demonstrated through hydraulic analysis that the proposed encroachment would not result in any increase in the flood level during the occurrence of a flood.
    2. Where no such increase is certified, new construction and substantial improvements may be permitted in compliance with the requirements of this section.
    3. Permissible uses exempt from such certification include general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses, lawns, gardens, play areas, picnic grounds, hiking and horseback riding trails, provided that they do not employ structures or fill.
15. Standards for Streams and/or Floodways Without Established Base Flood Elevations - Development contiguous to small streams shall adhere to the following:
    1. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within 40 feet of the stream bank unless certification with supporting technical data by a registered, professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of base flood discharge.
    2. Where no such increase is certified, new construction and substantial improvements may be allowed within such areas provided all applicable provisions of this section are satisfied.
16. Standards for Subdivision Proposals -
    1. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
    2. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazard; and,
    3. Base flood elevation data shall be provided for subdivision proposals and other proposed developments greater than the lesser of five (5) lots or five (5) acres.
17. Standards for Areas of Shallow Flooding (AO Zones) –
    1. Development within the areas subject to shallow flooding in the AO Zone shall adhere to all development standards of this section.

*5.2.7 Warning and Disclaimer of Liability*

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Holly Hill Council or by any officer or employee thereof for any flood damages that result from reliance on this or any administrative decision lawfully made hereunder.

**Section 5.3 Downtown Commercial Corridor Overlay District**

*5.3.1 Establishment of Corridor Overlay District*

The following overlay district is hereby established:

Table 5-2, Corridor District Established

| **A** | **B** |
| --- | --- |
| **Overlay District** | **Corridor Streets Generally** |
| **DC, Downtown Commercial Overlay** | 1. US 176 (Old State Road) between Hampton Avenue and Hart Street |

*5.3.2 Purpose*

The DC, Downtown Commercial Overlay District, is designed for that portion of the C-1, C-2, and C-3 districts that contains the heart of traditional commercial activity in Holly Hill along US 176 (Old State Rd) between Hampton Avenue and Hart Street. This overlay is created with an emphasis on maintaining the integrity of the traditional storefront building facades in the area, coordinating parking design and access, and encouraging greater pedestrian activity and use.

Old State Road is the focal point of economic and pedestrian activity with the town’s commercial center. Accordingly, a high level of community design should be required in order to preserve and to provide a unique, signature gateway into the town, to facilitate the creation of a convenient, attractive and harmonious community, to reduce vehicular congestion by encouraging pedestrian trips, and to encourage economic development activity. This district is created with an emphasis on maintaining the integrity of the traditional storefront building facades in the area, coordinating parking design and access, and encouraging greater pedestrian activity and use. The district standards bring pedestrian destinations close to the street, provide an interesting environment, and provide a scale appropriate to the speed of persons traveling by foot.

The Downtown Commercial Overlay District furthers the following public purposes:

1. To protect the unique identity of the area and promote linkages between public, retail, residential, civic and service uses;
2. To support and increase pedestrian activity by establishing a uniform “build-to” line, ground floor retail uses and storefront shopping at the street level;
3. To provide opportunities for promoting the historic diversity of land uses within the district;
4. To provide for urban design features such as lighting, coordinated signage, street furniture and landscaping to provide visual cues that tie the district together;
5. To ensure architectural compatibility and aesthetic harmony of structures located on Old State Road between Hampton Avenue and Hart Street;
6. To protect and promote the appearance and character of Old State Road;
7. To encourage infill development by providing relief from parking, transportation capacity and landscaping standards applicable to other parts of the town; and
8. To assure respect for the character, integrity, and quality of the built environment of Old State Road without stifling compatible innovative architecture or beneficial economic development.

*5.3.3 Applicability*

This section applies to any lot or parcel within the DC, Downtown Commercial Overlay Corridor District as designated on the Official Zoning Map. No building permit shall be issued for development on a lot or parcel within the DC District unless the proposed use, establishment or building complies with the standards described in this section.

5.3.4 Permitted Uses

Within the DC, Downtown Commercial Overlay District, all uses permitted in the underlying C-1, C-2, C-3, Commercial Districts are permitted subject to the standards established in this section. This section supplements any other requirements of this Article, including any regulations or permissions relating to use, density or design established in the C-1, C-2, and C-3 Commercial Districts.

In order to promote pedestrian activity and to avoid the impacts of traffic crossing sidewalks, all uses and buildings shall conform to the following:

1. The first floor (street level) of any multistory building shall devote the first floor area to retail, commercial and service uses, as listed below. Such buildings shall include said uses along not less than fifty percent (50%) of their street frontage.

|  |  |
| --- | --- |
| 1. Convenience Retail | 6. General Business Services |
| 2. Food Stores, Bakery Shops | 7. Personal Service Establishments |
| 3. Museums, Art Galleries | 8. Primary Retail Establishments |
| 4. Restaurants, Bars, Ice Cream Parlors | 9. Secondary Retail Establishments |
| 5. Professional Office Uses | 10. Movie Theaters |

1. In addition to the uses listed above, residential dwellings shall be permitted above the first floor of any building with commercial and/or retail uses on the first floor.

5.3.5 Development Standards

Buildings that line Old State Road should be located and designed so that they provide visual interest and create enjoyable, human-scale spaces. Key objectives include:

1. Buildings should be designed to be compatible, in form and proportion, with the traditional and historic pattern of development on the street.
2. Buildings or groups of buildings should include a variety of forms, materials and colors, while maintaining a unified appearance.
3. Buildings should include a richness of architectural detail to help define their scale.
4. Buildings should extend to the back of the sidewalk to create a uniform block face.

*5.3.6**Setbacks*

Building facades shall comply with the following setback standards. Corner lots are deemed to have two (2) frontages and shall conform to the setback requirements for both facades.

*5.3.7 Front Setback*

Buildings shall be setback a minimum of zero (0) feet and a maximum of five (5) feet from the edge of the right of way. The maximum setback does not apply to the following elements:

1. Any area not to exceed fifty percent (50%) or forty (40) lineal feet of frontage, whichever is less, included within a courtyard; and
2. Any recessed entryway or outdoor dining area.
3. No new doors shall swing into the minimum setback, except for emergency exit doors.
4. Pedestrian areas, including plazas, street arcades, courtyards, and outdoor cafes may be permitted within the sidewalk portion of the public right of way subject to any required encroachment permits or agreements from the town or the South Carolina Department of Transportation. Such areas shall be setback a minimum of five (5) feet from the back of the curb.

##### 5.3.8 Side Setbacks

##### Buildings shall be setback zero (0) feet from the side property line, except however that the setback may be between five (5) feet and ten (10) feet from the side lot line in order to accommodate a passageway between the street and the alley or a side entrance or a joint courtyard or plaza with an adjacent property. In no event will the side setback be more than ten (10) feet.

##### 5.3.9 Rear Setbacks

##### Buildings shall be setback a minimum of three (3) feet from the rear property line. However, if parking, loading or vehicular access is provided to the rear of the principal structure, the minimum setback shall be ten (10) feet. Accessory buildings, including those on service lanes, shall be set back a minimum of three (3) feet from the rear property line.

##### 5.3.10 Frontage

##### There is no minimum or maximum frontage established. However, buildings with large frontages are required to modulate their facades pursuant to 5.3.12.4 .

5.3.11 Maximum and Minimum Height

The maximum height shall be as provided for the C-1, C-2, and C-3 Commercial Districts in Table 6-2, Dimensional Standards. The minimum height shall be twenty-four (24) feet above the elevation of the sidewalk measured from the center of the front property line or two (2) stories, whichever is greater.

5.3.12 Building Design

*5.3.12.1* *Orientation*

Buildings shall be oriented to the street. A building is oriented to the street where:

1. The setback standards established in 5.3.6, are met.
2. Principal entrances to buildings face a street or open to a square, plaza, or sidewalk.
3. The principal entrance does not open onto an off-street parking lot.
4. All street level uses with sidewalk frontage are furnished with an individual entrance and direct access to the sidewalk in addition to any other access that may be provided.
5. Off-street parking does not lie between the building’s principal entrance and the street.
6. Pedestrian access from the public sidewalk, street right of way, or driveway to the principal structure is provided on a hard surface.

*5.3.12.2 Grade*

Buildings shall be aligned with the finished grade of the street except as otherwise provided herein. The principal entry for a civic use or a civic building may include a stoop, portico, colonnade or a portal.

*5.3.12.3 Fenestration, Openings, and Storefronts*

This section applies to all storefronts and any use other than those described in 5.3.12. This section does not apply to the conversion of a residential building to a commercial use.

*5.3.12.4 Facades*

Facades facing or visible from Old State Road shall include at least four (4) of the following elements:

1. A pediment. *(See Definitions)*
2. A cornice adjoining the top of the roof or top of the facade. *(See Definitions)*
3. Windows in each story above the ground level. Individual window openings shall not exceed four (4) feet horizontally and eight (8) feet vertically.
4. Architectural treatment to articulate the middle of any two-story building, or the first and second floors of a building exceeding two (2) stories, including molding, a canopy, a transom, or similar elements.
5. A recessed entryway consistent with the requirements of 5.3.12.7.

Figure 5-2, Facades



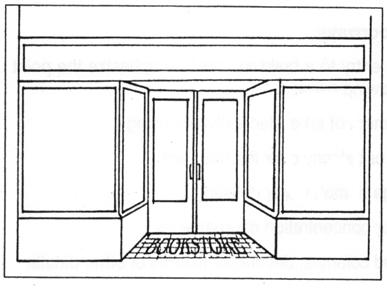
Cornice

Pediment

Molding

Vertically oriented windows

##### Figure 5-3, Entryways or Alcoves



Recessed entryways or alcoves

*5.3.12.5 Windows*

##### Between sixty percent (60%) and ninety percent (90%) of the length, and at least fifty percent (50%) of the surface, of the first floor street frontage shall be in transparent public entrances or windows including retail display windows. Between ten percent (10%) and fifty percent (50%) of the surface of the front facade of each floor above the first floor street frontage shall be in transparent windows.

*5.3.12.6 Building Modulation*

Building frontages that face public streets and exceed a width of twenty (20) feet must include

vertical piers or other vertical visual elements to break the plane of the building frontage. Such

vertical piers or vertical elements must be spaced at uniform or near uniform intervals of fifteen

(15) feet to thirty-five (35) feet along the entire building frontage. Vertical visual elements may

include entryways, windows, columns, colonnades, or other form of modular fenestration.

*5.3.12.7 Entryways*

##### Recessed entryways are permitted in order to provide a sense of entry and to add variety to the streetscape. The floor area of a recessed entryway shall not be less than fifteen (15) square feet. Door openings shall not exceed six (6) feet horizontally, and ten (10) feet vertically. Overhead doors for loading docks, delivery, and distribution shall be permitted only on the rear of the building.

##### 5.3.12.8 Canopies

##### Canopies, awnings and similar appurtenances are encouraged at the entrances to buildings and in open space areas. Such features may be constructed of rigid or flexible material designed to complement the streetscape of the area. Such features shall not obscure the upper stories or a sign panel located above the first floor. Any such feature may extend from the building to within two (2) feet of the back of the curb. Vertical supports for such features are not allowed in the public right of way. No canopy shall extend into the public right of way unless any encroachment permit or agreement required by the town, and to the extent required by SCDOT, has been approved and issued.

##### 5.3.12.9 Wall Materials

##### Hard surfaced exterior wall materials permitted for downtown buildings include brick, limestone, architectural split-face concrete blocks, parged block, painted brick, stone, terra cotta, stucco, plaster or fiber cementious board siding. Vinyl, wood, plastic, metal, structural or unfinished concrete, painted concrete blocks, and tinted or reflective glass are not permitted as the primary exterior finish surface. However, vinyl, wood, plastic, or glass block may be used as access elements surrounding a doorway or window.

##### 5.3.12.10 Window Frames

##### Window frames should be metal, wood or vinyl, and must be painted or vinyl clad.

##### 5.3.12.11 Doors

##### Doors may be solid or hollow core metal, aluminum, fiberglass or wood, and may be either solid or have glass or louvers. Glass in any door shall be transparent or leaded glass. Doorframes may be metal or wood, and must be painted or stained. Solid doors shall have raised panels and/or louvers.

5.3.13 Sign Design and Placement

5.3.13.1 Applicability

Signs will comply with Article 9, Sign Regulations, and the following provisions.

Figure 5-4, Freestanding Sign

*5.3.13.2 Freestanding Signs*

No freestanding signs are permitted except as provided below:

1. One (1) sign per building may be located in lieu of a canopy sign if a wall or canopy sign does not provide adequate visibility.
2. The sign may be located on the sidewalk in the right of way if an encroachment permit or agreement required by the town and SCDOT has been approved and issued.
3. The sign shall not exceed eight (8) feet in height.
4. The sign panel or message area shall not exceed six (6) square feet in area.

The sign shall not obstruct or interfere with pedestrian traffic, parking or lines of sight required for traffic safety.

*5.3.13.3 Monument Signs*

Ground mounted or monument signs are permitted under the following conditions:

Figure 5-5, Monument Sign

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Such signs shall not exceed five (5) feet in height and ten (10) square feet in area.

1. Such signs shall not be located within the public right of way.
2. Such signs shall be set back from the right of way no less than one (1) foot.
3. Such signs shall not obstruct or interfere with pedestrian traffic, parking or lines of sight required for traffic safety.

*5.3.13.4 Wall Signs*

Figure 5-6, Wall Signs



Wall signs shall be placed in existing architectural sign panels integral to the building facade when such a sign panel exists. Wall signs shall have a maximum sign surface on each wall or facade not to exceed five percent (5%) of the building facade or wall area to which the sign is attached, up to a maximum of twenty (20) square feet. The maximum area shall be measured as a percentage of the wall or facade to which the sign is attached, whichever results in a smaller area. Only those areas of the wall or facade that are visible from the public right of way shall be considered in computing this percentage; areas obstructed by adjacent buildings or structures shall not be included.

* + - 1. *Projecting Signs and Marquee Signs*

Figure 5-7, Projecting Signs and Marquee Signs

A building is permitted one projecting or marquee sign in addition to a wall sign. A projecting or marquee sign shall not be permitted if the building employs a freestanding, monument, canopy or awning sign. The maximum sign surface shall not exceed five percent (5%) of the building facade or wall area to which the sign is attached, up to a maximum of twenty (20) square feet. The maximum area shall be measured as a percentage of the wall or facade to which the sign is attached, whichever results in a smaller area. A minimum overhead clearance of eight (8) feet from the sidewalk must be maintained.

* + - 1. *Canopy and Awning Signs*

Figure 5-8, Canopy and Awning Signs

A canopy or awning may be used as a sign surface only if:

1. No wall sign is included on the same facade.
2. The message does not exceed ten (10) inches in height or the fringe or drip-flap portion of a canvas awning, whichever is less.
3. The message does not extend in any direction above, below or beyond the canopy edge.
4. The message is an integral part of the canopy or awning covering.
5. Signage on the canopy or awning sign does not exceed one-half (½) of the area bounded by the edges of the canopy or awning visible from the public right of way.

*5.3.13.7 Outdoor Display and Sale*

Goods shall not be displayed or stored on the exterior of the building except under a porch roof, eave or overhang permanently affixed to the building. Outdoor displays shall not restrict free pedestrian movement and a walkway of not less than five (5) feet wide shall be maintained between the doorway(s), exit(s) and the public sidewalk. Exterior merchandise displays are not permitted on the right of way, front or side yards, open porches or other outside areas except for forty-eight (48) hours during permitted special events for no longer than forty-eight (48) hours. Longer term or permanent exterior merchandise displays may be permitted if the outdoor display or sale, or both, is conditionally approved.

*5.3.14 Access*

Driveways and access points to public and private parking lots, loading areas and service areas

shall adhere to the following:

1. Driveways providing ingress and egress onto side streets and alleys are preferred. Existing or newly created alleys from a side street are the preferred access drive to parking areas. Only one (1) access point to a parking, loading or service area (other than an alley) shall be permitted per block face from any side street adjoining Old State Road. There is no limit on the number of openings or access points from an alley and alleys may function as parking area drive aisles.
2. No driveway or access point shall exceed twenty (20) feet in width.
3. Separation of driveways or access points from an alley, if permitted, shall be no less than twenty-four (24) feet.
4. No driveway or access point from any public right of way that reduces on-street parking shall be permitted except for parking areas that are available for use by the general public.

*5.3.15 Landscaping*

A traditional downtown is characterized by buildings that are arranged on small lots with

buildings typically consuming the entire street frontage at or very close to the property line. Parcels developed or redeveloped with structures or uses that do not consume the entire street frontage or are set back, such as parking, whether landscaped or not, can create undesirable appearances. Accordingly, no landscaping is required for lots or parcels abutting Old State Road except as provided in this section.

*5.3.15.1 Setbacks*

Existing buildings that are set back further than three (3) feet from the front or side property line shall provide a buffer strip along the front or side lot line of the setback area consistent with the landscaping standards contained in Article 8 Section 8.4, Landscaping. The buffer strip shall be the full width of the setback for setbacks of less than five (5) feet in width, and a full five (5) feet for setbacks exceeding five (5) feet in width.

*5.3.15.2 Unpaved Areas*

All lot areas not covered by buildings, hard surfaces including entryways, pedestrian plaza areas or paved surfaces shall be landscaped.

*5.3.15.3 Street Trees and Plantings*

One (1) street tree shall be planted for every sixty (60) feet of street (Old State Road or side street) frontage unless existing trees are in place that meet this standard. At planting, each tree must have a minimum height of six (6) feet and a three (3) inch caliper. Required trees and plantings shall be planted on the right of way or in the setback.

*5.3.15.4 Parking Lot Landscaping*

A minimum of one (1) medium or large shade tree shall be planted for every ten (10) parking spaces. Trees shall be located in islands interspersed throughout the parking lot. At planting, each tree must have a minimum height of six (6) feet and a two (2) inch caliper. Parking lot islands shall cover an area of not less than one hundred twenty-five (125) square feet with no dimension less than nine (9) feet.

**Section 5.4 PD, Planned Development District**

*5.4.1 Purpose*

The purpose of the PD District is to encourage flexibility in the development of land in order to promote its appropriate use; to improve the design, character and quality of new development; to facilitate the provision of streets and utilities; and to preserve the natural and scenic features of open space. This district is intended for use in the undeveloped areas of the town where planned development offers a superior response to less coordinated single-lot development, as permitted elsewhere in this Ordinance.

5.4.2 Area and Ownership

In order to qualify as a PD District a project request shall meet the following requirements:

*5.4.2.1*

The site shall be in single ownership or control, or if in several ownerships, the application for amendment to this Chapter shall be filed jointly by all of the owners.

*5.4.2.2*

There is no minimum site requirement for a PD.

*5.4.2.3*

The proposed development shall be consistent with the Comprehensive Plan.

*5.4.2.4*

The applicant shall demonstrate that the proposed development accomplishes the objectives of Article 1 to a greater extent than land developed under any other zoning district, including a base zoning district.

5.4.3 Procedures

The creation of a PD District designation is a two (2) step process involving both a rezoning and General Development Plan approval.

*5.4.3.1*

A PD District may be established on the Official Zoning Map in the same manner and in the same form prescribed for in Section 3.4 for other zoning districts.

*5.4.3.2*

The General Development Plan and administrative review requirements of this section are required after a map amendment is approved. Such requirements and all additional requirements of this section and Section 3.4 shall be addressed prior to the issuance of a building or development permit. A properly approved detailed site plan or subdivision (preliminary and final) or both shall be required prior to a request for a building or development permit. The requirements are specified in Article 3, Development Review Procedures.

*5.4.4 Permitted Uses*

Any use included in the ordinance rezoning the site to the PD District is permitted in such district. A listing of proposed uses including type and number of dwelling units within a particular PD District shall be included in the approved General Development Plan as part of the regulations applying to the district. Upon approval of the General Development Plan by the Planning Commission and Town Council, the list shall be adopted as part of the regulations applying to that particular PD District. Thereafter, the uses permitted in the district shall be restricted to those listed, approved and adopted.

*5.4.4.1*

Permitted uses within a PD District are not subject to the restrictions of Article 6, Use Regulations or the Use Matrix. However, the ordinance rezoning the tract and approving the General Development Plan shall include a list of uses, hereinafter entitled the “PD Use List,” from the Use Matrix that are permitted in the PD District. The definition of uses included in the Use Matrix shall be used to interpret the PD Use List, unless a different definition is provided in the PD Use List.

5.4.5 Criteria and Development Standards

Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes of structures, street patterns, and use relationships. A variety of building types, heights, facades, setbacks and size of open spaces shall be encouraged.

*5.4.5.1*

The land uses within a PD District shall not be subject to any of the dimensional or density provisions of Article 10. Dimensional standards shall conform to the following, unless a different standard is included in the PD District rezoning ordinance:

1. Maximum height is forty-five (45) feet, except where otherwise permitted.
2. Maximum gross density is twelve (12) residential units per gross acre.
3. The maximum floor area ratio for non-residential uses is two point four (2.4). A minimum of ten percent (10%) and a maximum of seventy percent (70%) of the total project floor area shall be reserved for non-residential uses. For purposes of this Article, semi-detached and two-family dwelling units are presumed to have fifteen hundred (1,500) square feet of floor area unless the specific dimensions are known at the time that the PD District rezoning is approved.
4. The maximum Impervious Surface Ratio is sixty percent (60%) of the total site area.

*5.4.5.2*

Open space, parks, and recreation shall comprise a minimum of twenty-five percent (25%) of the total site area. Portions of street rights of way that include street trees, sidewalks, and landscaped areas may be counted toward meeting open space requirements.

*5.4.5.3*

PD District zoning is intended to permit flexibility in the design, construction, and processing of residential, commercial, and/or industrial developments of a quality that could not be achieved by complying with the design and development standards of another zoning district. Therefore, the design elements as set forth in Table 5-2 shall be adhered to in the design of a Planned Development and shall be used in the town’s review of proposed PD District projects.

*5.4.5.4*

In addition to the requirements of Article 8, Supplemental Regulations, areas designated for parking shall be physically separated from public streets and shall be designed in a manner conducive to safe ingress and egress. Access points to internal public streets or internal circulation drives should be no more than three hundred (300) feet apart.

*5.4.5.5*

In addition to the requirements of Article 8, Supplemental Regulations, buffer yards or landscaping may be required by the Planning Commission between uses within any PD District or along the perimeter of a PD District.

Table 5-3, Design Elements for A Planned Development

| **A** | **B** |
| --- | --- |
| **1.** | **Architectural Elements**. All of the following shall apply: | 1. Building height, rhythm, articulation, massing and bulk shall be compatible with the individual site attributes and with the surrounding neighborhoods. 2. Distinctive architectural details such as covered front entryways, covered front porches, door and window details, roof overhangs, and/or parapet walls with cap features shall be provided on each dwelling, or principal structure. 3. Garage fronts shall be de-emphasized and shall not be the most prominent architectural feature of a house. This can be accomplished by providing side access garages, detached garages, and/or L-shaped floor plans. Front access garages shall be recessed from the front elevation of the structure at least ten (10) feet in order to provide interest and relief from the street. The garage area may not exceed forty percent (40%0 of the front facade of the structure. The front elevation shall include a porch or similar entrance designed for people rather than automobiles. |
| **2.** | **Recreational Elements**. All of the following shall apply: | 1. At least twenty percent (20%) of the residential units shall be located within 1,000 feet of an open space or park. 2. Recreation and open space facilities should be aligned with the community parks and open space network, as provided in any adopted land use plans or parks and recreation master plans. 3. Neighborhood scale recreation facilities and amenities should be provided which are functional. If detention or retention areas are used for recreational amenities, they should be designed to have the appearance of natural ponds or hillsides rather than stormwater management facilities. Such areas should include natural vegetation, turf or landscaping within all areas not permanently covered with standing water. |
| **3.** | **Additional Elements.** The following shall apply: | 1. Sidewalks should be included along at least 70% of the linear frontage of all planned collector or arterial streets within or adjacent to the development. 2. A customized entrance may be provided at the entry street intersecting an arterial or collector street which features a waterfall, sculpture, monument signage, special landscaping, specialty pavement, enhanced fence wall details, boulevard median, or other similar treatment. |