

**UDO-118**  
**ORDINANCE AMENDING CHAPTER B, ZONING ORDINANCE**  
**OF THE UNIFIED DEVELOPMENT ORDINANCES**  
**REGARDING LARGE SCALE RETAIL DEVELOPMENT**  
**PERFORMANCE STANDARDS**

Be it ordained by the City Council of the City of Winston-Salem, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

**Section 1.** Chapter B *Zoning Ordinance*, Article III is hereby amended by adding a Section 3-12 "Large Scale Retail Developments" to read as follows:

**"3-12.1 DESIGN REQUIREMENTS FOR LARGE SCALE RETAIL DEVELOPMENTS (75,000 SF SINGLE TENANT +)**

**Intent.** The intent of this Section is to encourage visual design interest and a pedestrian site design for large-scale retail buildings. These structures shall be designed to reduce the massive scale and uniform, monolithic appearances. Building design shall also promote a safe and comfortable pedestrian oriented site with a mixture of uses and sizes of structures. Careful attention to local community design issues will also ensure a greater likelihood of reuse of the structure for subsequent tenants.

To further design excellence and creativity within the community, and to encourage a design tailored to the community, applicants for large-scale retail development proposals shall maximize the overall design of the site and structure(s). Therefore, the Director of Planning, or designee, may allow minor changes in the design standards listed in this Section if the spirit and intent of this Section continues to be adhered to in the overall development design. Additionally, minor deviations may also be made in order to enable and promote the creation of cohesive buildings and site designs for multi-structure developments. Major deviations and/or interpretations of these standards, as well as appeals of the decisions made by the Director of Planning or designee under this Section, shall be made by the Elected Body.

Subsections.

- (A) Definitions;
- (B) Applicability;
- (C) Design Standards;
- (D) Facade treatments;
- (E) Roofs;
- (F) Entrances;
- (G) Parking and Circulation;
- (H) Outdoor storage, trash collection and loading areas;
- (I) Signs;

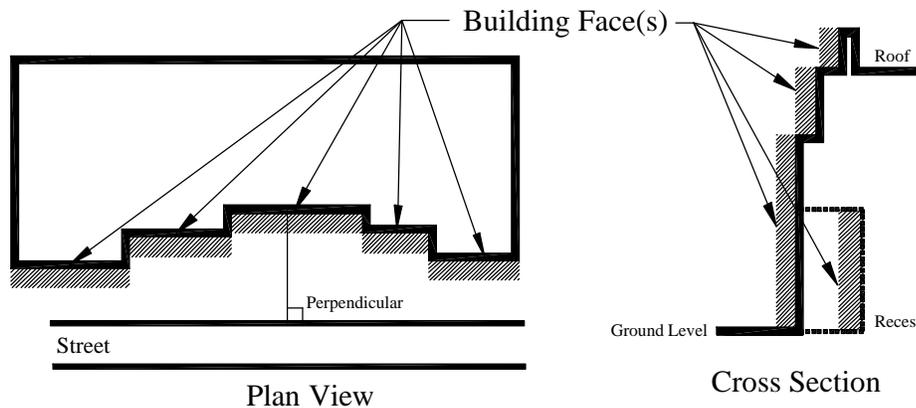
- (J) Canopies;
- (K) Miscellaneous; and
- (L) Submission Requirements.

**(A) DEFINITIONS**

**ARCADE** means an area contiguous to a street or plaza that is open and unobstructed and accessible to the public at all times. Arcades may include building columns, landscaping, statuary and fountains. Arcades do not include off-street loading/unloading areas, driveways or parking areas.

**ARTICULATE** means to give emphasis to or distinctly identify a particular element.

**BUILDING FACE, FRONT** means any building face or portions thereof that can be touched by a line drawn perpendicular to the street or as extended toward the building.



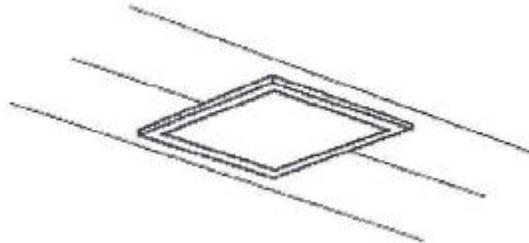
**CANOPY OR PORTICO** means a porch or walkway with a roof supported by columns, often leading to the entrance of the building.

**ENTRANCE** means the front door to an establishment intended as the primary customer access point. The area of an entrance shall include the area on either side of the door for a distance of at least ten (10) feet.

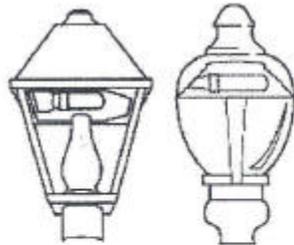
**FACADE** means the portion of any exterior elevation on the building extending from grade to the top of the parapet, wall or eaves and extending the entire length of the building.

**FOOT-CANDLE** means a basic measure used to indicate illuminance (level of illumination). One foot-candle is equal to one unit of light flux (one lumen) distributed evenly over a 1-square-foot surface area.

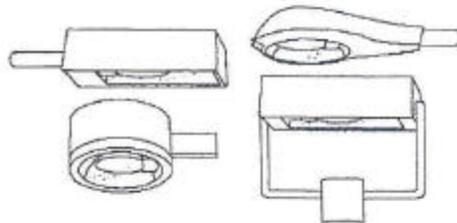
**FULL CUT-OFF TYPE FIXTURE** means a luminaire or light fixture that by design of the fixture housing, does not allow any light dispersion or direct glare to shine above a ninety (90) degree, horizontal plane from the base of the fixture.



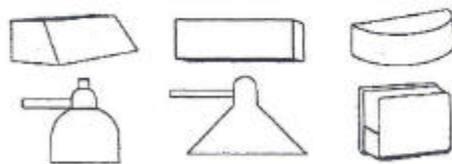
Flush-mount Canopy Fixtures



Full Cut-off/Shielded Decorative-type Fixtures



Full Cut-off Fixtures



Fully Shielded Wall-mount Fixtures

**GLARE** means the direct light emitting from a luminaire that causes reduced vision or momentary blindness.

**OUTDOOR PATIO** means an open outdoor eating and gathering area of at least five hundred (500) square feet, which may be covered, but must remain open on at least three (3) sides.

**PARAPET** means the portion of a wall that extends above the roofline.

**PLAZA OR COURTYARD** means an open area available to the pedestrian public at all times. Fire lanes, or other paved areas that allow vehicular travel shall not be included.

**PORTAL** means a large and impressive entrance door or gateway.

**PUBLIC ART** means any work of art or design created by an artist and sited in a public place.

**SINGLE PLATE GROUND FLOOR** means the gross horizontal floor area measured from the exterior walls of the building or structure. Habitable ground floor mezzanine area(s) shall be included in the gross square footage calculation.

**SUPERMARKET** means a retail establishment that sells at least ninety (90) percent food products.

**VACATED BUILDING(S) OR DEVELOPMENT** means a building and/or site vacated for at least six (6) months without an active renovation/rehabilitation building permit for either the site or structures.

**(B) APPLICABILITY**

The following retail development is subject to the requirements of this section in addition to complying with all other Code requirements:

- (1) New construction equal to or exceeding 75,000 gross square feet of single plate ground floor and serving a single tenant as a stand-alone retail structure, or as part of a multi-tenant shopping center, or a single plate ground floor structure serving multi-tenants equal to or exceeding 150,000 gross square feet. For the purposes of this Section, accessory leased spaces without their own exterior public entrance and within the primary store, do not count as multiple tenants.);

- (2) 25,000 square foot or more addition to an existing 75,000 + gross square feet single plate ground floor space serving a single tenant. Additionally, the requirements of this Section shall apply to the structure that includes the addition and to the portion of the site that is developed as a direct result of the increased parking requirements;
- (3) Any addition to a structure or development that has previously been reviewed under this Section;
- (4) Pad sites and out parcels with structures that are associated with the primary development and which are included in the original subdivision and/or master plan of the overall development. Due to the typically smaller scale of pad sites, the Planning Director, or designee, may deviate from the prescribed Façade Treatments if the overall design of the structure(s) on all of its publicly visible sides, remains compatible and comparable to the principal structure;
- (5) Zone or area districts that have a regulatory design review process, such as the Mixed Use – Special (MU-S), are exempt from these standards;
- (6) Applicability of this Section shall satisfy the site plan review administrative requirements for a concurrent Special Use rezoning application; and
- (7) Vacancy. Abandoned buildings and blighted sites cause negative visual and fiscal concerns for the community. Therefore in order to minimize these instances upon the community, and in addition to this and other applicable codes and ordinances, the following shall apply to vacated building(s) or development reviewed under this Section:
  - (a) Exterior Surfaces  
All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches and trim shall be maintained in good repair. Exterior wood surfaces, other than decay resistant materials, shall be protected from the elements and decay by painting or other protective coverage or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repaired. All siding and masonry joints shall be maintained weather resistant and watertight;
  - (b) Exterior Walls  
Exterior walls of buildings shall be maintained free from holes, breaks, loose or rotting materials, and graffiti; and shall be maintained weatherproof and properly surface coated as needed to prevent deterioration.

- (c) **Roofs**

Roofs of buildings shall be maintained so that they are structurally sound and in a safe condition and weathertight, and have no defects, which might admit rain or cause dampness in the interior portions of a building. All portions, additions or sections of a roof including, but not limited to, the fascia, eave, soffit sheathing, rafter tail, barge rafter, vent screening, gutter, downspout, roof jack, lead or metal flashing, shall be complete with all trim strips, moldings, brackets, braces and supports attached or fastened in accordance with common building practices.
- (d) **Windows**

All glass areas, including those in windows and doors shall be fully supplied and maintained as per the approved plan(s), or covered with smooth surface boards that are painted to coordinate with the building.
- (e) **Grounds**
  - (i) All landscaped areas as defined in the approved plan(s) shall be maintained and kept free of trash, old building materials, junk, unlicensed or inoperative vehicles, and other such material and equipment which, by its appearance, location or use, makes it incompatible with the principle use or other uses in the immediate neighborhood. The height of grass and other general ground cover shall be kept trimmed to a height of no more than eight (8) inches. Trees and shrubs shall be kept maintained and trimmed;
  - (ii) All driveway, parking, loading and outside storage areas shall be maintained as per the approved plan(s); and
  - (iii) All fences, walls, lighting, signs, storage structures, and other visual physical improvements or appurtenances as per the approved plan(s) shall be maintained in a safe, working order and in good appearance and free of graffiti.
- (f) **Storage**
  - (i) No outside storage is permitted on a vacant site; and
  - (ii) No outdoor sales, such as new or used cars, or mobile carwashes, shall be allowed on a vacant site unless approved in advance by the Zoning Officer and as per the applicable zone district allowed uses.

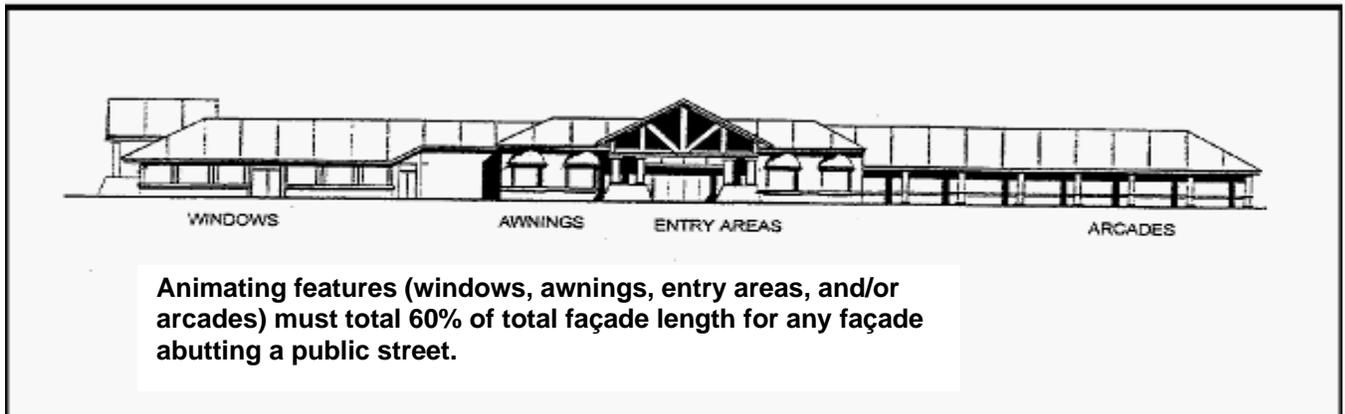
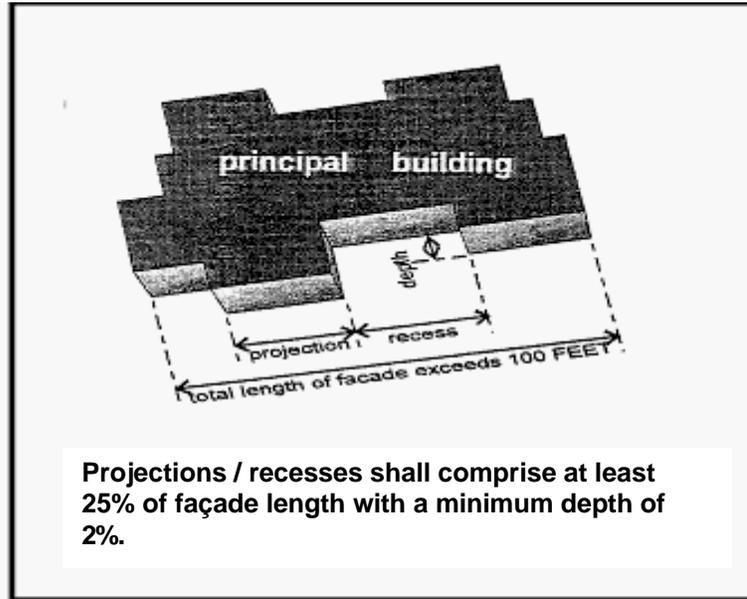
**(C) DESIGN STANDARDS**

Design standards shall include the following:

- (1) All design standards contained within this Section shall be applicable unless otherwise specified.
- (2) Pre-fabricated metal building facades are prohibited. Corrugated metal, unfinished smooth face concrete block or tilt-up concrete panels, pre-fabricated steel panels, and vinyl siding may not be used unless approved by the Director of Planning as complimentary to the overall design of the development.
- (3) Predominant exterior building materials may include wood, brick, limestone, granite, other native stone, or tinted, textured concrete masonry units, or stucco.
- (4) Landscaping. Landscaping as defined in this Section is in addition to the requirements of Section 3-4.3 *Motor Vehicle Surface Area Landscaping Standards*. To compliment the large scale of the structure(s) and parking areas, the following shall be included:
  - (a) Trees planted under this Section or Section 3-4.2, shall be a minimum of ~~2.5~~" caliper and specimen quality as certified by the American Standard of Nursery Stock (ASNS). Park grade trees are prohibited.
  - (b) The required landscape setback area as defined in Section 3-4.2 shall be a minimum of ten (10) feet, with an overall landscaped area equivalent to an average of 20' across the entire site's public and private street frontage. This will allow design flexibility in the width of the landscaped area along the frontage.
  - (c) Parking lot landscape islands shall be provided every one-hundred (100) linear feet of aligned parking spaces and shall be a minimum of twelve (12) feet wide.
  - (d) A minimum of thirty (30) percent of the required parking lot landscape islands as described above shall be a minimum of fifteen (15) feet wide and eighteen (18) feet long. It is encouraged that these be placed in proximity to the front of the buildings(s).
- (5) Facades greater than one hundred (100) feet in linear length shall be articulated with recesses or projections, which total at least twenty-five (25) percent of that facade. Recesses or projections shall be a minimum of two (2) percent of the length of that façade. No uninterrupted length of any façade shall exceed seventy-five (75) horizontal feet. See Figure 1.

- (6) Ground floor facades that face public streets or public ways shall have arcades, display windows, entry areas, awnings and other such design features along no less than sixty (60) percent of that facade. This requirement includes the facade of the building that functions as the rear, yet faces a street. See Figure 1.
- (7) If the site development or a street widening or relocation associated with the development involves the relocation of existing overhead utilities, all existing utility and electrical lines thirty thousand (30,000) volts or less and located on the site and/or along the site's frontage and within the public Right-of-Way shall be placed underground. In circumstances when Duke Power determines that the undergrounding will be detrimental to the overall safety and/or reliability of the circuit, the Planning Board may waive this requirement in part or in whole. For multiple frontage sites that are not corner lots, the Director of Planning, in consultation with the Engineering Department and Duke Power, may allow for the retention of the existing overhead lines in whole or in part, based upon circuit reliability and safety, and/or the frontage's length, topography, and/or visibility, or excessive cost.

**Figure 1  
Building Facades**



**(D) FACADE TREATMENTS**

All facades must use at least five (5) of the following design features. The Director of Planning, or designee may allow for minor deviations to the full requirement of each chosen item if the petitioner can adequately demonstrate that the overall intent and spirit of this Section continues to be adhered to in an overall development design:

- (1) Colors, Materials or Textures. Have more than two (2) exterior contrasting colors and have more than three (3) exterior material or texture changes.

- (2) Have building face offsets, such as pilasters, columns and/or reveals, or other decorative elements (minimum twelve [12] inch offset) that are parallel to the front lot line.
- (3) Covered pedestrian walkway (minimum of 8' depth) across the entire front facade of the structure.
- (4) Clear glass window display area that covers at least twenty (20) percent of one façade, or thirty (30) percent of two facades.
- (5) Public Art – Building. To further create an individual identity to the community, artistic detailing such as tile work, murals, sculptures, and similar features, which are integrated into the design of the structure are encouraged. If tile work or murals, or similar detailing on the building is used, it must cover at least twenty (20) percent of that façade, which is not devoted to the entrance area(s). In lieu of installation of public art directly by the developer, the developer may elect and is encouraged to have a local arts organization coordinate the selection, placement and installation of the public art as required in this subsection:
  - (a) One (1) percent of the construction cost, as determined by the value of the building permit, for the subject property shall be allocated and used to purchase and install public art for the building(s).
  - (b) Calculation of the construction cost shall be verified by the Inspections Department.
  - (c) The following expenses may be included in the public art allocation:
    - (i) The artwork itself, including the artist's fee for design, structural engineering and fabrication;
    - (ii) Transportation and installation of the work at the site;
    - (iii) Identification plaques; and
    - (iv) Mountings, anchorages, containment, pedestals, bases or other materials necessary for the installation of the artwork;
  - (d) The following expenses shall be excluded from the public art allocation:
    - (i) The cost of locating the artist;
    - (ii) Architect and landscape architect fees;
    - (iii) Land costs;
    - (iv) Landscaping, utility connections and fees associated with activating the artwork; and
    - (v) Publicity, public relations, photographs or dedication ceremonies.

- (6) **Public Art – Site.** To further create an individual identity to the community, artistic detailing shall be integrated into the design of the site. In addition to sculpture, innovative locations for public art, such as at the architectural entrance to the site are encouraged. In lieu of installation of public art directly by the developer, the developer may elect and is encouraged to have a local arts organization coordinate the selection, placement and installation of the public art as required in this subsection:
  - (a) One (1) percent of the construction cost, as determined by the value of the building permit for the subject property shall be allocated and used to purchase and install public art for the site.
  - (b) Calculation of the construction cost shall be verified by the Inspections Department.
  - (c) Expenses set forth in subparagraph (d)(5)(c) may be included in the public art allocation.
  
- (7) Integral planters or walls constructed parallel to the face of the building and incorporating living landscaped areas and/or places for sitting. Such areas shall be a minimum of two (2) feet wide and nineteen (19) inches high for sitting, and five (5) feet wide for a planter and cover at least fifty (50) percent of that facade.
  
- (8) Open space pedestrian plaza, which incorporates gathering and sitting opportunities adjacent to the main entrance or on the front façade equivalent to two (2) percent of the gross square footage of that building. Such an area shall include a seating area with benches or tables & chairs at a minimum rate of one (1) seat per fifteen-thousand (15,000) gross square feet, and shall include at least one (1) of the following features:
  - (a) Kiosk(s);
  - (b) Outdoor playground area;
  - (c) Water feature;
  - (d) Gazebo; or
  - (e) Clock tower or other such focal feature and amenity that enhances the public space.
  
- (9) Atrium skylight(s), with a minimum depth of twenty (20) feet that visually enhances the exterior architectural style and design of the front entrance, facade and roof area.

**(E) ROOFS**

Roof design shall incorporate the following design features:

- (1) Flat roof designs shall be constructed with parapets to screen HVAC and other roof mounted mechanical equipment from public view. Such parapets shall not exceed one third (1/3) of the height of the supporting wall and shall be constructed with a three dimensional cornice treatment;

- (2) Membrane roofing material is prohibited when visible from public view. Roofing materials shall be tile, slate, asphalt and metal; and
- (3) All roof designs must use at least one (1) of the following design features;
  - (a) Three (3) or more roof slope planes; and/or
  - (b) Overhanging eaves or canopy projections, which extend no fewer than two (2) feet past the supporting walls.

**(F) ENTRANCES**

Each retail establishment shall have a clearly defined and highly visible customer entrance or portal, which incorporates the following design features:

- (1) A pedestrian plaza as per the following:
  - (a) Single tenants occupying more than 50,000 square feet shall provide for a plaza area of at least twenty (20) feet in depth immediately in front of their entrance(s). It is encouraged that this area be large enough to plant shade trees;
  - (b) Single tenants occupying more than 20,000 square feet shall provide for a plaza area of at least ten (10) feet in depth immediately in front of their entrance(s); and/or
  - (c) Single tenants of less than 20,000 square feet shall provide a plaza area of at least eight (8) feet in depth immediately in front of their entrance(s).
- (2) With the exception of interior malls, multiple and separate stores located in the same structure shall have at least one (1) exterior customer entrance. For the purposes of this Subsection, accessory uses within the primary store are not required to comply.
- (3) Diagonal parking on both sides of the travel lane along the front façade of the structure(s) shall be encouraged to create a “Main Street” type atmosphere.
- (4) Each portal shall use at least three (3) of the following design features. These design features shall be in addition to those required above:
  - (a) Canopies, porticos, arcades and/or outdoor patios;
  - (b) Raised or peaked cornice parapets over the entrance;
  - (c) Architectural or artistic details such as tile work and moldings that are integrated into the design of the entrance; and/or
  - (d) Integral planters or walls that incorporate living landscaped areas and places for sitting that are built perpendicular to the façade and frame the entrance. Such areas shall be a minimum of two (2) feet wide and nineteen (19) inches for sitting and twenty (20) feet wide for a planter and shall be a minimum of ten (10) feet in overall length.

**(G) PARKING AND CIRCULATION**

The parking lot design and pedestrian circulation routes shall provide a safe, convenient and efficient access for vehicles, pedestrians and bicyclists. Pedestrian circulation via internal public sidewalks shall be encouraged. The placement of structures shall enhance and promote pedestrian circulation on the site.

- (1) Artistic detailing and paving patterns are encouraged in pedestrian walkways, plazas, and gathering areas.
- (2) No more than eighty (80) percent of the overall proposed parking for a single structure development shall be located between the front facade and the abutting street.
- (3) The total number of parking spaces shall not exceed that required by Table 3.8.
- (4) At minimum, one (1) internal continuous sidewalk of at least five (5) feet wide (clear) shall be provided from the public street to the entrance(s). Additionally, at least four (4) feet wide walkways shall connect focal points of pedestrian activity, such as transit stops, street crossings or store entry points, and shall feature adjoining landscaped areas (4' minimum landscape depth) to provide a separated and pedestrian friendly access route for no less than fifty (50) percent of their overall length.
- (5) All internal pedestrian walkways shall be physically separated from the drive lanes. Additionally all sidewalks and crosswalks shall be visually distinct from the driving surface by use of pavers, bricks or scored concrete.
- (6) Sidewalks, at least eight (8) feet in width, shall be provided along any facade featuring a customer entrance, and along any facade abutting public parking areas. At all times, such sidewalks shall maintain a clear pedestrian passage equal to the width of the sidewalk. Additionally, such sidewalks shall connect all customer entrances and to other internal sidewalks, and shall be located an average of at least three (3) feet from the facade of the building to provide planting beds for living foundation landscaping, except where features such as covered walkways, arcades or entryways are part of the facade. Such live foundation landscaped areas shall be a minimum average of six (6) feet wide, and shall be a minimum of fifteen (15) feet in overall length.

- (7) An off and/or on-street transit stop for customers and employees shall be provided when the site is located on an established or planned transit route.
- (8) Where applicable, pedestrian and recreational paths, and vehicular linkages shall be made with adjoining properties.
- (9) Bike racks shall be provided adjacent to entrances.
- (10) Overnight parking of RV's, mobile homes and other vehicles providing transient residency is prohibited.

**(H) OUTDOOR STORAGE, TRASH COLLECTION AND LOADING AREAS**

These areas, due to their visual and noise impacts onto adjacent properties and visitors to the site, shall be screened, recessed or enclosed:

- (1) No area for outdoor storage, trash collection or compaction, loading or other such uses shall be located within twenty (20) feet of any public street, public sidewalk, or internal pedestrian walkway.
- (2) Outdoor shopping-cart storage areas shall be provided in the parking lot, and adjacent to the buildings if they are not available at the entrance.
- (3) Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other such service functions shall be incorporated into the overall design of the structure and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of the view from general passersby. Decibel (dBA) reading sheets shall be provided for all mechanical equipment, including refrigeration units (built-in or free standing tractor trailer units), trash compactors, generators and HVAC units. Acoustic buffering shall be required for any equipment that exceeds 65 dBA in order to ensure that combined minimal noise levels (less than 50 dBA) are present at the property line of the subject property. Screening materials shall be the same as those used on the structure to avoid visual detection of the service function on and off site.
- (4) Only previously designated and approved areas for the parking or storage of trucks, trailers, or containers as accessory outdoor storage shall be permitted. Such areas are prohibited on any portion of a walkway, drive aisle, parking or landscaped area.

**(I) OUTDOOR SALES**

Permanent and seasonal outdoor sales areas shall be incorporated into the design of the building and site. Additionally, only previously designated and approved permanent or seasonal outdoor sales areas shall be permitted.

- (1) Non-enclosed areas for the sale and storage of seasonal inventories shall be permanently defined and separated with walls and/or fences. Walls and roofs shall conform to the standards defined in subsections (C) (2) and (3), and (E) (2) of these design requirements;
- (2) If anti-theft devices for the area(s) are provided, they shall be identified on the site plan.
- (3) No outdoor display or sales area shall encroach on to any portion of a walkway, drive aisle, parking or landscaped area.

**(J) SIGNS**

Signs shall be incorporated into the design of the structure. Signs shall be designed for both the pedestrian and the motorist.

- (1) Roof mounted signs are prohibited.
- (2) Freestanding signs shall be constructed with a base of the same materials as the structure to provide for a pedestrian scale and to unify the sign with the structure(s).
- (3) Architectural gateway or entrance elements, which identify the address of the site, which are less than five (5) feet in overall height, shall not constitute a freestanding sign.
- (4) All projecting signs shall be placed a minimum of nine (9) feet above the sidewalk. For the purposes of this subsection a projecting sign is a sign that projects more than twelve (12) inches.
- (5) Signs or advertising devices with visible moving or flashing animated or intermittent illumination are prohibited.

**(K) CANOPIES**

Gasoline canopies, car washes and other accessory functions located in separate structures on the same subject site shall be complimentary to the overall design of the site and of the primary structure.

- (1) Materials, colors and designs, including roof design, shall conform with and compliment the predominant materials and colors of the main structure.
- (2) Shall be illuminated with flush mounted, flat lens light fixtures for all under canopy fueling areas.

**(L) MISCELLANEOUS**

Internal traffic signs, handicapped parking signs, transformers, and other such site necessities shall be integrated into the overall design of the site.

- (1) Traffic and parking signs shall comply with the Manual on Uniform Traffic Control Devices. Sign housings and post shall be designed to be a visual and design amenity for the site. Creativity in design is encouraged.
- (2) Transformers shall be integrated into the overall design of the site and shall be heavily screened with living landscaping and/or enclosures to minimize their visual impact.
- (3) All exterior lighting shall be designed, located, installed and directed in such a manner to prevent objectionable light at and across the property lines to prevent glare at any location on or off the property, and shall meet the following:
  - (a) Be no more than one-half (1/2) foot-candle level at the property line;
  - (b) Be of a white light, such as metal halide, incandescent or a lamp with a color rendering index above (70);
  - (c) Be a full cut-off style fixture for all parking area lighting;
  - (d) Be a full cut-off or shielded type fixture (wall pack style fixtures are not acceptable) for all building lighting for security or aesthetics. Floodlighting is discouraged, however, if used, it shall be shielded to prevent the following:
    - (i) Glare for pedestrians or drivers;
    - (ii) Light trespass beyond the property line; and
    - (iii) Light above a ninety (90) degree horizontal plane.

**(M) SUBMISSION REQUIREMENTS**

The following shall be submitted to the City-County Planning Department for approval of a large-scale retail development:

- (1) Proposed site plan(s) to scale that meets the requirements of Chapter B – *Zoning Ordinance, Article III – Other Development Standards*, and including the following:
  - (a) Perimeter outline including dimensions of all structures including decks, patios, parking areas with spaces delineated, driveway(s), walkway(s), freestanding signs, light fixtures, transformers, fences, retaining walls;
  - (b) Easements and/or right-of-ways;
  - (c) Setbacks-distance to property lines from building(s), parking area(s), driveway(s);
  - (d) Proposed landscaping including species, sizes, and planting interval;
  - (e) Proposed topographic grade changes (minimum two [2] foot contours); and
  - (f) All existing and proposed water, sewer and storm water layouts, detention areas, utility appurtenances (such as backflow preventers), and major erosion control features.
- (2) Full building elevations (to scale), clearly showing all exterior materials, colors, lighting and signs on building(s);
- (3) Section cuts of the site when existing or proposed topography includes more than a ten (10) foot elevation change; and
- (4) Other requirements imposed by the City-County Planning Board in order to comply with this Section.

**Section 2.** Chapter B Zoning Ordinance, Article II is hereby amended by adding a Section 2-1.3(L) "Major Retail & Business District (MRB-S)" to read as follows:

**"(L) MAJOR RETAIL & BUSINESS DISTRICT (MRB-S)**

- (1) Purpose. The purpose of the MRB-S District Section is to ensure that major retail projects are adequately analyzed through site plan review and supplemental criteria in order to determine their compatibility with the surrounding community. This district is characterized by large sized destination shopping in a single structure, or as part of a large shopping center. The potential individual and cumulative impact upon the community as a result of the large-scale retail development shall receive a comprehensive review under the established criteria. The establishment of a Major Retail & Business District does not establish justification for

future large-scale retail zoning in the area. Therefore the community’s natural, physical, economic and fiscal resources, and their adequacy to accommodate the impact of such developments, both individually and cumulatively shall be fully evaluated. This District is intended for application in Growth Management Areas 1 (City Center), 2 (Urban Neighborhoods), and 3 (Suburban Neighborhoods), and within a designated Metro Activity Center, and shall be applied as a Special Use District.

(2) General Dimensional Requirements – MRB-S.

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks <sup>1,3</sup>				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft)		Front (ft)	Rear (ft)	Side			
						Interior Side (ft)	Street (ft)		
MRB-S	-	-	10	40	20 <sup>4</sup>	0.5/12	20 <sup>2</sup>	85	60

1. Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater. (F,W,K,L)
2. As per § 3.12, *Large Scale Retail Developments* 3.12.1, *Design Requirements for Large Scale Retail Developments* (75,000 sf single tenant +), and which shall apply to all development done within the MRB-S District and which shall be reflected in the site plan required as part of the rezoning application.
3. Side yards are not required, however any side yard provided adjacent to an interior lot line shall not be less than twelve (12) feet in width. A space less than six (6) inches in width between an interior lot line and a building wall shall not be regarded as a side yard. This does not include the required bufferyard.
4. This does not include the required bufferyard.

(3) Special Use District Standards.

- (a) Site Plan. A site plan and building elevations for any development within the district in conformance with the site plan requirements of Article III, § 3.12.1, and which shall be submitted as part of the rezoning application.
- (b) Multifamily, office and mixed-uses allowed. In order to promote mixed use developments, which offer living and working opportunities with little reliance upon the automobile, and/or which are located in a designated Metro or Community Activity

Center as identified in *Legacy* or an adopted Small Area Plan, the following shall apply:

- (i) Residential Uses, when ten (10) or more units are proposed there shall be:
  - (a) No residential density calculation;
  - (b) No parking requirement;
  - (c) A maximum height limit of seventy-five (75) feet for the structure(s) containing the residential uses;
  - (d) Bufferyard Alternative Compliance, as per Article 3-2.1 *Bufferyard Standards* (C); and
  - (e) An increase in the maximum allowed impervious coverage of the site from eighty-five (85) percent to all overall maximum of ninety (90) percent for the subject site, unless the restrictions of an overlay district are greater.
- (ii) Office uses of at least five thousand (5000) gross square footage when constructed as upper stories to a first floor retail space shall have:
  - (a) No parking requirement;
  - (b) A maximum height limit of seventy-five (75) feet for the structure(s) containing the office uses;
  - (c) Bufferyard Alternative Compliance, as per Article 3-2.1 *Bufferyard Standards* (C); and
  - (d) An increase in the maximum allowed impervious coverage of the site from eighty-five (85) percent to all overall maximum of ninety (90) percent for the subject site, unless the restrictions of an overlay district are greater.
- (iii) Office uses of at least five thousand (5000) gross square footage when constructed as a stand alone structure and/or when occupying the first floor of any structure, shall have:
  - (a) A fifty (50) percent parking reduction;
  - (b) Bufferyard Alternative Compliance, as per Article 3-2.1 *Bufferyard Standards* (C); and
  - (c) An increase in the maximum allowed impervious coverage of the site from eighty-five (85) percent to all overall maximum of ninety (90) percent for the subject site, unless the restrictions of an overlay district are greater.
- (iv) Developments located in a Metro or Community Activity Center as identified in *Legacy* or an adopted Small Area Plan, shall have:
  - (a) Up to a fifty (50) percent parking reduction;
  - (b) Bufferyard Alternative Compliance, as per Article 3-2.1 *Bufferyard Standards* (C);

- (c) An increased height allowance to seventy-five (75) feet; and
  - (d) An increase in the maximum allowed impervious coverage of the site from eighty-five (85) percent to all overall maximum of ninety (90) percent for the subject site, unless the restrictions of an overlay district are greater.
- (c) Site Size. The minimum site size shall be ten (10) acres.
  - (d) Signage. The HB zone district sign allowances, as per Article 3-2.1 *Sign Regulations – Current*, shall apply, unless further restricted through an approved and attached site plan.
  - (e) Bufferyard Standards. Due to the twenty-four (24) hour nature of the loading docks and storage areas of this scale of retail development, this district shall be considered an Industrial (IND) Zoning Type (Type IV) as per Article 3-5.1 *Bufferyard Standards, General Requirements*. When adjacent to a low density residentially zoned property the bufferyard shall be no less than forty (40) feet and include three (3) deciduous trees and eighteen (18) primary evergreen plants per one hundred (100) linear feet of bufferyard. Additionally, the elected body may require a larger bufferyard and/or a bufferyard with more plantings, berm(s) and fences, in order to provide a more effective transitional buffer between users.
  - (f) Applicability.
    - (i) New construction equal to or exceeding 125,000 gross square feet of single plate ground floor area and serving a single tenant as a stand-alone retail structure or as part of a multi-tenant shopping center;
    - (ii) 25,000 square foot or more additions to an existing 100,000 + gross square feet single plate ground floor space serving a single tenant, or an addition that results in a single plate ground floor tenant of at least 125,000 gross square feet or more after the addition; and
    - (iii) Pad sites with structures that are associated with the primary development and which are included in the original subdivision and/or master plan of the overall development.
  - (g) Decision. Upon thorough review of required information pertinent to the major retail development, the application may be approved, approved with conditions, or denied. Such additional reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this Section and other Code regulations may be included in the decision.
  - (h) Three (3) year time period. An MRB-S District that is approved in connection with this Section shall become invalid unless the work or action authorized under it shall commence within three years after the date of issuance. Completion of all work or action

authorized there under shall occur within two (2) years of the date of issuance unless an extension of time not to exceed one (1) year is approved in advance after public hearing by the Planning Board."

**Section 3.** Chapter B, Table 2.6, *Permitted Uses* is hereby amended by adding a column for MRB-S. Table 2.6 is further amended by adding a "Z" to the new column "MRB-S" for the following:

Under "Residential Uses":

Residential Building, Multifamily; Residential Building, Townhouse; Residential Building, Urban; Boarding or Rooming House; Combined Use; Congregate Care Facility; Family Group Home A; Family Group Home B; Family Group Home C; and Life Care Community.

Under "Retail and Wholesale Trade":

ABC Store; Arts & Crafts; Building Materials Supply; Convenience store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Implement Sales and Service; Motorcycle Dealer; Nursery, Lawn and Garden Supply Store, Retail; Outdoor Display Retail; Restaurant (Without Drive-Through Service); Restaurant (with drive-through service); Retail Store, Specialty or Miscellaneous; Shopping Center; and Wholesale Trade A.

Under "Business and Personal Services":

Banking and Financial Services; Bed and Breakfast; Building Contractors, General; Car Wash; Funeral Home; Health Services, Miscellaneous; Hotel or Motel; Kennel; Medical or Dental Laboratory; Medical or Surgical Offices; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Body or Paint Shop; Non-Store Retailer; Offices, Miscellaneous; Professional Offices; Services, Business A; Services, Business B; Services, Personal; Testing and Research Lab; and Veterinary Services.

Under "Recreational Uses":

Golf Driving Range; Recreational Services, Indoor; Recreational Services, Outdoor; Recreational Facility, Public; Shooting Range, Indoor; Swimming Pool, Private; and Theatre, Indoor.

Under "Institutional and Public Uses":

Academic Medical Center; Adult Day Care Home; Adult Day Care Center; Animal Shelter, Public; Child Care (Drop-in); Child Car (Sick Children); Child Day Care Center; Child Day Care, Large Home; Child Day Car, Small Home; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Government Offices; Group Care Facility A; Group Care Facility B; Habilitation Facility A; Habilitation Facility B; Habilitation Facility C; Hospice and Palliative Care; Hospital or Health Center; Institutional Vocational Training Facility; Library; Limited Campus Uses; Museum or Art Gallery; Neighborhood Organization; Nursing Care Institution; Police or Fire Station; Post Office; School, Private; School, Public; and School, Vocational or Professional.

Under "Transportation and Utilities":  
Broadcast Studio; Terminal, Bus or Taxi; and Transmission Tower.

**Section 4.** Chapter B, Table 2.6, *Permitted Uses* is hereby amended by adding a row in alphabetical order under "Retail and Wholesale Trade". In the column titled "Use Type", the new row shall read "Retail Developments Larger than 125,000 square feet". Table 2.6 is further amended by adding a "Z" to the new column "MRB-S" for the new row "Retail Developments Larger than 125,000 square feet".

**Section 5.** Chapter B Zoning Ordinance, Table 2.6 is also hereby amended by adding a footnote number to the MRB-S column. The referenced footnote shall read, "Per Section 2-1.3, Major Retail & Business District (MRB-S)."

**Section 6.** Chapter B *Zoning Ordinance*, Table 3.2, *Nonresidential Districts General Dimensional Requirements* is hereby amended by adding a row for MRB-S and a new footnote "12" as follows:

Zoning District	Minimum Zoning Lot <sup>4</sup>		Minimum Contiguous Site Area (ac)	Minimum Setbacks <sup>8,11</sup>				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft)		Front (ft)	Rear (ft)	Side			
						Interior Side (ft)	Street (ft)		
"MRB-S	-	-	10	40 <sup>12</sup>	20	0.5/12 <sup>6</sup>	20	85	60"

4. Minimum area and width requirements may be reduced for the CPO, NSB, and CPI Districts under the respective subsections of Section 2-1.
6. Side yards are not required, however any side yard provided adjacent to an interior lot line shall be not less than twelve (12) feet in width. A space less than six (6) inches in width between an interior lot line and a building wall shall not be regarded as a side yard.
8. Building setbacks shall be measured from either the existing street right-of-way, or the proposed right-of-way established by the adopted Transportation Plan, whichever is most restrictive.
11. Whenever a lot in a residential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
- "12. As per Section 3-12.1, *Design Requirements for Large Scale Retail Developments* (75,000 sf single tenant +), and which shall apply to all development done within the MRB-S District and which shall be reflected in the site plan required as part of the rezoning application."

**Section 7.** This ordinance shall be effective upon adoption.

Part One approved September 7<sup>th</sup>, 2004, Part Two approved September 20<sup>th</sup>, 2004