

**FOH: Changes to this CRD are housekeeping only. We recommend Emergency Access regulation (M) be used throughout the County.**

**§267-64. U.S. Route 40 Commercial Revitalization District (CRD).**

**A. Purpose and Intent.**

The intent of this overlay district is to encourage revitalization and redevelopment in the U.S. Route 40 corridor, through development of vacant parcels, redevelopment, and improvement of existing properties. Flexibility of land uses and standards will be encouraged to enhance appearance and to ensure compatibility with adjacent residential neighborhoods.

**B. Application.**

The U.S. Route 40 Commercial Revitalization District (Rte. 40 CRD) is hereby defined as those parcels between the CSX Railroad and U.S. Route 40, and those parcels lying along the south side of U.S. Route 40 with direct frontage on U.S. Route 40, and those parcels zoned B2 or B3 without direct frontage on U.S. Route 40 within 2,000 feet of the right-ofway on the south side of U.S. Route 40. The Rte. 40 CRD may be expanded along the south side by the inclusion of additional parcels being developed in combination with properties directly fronting on U.S. Route 40. All properties lying within the Rte. 40 CRD shall be entitled to the privileges associated with this overlay district and shall be subject to the standards set forth herein.

**C. Existing Zoning.**

Unless otherwise specified in this Section, the permitted uses and design standards for parcels within the Rte. 40 CRD shall be those of the underlying zoning district. All other requirements of the Zoning Code shall remain in effect. In the case of conflict between this Section and any other Section of the Zoning Code, the requirements of this Section shall take precedence.

**D. Minimum Yard Requirements.**

The minimum yard requirements are as specified in the tables designating design requirements for specific uses. The Zoning Administrator may authorize a modification of the minimum yard requirements if he/she determines that, in the particular case, the specific nature of the use, or the exceptional shape or size of the property, or other exceptional situations or conditions, warrants such a modification. Such a modification shall not reduce the required yard by more than 50% of the otherwise required yard. In no case shall the yard requirement be smaller than any required **(ADDED word) use** setback or buffer yard for that particular use.

**E. Maximum Height.**

The maximum height of a structure on property zoned CI or B3 in the Rte. 40 CRD shall be 6 stories. Heights for structures located in zoning districts other than B3 and CI in the Rte. 40 CRD shall be as provided in the Code.

**F. Revitalization, Redevelopment or Expansion of Shopping Centers Constructed Prior to 1982.**

(1) Shopping centers and Integrated Community Shopping Centers (ICSC) constructed under the standards of Ordinance 6 may be structurally altered, revitalized or redeveloped wholly or in part through administrative approval of a site plan and acquisition of all necessary permits. No new approval by the Board of Appeals will be required under the following conditions:

(a) The gross square footage of a building does not increase more than 20%.

(b) The gross square footage of a building may be increased by up to 40% provided that the following improvements occur on the existing and the expanded portion of the site

[1] New signage, which is cohesive and unifying, be installed throughout the entire site, **(ADDED) pursuant to §267-33 (Signs)**; and

[2] Landscaping shall meet the requirements of **(ADDED) §267-29 (Landscaping)** Wherever possible, the parking islands shall be designated to also serve as a bioretention area for stormwater runoff.

**omitted the words "of the parking lot through the installation of parking islands must equal 10% of the gross parking lot area."**

(c) The gross square footage of a building may be increased by up to 60% provided that all the conditions of Subsection F(1)(b) are satisfied, and that the access points to U.S. Route 40 are consolidated and reduced, or considered the most appropriate and safest conditions, as a result of the expansion, as

determined by the State Highway Administration, **NEW Linkages for bicycle, pedestrian and transit access shall be provided, if appropriate.**

(d) The new construction shall meet the setback standards of §267-77 (Integrated Community Shopping Center (ICSC)), or shall extend no closer to the property lines and public roads than the existing structures, whichever is smaller. **(Changed to reflect new section.)**

(e) Separate buildings located on pad sites shall be located no less than 15 feet from the public right-of-way or no less than 10 feet from parking areas. No parking or loading areas shall be located between the public right-of-way and the pad site structure; and

(f) The Zoning Administrator shall approve the development plans, including architectural design, landscaping, parking and circulation.

#### G. Modifications, revitalization, redevelopment or expansions of ICSC's constructed after 1982.

(1) An ICSC approved under the standards of §267-77 (Integrated Community Shopping Center (ICSC)), may be modified, revitalized, redeveloped or expanded through administrative approval of a site plan and acquisition of all necessary permits. No new approval by the Board of Appeals will be required under the following conditions:

(a) The gross square footage of a building may be increased by up to 20% provided that:

[1] All design standards of §267-77 (Integrated Community Shopping Center (ICSC)), must be met to the fullest extent possible; and **(Changed to reflect new section.)**

[2] All conditions of the prior approval, except square footage, can be met.

(b) The gross square footage of a building may be increased by up to 40% provided that all the conditions of Subsection G(1)(a) are satisfied and that the following improvements occur on the existing and the expanded portion of the ICSC:

[1] New signage which is cohesive and unifying be installed throughout the entire ICSC, consistent with §267-33 (Signs); and **(Changed to reflect new section.)**

[2] Landscaping shall meet the requirements of §267-29 (Landscaping) Wherever possible, the parking islands shall be designated to also serve as a bioretention area for stormwater runoff. **(Changed to reflect new section.) Omitted the words "of the parking lot through the installation of parking islands must equal 10% of the gross parking lot area."**

(c) The gross square footage of a building may be increased by up to 60% provided that all the conditions of Subsections G(1)(a) and G(1)(b) are satisfied, and that the access points to U.S. Route 40 are consolidated and reduced, or considered most appropriate and safest conditions, as a result of the expansion, as determined by the State Highway Administration. **NEW Linkages for bicycle, pedestrian and transit access shall be provided, if appropriate.**

(d) Separate buildings located on pad sites shall be located no less than 15 feet from the public right-of-way or 10 feet from parking areas. No parking or loading areas shall be located between the public right-of-way and the pad site structure; and

(e) The Zoning Administrator shall approve the development plans, including architectural design, landscaping, parking and circulation.

#### H. Rte. 40 CRD Shopping Center Approvals.

An ICSC shall be permitted in the B1, B2, B3 and CI Districts in the Rte. 40 CRD. For the properties within the Rte. 40 CRD, the approval for location of an ICSC by the Board of Appeals shall be required only when the gross floor area exceeds 40,000 square feet. The development plans for shopping centers in the Rte. 40 CRD shall be reviewed and approved by the Zoning Administrator with regard to site design and architectural compatibility.

#### I. Mixed Use Centers in the Rte. 40 CRD.

Mixed use centers shall be permitted in conformance with Article VIII, in conformance with the standards established in §267-76 (Mixed Use Center). (Changed to reflect new section.)

#### J. Redevelopment of Existing Business Uses.

Existing business uses located within the Rte. 40 CRD may be structurally altered, revitalized or redeveloped, wholly or in part, provided new construction meets the minimum yard requirements or extends no closer to the property lines and public roads than the existing structures, whichever is smaller. The minimum yard requirements may be reduced as permitted by (ADDED) §267-64 (U.S. Route 40 Commercial Revitalization District), of these regulations. All other provisions in the Code shall be applicable unless otherwise stated.

#### K. Residential Uses in Business Districts.

Residential uses may be integrated into business developments located in B3 and CI Districts provided that square footage of residential use does not comprise more than 50% of the total building square footage proposed for the site. Such residential uses may include residential apartments located above retail and service uses or single family attached or multi-family units incorporated into the design of the business development. Approval of such a Mixed Use Center by the Zoning Administrator shall be based on architectural and site design elements, landscaping and buffering.

#### L. Apartments; Garden, Mid-Rise.

These residential uses may be located within the R4 and B3 Zoning Districts in the Rte. 40 CRD in conformance with the provisions of Article VIII.

#### M. Emergency Access.

The design of the project shall provide that all multi-family and nonresidential structures be accessible to emergency vehicles by means of a paved surface or load-bearing way acceptable to the Director of the Department of Public Works. The Department of Planning and Zoning, in consultation with the Department of Public Works, shall establish standards and specifications for the paved surface or load-bearing way. The project shall be designed so that when the on-street and off-street parking areas are in use, the access of emergency vehicles is not impeded. A security vault, approved by the fire chief of the volunteer fire and ambulance company located closest to the site, shall be installed on each multi-family and nonresidential structure.

FOH: We believe the language in this Emergency Access should be applied to all development throughout the County and not be limited to the Route 40 CRD.