



Community Choices

Large Scale Retail Development

The Role of Large Scale Retail Development

Economic development is a vital process that has region wide benefits. Expanding job opportunities for citizens and increasing the tax base allows local governments to provide necessary public facilities and services. Employment and income growth are components of a strong regional economy and are necessary for improving the competitive advantage of the region. Large scale retail development may produce increased local sales leading to increased local tax revenues, an increase in employment opportunities, lower prices and greater convenience for consumers. Areas with large scale retail investment may also see initial growth in overall retail sales and specifically in eating and drinking categories.¹

The economic development needs of each municipality and county in the region are different. Some communities are choosing to encourage large scale retail development for economic development purposes, to stimulate the economy, and to bring in new sales tax revenue and jobs. Other communities are increasingly concerned about the impacts that large scale retail development can have on community character, the homogeneity of retail uses, the potential traffic impacts and the unanticipated demand for capital investment in public facilities and services. All of these factors lead to the desire in some communities to address these issues through zoning regulations.

There is a lack of data at the regional level in the tri-state, but it is widely acknowledged that our Interstate highways are increasingly used for short, local trips. High-volume commercial developments and “big box” stores, often located near interstate interchanges, are increasingly relied on to generate local revenues through increased sales taxes. Such commercial highway strip development has proven to be inefficient from the perspective of traffic flow, generating trips that occupy Interstate capacity and tying up local intersections. Short vehicle trips between retail stores, services, and fast food outlets are becoming more frequent.

What are the Benefits of Standards for Large Scale Retail Development?

Large Scale Retail Standards can...

- ...respond to local concerns about the impacts of large scale retail development.
- ...encourage development that contributes to the character and identity of the community.
- ...encourage positive integration of new businesses into the community.
- ...encourage appropriate architectural variety and compatible scales of development.
- ...provide improved pedestrian, bicycle and transit access.

Business development in the region has a tendency to occur on vacant land at the fringe of the urbanized areas. These new business are typically oriented toward the roadway and have large parking areas in front of the building. Businesses that are isolated from residential uses, not pedestrian oriented, and often not serviced by transit require workers and patrons to use an automobile to get there.

¹ Maryland Department of Planning, “Big Box” Retail Development, Oct. 2001, *Managing Maryland’s Growth: Models and Guideline*, http://www.mdp.state.md.us/mgs/bigbox/bigbox_v3.pdf, (accessed July 26, 2006).

How Can Large Scale Retail Development Standards Be Implemented Effectively?

One of the greatest challenges that communities face today is how to best promote economic development while preserving community character. Communities find themselves asking whether large scale retail is desirable in their neighborhoods. In order to effectively answer questions such as this, local officials should be knowledgeable about the impacts of large scale retail. Public input should be gathered to determine the acceptability and appropriateness of such development. Proactive planning is necessary to influence the timing and location of large scale retail development, if a community chooses to accommodate it.

A community-wide comprehensive plan is needed to set measurable objectives and policies that deal with the timing, scale and location of large scale retail, and the availability of adequate infrastructure capacities to deal with such developments. Not only will this assist a community in determining where and when these developments might locate, it is also a necessary step in establishing large scale retail development zoning regulations that protect the health, safety and welfare of the public. Once the comprehensive plan is in place to serve as a basis for future actions, then the community can create standards for reviewing these types of developments. Establishing public goals and the bases for standards up front gives both citizens and developers certainty about the actions of the local government. Additionally, this process can help to discover if sufficient political will exists for any specific approach.²

Standards relating to site location, design, landscaping, lighting, and architecture details can assist communities and developers in creating a desirable retail product. Design guidelines that affect parking, the placement of buildings, and bicycle, pedestrian and transit facilities can reduce the visual scale of larger buildings, provide interest at the pedestrian level, and create an atmosphere that encourages multi-modal transportation. In order to maintain a given character, a community may want to address the architecture of retail structures. Some communities even choose to limit the size of the building itself, or require additional outdoor community spaces that help to attract the public and enhance the businesses. Communities should tailor standards to their own local political and economic contexts. Some communities have established a qualified design review board to help ensure that local goals are achieved.³

The completion of a local government sponsored market analysis is another way for a community to determine if it can support large scale retail development. When undertaken by a local government as part of a planning effort, this tool can help to identify land uses that will be competitive in the marketplace, and can also provide a tool for existing residents or developers to market their property if they wish to do so. This analysis assists the community by identifying how well consumers are being served by existing businesses and by identifying the most likely users of a new development. Communities also need to know their economic development goals and how they will be implemented, how much land is currently zoned for commercial (including office and retail) uses, and the potential impacts of new retail development on the existing community. Knowing the local market for large scale retail development can aid a community planning process.⁴

² Duerksen, Christopher J., and R. Matthew Goebel, *Aesthetics, Community Character, and the Law*, Chicago IL: American Planning Association, 1999.

³ Ibid.

⁴ Maryland Department of Planning, "Big Box" Retail Development, Oct. 2001, *Managing Maryland's Growth: Models and Guideline*, http://www.mdp.state.md.us/mgs/bigbox/bigbox_v3.pdf, (accessed July 26, 2006).

What Are Some Challenges Regarding the Regulation of Large Scale Retail Development?

Balancing the need to stimulate the economy by encouraging large scale retail development with the importance of supporting existing businesses and maintaining the character of the community can be a major challenge. In some cases, interest from large scale retail businesses may be met with resistance from smaller-scale (main street) merchants, environmental organizations, neighborhood groups, or historic preservation interests.⁵ Concerns may focus on aesthetics, traffic volume and circulation, and the potential for smaller stores being put out of business. These concerns can be addressed if standards are in place before large scale retail businesses choose to locate in the community. Additionally, the potential closure of large scale retail development should be addressed. Closures of large scale retail businesses can impact other dependent businesses that have financial links to the success or failure of the other stores in relative proximity, and can affect the appearance of a commercial district.

Resistance of corporate officials to local standards may be an issue as well. Aspects of a community's preferred site design standards may be in conflict with a corporation's standard layout. Parking, building materials, landscaping, signage and the location of the building on the site may be points of contention. There is sometimes difficulty in balancing community standards with project economics and creativity. Rigid standards can sometimes inhibit site design creativity; however, requiring upfront investments for a project to ensure that it functions well within the community can help maintain property value over time.⁶

Communities need to be wary of addressing regulations in ways that will not violate trademarks (usually in relation to signage) and of the manner in which language in the standards may deal with building materials and colors.⁷ Specific language that explains terms used within the regulation such as "harmonious" or "monotonous" should be included.⁸ Language in the standards should be clear. Additionally, in order to get consistent implementation and interpretation of the regulation, graphic illustrations may be helpful.

Sample Regulations

This model includes variations of techniques to address large scale retail developments. The following examples are presented as a starting point for considering the adoption of zoning standards dealing with large scale retail development. The communities represented have selected certain design elements, square footage thresholds, and processes that can be tailored to meet the characteristics of different communities. The included text is only a portion of a much larger ordinance that can be consulted for additional information. The appropriate local planning and legal staff should craft any new zoning language proposed to be adopted within a community to reflect local priorities and implement local goals and objectives.

⁵ State of New Jersey, Office of Planning, *Creating Communities of Place*, New Jersey, December 1995. <http://www.nj.gov/dca/osg/docs/bigboxretail120195.pdf>. (accessed July 26, 2006).

⁶ Duerksen, Christopher J., and R. Matthew Goebel, *Aesthetics, Community Character, and the Law*, Chicago IL: American Planning Association, 1999.

⁷ McConnell, Akila Sankar. "Making Wal-Mart Pretty: Trademarks and Aesthetic Restrictions on Big-Box Retailers", *Duke Law Journal*, Vol. 53:1537 2004, <https://www.law.duke.edu/journals/dlj/downloads/dlj53p1537.pdf> (accessed July 26, 2006)

⁸ Duerksen, Christopher J., and R. Matthew Goebel, *Aesthetics, Community Character, and the Law*, Chicago IL: American Planning Association, 1999.

Size Limits

Communities that have a need for smaller scale, neighborhood businesses sometimes choose to adopt size limits for retail and service uses. This is done to ensure that the appropriate intensity of retail and services is provided, while meeting the need for everyday necessity shopping and services. This technique is sometimes used where there are concerns about compatibility with surrounding residential uses, such as traffic increases resulting from the development of larger scale and higher intensity uses.

Purpose and Intent

An explicit purpose and intent statement helps to clarify the legal and policy basis of standards specific to size and scale of retail establishments if they are challenged in court. These statements confirm the policy intent of language within the regulations. They also provide direction for interpretation and discretionary decisions. These purpose statements should be tailored to support the community's vision and its objectives for large scale retail development, as provided for in its comprehensive plan.

Problem Statement: Retail and service uses can be developed at different scales and sizes. The characteristics of a community may be such that the intrusion of larger scale or high intensity uses may negatively impact the surrounding community, but there still may be a need for services on a smaller scale. Size limits for retail uses should be based on sound data, the characteristics of a community and the community's established goals and objectives. These issues should dictate the nature of regulations that are adopted to address the scale of retail development. The purpose and intent of such regulations should be included in the zoning ordinance.

Objective: To clearly establish the purpose and intent of a zoning district that permits retail and service uses.

Code Writing Strategy: List purpose and intent statements that are clearly linked to the goals established in a comprehensive plan or other policy document.

Purpose/Intent - Sample Code Language

Retail Business Size Cap, Rockville, Maryland, Ordinance No. 13-00

WHEREAS, the purpose clause of the RPC zone states, inter alia,
"The purpose of the RPC zone is to provide a wide range of retail uses and services, commercial activities and residential opportunities within the Rockville Pike Corridor Area."

and

The purpose clause of the C-2 zone states:

"The purpose of the C-2 Zone is to provide a wide range of retail uses and services and commercial activities proximate to certain arterial highways providing access to the City and to provide office space for private, quasi-public, and public uses. In order to protect the abutting or surrounding residential zones, the regulations for this zone establish standards retaining such medium intensity of use and concentration of vehicles as is compatible with the function of the zone."

City of Madison, WI , Large Scale Retail Regulations

C1 Limited Commercial District .

- (a) Statement of Purpose. The C1 limited commercial district is established to accommodate the shopping needs of residents residing in adjacent residential areas. Within this district, which is located in close proximity to residential areas, are permitted those uses which are necessary to satisfy the daily or frequent shopping needs of the neighborhood consumer. Such uses include the retailing of convenience goods and the furnishing of certain personal services. Also permitted within this district are certain types of offices. Within this district, a limitation is imposed on the size of establishments to prevent the generation of large volumes of vehicular and pedestrian traffic.

Discussion:

The purpose statement should be tailored to support the community's particular characteristics and reflect goals and objectives that may be found within the community's comprehensive plan, neighborhood plan or corridor study.

Size Limitations

This section lays out the size limitation for the applicable uses and zoning districts. The use of large scale retail development size regulations necessitates the determination of applicability. The zoning ordinance should state what zone the regulations apply to and what the size limitation is for those zones. Additionally, it should be clearly indicated what exceptions may be made, if any; whether or not nonconforming uses are allowed to continue; and the ordinance's effective date if applicable (some communities choose to adopt zoning language with a future date on which the ordinance will be enforced or administered)..

Problem Statement: Some communities have a need for smaller scale neighborhood retail businesses. Under some circumstances, it may be appropriate to adopt size limits for retail and service uses. This is done to ensure that the appropriate intensity of retail and services is applied, while still meeting the need for everyday necessity shopping and services.

Objective: To establish the appropriate size limit for uses permitted within the zoning district.

Code Writing Strategy: Include a specific statement in the zoning ordinance that identifies the size limitation, where it applies and under what circumstances.

Size Limitations - Sample Code Language

Retail Business Size Cap, Rockville, Maryland, Ordinance No. 13-00

Section 25-332. Retail store size limitations and design and site development guidelines for retail stores and shopping centers in the C-2 and RPC [Rockville Pike Commercial] zones.

(a) Limitation on size of Retail Stores in C-2 and RPC Zones.

(1) In the RPC and C-2 zones, no retail establishment shall exceed 65,000 square feet of total gross floor area.

(2) Notwithstanding the foregoing, when an otherwise lawful retail establishment exists in the RPC Zone as of August 1, 2000, such structure shall be considered a development nonconformity but may be continued, structurally altered, repaired, or reconstructed so long as it is not increased, extended or enlarged beyond the across floor area of the building that existed on August 1, 2000. To the extent practicable, the Design and Site Development Guidelines of this section shall be applied to any alteration, reconstruction or repair that takes place after August 1, 2000.

City of Madison, WI, Large Scale Retail Regulations

(b) General Regulations. Uses permitted in the C1 district are subject to the following conditions:

5. Business establishments are restricted to a maximum gross floor area of ten thousand (10,000) square feet each, exclusive of any floor area devoted to off-street parking or loading facilities, except that food stores containing two (2) or more uses and any existing office building which was lawfully constructed prior to March 1, 1992, may have a maximum gross floor area of not more than twenty-three thousand (23,000) square feet. In the case of new office additions and office buildings constructed after March 1, 1992, the maximum gross floor area limitation of ten thousand (10,000) square feet shall apply to the total gross floor areas of all office buildings located on a zoning lot. (Am. by Ord. 10,428, Adopted 4-21-92)

Discussion: This technique can sometimes be controversial for a community. Limiting the size of businesses without sufficient basis may be construed as arbitrary.

Design Standards

Design standards can be included in the zoning ordinance for all sizes and uses within the district or can be specified for structures over a certain size. Regulations pertaining to site design and architectural features for large scale retail development may need to be more specific than for smaller scale developments. Communities that have goals and objectives for creating a specific type of community character, increasing the opportunities for multi-modal transportation or for designing a site to incorporate appropriate street layouts may need specific language in the zoning ordinance to achieve their goals. Large scale retail development has features that may necessitate supplementary standards to a typical zoning district.

Purpose and Intent

An explicit statement of the purpose and intent of design standards helps to clarify the legal and policy basis of standards for retail establishments if they are challenged in court. These statements connect the policy intent of language within regulations. They also provide direction for interpretation and discretionary decisions. These purpose statements should be tailored to support the community's vision and its objectives for large scale retail development.

Problem Statement: Retail and services uses can be developed at many different scales and sizes. If a community chooses to use design standards for large scale retail development, they should be based on the needs and characteristics of a community and the goals and objectives that have been established. The characteristics of a community may be such that the development of larger scale or high intensity uses may negatively impact the surrounding community if not properly addressed. These characteristics could include the scale of development, lot configurations and site design, architectural design, traffic increases, or compatibility issues.

Objective: To clearly establish the purpose and intent of design standards that apply to retail development. The purpose of such design regulations should be included in the zoning ordinance.

Code Writing Strategy: Clearly link purpose and intent statements to previously-established goals in a comprehensive plan or other policy document.

Purpose/Intent - Sample Code Language

Large Scale Retail Design Guidelines, Fort Collins, Colorado

3.5.4 Large Retail Establishments

(A) *Purpose.* These standards are intended to ensure that large retail building development is compatible with its surrounding area and contributes to the unique community character of Fort Collins. (For expansions/enlargements of large retail establishments, see also Section 3.8.20(A).)

Design Standards & Guidelines for Large Retail Establishments, City of Sequim, Washington
Planning Department Adopted October 2003

INTRODUCTION

Purpose:

The purpose of this document is to provide guidance for the site and structural development of large retail establishments in order to maintain the rural agricultural heritage of the City of Sequim.

Intent:

Sequim's Comprehensive Plan states that "the City shall support existing businesses and shall seek to attract new businesses and industries which promote and protect the environment and strengthen and diversify the economic base, expand and enhance the tax base, improve wage and salary levels, increase the variety of job opportunities and utilize the resident labor force."

The plan further emphasizes that decision makers, as they formulate and implement policies, "should seek to improve Sequim's quality of life and the business climate while achieving community goals."

Other themes found in the Comprehensive Plan include preserving Sequim's historic and scenic character, preserving open space through the use of landscape set-backs, plazas, or other means which protect or enhance the natural environment and add to the aesthetics of a land use proposal, and developing commercial zones in ways that do not infringe on the peaceful enjoyment of residents.

The Plan also spells out specific improvements and design standards, which are reflected in the Sequim Municipal Code and/or in this document. These Design Standards and Guidelines emphasize:

- ◆ incorporating mixed uses;
- ◆ respecting human scale development features and creating connections between people;
- ◆ preserving open space, natural beauty, and critical environments;
- ◆ creating a strong sense of place;
- ◆ providing a variety of transportation options; and,
- ◆ encouraging desirable employment opportunities.

This document is intended to serve as a standard of excellence for development that serves the economy, community, and environment of the City of Sequim.

ORDINANCE NO. 2001-17, CITY OF SANTA FE, NEW MEXICO

Section 1. A new Section 14-59.1 SFCC 1987 is ordained to read:

14-59 SUPPLEMENTARY REGULATIONS FOR RETAIL ESTABLISHMENTS 30,000 GROSS SQUARE FEET AND LARGER

14-59.1 Purpose and Intent. The purpose of these regulations is:

- A. To break up the apparent mass and scale of large retail structures in order to ensure that such development is compatible with and does not detract from Santa Fe's unique historic character, scale, and sense of place;
- B. To help integrate large-scale retail development with its surroundings;
- C. To promote and facilitate a safe and comfortable pedestrian scale environment;
- D. To encourage a mixture of uses and sizes of structures; and
- E. To reduce the visual impact of large areas of parking.

Discussion:

Tailor the purpose statement to enhance the community's particular characteristics and further the goals and objectives in the community's comprehensive plan, small area plan, or corridor study regarding large scale retail development. The examples above include similar language relating to promoting mixed uses, providing a human scale development, and aesthetics.

Applicability

Some communities choose to apply design regulations when the size or scale of a development meets a certain threshold. Where and under what circumstances the design standards are required to be met must be clearly identified and indicated in the zoning ordinance.

Problem Statement: Communities will sometimes decide that design standards should only apply to certain size buildings, or in certain situations. It is therefore necessary to identify when the use of the design standards is required. If the design guidelines are meant to be used in specific areas of the community or under certain conditions, these details should be clearly stated in the ordinance.

Objective: To clarify when, where and how the design standards will be used.

Code Writing Strategy: Include a specific statement in the zoning ordinance or subdivision regulations that identifies the applicability of the design standards with specific references if appropriate.

Applicability - Sample Code Language

Retail Business Size Cap, Rockville, Maryland, Ordinance No. 13-00

(b) Design and site development guidelines for certain developments in the RPC and C-2 zones.

Retail establishments containing greater than 25,000 square feet of gross floor area and shopping centers of any size, shall be subject to the design and site development guidelines contained in Sections (1) and (2) below. These guidelines shall be applied as part of the review and approval process for use permits and detailed applications. For developments in the RPC Zone, which are also subject to the design guidelines in the Rockville Pike Corridor Master Plan, if there is any conflict between the guidelines, the more restrictive guideline shall apply. The guidelines in this section shall not be applied to any development or portion of a development that is covered by an approved Use Permit or approved Detailed Application as of August 1, 2000, unless modifications to the Use Permit or Detailed Application are proposed by the applicant.

ORDINANCE NO. 2001-17, CITY OF SANTA FE, NEW MEXICO

Section 2. A new Section 14-59.2 SFCC 1987 is ordained to read:

14-59.2 Applicability.

- A. In addition to compliance with all other requirements of this chapter, new construction of retail establishments exceeding 30,000 gross square feet as a single tenant or combination of tenants in a single structure must comply with the standards established by this section. Applicability for existing structures that are proposed to be remodeled or enlarged shall be based on the gross square footage of the structure at the time of the effective date of this ordinance, as determined from the City of Santa Fe Year 2001 aerial photography.

- B. Where the requirements of any part of this section may conflict with any other section of Chapter 14, this section shall prevail.

- C. Additions.
 - (1) Additions of ten percent or more to the gross square footage of the floor area of an existing retail structure, that is already at least 30,000 gross square feet or that would become 30,000 gross square feet or more after the addition, shall comply with § 14-59.5.C and D, E (2) and (3), F and G SFCC 1987.
 - (2) Additions of twenty-five percent or more to the gross square footage of the floor area of an existing retail structure, that is already at least 30,000 gross square feet or that would become 30,000 gross square feet or more after the addition, shall comply with all of the above §§14-59.4.A and B, 14-59.5.A and B and 14-59.E (1) SFCC 1987. Compliance with § 14-59.5 B and 14-59.5.E (1) shall be to the extent possible as determined by City staff. See table below.

- D. Remodeling.
 - (1) When the valuation of the proposed remodeling exceeds twenty five percent of the value of the existing retail structure, which is to be remodeled and which is greater than 30,000 gross square feet, compliance is required with §§ 14-59.5.C and D, E (2) and (3) F and G SFCC 1987.
 - (2) When the valuation of the proposed remodeling exceeds fifty percent of the value of the existing retail structure which is to be remodeled and which is greater than 30,000 gross square feet, compliance is required with all of the above and with § 14-59.4.A and B, 14-59.5.A and B and 14-59.E (1) SFCC 1987. Compliance with §§ 14-59.5.B and 14-59.5.E (1) shall be to the extent possible as determined by City staff. See table below.

- E. Exceptions. The planning commission may grant waivers to the standards of this section under the following circumstances:
 - (1) Strict application of the standard would result in peculiar or exceptional practical difficulties or exceptional and undue hardship upon the owner of the property; or
 - (2) The proposed alternative building or site design satisfies the intent of the ordinance as well or better than would strict compliance with the standard; or
 - (3) The new siting of parking areas and buildings in relation to the street is not possible with the remodel or addition; and
 - (4) Granting of the waiver would not impose significantly more negative impacts on nearby properties.

Discussion:

This section should address issues related to existing large scale retail uses, issues that may arise with remodels or additions, and under what circumstances structures may be replaced or rebuilt.

Setback Requirements

Setbacks for structures or parking lots from property lines or rights-of-way ensure compatibility between new and existing uses. Additionally they can determine the layout of buildings on the site and allow for sufficient buffers from surrounding land uses and ways to relate buildings to one another. Strategies for the use of setbacks differ based on the character that is desired within a community. Large scale retail development that is surrounded by residential areas may need to include large setbacks to ensure privacy and to reduce potential nuisances and effects on surrounding property values. Conversely, some communities may want to incorporate large scale retail development into an existing area where smaller setbacks are appropriate to make the large scale uses similar in character to the existing uses, or to achieve a certain character in new development areas.

Problem Statement: Large scale retail development may have an impact on surrounding land uses, especially those residential in nature.

Objective: To provide for regulation that creates appropriate separation between incompatible land uses.

Code Writing Strategy: Provide for appropriate setback requirements from property lines, rights-of-ways, or between uses.

Setback Requirements – Sample Code Language

Large Scale Retail Design Guidelines, Fort Collins, Colorado

3.5.4 Large Retail Establishments

(C) Development Standards.

(3) Site Design and Relationship to Surrounding Community.

- (c) Back sides. The minimum setback for any building facade shall be thirty-five (35) feet from the nearest property line. Where the facade faces abutting residential uses, an earthen berm, no less than six (6) feet in height, containing, at a minimum, evergreen trees planted at intervals of twenty (20) feet on center, or in clusters or clumps, shall be provided.

Design Standards & Guidelines for Large Retail Establishments, City of Sequim, Washington Planning Department Adopted October 2003

SECTION B. Site Design and Relationship to the Surrounding Community

3. Building Setbacks:

STANDARD: Setbacks shall accommodate the landscaping requirements of Section B1 Landscaping and Buffering. The minimum setback for any building front facade shall be 50 feet from the nearest property line. Side and rear building setbacks shall be a minimum of 10 feet and a minimum of 35 feet when adjacent to residentially-zoned property. Where the facade faces adjacent residential zones, landscape and buffering shall follow the landscape standards identified in Section B1.

Chapter 190, Zoning , Code of Talbot County, Maryland

Article IV: Land Use Regulations by Zoning Districts

§190 – 19 General Table of Land Use Regulations

(10) Setbacks.

- (a) The minimum setback for any portion of the structure shall be 50 feet from the nearest property line. In addition, when residentially or agriculturally zoned property either abuts the parcel on which the structure is to be located or is separated from the parcel by a public or private road, the fifty-foot setback shall be increased by an additional setback (the "additional setback") which shall be calculated according to the following formula: an additional 50 feet plus one additional foot for each 1,000 square feet that the building exceeds 50,000 square feet in gross floor area. If either U.S. Route 50 or Maryland Route 322 acts as an intervening public street between the parcel on which the building is to be located and the adjacent residentially or agriculturally zoned property, the width of that road's right-of-way shall be deducted from the additional setback otherwise required by this section.

Discussion:

While setbacks may be appropriate for separation of incompatible uses, it is also important to ensure that appropriate connections are made to those uses to enable multiple modes of transportation to be used. Some large scale retail uses may not need large setbacks if they are incorporated into a development scheme with several other smaller retail uses, office uses or other similar intensity uses. Smaller setbacks may be appropriate within the development area itself.

Street and Pedestrian Access

Traffic circulation is an important element for large scale development. The traffic impacts created by these developments can increase dramatically, drawing customers from areas outside of the community. These increases can be mitigated by providing for adequate circulation patterns, proper connectivity to the existing street patterns and to adjacent land uses. Additionally, because of the increase in traffic, pedestrian safety may be an issue. Providing adequate pedestrian facilities can help to reduce vehicle trips by providing alternative transportation options. Requiring traffic studies to determine the impact of additional traffic on the community's transportation system may also be appropriate.

Problem Statement: Large scale retail development is sometimes designed without consideration to other off site transportation impacts or how access to the development may function with surrounding land uses. Appropriate street and pedestrian connectivity and design, both internal and external to the development, can increase pedestrian and vehicular safety.

Objective: To create transportation options through specific design techniques that make transit, pedestrian, and bicycling facilities readily available and easy to use. Creating attractive and convenient alternatives to automobile use will help to reduce the number of vehicle trips. It is also desirable to ensure that the capacity exists for increased vehicular trips created by the development.

Code Writing Strategy: Include design standards for streets and sidewalks that provide sufficient access to businesses and that improve safety through a multi-modal transportation network.

Street and Pedestrian Access - Sample Code Language

Large Scale Retail Design Guidelines, Fort Collins, Colorado

3.5.4 Large Retail Establishments

(C) Development Standards.

(3) Site Design and Relationship to Surrounding Community.

(a) Entrances. At least two (2) sides of a large retail establishment shall feature customer entrances. The two (2) required sides shall be those planned to have the highest level of public pedestrian activity, and one (1) of the sides shall be that which most directly faces a street with pedestrian access. The other of the two (2) sides may face a second street with pedestrian access, and/or a main parking lot area. All entrances shall be architecturally prominent and clearly visible from the abutting public street. (See Figure 14.) Movie theaters are exempt from this requirement.

(d) Connectivity. The site design must provide direct connections and safe street crossings to adjacent land uses.

(4) *Pedestrian Circulation.*

- (a) Sidewalks at least eight (8) 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 eight (8) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all large retail establishments 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, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other such materials for no less than fifty (50) percent of the length of the walkway.
- (c) Sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any façade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
- (d) Internal pedestrian walkways provided in conformance with part (b) above shall provide weather protection features such as awnings or arcades within thirty (30) feet of all customer entrances.
- (e) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of 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.

Retail Business Size Cap, Rockville, Maryland, Ordinance No. 13-00

(2) Site Design and Relationship to Surrounding Community.

a. *Vehicular Access.* The use shall provide safety and protection to adjacent residential uses by having motor vehicles access only from an arterial, major or business district road as designated in the Master Plan

f. *Pedestrian Flows.* The project shall provide pedestrian accessibility, safety, and convenience to reduce traffic impacts and enable the development to project a friendly inviting image. Continuous internal pedestrian walkways, no less than eight 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. Sidewalks shall also connect the store to transit stops on or off-site and to nearby residential neighborhoods. Sidewalks shall be provided along the full length of any building where it adjoins a parking lot.

i. *Traffic impacts.* The applicant shall have a traffic impact study prepared according to the Standard Traffic Methodology. In addition to the general standards of the methodology, the traffic impact study shall include weekend traffic generation and impact analysis. The traffic impact study shall also study intersections within [[a designated area]] an area designated by the Chief Transportation Engineer to take into account the regional traffic draw of a large-scale retail establishment.

ORDINANCE NO. 2001-17, CITY OF SANTA FE, NEW MEXICO

Section 5. A new Section 14-59.5 SFCC 1987 is ordained to read:

14-59.5 Site and Contextual Planning. All projects shall comply with landscape and site design requirements of SFCC 1987. In addition, the following standards shall also apply:

- A. Integration into the street network. Vehicular access to the site shall be from streets other than arterial wherever possible. Right turns in and out from the arterial may also be considered. Insofar as possible, delivery vehicles shall not access the site from sub-collector or smaller streets serving residential neighborhoods. Internal and new streets shall connect to existing streets or be designed to facilitate future connections to the maximum extent possible.
- C. Pedestrian circulation and amenities. A safe and landscaped pedestrian circulation system shall be provided on site which connects to public streets and neighborhoods. Pedestrian walkways within the development shall be differentiated from driving surfaces through a change in materials. At least one significant pedestrian amenity, such as an outdoor seating area, play area for children, or courtyard, shall be provided for every 75,000 gross square feet of structure. Required pedestrian amenities may be combined into one or more locations, in order to create a larger amenity, so long as all other provisions of this section are satisfied.

Discussion:

Shared access points, access management, cross access easements and drives, and provision for transit use are important elements to consider for street and pedestrian requirements. These techniques ensure that transportation options are available in an efficient and functional manner.

Parking

Location, landscaping, and impervious surfaces are issues that are associated with large scale retail development. It may be appropriate for communities striving to reduce the visual impact of large parking lots and to mitigate increased impervious surfaces may find to include parking location requirements, specific percentages of area to be landscaped, or methods for stormwater management.

Problem Statement: Large scale retail developments typically plan for parking to accommodate the highest amount of traffic anticipated on the busiest day of the year. This amount of parking can create a challenge for communities that may be concerned about creating neighborhood-scale character or the increase in impervious surfaces.

Objective: To provide ample parking opportunities in an attractive manner that also addresses issues related to stormwater runoff.

Code Writing Strategy: Effective parking regulations will address location, landscaping, stormwater management, and potentially a reduction in the required number of spaces or utilization of maximum number of spaces.

Parking - Sample Code Language

Large Scale Retail Design Guidelines, Fort Collins, Colorado

3.5.4 Large Retail Establishments

(C) Development Standards.

(3) Site Design and Relationship to Surrounding Community.

- (b) Parking lot location. 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 shall be located between the front facade of the large retail establishment and the abutting streets (the "Front Parking Area"). The Front Parking Area shall be determined by drawing a line from the front corners of the building to the nearest property corners. If any such line, when connected to the plane of the front facade of the building, creates an angle that is greater than one hundred eighty (180) degrees, then the line shall be adjusted to create an angle of one hundred eighty (180) degrees when connected to the plane of the front facade of the building. If any such line, when connected to the plane of the front facade of the building, creates an angle that is less than ninety (90) degrees, then the line shall be adjusted to create an angle of ninety (90) degrees when connected to the plane of the front facade of the building. Parking spaces in the Front Parking Area shall be counted to include all parking spaces within the boundaries of the Front Parking Area, including (i) all partial parking spaces if the part inside the Front Parking Area boundary lines constitutes more than one-half (½) of said parking space, and (ii) all parking spaces associated with any pad sites located within the Front Parking Area boundaries. Supermarkets are exempt from this requirement.

Retail Business Size Cap, Rockville, Maryland, Ordinance No. 13-00

(2) Site Design and Relationship to Surrounding Community.

e. Parking Lots and Structures. Parking areas must provide safe, convenient and efficient access. They must be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks, and to reduce the overall scale of the paved surface. Landscaping shall be used to define parking areas, primary vehicular drives and pedestrian areas in an aesthetically and environmentally pleasing manner. Parking structure facades should achieve the same high quality design and appearance as the buildings they serve. The parking structure's utilitarian appearance should be minimized by utilizing effective design treatments such as colonnades, arcades, awnings, street furniture and other public amenities. Compatible materials, coordinated landscaping and screening, appropriate building color, sensitive lighting and signage should all be considered for garage facades.

Design Standards & Guidelines for Large Retail Establishments, City of Sequim, Washington Planning Department Adopted October 2003

SECTION B. SITE DESIGN AND RELATIONSHIP TO THE SURROUNDING COMMUNITY

4. Parking Lot Design and Orientation:

GUIDELINE: Off-street parking for commercial buildings should be designed to minimize visual impact. Parking areas should provide safe and efficient ingress and egress for vehicles and public transit. Parking lots should be configured and designed to reduce the overall mass of paved surfaces. No more than 50% of an off-street parking lot for the entire property should be located between the front facade of the principal building(s) and the adjacent public street.

Parking lots should be designed to avoid erosion damage to grading and surrounding landscaping. Whenever possible, permeable paving systems should be evaluated and utilized (especially for employee parking areas). To reduce impervious services, one-way drive aisles should be encouraged.

Parking lots should incorporate methods for stormwater management utilizing low impact development (LID) techniques¹. These include:

- ◆ End-of-island bioretention cell(s) with underdrain(s) and landscaping;
- ◆ Bioretention cells or biofiltration swales located around the parking perimeter;
- ◆ Breached Curb drainage inlets (or curb cuts) in the end-of-island bioretention cells and bioretention strips to collect runoff.
- ◆ Bioretention cells can be installed between lines of parking stalls to increase the total treatment surface area of these systems.

STANDARDS:

- a. Large surface parking lots shall be visually and functionally segmented into several smaller lots.
- b. Parking lot design must include detailed information on non-motorized pedestrian access to and through the development. Demarcation shall be required by utilizing a combination of: 1) change in paving surface materials, 2) landscaping, or 3) safety and directional lighting.
- c. All required internal walkways must be located and constructed as an integral part of existing walkways and must coordinate with the City's Non-motorized Trail Plan, if applicable.
- d. Setbacks for parking lot layout shall be provided at a minimum of 10 feet from any public right-of-way (except for alleys). This setback or buffer area between the street or access road and the parking lot shall always include trees, drought resistant natural groundcovers, and other native landscape materials.
- e. No parking row shall contain 30 contiguous parking spaces without a curbed planting area or bioretention cell. These areas shall include trees to a minimum height and diameter as specified in Section B1 and these areas shall contribute to small-scale control of stormwater runoff.
- f. Traffic calming techniques shall be encouraged for pedestrian safety.³
- g. Provide adequate and easily accessible cart corrals.
- h. If the Landscape Plan incorporates the retention of significant trees above the requirements of Section B1, the City may approve a reduction of up to 10% of the required number of parking spaces if adequate parking is available for entire site build-out.
- i. Except for properties located in the Downtown Subarea, the minimum number of parking spaces required is 1 per 400 gross square feet, and the maximum number is 1 per 250 gross square feet.

ORDINANCE NO. 2001-17, CITY OF SANTA FE, NEW MEXICO

Section 5. A new Section 14-59.5 SFCC 1987 is ordained to read:

14-59.5 Site and Contextual Planning. All projects shall comply with landscape and site design requirements of SFCC 1987. In addition, the following standards shall also apply:

- E. Parking and vehicular circulation. Large-scale development should recognize parking facilities as transitional spaces where users change modes of travel, from car, bus, or bicycle to pedestrian. The design of those spaces shall therefore safely and attractively serve all modes, especially the pedestrian.
 - (1) Screening.
 - (a) Seventy-five percent of the lot frontage adjacent to any arterial street, exclusive of vehicular and pedestrian entrances, shall provide screening of on-site parking by means of on-site buildings, which may include the primary structure.
 - (b) Fifty percent of the lot frontage adjacent to all other streets shall provide screening of on-site parking by means of on-site buildings.
 - (c) Lot frontage adjacent to residential use or residential zoning districts shall provide screening of on-site parking by means of walls, landscaping, or buildings.

- (2) Surface parking. No single parking area shall exceed 120 spaces unless divided into two or more sub-areas by a building, internal landscaped street, or landscaped pedestrian way.
- (3) Number of spaces; exceptions. For the purposes of this section, the maximum number of parking spaces provided shall not exceed the minimum number required by more than ten percent. Reductions in the number of required spaces may be allowed based on the mixture of land uses, wherein there may be up to ten percent reduction of the non-residential requirement and two to seven percent reduction of the residential requirement in mixed-use development with further reductions considered on the basis of proximity to and availability of public transit. F. Public transit. Any large-scale retail development with one or more retail tenants of 75,000 gross square feet or more and adjacent to an arterial street, which is or may be used as a transit route, as coordinated with the City Transit Division, shall provide on-site accommodations for public transit access, including a bus pullout and shelter. All other such developments shall anticipate the need for public transit access and shall therefore provide a bus pullout.

Discussion:

Strategies related to parking for large scale retail development include a reduction of the parking permitted in front of the building, utilization of shared parking, provisions for parking maximums and reductions, and the utilization of pavers or other pervious materials to also provide for additional parking during times of high volume traffic.

Community Spaces

One way to reduce the visual impact of large scale development is to require “community spaces” on the site -- public space that is easily accessible and that attracts pedestrians. These spaces should relate to the other pedestrian amenities, be connected by sidewalks or paths, and be designed and located for safety.

Problem Statement: Large scale retail development can be overwhelming for pedestrians. Including features such as community spaces can provide an additional attraction for shoppers and create aesthetic appeal, enhancing the value of the development.

Objective: To provide appropriate public spaces in conjunction with retail development, and to provide adequate circulation to and between other public amenities (sidewalks, bus stops, etc.).

Code Writing Strategy: Include language that specifies the requirements for public spaces within large scale retail development.

Community Spaces - Sample Code Language

Large Scale Retail Design Guidelines, Fort Collins, Colorado

3.5.4 Large Retail Establishments

(C) Development Standards.

(5) Central Features and Community Space.

Each retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) 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 appropriate decision maker, 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. (See Figure 15.)

Retail Business Size Cap, Rockville, Maryland, Ordinance No. 13-00

(2) Site Design and Relationship to Surrounding Community.

g. Central Features and Community Spaces. The project is to provide attractive and inviting pedestrian scale features, spaces, and amenities. Entrances and parking lot locations shall be functional and inviting with walkways conveniently tied to logical destinations. Bus stops should be considered internal parts of the configuration whether they are located on-site or along the street. Customer drop-off/pick-up points that may be provided should also be integrated into the design and should not conflict with traffic lanes or pedestrian paths. Special design features such as towers, arcades, porticos, light fixtures, planter walls, seating areas, and other architectural features that define circulation paths and outdoor spaces shall anchor pedestrian ways. Examples are outdoor plazas, patios, courtyards, and window shopping areas. Each development should have at least two of these areas.

SECTION B. Site Design and Relationship to the Surrounding Community

8. Central Features and Community Spaces:

(Applies when three or more buildings are planned in a development)

GUIDELINE: Buildings should offer attractive and inviting human scale features, spaces, and amenities that reflect the traditional agricultural heritage of the community. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Transit stops and drop-off/pick-up points should be considered as integral parts of the configuration.

A pedestrian walkway network should be anchored by special design features such as towers, arcades, cupolas, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces. Examples of outdoor spaces are plazas, patios, courtyards, and window-shopping areas. The features and spaces should enhance the building and the center as integral parts of the community fabric.

The overall design of this community space should strengthen our community's identity by referencing our agricultural heritage and/or natural history. Special design features are encouraged, such as a clock tower, water feature, or public art.

When three or more buildings are planned for a development, this Section is triggered.

STANDARD: A central community space shall be constructed that is centrally located and connected to the pedestrian walkway. It will be constructed of materials that are not inferior to the principal materials of the building and landscape. It will have these components based on a case-by-case analysis and at the Planning Director's discretion.

- ◆ A landscape area that includes multiple trees.
- ◆ A transportation drop off point.
- ◆ A plaza with seating and a covered structure with a cupola or other such deliberately shaped focal feature or amenity that adequately enhances the community space.

Discussion: Issues related to community spaces may include maintenance, safety, providing adequate design and enough area for the space to function.

Tenant Mix

As part of large scale retail development, and in order to reduce the visual impact of single business structures that may have large spaces of blank walls, some communities require a specific tenant mix, or additional “accessory” businesses to locate along public spaces. This requirement may provide a solution to the design requirements related to facades, windows, and entryways, and creates a “window shopping” atmosphere which attracts pedestrians. This technique can also produce a certain character that may be desired by a community.

Problem Statement: Single business large structures often have **long blank walls**, which can seem monotonous at the street level and unattractive to pedestrian activity. Techniques to break up a blank wall can include using windows or landscaping or lining the street or parking area with smaller shops. This can provide an additional attraction for shoppers and create aesthetic appeal.

Objective: To provide opportunity for a mix of retail businesses within a large scale retail development site and to enhance pedestrian activity at the street level.

Code Writing Strategy: Include language that specifies the size requirements for tenant mix within large scale retail development, including any special regulations that may apply.

Tenant Mix - Sample Code Language

Phoenix, Arizona, Section 663

Interim Transit-Oriented Zoning Overlay District One (TOD-2 +1)

8.3 Large Scale Retail Commercial

- a. Large scale retail commercial stores in excess of 80,000 square feet shall not front the street with parking lots. Instead, “liner” buildings shall be required and shall front onto pedestrian oriented streets, and shall follow setback and build-to regulations as outlined within *Section 8.1 Setbacks and Build-to Lines for Non-residential and Mixed Uses* of this ordinance.
- b. Liner buildings should be a minimum depth of 30-feet.
- c. The portion of the building fronting onto a transit station, a transit street or a major pedestrian accessway (pass throughs, sidewalks, plaza, etc.) shall follow building design and regulations as set out in *Section 8.2 Building Frontage, Façade and Entry Regulations* of this ordinance.
- d. Large scale retail commercial stores shall be lined with pedestrian oriented retail frontages along a transit street, pedestrian accessways or sidewalks, to allow more pedestrian-friendly uses to line accessways.

ORDINANCE NO. 2001-17, CITY OF SANTA FE, NEW MEXICO

Section 5. A new Section 14-59.5 SFCC 1987 is ordained to read:

14-59.5 Site and Contextual Planning. All projects shall comply with landscape and site design requirements of SFCC 1987. In addition, the following standards shall also apply:

- B. Minimum tenant mix. Developments with single retail tenants greater than 75,000 gross square feet shall provide additional tenant spaces whose total gross square footage is equal to or exceeds twenty-five percent of the primary tenant and which shall not be occupied by tenants larger than 30,000 square feet in gross floor area each.

Discussion:

This technique may be controversial relative to the market for different types of retail uses in the community. Communities should take steps to ensure that the required tenant mix or required size of tenant space will meet with market demands and won't cause vacancies.

Additional Site Design Elements

There are other issues related to site design that should be addressed in the zoning ordinance pertaining to large scale retail development. These typically include storage, deliveries, lighting, landscaping and buffering requirements to ensure compatibility with surrounding land uses.

Problem Statement: The compatibility between features of large scale developments and the surrounding community can be a concern. The addition of regulations relating to noise, glare and screening, can lessen the impact of the development on the surrounding community.

Objective: To provide appropriate language to address compatibility issues between dissimilar land uses.

Code Writing Strategy: Include language that specifies the requirements for outdoor storage, deliveries, lighting, landscaping and buffering.

Additional Site Design Elements – Sample Code Language

Retail Business Size Cap, Rockville, Maryland, Ordinance No. 13-00

(2) Site Design and Relationship to Surrounding Community.

b. *Buffers.* The use shall provide visual and noise buffers to nearby residential uses. This can be accomplished by providing a substantial building setback from a residential use or residentially zoned property that is adjacent to the site. A landscape buffer of substantial width should be provided adjacent to the site property line where it adjoins residential uses or zones. The landscape buffer should include canopy trees at regular intervals to provide noise, light, and visual screening. No other uses, such as, but not limited to, parking or storage, are permitted within the landscape buffer area.

c. *Outdoor Sales and Storage.* Areas for outdoor sales of products may be permitted if they are extensions of the sales floor into which patrons are allowed free access. Such areas shall be incorporated into the overall design of the building and the landscaping and shall be permanently defined and screened with walls and/or fences. Materials, colors and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the building. If such areas are to be covered, then the covering shall be similar in materials and colors to those that are predominantly used on the building facade. Outdoor sales areas shall be considered as part of the gross floor area of the retail establishment. Outdoor storage of products in an area where customers are not permitted is prohibited. This prohibition includes outdoor storage sheds and containers.

d. *Trash Collection Area and Time Limitations.* The project shall mitigate noise and visual impacts on adjoining residential neighborhoods and streets from trash collection areas by location, these areas on-site and at least 50 feet from any residential use, residentially zoned property, or street that is adjacent to the site, unless such operations are located entirely within an enclosed building or underground.

All trash collection areas that are not within an enclosed building or underground must be screened or recessed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent residential properties. Screening and landscaping of these areas shall conform to the predominant materials used on the site.

j. *Delivery and Loading Spaces.* Delivery and loading operations shall be designed and located to mitigate visual and noise impacts to adjoining residential neighborhoods. If there is a residential use or residentially zoned adjacent to the site, such operations shall not be permitted between 10 p.m. and 7 a.m. For good cause shown, the Planning Commission may permit deliveries at additional times provided the applicant submits evidence that sound barriers between all areas for such operations effectively reduce emissions to a level of 55 dB or less as measured at the lot line of any adjoining property. Delivery and loading areas shall be substantially set back from a residential use or residentially zoned property that is adjacent to that site. A landscape buffer of substantial width should be provided adjacent to the delivery and loading area where it adjoins residential uses or zones. The landscape buffer should include evergreen shrubs and/or trees plus deciduous canopy trees at regular intervals to provide noise, light, and visual screening. If the delivery and loading spaces are located within an enclosed building or underground, no such set back and buffer area shall be required.

Delivery trucks shall not be parked in close proximity to or within a designated delivery or loading area during non-delivery hours with motor and/or refrigerators/generators running, unless the area where the trucks are parked is set back at least 50 feet from residential property to mitigate the truck noise.

The delivery and loading areas shall be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways or adjacent properties. The screen shall be of masonry construction and at least 10 feet high, measured from the loading dock floor elevation, to screen the noise and activity at the loading dock.

j. *Outdoor Lighting*. The applicant must provide an outdoor lighting report which provides information on how outdoor lighting will be accomplished to minimize impacts on adjacent properties or roadways. Outdoor lighting should provide clear visibility and a feeling, of security. This can be accomplished by aiming the lights down and placing hoods on them. The light element should not protrude below the lower edge of the hood. To minimize any indirect overflow of light on adjacent residential properties, the height of any proposed parking lot light standard should be as short as possible and should stair step down to a lower height when close to residential uses or residentially used properties.

m. *Landscaping*. Each parking area shall be surrounded by a 10 foot wide landscaped area around its edge. Shade and ornamental trees are also required in the parking areas, with the amount and placement to be determined through consultation with the City Forester at the time of use permit review. In addition, if a lot contains over 100 parking spaces, an area of not less than 20 feet in the front of the site must be landscaped with berms, hedges, and/or walls to screen parking lots from the street.

Large Scale Retail Design Guidelines, Fort Collins, Colorado

3.5.4 Large Retail Establishments

(C) Development Standards.

(6) *Delivery/Loading Operations*. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of forty-five (45)dB, as measured at the lot line of any adjoining property.

Design Standards & Guidelines for Large Retail Establishments, City of Sequim, Washington Planning Department Adopted October 2003

SECTION B. Site Design and Relationship to the Surrounding Community

1. Landscaping and Buffering:

GUIDELINE: Large retail development should ensure that the parking, lighting, circulation and landscaping aspects are well designed with regard to safety, efficiency and convenience for vehicles, bicycles, pedestrians and transit, both within the development and to and from surrounding areas. Landscape and buffering should contribute to visual quality and continuity within and between developments, provide screening and mitigation of potential conflicts between activity areas and site elements, enhance outdoor spaces, reduce erosion and stormwater runoff and mitigate air pollution.

Landscaping that incorporates low impact development strategies for stormwater management should serve to meet the requirements of the City of Sequim's currently adopted stormwater management plan.

Due to Sequim's growing agri-lavender business, developers are strongly encouraged to incorporate lavender plants into their Landscape Design Plan (especially for perimeter landscape areas). Evergreen varieties such as Grosso or Hidcote Giant or alternatives such as rosemary, which have attractive foliage when not in bloom, are recommended species.

The rear or sides of buildings often present an unattractive view of blank walls, loading areas, storage areas, HVAC units, garbage receptacles, and other such features. Architectural and landscaping features should mitigate these impacts.

Whenever possible, the Landscape Design shall provide open spaces that preserve or take advantage of natural features such as the view, stands of old growth timber, or waterways.

STANDARDS:

- a. Landscape areas shall include all areas on the site that are not covered by buildings, structures, paving or impervious surface. The selection and location of turf, trees, ground cover (including shrubs, grasses, perennials, flowerbeds and slope retention), pedestrian paving and other landscaping elements shall be used to prevent erosion and meet the functional and visual purposes such as defining spaces, accommodating and directing circulation patterns, managing hardscape impacts, attracting attention to building entrances and other focal points, and visually integrating buildings with the landscape area.
 - a.1 Landscape Design Plans shall complement the existing landscapes of different retail sites within a development and shall enhance the personal scale of a development by clearly defining pathways, entrance areas, plazas or public gathering spaces, parking areas, and access roadways.
 - a.2 Landscape Design Plans shall mitigate the impact to neighboring properties. The rear elevations of buildings, loading docks, and refuse collection areas must also be addressed in the Landscape Design Plan. It is required that rear elevations adjacent to non-commercial zoned parcels will be screened to the full height of the structure within seven (7) years of occupancy of the retail space.
 - a.3 Landscape Design Plans shall incorporate a mix of indigenous and native plants that are hardy and drought tolerant, and shall include a minimum of 40% evergreen plantings (trees, shrubs, groundcovers, ornamental grasses, and evergreen herbs). Permanently installed irrigation systems are required.
 - a.4 Perimeter landscape buffer planting areas shall be a minimum of ten (10) feet in depth from the edge of walkways, curbs or property lines, along all sides of the property. Parcels less than thirty (30) acres shall have a perimeter landscape buffer depth of ten (10) feet. Parcels thirty (30) to less than fifty (50) acres shall have a perimeter landscape buffer depth of thirteen (13) feet. Parcels fifty (50) acres or greater shall have a perimeter landscape buffer of fifteen (15) feet.
 - a.5 Parking lots with more than fifty (50) parking spaces shall have curbed planting areas. Planting areas shall be placed at each end of a parking row. No parking row shall contain 30 contiguous parking spaces without a curbed planting area.
 - a.6 Landscape Design Plans shall also address a variety of landscape lighting elements utilized both for safety and aesthetics.

- b. Any landscape element that dies, or is otherwise removed, shall be promptly replaced with the same, if not similar to, height or texture element as originally intended.
- c. Off-site access to pedestrian and bicycle facility improvements may be required in order to comply with the Transportation Element of the Comprehensive Plan and the Sequim Municipal Code.
- d. To the maximum extent feasible, pedestrians and vehicles shall be separated through provisions of a walkway. Where complete separations of pedestrian and vehicles are not feasible, hazards shall be minimized by using landscaping, bollards, special paving, lighting and other means to clearly delineate pedestrian areas.
- e. Landscaped parkways around parking lot perimeters shall be consistent with minimum setback requirements. Trees may be spaced irregularly in informal groupings or be uniformly spaced, as consistent with larger overall planting patterns and organization. Perimeter landscaping along a street and within the public right-of-way shall utilize the adopted City of Sequim Streetscape Manual for community-wide consistency.
- f. Future maintenance shall be in accordance with accepted maintenance practices.

5. Lighting and Glare:

GUIDELINE: The extensive use of neon lighting is strongly discouraged. It is strongly recommended that neon graphics and signage be replaced with three-dimensional signage that is either backlit, illuminated with low voltage bracket lights, or emphasized with ground mounted lighting.

STANDARDS:

- a. All lighting shall meet Washington State Energy Codes.
- b. Illuminated signage and exterior building lighting shall be compatible with the architecture of the project and shall not detract from the visibility of surrounding buildings.
- c. Landscape and architectural lighting shall be used to illuminate building facades, building entrances, and feature or courtyard spaces.
- d. Night lighting must be provided for all pedestrian walkways and where stairs, curbs, ramps, and crosswalks occur.
- e. All exterior lighting fixtures in parking areas and driveways shall utilize cutoff shields or other appropriate measures to conceal the light source from adjoining uses and right-of ways.
- f. Other lights shall be designed to avoid spillover glare beyond the site boundaries.
- g. For those parking lots that are adjacent to residentially-zoned land, the maximum height of light posts shall not exceed 18 feet.
- h. Lighting reduction and energy-efficient timer systems shall be required after normal business hours except for lighting that is mandated for general safety and security.

7. Outdoor Storage, Trash Collection, and Loading Areas:

GUIDELINE: Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods and should be designed so that delivery and loading operations do not disturb adjoining neighborhoods. These areas, when visible and audible from adjoining properties and/or public streets, should be screened, recessed or enclosed.

When such areas are insulated, the enclosures should conform with those used by the predominant materials and colors on the building. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one building is located on a site and such buildings are not more than 40 feet apart, or on those sides of buildings that do not have customer entrances.

STANDARDS:

- a. Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from abutting streets or properties.
- b. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 20 feet of any public street or public walkway.
- c. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions.

ORDINANCE NO. 2001-17, CITY OF SANTA FE, NEW MEXICO

Section 5. A new Section 14-59.5 SFCC 1987 is ordained to read:

14-59.5 Site and Contextual Planning. All projects shall comply with landscape and site design requirements of SFCC 1987. In addition, the following standards shall also apply:

- D. Relationship to adjoining residential properties. Large-scale retail development shall make special accommodations when located next to residential development or undeveloped residential property as follows:
 - (1) Lighting. Light design and installation shall emphasize low-level uniform lighting to avoid abrupt changes from bright lights to darkness. In order to protect nearby residential properties from the greater and/or more intensive lighting because of the large scale development, nuisance glare is prohibited. In addition, there shall be compliance with all other provisions of outdoor lighting ordinance, § 14-62 SFCC 1987. In addition, large scale development shall also meet the following requirements:
 - (a) Parking and security lights shall not be taller than buildings or a maximum of 24 feet above pavement, whichever is less; and
 - (b) Streetlights shall not exceed 24 feet in height above pavement.

F. Outdoor storage and service. To the extent possible, areas for outdoor storage, trash collection, and loading shall not be located adjacent to residential lots. Where such facilities are located adjacent to residential lots, they shall include a solid acoustic buffer. In all cases, such facilities shall be effectively screened from public view. To the extent possible, vehicular idling shall not be allowed in areas adjacent to residential lots. Signage shall be installed prohibiting vehicular idling in areas adjacent to residential lots. Areas for outdoor storage, trash collection, and loading shall be incorporated into the primary building design and construction for these areas shall be of materials of comparable quality and appearance as that of the primary building. Visual and acoustic impacts of these functions shall be mitigated to the greatest extent possible. When the loading and/or refuse collection area is adjacent to a residential district, deliveries and collections shall not occur between 10 p.m. and 6 a.m.

Discussion:

This section is important to achieve compatibility between the large scale development and the surrounding area but can also improve aesthetic value.

Aesthetic Character

One of the most commonly used techniques to try to visually reduce the scale of large retail development is to use aesthetic standards. This allows large-scale uses, but requires the application of standards and techniques that will make the development more attractive to pedestrians, create or enhance community character, reduce monotony and provide interest at the street level.

Problem Statement: Large scale developments can come with long spans of blank walls, a single entrance, and can lack design elements appropriate to a pedestrian scale. The incorporation of design standards can create developments that are pedestrian friendly with appealing aesthetic quality, increasing the attractiveness and value of the property.

Objective: To provide appropriate design standards related to aesthetics that address the character that a community wishes to achieve, that will promote walkability and that will attract pedestrian activity.

Code Writing Strategy: Include standards that will achieve the look and scale desired in the community. Topics commonly addressed include façade design, roof construction, materials and colors, and customer entryways.

Aesthetic Character – Sample Code Language

Large Scale Retail Design Guidelines, Fort Collins, Colorado

3.5.4 Large Retail Establishments

(C) Development Standards.

(1) Aesthetic Character.

(a) Facades and Exterior Walls:

1. 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 façade and extending at least twenty (20) percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred (100) horizontal feet.
2. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty (60) percent of their horizontal length. (See Figure 11.)

- (b) Small Retail Stores.** Where large retail establishments contain additional, separately owned stores that occupy less than twenty-five thousand (25,000) square feet of gross floor area, with separate, exterior customer entrances, the street level facade of such stores shall be transparent between the height of three (3) feet and eight (8) feet above the walkway grade for no less than sixty (60) percent of the horizontal length of the building facade of such additional stores.

(c) Detail Features. Building facades must include:

1. a repeating pattern that includes no less than three (3) of the following elements:
 - a. color change;
 - b. texture change;
 - c. material module change;
 - d. an expression of architectural or structural bays through a change in plane no less than twelve (12) inches in width, such as an offset, reveal or projecting rib. (See Figure 12.)

Note: At least one (1) of elements (a), (b) or (c) shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

(d) Roofs. Roofs shall have no less than two (2) of the following features:

1. parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed fifteen (15) percent of the height of the supporting wall and such parapets shall not at any point exceed one-third (1/3) of the height of the supporting wall. (See Figure 13.) Such parapets shall feature three-dimensional cornice treatment;
2. overhanging eaves, extending no less than three (3) feet past the supporting walls;
3. sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run;
4. three (3) or more roof slope planes.

(e) Materials and colors.

1. Predominant exterior building materials shall be high quality materials, including, but not limited to, brick, sandstone, other native stone and tinted/textured concrete masonry units.
2. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
3. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
4. Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.

(2) *Entryways.*

- (a) Each large retail establishment on a site shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:
1. canopies or porticos;
 2. overhangs;
 3. recesses/projections;
 4. arcades;
 5. raised corniced parapets over the door;
 6. peaked roof forms;
 7. arches;
 8. outdoor patios;
 9. display windows;
 10. architectural details such as tile work and moldings which are integrated into the building structure and design;
 11. integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- (b) Where additional stores will be located in the large retail establishment, each such store shall have at least one (1) exterior customer entrance, which shall conform to the above requirements.
- (c) All building facades which are visible from adjoining properties and/or public streets shall comply with the requirements of Article 3.5.3(D)(2) above.

Retail Business Size Cap, Rockville, Maryland, Ordinance No. 13-00

(1) *Aesthetic and Visual Characteristics*

a. *Facades and Exterior Walls including Sides and Backs.* The building shall be designed in a way that will reduce the massive scale and uniform and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale. Long building walls of at least 100 feet shall be broken up with projections or recessions of sufficient depth along all sides, and in sufficient number, to reduce the unbroken massing into lengths of approximately 50 feet or less along all sides of the building. Projections from the facade can be used as an alternate approach.

Along any public street frontage the building design should include windows, arcades, awnings or other acceptable features along at least 60 percent of the building length. Arcades and other weather protection features shall be of sufficient depth and height to provide a light-filled and open space along the building frontage. Architectural treatment, similar to that provided to the front facade shall be provided to the sides and rear of the building to mitigate any negative view from any location off-site and any public area (e.g. parking lots, walkways, etc.) on site.

b. *Detail Features.* The building shall include architectural features that contribute to visual interest at the pedestrian scale and reduce the massive aesthetic effect by breaking up the building wall, front, side, or rear, with color, texture changes, wall offsets, reveals, or projecting ribs. Examples of such features are included in the City of Rockville's Guidebook to Design Guidelines for Retail Establishments and Shopping Centers.

c. *Roofs.* The roof design shall provide variations in rooflines and add interest to, and reduce the massive scale of, large buildings. Roof features shall complement the architectural and visual character of adjoining neighborhoods. Roofs shall include two or more roof planes. Parapet walls shall be architecturally treated to avoid a plain, monotonous look.

d. *Materials and Color.* The buildings shall have exterior building materials and colors that are aesthetically pleasing and compatible with materials and colors that are used in adjoining neighborhoods. This includes the use of high-quality materials and colors that are low reflective, subtle, neutral, or earth tone. Certain types of colors shall be avoided such as fluorescent or metallic although brighter colors in limited quantities as building trims and as accents may be considered at the discretion of the Planning Commission. Construction materials such as tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar materials shall be avoided unless the exterior surface is covered with an acceptable architectural treatment.

e. *Entryways.* The building design shall provide design elements which clearly indicate to customers where the entrances are located and which add aesthetically pleasing character to buildings by providing highly-visible customer entrances.

f. *Screening of Mechanical Equipment.* Mechanical equipment shall be screened to mitigate noise and views in all directions. If roof-mounted, the screen shall be designed to conform architecturally to the design of the building either with varying roof planes or with parapet walls. A wood fence or similar treatment is not acceptable.

ORDINANCE NO. 2001-17, CITY OF SANTA FE, NEW MEXICO

Section 4. A new Section 14-59.4 SFCC 1987 is ordained to read:

14-59.4 Architecture. All structures shall comply with the architectural design standards and the points allocation system of Section 14-58.8 SFCC 1987. In addition, the following standards shall also apply to all publicly visible parts of the structure:

A. Massing.

- (1) Every 30,000 gross square feet of structure shall be designed to appear as a minimum of one distinct building mass, preferably with two or more building masses expressed.
- (2) Horizontal wall plane projections of all publicly visible facades must be a minimum depth of three percent of the length of the facade and must extend at least twenty percent of the length of the facade pursuant to § 14-58.8.C SFCC 1987.

- B. Entryways and Architectural Features. Multiple entryways or architectural features shall be incorporated into the design in order to break up the apparent mass and scale of large retail structures. Entrances may be to tenant spaces other than the primary retail tenant.
- (1) For structures greater than 30,000 gross square feet but less than 75,000 gross square feet there shall be a clearly articulated public entrance on at least two sides of the structure. At least one such entrance shall be visible from a public street and connected to that street by a pedestrian sidewalk. It is permissible to have pedestrians cross vehicular traffic within the parking lot so long as a sidewalk is provided. When structures are adjacent to a residentially zoned district and separated from that district by either a public or private street, and where residential uses front or may reasonably be expected to front that street, the structure shall have at least one entryway on that street elevation.
 - (2) Structures with tenants greater than 75,000 gross square feet shall provide either a significant pedestrian amenity or a public entrance at a minimum of one per 75 linear feet of publicly visible façade. The public entrance may be to either the principal retail use or to any other tenant. Examples of significant pedestrian amenities include, but are not limited to, outdoor seating areas, play areas for children, and public courtyards. This provision shall not apply to more than three sides of any structure. "Publicly visible" shall be as defined in § 15-58.4.B. (4) SFCC of this chapter.
- C. Height. Height shall be as per the individual zoning district, but shall be further restricted as follows if the large-scale retail development adjoins residential development:
- (1) Maximum height of any structure within 100 feet of a residential zoning district property line or the property line of undeveloped residential land shall be 24 feet when adjacent to 24-foot height residential buildings or undeveloped residential parcels, and shall not exceed by more than ten percent the average of other building heights of adjacent residential buildings. Maximum height calculation shall not include a parapet.
 - (2) Structures may exceed the heights specified above, up to the limit specified in the zoning district in which they are located, provided that the structure wall shall be stepped back two horizontal feet for each vertical foot of additional height up to the maximum permitted, after the first twelve feet of height.
- D. Architectural Unity. All building on the same site shall be architecturally unified. This provision shall apply to new construction, additions and remodeling. Architectural unity means that buildings shall be related in architectural style, color scheme, and building materials.

Discussion:

Architectural standards may be controversial because they may increase the cost of construction. This is yet another important reason for communities to establish the purpose and the basis for the regulations through comprehensive planning and public input.

Conditional Uses

Some communities find it appropriate to address design issues by including large scale retail uses (those above a certain size threshold) as conditional uses within the zoning code. Conditional uses are those that are not permitted by right within a zoning district. Typically these uses will require special approval by the Planning Commission, Board of Adjustment or the Board of Zoning Appeals. These types of uses usually have some characteristics that may have a negative impact on a community if not addressed. Restrictions on location, size and extent of these conditional uses may be necessary to reduce any adverse impacts.

Problem Statement: Large scale retail uses have characteristics that may need special attention in order to be appropriate in certain locations. Language pertaining to these uses should be included in the ordinance in a way that will address the specific characteristics and needs of the neighborhood.

Objective: To provide opportunity for large scale retail uses as conditional uses, allowing an additional level of review that can reduce any negative impacts on the surrounding community that may potentially occur.

Code Writing Strategy: Identify the threshold that is appropriate to trigger a conditional use review by the Board of Adjustment or the Board of Zoning Appeal, along with the detailed requirements that are to be met before the use will be permitted to locate in a given area.

Conditional Uses - Sample Code Language

Large Scale Retail Regulations, City of Madison, WI

C2 General Commercial District.

- (a) Statement of Purpose. The C2 general commercial district is established to accommodate the shopping needs of a much larger consumer population and area of residency than that served by the C1 limited commercial district. Within this district, which is located in relative proximity to residential areas and to major thoroughfares, is permitted a wider range of uses than in the C1 limited commercial district. Uses permitted in this district include not only the retailing of convenience goods and the furnishing of certain personal services, but also the retailing of durable and fashion goods and the furnishing of other types of services. Also permitted are all types of office uses. Within this district, there is no limitation on the size of establishments as provided in the C1 limited commercial district, except any retail use or any hotel or motel exceeding 50,000 square feet in size must be approved as conditional uses. (Am. by Ord. 8287, 3-16-84)

(b) General Regulations . Uses permitted in the C2 district are subject to the following conditions:

4. Any major alteration to the exterior face of retail, hotel and motel buildings over 50,000 square feet, including but not limited to painting of an unpainted exterior face, shall be permitted only after Urban Design Commission review and approval. Any action by the Urban Design Commission may be appealed to the City Plan Commission by the applicant or by the Alderperson of the District in which the use is located. (Cr. by Ord. 9239, 8-14-87)

(d) Conditional Uses . The following conditional uses may be allowed in the C2 district subject to the provisions of Section 28.12(11).

24. Any new construction of a building or buildings on a zoning lot or an addition to an existing building or buildings which results in the total square footage of all buildings on the zoning lot exceeding fifty thousand (50,000) square feet in gross floor area and where 25,000 square feet or more of the gross floor area is designed or intended for retail use or for a hotel or motel use. This conditional use and the one hereafter are established to allow consideration of the potential impacts of the proposed conditional use on the transportation system and on the policy objectives for transportation and land use, including noise, air quality and appearance. In addition to the requirements of Section 28.12(11), "Conditional Uses," the applicant shall provide an analysis in accordance with the guidelines established by the City Department of Transportation of the proposed development's impacts on the transportation system and associated recommended solutions to the Plan Commission. The Urban Design Commission shall review the design and appearance of the proposed conditional use and provide recommendations to the Plan Commission. (Cr. by Ord. 8287, 3-16-84; Am. by Ord. 12,213, 10-19-98)
25. Any change of use to a retail use or a hotel or motel in a building in which more than fifty thousand (50,000) square feet of gross floor area of such building is devoted to a retail use or to a hotel or motel. For the purpose of this paragraph, a change in use shall mean a change from any other use to a retail use or to a hotel or motel. (Cr. by Ord. 8287, 3-16-84)

General Commercial District Regulations, Peachtree City, Georgia

Sec. 1006. GC general commercial district.

(1006.1) *Intent of district:* It is intended that the GC zoning district be established and reserved for general business purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, economically healthy and compatible environment for businesses to serve city and regional commercial needs. These regulations are also intended to accommodate businesses which benefit from being located in close proximity to each other, and to discourage any encroachment by other uses capable of adversely affecting the basic commercial character of the district. It is further intended that these regulations will reduce traffic congestion, provide for adequate off-street parking, and avoid the development of "strip" type business areas.

(1006.2) *Permitted uses:* The following uses shall be permitted in any GC zoning district:

- (a) Retail business involving the sale of merchandise on the premises, provided no single tenant occupies more than 10,000 square feet.
- (b) Business involving the rendering of a personal service on the premises.
- (c) Office for governmental, business, professional or general purposes.
- (d) Commercial recreation facility located entirely within a building on the premises.
- (e) Publicly owned building, facility or land.
- (f) Building, facility or land for the distribution of utility services.
- (g) Building, facility, or land for noncommercial park, recreation, thoroughfare or open space purposes.
- (h) Private or semiprivate club, lodge or social center.
- (i) Building, facility or land for off-street automobile parking.
- (j) Hotel or motel.
- (k) Commercial trade or vocational school.
- (l) Radio and/or television station, not including a transmission tower.
- (m) Wholesale business involving the sale of merchandise on the premises.
- (n) Newspaper publishing facility.
- (o) Accessory use: See section 908.

(1006.3) *Conditional uses:* The following uses shall be permitted in any GC zoning district on a conditional basis:

- (a) Retail business involving the sale of merchandise on an individual zoning lot where an individual tenant occupies more than 10,000 square feet subject to the following conditions:
 - (1) Maximum areas (on any zoning lot):

TABLE INSET:

General retail space	150,000 square feet
Theater and restaurant space	50,000 square feet

- (2) No single commercial tenant shall occupy more than 32,000 square feet of floor area.
- (3) No three commercial tenants shall occupy a combined floor area of more than 80,000 square feet.

- (4) No more than six commercial tenants shall occupy more than 10,000 square feet of floor area each.
 - (5) All exterior building elevations that face public streets and/or customer parking areas shall be designed so that there are no large expanses of blank walls. This requirement can be met by employing the use of architectural features including but not limited to the following: doors, windows, pilasters, columns, horizontal and vertical offsets, material and color variations, decorative cornices, awnings, canopies, murals, and graphics. In order to assure conformance with this requirement, exterior building elevations must be reviewed and approved as a part of the overall final site plan review process.
 - (6) Any tenant that occupies more than 10,000 square feet shall provide the city attorney with a copy of the rental agreement between the tenant and its landlord which contains a contract provision prohibiting the tenant from voluntarily vacating such premises or otherwise ceasing to conduct its retail business on such premises while simultaneously preventing the landlord, by continuing to pay rent or otherwise, from leasing the premises to another person or company who will operate a permitted business on the premises. If such a tenant voluntarily vacates such premises or otherwise ceases to conduct its retail business on the premises, the landlord shall be free to market and lease such premises to another person or company, except to a direct competitor of the tenant, regardless of any contractual rights the tenant may have with the landlord.
 - (7) The owner of the zoning lot shall prepare a traffic management plan which identifies the traffic problems that will be generated by development on the premises and which presents reasonable solutions to those problems. The plan must be prepared by a qualified professional traffic planner at no cost to the city, and it must be approved by the city engineer.
 - (8) The owner of the zoning lot shall prepare a water management plan which identifies the water management problems that will be generated by development on the premises and which presents reasonable solutions to those problems. The plan must be prepared by a qualified professional engineer at no cost to the city, and it must be approved by the city engineer.
- (b) All conditional uses permitted in subsection (1005.3) for LC zoning districts, subject to the same conditions.
 - (c) Dwelling in combination with any use permitted in this district, provided all dwelling units have direct access to a street or other public area.
 - (d) Open setback depth for the sale, rental and/or storage of materials or equipment, excluding junk or salvage materials, provided that the area is entirely screened from the street and adjoining properties by a suitable fence or wall at least six feet in height above finished grade. The above required fence or wall must provide for a reasonable visual separation between the use and adjoining properties.

- (e) Commercial recreational facility or land where the use is not located entirely within a building on the premises, on the following condition:
 - (1) The zoning lot is not less than one acre in area.
 - (2) The zoning lot is not adjacent to or across the street from any residential zoning lot.
- (f) Transportation facility or terminal, provided service is primarily for passenger transportation rather than freight transportation.
- (g) Community hospital, including customary accessory functions, provided the zoning lot is not less than ten acres in area.
- (h) Church or other legitimate place of worship, including a one-family dwelling for a minister, on the following conditions:
 - (1) Notwithstanding any other requirements in this section, the following conditions shall apply to all churches regardless of zoning district:
 - (2) Minimum zoning lot area is three acres.
 - (3) Minimum lot width is 100 feet.
 - (4) Minimum setback area, front:

TABLE INSET:

Building	40 feet.
Parking	20 feet.

- (5) Minimum setback area, side: 15 feet. If adjoining a residential lot, the building setback shall be 75 feet.
- (6) Minimum setback area, rear: 30 feet. If adjoining a residential zoning lot, the building setback shall be 75 feet.
- (7) Maximum building height: As approved by the fire department.
- (8) All zoning lots shall have direct access onto an arterial, major collector road or have access to an arterial, major collector or industrial/commercial road via a minor collector.
- (9) No parking shall be permitted within 20 feet of the property line of any adjoining residential zoning lot.
- (10) Parking and/or service areas shall be separated from adjoining residential lots by a suitable fence or wall six feet in height or a suitable planting screen six feet in height at time of planting. The required fence, wall, or screen must provide for a reasonable visual separation between properties. No fence or wall in excess of four feet may be placed in a setback area adjoining a public street.
- (11) One nonilluminated sign not greater than 32 square feet in area for each panel of a double-sided structure is permitted.
- (12) Parking: See section 909.
- (13) Lighting: See section (1005A.4)(n).
- (14) Any existing church in any zoning district may comply with either the requirement existing prior to enactment of this ordinance or they may comply with the conditions of this section. They shall not be permitted to comply with various sections of both requirements.

(Ord. No. 220, 11-6-1980; Ord. No. 408, 8-21-1986; Ord. No. 650, 11-16-1995; Ord. No. 743, § 1, 2, 11-2-00)

(1006.4) *Other requirements:* Unless otherwise specified in this Ordinance, uses permitted in GC zoning districts shall conform to the following standards:

- (a) Minimum zoning lot area: 30,000 square feet.
- (b) Minimum lot width: 150 feet.
- (c) Minimum front setback depth:
 - (1) Building: 40 feet.
 - (2) Driveway/parking: 20 feet.
- (d) Minimum side setback depth: Ten feet. If adjoining a residential zoning lot, the building setback shall be 75 feet.
- (e) Minimum rear setback depth: 20 feet. If adjoining a residential zoning lot, the building setback shall be 75 feet.
- (f) Maximum building height: Ten stories, but if over 35 feet, it must be approved by the fire department.
- (g) Parking: See section 909.
- (h) Signs: See Peachtree City sign ordinance.
Cross references: The "sign ordinance" is found in § 66-1 et seq. of the Code.
- (i) Storage: No storage will be permitted on the zoning lot outside a fully enclosed building unless the storage area is entirely screened from the street and adjoining properties by a suitable fence or wall at least six feet in height above finished grade. The required fence or wall must provide for a reasonable visual separation between the storage area and any adjoining property.
- (j) All zoning lots shall have direct access onto an arterial, major collector or industrial/commercial road or have access to an arterial, major collector or industrial/commercial road via an access street.
- (k) No automobile parking or service areas will be permitted within the required front setback depth or within 30 feet of the property line of any adjoining residential zoning lot.
- (l) All parking and service areas must be separated from adjoining residential zoning lots by a suitable planting screen, fence or wall at least six feet in height above finished grade. The above required screen, fence or wall must provide for a reasonable visual separation between the properties.
- (m) No outside loudspeaker systems shall be utilized.
- (n) All lights or lighting arrangements used for purposes of advertising, security or night operations must be directed away from adjoining or nearby residential zoning lots.

- (o) A landscape plan is required for the site, and must be reviewed by a registered landscape architect to be designated by the city and by the planning commission prior to issuance of occupancy permit. If no action is taken or time extended within 30 days from filing, such request shall be considered approved. The landscape plan shall be fully implemented prior to occupancy and if not completed an occupancy permit will not be issued. If it is infeasible to complete the landscaping due to weather conditions or other extenuating circumstances then the owner shall post a performance bond or other acceptable security in an amount equal to 110 percent of the cost of the landscaping improvements which remain incomplete. The owner shall have a one year period in which to complete the required improvements in a satisfactory manner.

The owner shall provide adequate maintenance of the landscaping improvements for a minimum of one year from implementation. The city shall inspect special screening at least once during this period to ensure that the approved plan has been fully implemented and maintained. If it is found that the landscaping, as stated in this section, has died within a one-year period, such landscaping shall be replaced by the owner.

- (p) Items (c) and (o) above shall be binding standards on all development after March 5, 1981. Development completed prior to this date will not need to meet such standards now or in the future and will be limited to a 20-foot front setback depth.
- (q) No use permitted in this zoning district shall be allowed to cover more than 75 percent of the zoning lot on which it is located with impervious surfaces.
- (r) All properties developed for commercial purposes, whether they are occupied or not, shall be regularly maintained so they are not allowed to fall into a state of disrepair or neglect; and they shall consistently present a neat and orderly appearance to the general public as well as adjacent and nearby tenants and property owners.

(Ord. No. 233, 4-2-1981; Ord. No. 268, § 1(C)(7), 6-3-1982; Ord. No. 366, § 19, 5-22-1985; Ord. No. 743, 11-2-00)

Discussion:

Conditional uses are dealt with differently by Ohio, Kentucky and Indiana planning laws and are interpreted differently by various planning commissions in the region. The approach described here may not be appropriate for all communities; however, the topics addressed elsewhere within the section may be useful.

**TOOLS AND TECHNIQUES FOR INSTITUTING
LARGE SCALE RETAIL DEVELOPMENT STANDARDS**

Needed Actions	Possible Incentives	Cautions
Create community consensus	Provide opportunities for citizens to give input on the need for large scale retail.	Residents often are unaware of the impacts of large scale development (positive or negative). Be sure to provide information that will help members of the community to determine the appropriate balance between the need for economic development and the preservation of community character.
	Conduct studies to determine the need for specific standards that may relate to traffic impacts, landscaping, signage, building size, etc.	Consider the specific use characteristics of your community. Many models exist relating to large scale retail; however each community should tailor the standards to meet the specific needs of their community.
Create a basis for the standards	Complete a comprehensive plan that describes the vision of the community, including sufficient supporting documentation.	Be sure to relate specific policies within the document that call for the type of retail that the community desires. Identify standards that will assist the community to achieve the vision adopted in the comprehensive plan.
	Perform a local government sponsored market study to determine if the community can support large scale retail development.	Communities need to understand the needs and appropriateness of large scale retail development for the community.
Ensure that applicable laws are considered	Be aware of trademark laws.	Be careful how the language in the standards deals with building materials and colors. For example, requiring neutral colors is preferred over requiring a business to change their logo from bright blue to dark blue.
	When dealing with signage, consider free speech.	Avoid content based standards that infringe upon the First Amendment.
	Be sure that language in the standards is not ambiguous.	When describing the desired aesthetic characteristics for the community, the standards may include words such as harmonious. These types of general terms should be specifically defined for each community.
Provide assistance for existing businesses	Assist local merchants with tools to compete.	Provide existing businesses with tips related to the handling of merchandise, marketing, service and customer relations, and adapting to new technology.

<p>Revise existing regulations as appropriate</p>	<p>Revise standards to dictate the scale of the development.</p>	<p>Be sure that the regulation has a sound basis in the comprehensive plan that supports the community's desire for certain types and sizes of retail uses.</p>
	<p>Revise regulations to include aesthetic standards such as landscaping, signage, building materials, open spaces or news racks.</p>	<p>Be careful not to get too caught up in details. Standards should allow both creativity and consistency with the character of the community. Additionally, resistance may come from corporate officials since some standards may conflict with a corporation's standard layout.</p>
	<p>Revise regulations to deal with the traffic or other infrastructure impacts of large scale retail development.</p>	<p>Providing for regulations that promote multi-modal transportation opportunities can help to deal with traffic impacts. Often, communities are not fully aware of the impacts that such large developments may have on the surrounding area. An investigation of the fiscal impacts is important to ensure continuing success of the development and the community's budget.</p>

References:

City of Fort Collins, Colorado, *Fort Collins Land Use Code, ARTICLE 3 GENERAL DEVELOPMENT STANDARDS, Large Scale Retail Design Guidelines, 3.5.4 Large Retail Establishments*, <http://www.colocode.com/ftcollins/landuse/article3.htm#sec3d5d4> (accessed November 9, 2006)

City of Madison, Wisconsin, *Chapter 28, Zoning Code*, <http://www.cityofmadison.com/BI/Chapter28.pdf>, (accessed November 9, 2006)

City of Phoenix, Arizona, *Section 663. Interim Transit-Oriented Zoning Overlay District One (TOD-1) +1*, <http://www.municode.com/resources/gateway.asp?pid=13534&sid=3> – Chapter 6, Section 662. (accessed December 4, 2006)

City of Rockville, Maryland, *Ordinance No. 13-00, Retail Business Size Cap*, <http://www.newrules.org/retail/rockville.html> (accessed November 9, 2006)

Duerksen, Christopher J., and R. Matthew Goebel, *Aesthetics, Community Character, and the Law*, Chicago IL: American Planning Association, 1999.

City of Santa Fe, New Mexico. Ordinance No. 2001-17. (accessed November 9, 2006).

City of Sequim, Washington Planning Department. Design Standards & Guidelines for Large Retail Establishments. Adopted October 2003.

Maryland Department of Planning, “Big Box” Retail Development, Oct. 2001, *Managing Maryland’s Growth: Models and Guideline*, http://www.mdp.state.md.us/mgs/bigbox/bigbox_v3.pdf, (accessed July 26, 2006).

McConnell, Akila Sankar. “Making Wal-Mart Pretty: Trademarks and Aesthetic Restrictions on Big-Box Retailers”, *Duke Law Journal*, Vol. 53:1537 2004, <https://www.law.duke.edu/journals/dlj/downloads/dlj53p1537.pdf> (accessed July 26, 2006)

Peachtree City, Georgia, *Code of Ordinances, Sec. 1006. GC General Commercial District* Codified through Ord. No. 880, enacted March 16, 2006. (Supplement No.16) <http://www.municode.com/resources/gateway.asp?pid=11414&sid=10> (accessed November 9, 2006)

State of New Jersey, Office of Planning, *Creating Communities of Place*, New Jersey, December 1995. <http://www.nj.gov/dca/osg/docs/bigboxretail120195.pdf>, (accessed July 26, 2006).

Talbot County, MD. Chapter 190, Zoning, Code of Talbot County, Maryland (accessed December 4, 2006)