

Chapter 34 - ZONING**Article II. - Overlay Districts****Division 3. Entrance Corridor Overlay Districts****Sec. 34-306. - Purpose.**

The entrance corridor overlay district is intended to implement the comprehensive plan goal of protecting the city's historic, architectural and cultural resources, by ensuring a quality of development compatible with those resources through design control measures. The purposes of this article are to stabilize and improve property values; to protect and enhance the city's attractiveness to tourists and other visitors; to sustain and enhance the economic benefits accruing to the city from tourism; to support and stimulate development complimentary to the prominence afforded properties and districts having historic, architectural or cultural significance; all of the foregoing being deemed to advance and promote the health, safety and welfare of the general public.

(9-15-03(3))

Sec. 34-307. - Applicability.

- (a) Subject to subsection (b), below, entrance corridor overlay districts are hereby established upon and along the following arterial streets or highways, which are deemed by the city council to be significant routes of tourist access to the city, or to designated historic landmarks, buildings, structures or districts within the city ("EC streets"):
- (1) Route 29 North from the corporate limits to Ivy Road;
 - (2) Hydraulic Road from the corporate limits to the 250 Bypass;
 - (3) Barracks Road from the corporate limits to Meadowbrook Road;
 - (4) Ivy Road from the corporate limits to Emmet Street;
 - (5) Fontaine Avenue/Jefferson Park Avenue from the corporate limits to Emmet Street;
 - (6) Fifth Street, SW from the corporate limits to the beginning of the Ridge Street Architectural Design Control District;
 - (7) Avon Street from the corporate limits to the CSX Railroad tracks;
 - (8) Monticello Avenue/Route 20 from the corporate limits to Avon Street;
 - (9) Long Street from the corporate limits to St. Clair Avenue;
 - (10) East High Street/9th Street from Long Street to East Market Street;
 - (11) Preston Avenue from McIntire Road to Rosser Avenue; and
 - (12) McIntire Road, from Preston Avenue to Route 250.
- (b) Entrance corridor overlay districts are hereby established upon the lots and parcels of land contiguous to the streets and highways enumerated within subsection (a), above, from the edge of the right-of-way to the full depth of the lot or parcel, as the lot or parcel existed on the date the adjacent EC street was designated.
- (c) The entrance corridor overlay districts are hereby established over the existing zoning district classifications of the land contiguous to the streets and highways enumerated within subsection (a), above. The regulations set forth within this article shall apply to all such land, in addition to the regulations of the underlying zoning district and in addition to other generally applicable zoning ordinance provisions (e.g., generally applicable standards governing parking, lighting, landscaping, signs, etc.). In the event of a conflict between the regulations set forth within this article and those set

forth within the regulations of the underlying zoning district classification, or elsewhere within this zoning ordinance, the more restrictive regulation shall govern.

(9-15-03(3))

Sec. 34-308. - Review board.

- (a) The provisions of this article shall be administered by an entrance corridor review board ("review board" or "ERB") hereby created by the city council. The city's planning commission shall serve as the review board.
 - (1) The meetings of the ERB shall be held at the call of its chairman or at such times as a quorum of the board may determine.
 - (2) The ERB shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact.
 - (3) All records of official actions shall become part of the permanent records of the ERB.
 - (4) The ERB shall choose annually its own chairman and vice-chairman, who shall act in the absence of the chairman.
 - (5) The ERB may, from time to time, adopt and amend bylaws for the regulation of its affairs and the conduct of its business.
 - (6) The ERB may, from time to time, recommend areas for designation as entrance corridor overlay districts and may also recommend removal of any such designation.
 - (7) The ERB shall serve in an advisory capacity to city council and the board of zoning appeals in rezonings, special use permits, site plans, subdivisions, variances and other matters within entrance corridor overlay districts.
 - (8) The ERB shall be responsible for issuance of certificates of appropriateness required by this article.
- (b) The ERB shall develop and recommend to the city council for its approval design guidelines for the entrance corridor overlay districts ("Entrance Corridor Design Guidelines"), consistent with the purposes and standards set forth within this article. The ERB shall develop such guidelines in consultation with the city's director of neighborhood development services and after seeking input from business and property owners in the various overlay districts. Guidelines developed by the ERB shall become effective upon approval by city council and thereafter shall have the status of interpretive regulations. The ERB shall undertake a comprehensive review and update its design guidelines at least once every five (5) years. Until the initial guidelines have been completed and approved, the ERB shall apply the design guidelines developed by the city's BAR for the entrance corridor districts.

(9-15-03(3))

Sec. 34-309. - Certificates of appropriateness.

- (a) The following shall require a certificate of appropriateness issued in accordance with this division:
 - (1) All improvements requiring a building permit (but for which no site plan is required), other than single- or two-family dwellings where the work requiring the building permit (i) is new construction, or (ii) represents an addition or modification of 25% or more of the gross area of an existing building or structure.
 - (2) Regardless of whether a building permit is required: (i) signs; and (ii) installations or replacements of roof coverings, windows, doors or siding on any building or structure, any part

of which, once installed, will be visible from an EC street referenced in section 34-307(a) above, other than those installed on a single- or two-family dwelling.

- (3) All development requiring a site plan.
- (b) All applications for the certificates required by subparagraphs (a)(1) or (a)(2) above, shall be reviewed and approved administratively by the director. If administrative approval is granted the applicant shall post a notice of such approval on the subject property. If the application is denied the director shall mail or hand-deliver notice of his decision to the applicant. In either case, the applicant or any other aggrieved party shall have ten (10) working days from the date of the director's decision to appeal the decision to the ERB; no certificate shall be issued prior to expiration of the ten-day period.
- (c) All applications for the certificates required by subparagraph (a)(3) above shall be reviewed and approved by the ERB following the process set forth within sections 34-310 through 34-313.
 - (1) The ERB shall approve or disapprove an application and, if approved, shall issue a certificate of appropriateness with any reasonable conditions as it may deem necessary to ensure compliance with this division. Failure of the ERB to act upon an application within sixty (60) days from the date of its original submission shall be deemed to constitute approval of the application.
 - (2) Nothing contained in this subsection shall be deemed to compromise, limit, or otherwise impair the planning commission in its exercise of preliminary or final site plan review as set forth within Article VII, section 34-800, et seq. of this zoning ordinance.
 - (3) It is the express intent of the city council in enacting the provisions of this subsection that matters related to public health and safety, as may be defined by the planning commission, shall prevail over issues within the purview of the ERB.
- (d) Notwithstanding the foregoing provisions of this section, no certificate of appropriateness shall be required for the following activities:
 - (1) Interior alterations to a building or structure.
 - (2) Construction of ramps and other modifications to serve the handicapped.
 - (3) Repair and maintenance of buildings or structures which are non-conforming for failure to comply with the provisions of this article.
 - (4) General maintenance of buildings or structures, where no substantial change in design or materials is proposed.
 - (5) Additions or modifications to a building or structure, where no substantial change in design or materials is proposed, as determined by the director of neighborhood development services or his designee.
- (e) Once issued, a certificate of appropriateness shall be binding upon the proposed development, as to any conditions of issuance specified therein. The certificate shall certify that the proposed development (subject to any conditions stated within the certificate) is consistent with the design guidelines applicable to the specific EC street. Signature by the zoning administrator upon a final site plan or building permit, as the case may be, shall constitute such certification.
- (f) The validity period of a certificate of appropriateness shall be as follows:
 - (1) A certificate of appropriateness associated with a project for which a valid site plan is not required shall expire and become void eighteen (18) months from the date of approval by the entrance corridor review board, unless a building permit to construct the authorized improvements or activities has been issued; or, if no building permit is required, unless construction of the authorized improvements or activities has substantially commenced.

- (2) The validity period of a certificate of appropriateness associated with a project for which a valid site plan is required shall be consistent with that of the approved preliminary and final site plan pursuant to sections 34-822 and 34-825, except a certificate of appropriateness shall expire and become void eighteen (18) months from the date of approval by the entrance corridor review board if preliminary site plan approval has not been granted, or upon revocation of an approved preliminary site plan or expiration of an approved final site plan.
- (3) Prior to the expiration of a certificate of appropriateness, upon written request and for reasonable cause, the director of neighborhood development services or the entrance corridor review board may extend the validity of any such certificate for a period not to exceed one (1) year.

(9-15-03(3); 6-6-05(2); 7-18-11; 7-16-12)

Sec. 34-310. - Standards for considering certificates of appropriateness.

The review board, the city council on review of an application, and the director in conducting an administrative review, shall consider the following features and factors in determining the appropriateness of proposed construction, reconstruction, alteration or restoration of buildings or structures pursuant to this article:

- (1) Overall architectural design, form, and style of the subject building or structure, including, but not limited to: the height, mass and scale;
- (2) Exterior architectural details and features of the subject building or structure;
- (3) Texture, materials and color of materials proposed for use on the subject building or structure;
- (4) Design and arrangement of buildings and structures on the subject site;
- (5) The extent to which the features and characteristics described within paragraphs (1)—(4), above, are architecturally compatible (or incompatible) with similar features and characteristics of other buildings and structures having frontage on the same EC street(s) as the subject property.
- (6) Provisions of the Entrance Corridor Design Guidelines.

(9-15-03(3))

Sec. 34-311. - Sign standards.

Signs within any entrance corridor overlay district shall comply with the standards set forth within Article IX, section 34-1020, et seq.

(9-15-03(3))

Sec. 34-312. - Application requirements.

- (a) Application for a certificate of appropriateness pursuant to this division shall be filed with the director of neighborhood development services by the owner, contract purchaser, or lessee of the property, or by the authorized agent of any such person, of the subject property.
 - (1) A complete application shall include all plans, maps, studies, reports, photographs, drawings, building elevations, and other informational materials which may be reasonably required in order to make the determinations called for in a particular case.
 - (2) [*Reserved.*]
 - (3) Each application for a certificate of appropriateness shall be accompanied by the required application fee, as set forth within the most recent zoning fee schedule approved by city council.

- (b) The director shall establish submission deadlines for applications. For purposes of this division a complete application shall be deemed to be "officially submitted" on the date of the next submission deadline following the date on which the application was received by the director.
- (c) Each application shall include a landscaping plan, for the uses described following below.
 - (1) For development subject to site plan review, such plan shall meet the requirements set forth below as well as those required within Article VII, section 34-867.
 - (2) For other applications, the landscaping plan shall consist of drawings, documents and information sufficient to allow the director to determine whether the following requirements are satisfied:
 - a. *Uses to be screened:* Parking lots, loading areas, refuse areas, storage areas, detention ponds and mechanical equipment shall be screened from view from the adjacent EC street.
 - b. *Standards for screening:* When required, screening shall consist of the following:
 - (i) A planting strip of vegetation or trees, an opaque wall, an opaque fence or a combination of these.
 - (ii) Where only vegetative screening is provided, such screening strip shall not be less than twenty (20) feet in depth and shall consist of a double staggered row of evergreen trees on fifteen-foot centers, a minimum of five (5) feet in height when planted, or a double staggered row of evergreen shrubs on five-foot centers, a minimum of twenty-four (24) inches in height when planted. Alternative methods of vegetative screening may be approved by the ERB or the director in connection with approval of a certificate of appropriateness.
 - (iii) Where a fence or wall is provided for screening, it shall be a minimum of six (6) feet in height with planting required at ten-foot intervals along such structure.
 - (3) *Landscaping.* All nonresidential uses, including parking lots and vehicular display areas, shall have all of the street frontage, exclusive of driveways and walkway connections, landscaped with trees and other varieties of plant material at least eighteen (18) inches in height at maturity. The tree varieties shall conform to those recommended in the city's list of approved plantings. All uses shall have the side and rear property edges defined with a fence, wall or curbed planting strip of trees and other plantings a minimum of twenty-four (24) inches in height at maturity.
- (d) Each application shall include information about proposed lighting. Lighting fixtures shall be harmonious with the character of existing and proposed structures fronting along the EC street, and shall not exceed the height of any buildings on the site. Further, lighting shall comply with the provisions of Article IX, Division 3, section 34-100, et seq.

(9-15-03(3); 6-6-05(2); 7-16-12)

Sec. 34-313. - ERB review process.

Following receipt of a complete application requiring review by the ERB, the director shall forward the application, together with all accompanying informational materials, to the ERB. Upon receipt of an application, the review board shall schedule a hearing on the application.

- (1) Notice of the hearing shall be provided to the applicant and to other persons in the same manner as set forth within section 34-284(a).
- (2) Written notice of the hearing shall also be provided to each member of the city council, at least (10) days in advance of the hearing. Such notice may be hand-delivered, mailed or transmitted via electronic communication.

- (3) The notices required by this subsection shall state the type of use or development proposed, the specific location of such use or development, and a general description of the appearance and materials proposed for the development which is the subject of the application.

(9-15-03(3))

Sec. 34-314. - Appeals.

- (a) Following approval of an application by the ERB, the director of neighborhood development services, or any aggrieved person, may note an appeal of that decision to the city council, by filing a written notice of appeal with the clerk of city council within ten (10) working days of the date of the decision. If no such appeal is noted, then upon the expiration of the ten-day appeal period the director of neighborhood development services shall issue the approved certificate of appropriateness.
- (b) Upon denial of an application (approval of an application with conditions, over the objections of the applicant, shall be deemed a denial) the applicant shall be provided written notice of the decision, including a statement of the reasons for the denial or for the conditions to which the applicant objects. Following a denial, the applicant, the director of neighborhood development services, or any aggrieved person may appeal the decision to the city council, by filing a written notice of appeal with the clerk of city council within ten (10) working days of the date of the decision.
- (c) In any review of an ERB decision the city council shall review the application as if the application had come before it in the first instance. Any aggrieved person, shall be given an opportunity to be heard on the appeal. City council may consider any information or opinions relevant to the application which is the subject of such decision, including, but not limited to, those provided by the ERB.

(9-15-03(3); 6-6-05(2))

Secs. 34-315—34-325. - Reserved.