

ORDINANCE 2011-06

ORDINANCE TO AMEND SECTIONS 21-9, 12, 19, 21, 22, 24, 27, 31, 48, 49, 50, 51, 52, 53, 54, 59 and 143 OF THE ZONING ORDINANCES FOR THE TOWN OF SULLIVAN'S ISLAND

WHEREAS, Chapter 21 of the Town of Sullivan's Island Ordinance which is cited as "The Zoning Ordinance" was originally enacted in 1977; and

WHEREAS, the Town of Sullivan's Island has, from time to time, amended certain sections of The Zoning Ordinance; and

WHEREAS, the Town of Sullivan's Island was mindful to make comprehensive revisions to The Zoning Ordinance and sought plans and procedures whereby professional zoning consultation, citizen input and Town staff would come together to make the comprehensive revisions needed to The Zoning Ordinance; and

WHEREAS, from time to time, the need for refinements becomes evident through experience; and

WHEREAS, the Town believes it would be in the best interest of its citizens to alter certain regulations applicable to split-zoned lots; and

WHEREAS, to this end the Town believes it would be beneficial to create two Community Commercial Overlay Districts to be known as CCOD 1 and 2 and that such overlay districts would be consistent with the Town's Comprehensive Development Plan; and

WHEREAS, within the area proposed for the CCOD 1 Overlay District, the commercial portions of such lots are generally commercially developed at present and the Town wishes to maintain that general pattern of land use;

WHEREAS, within the area proposed for the CCOD 1 Overlay District, the residential portions of the lots are generally under-utilized at present and do not support neighborhood compatibility; and

WHEREAS, single-family residential houses properly constructed and sited in the residential portion of the proposed CCOD 1 overlay district will provide a buffer from the distractions inherent in the commercial district; and

WHEREAS, the CCOD 1 Overlay District concept is consistent with nearby development patterns; and

WHEREAS, Council believes that, if built out in accordance with these recommendations the residential area in the proposed CCOD 1 Overlay District could become a neighborhood with generally consistent sized lots and homes thus creating real neighborhood compatibility; and

WHEREAS, Council also believes that the Town would benefit from the establishment of CCOD 1 and CCOD 2 Overlay Districts; and

WHEREAS, the current conditions within the CCOD 2 Overlay District represent scattered development in that there are a total of ten (10) lots; seven (7) with varied commercial uses, condominiums, post office, restaurants and professional offices. Three (3) of the lots are essentially undeveloped for commercial use; and

WHEREAS, there are advantages to the Town and residents in having low-impact commercial development along this corridor including convenience of potential services, appearance, and tax revenues for the Town; and

WHEREAS, the Council believes that the encouragement of certain commercial development within the CCOD1 and CCOD 2 Overlay Districts could result in increased off-street parking; and

WHEREAS, Council wishes to assure that any future commercial development within the proposed CCOD1 and CCOD 2 Overlay Districts will be architecturally compatible with Sullivan's Island and of low impact to the community; and

WHEREAS, Council finds that the conditions proposed for the CCOD 1 and CCOD 2 Overlay Districts are designed to promote appropriate commercial development consistent with the Town's Comprehensive Plan and consistent with Island values as to use, size and appearance; and

WHEREAS, the Town Council believes it would be desirable to establish specific regulations to assure consistent and desirable land use of those parcels; and

WHEREAS, the Planning Commission held numerous public meetings, to include public hearings on October 13, 2010 and September 14, 2011, and after review the Planning Commission rendered its recommendations to the Town Council; and

WHEREAS, the Town Council for the Town of Sullivan's Island has reviewed the proposed draft and the proposed recommendations and revisions of the Planning Commission and now wishes to adopt the following revisions to the Town Zoning Ordinance as the same have been determined to be in the best interest of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL IN MEETING DULY ASSEMBLED,

that Sections 21-9, 12, 19, 21, 22 24, 27, 31, 48, 49, 50, 51, 52, 53, 54, 59 and 143_of The Ordinances for the Town of Sullivan's Island be amended to read as follows:

Sec. 21-9 Establishment of districts.

For the purpose of this Zoning Ordinance, the Town of Sullivan's Island is hereby divided into the following Zoning Districts:

- A. RS – Single Family Residential District;
- B. CC – Community Commercial District;
- C. CCOD 1 and 2 – Community Commercial Overlay Districts 1 and 2; and
- D. R & C – Recreation & Conservation Area Districts 1 and 2; and,
- E. HP – Historic Preservation Overlay District.

Sec. 21-12 Lot size, dimension, use location, calculating and measuring areas.

A. Lot size and dimension.

1. Except in the CCOD 1 and 2 Overlay districts, the minimum lot size for all newly created or configured lots within the Town shall be one-half (½) acre. In CCOD 1 and 2 Overlay Districts the minimum lot size shall be set by reference to Section 21-49(C).
2. Lots shall conform to the original subdivision of Sullivan's Island and shall not be combined to increase lot size or reduced to diminish lot size beyond the original lot size, except as expressly provided with respect to lots within the CCOD 1 and 2 Overlay Districts.
3. Except for CCOD 1 and 2 Overlay District lots subdivided in accordance with Section 21-49(C), lot depth shall not be less than one (1) time nor more than two and one-half (2-½) times lot width.
4. Lots shall be generally rectangular in shape.

B. Location of uses.

1. Every building or use shall be located on an approved lot of record approved by the Town of Sullivan's Island and shall not infringe beyond the building lines into the respective Front, Side, Rear Yards or other Setbacks required for the district in which the lot is located.
2. No structure or part of a structure shall be erected or allowed to remain within applicable minimum yard Setbacks unless specifically provided hereafter. A structure or part of a structure shall include buildings, overhanging eaves, covered structures such as steps, porches, patios, carports, and any other extension of a building beyond its foundation line.

c. Calculating lot area.

1. For the purposes of calculating Lot Area, only that portion of the lot lying outside the area designated as marsh or that portion above the ocean's high water mark shall be included in the Lot Area.
2. Lots adjacent to RC-1.
The Lot Area utilized to determine said minimum size shall include only land area located above and landward of the landward RC-1 Area District boundary line.
3. Lots adjacent to RC-2.
The Lot Area utilized to determine said minimum size shall include only land area located above and landward of the SC DHEC-OCRM "Critical Area Line" as determined in the field by OCRM staff.
4. Right-of-way easements for streets or roads shall not be considered a part of the Lot Area.

d. Measuring buildable area.

1. The required front, side, and rear yards for individual lots shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot.
2. Once the yard areas of a given lot have been established, the remaining area of the lot that is not included in any required front, side, or rear lot shall be known as the "Buildable Area" unless otherwise defined.

**Sec. 21-19. Intent, Application, and Community Commercial Overlay District ("CCOD")
Overlay Lots**

a. Intent.

It is the intent that the RS-Single Family Residential District be developed and reserved for low-density residential purposes, with the structures therein built in a manner that is respectful of the Island's building mass and scale, historic structures, and compatible with neighborhood character. The regulations that apply within this district are designed to encourage the formation and continuance of a stable, healthy, environment for one single family, primarily owner-occupied dwelling per lot with each lot having an area of at least one-half (1/2) acre and to discourage any encroachment by commercial, or other uses capable of adversely affecting the residential character of the district.

b. Application of zoning and design standards and design guidelines.

Unless otherwise specifically identified as a Design Standard or Design Guideline, all of the standards under this Article shall be considered as Zoning Standards.

c. Split-zoned lots within the CCOD 1 and 2 Overlay Districts that are not subdivided.

In an effort to have the property owner(s) self-police the extent and intensity of the commercial use where it is located on the same lot as a structure used for residential purpose,

the following conditions will attach if the owner(s) elect to locate a commercial use as described in Sec. 21-50 on the same lot that a structure for residential purpose is also located:

(1) The lot shall remain in single ownership; more specifically, regardless of the type of ownership every owner, member, partner, shareholder, or unit owner must have the same percentage of ownership in the structure(s) where a commercial use is located as in the structures(s) where a residential use is located;

(2) Every owner, member, partner, shareholder or unit owner must have the same amount of control over the use in the structure(s) where any commercial use is located as over any structure(s) where a residential use is located;

(3) These conditions shall be placed on any building permit for a commercial structure or alteration of a structure to accommodate a commercial use and shall be placed on any business license for a commercial use; and

(4) Furthermore, these conditions shall become covenants running with the property and shall be placed on the real estate title to the property by the owner of the lot by recording deed restrictions for the benefit of the Town of Sullivan's Island on the owner(s) title and recording the same in the RMC Office for Charleston County, before a building permit or business license is issued.

D. Design Review Board authority with respect to single family residential structures on CCOD 1 and 2 Overlay District lots.

None of the allowances described in Article III for modifications to zoning or design standards by the Design Review Board shall be permitted for single family residential structures on CCOD 1 and 2 Overlay District lots except as provided in Sections 21-49. Approval by the Design Review Board on the basis of neighborhood compatibility shall be required for any building permit for a single family residential structure on CCOD 1 and 2 Overlay District lots as defined and described in Sec. 21-19(C). (6-19-07)

Sec. 21-21. Lot area and width.¹

- A.** The minimum Lot Area is one-half (1/2) acre
- B.** The minimum lot width as measured at the building line is one hundred five (105) feet.

¹ Please note the impact of Sec. 21-49 with respect to lots designated CCOD.

Sec. 21-22. Front, side and rear setbacks.²

A. Encroachments into yard setbacks.

1. For the purpose of determining the Setbacks required for Principal Buildings, it shall not include encroachments by
 - (a) Roof eave overhangs to thirty (30) inches;
 - (b) Step treads below a height of six (6) feet with combined width no greater than 12 feet;
 - (c) HVAC stands within five feet (5') of the Principal Building located in the side or rear yards as long as no part of the HVAC stand is within ten feet (10') of the side property line. (08-15-06)
 - (d) Chimneys.
2. In no case shall there be any other type of encroachment into the required Setbacks by any type of structure unless expressly permitted hereafter.

B. Minimum front yard setback.

1. Front Yard Setback.

The minimum required Front Yard Setback shall be twenty-five (25) feet.
2. Corner lot. The required Front Yard Setback for a Corner Lot shall be fifteen (15) feet from that portion of the lot running parallel to the side of the Principal Building. If the Principal Building is sited in a manner that neither side runs parallel to the lot line, then the Principal Building shall be set back from both lot lines the required twenty-five (25) feet.
3. Shallow lot.
 - (a) A shallow lot is a lot with less depth than width as measured at the building line.
 - (b) The required Front Yard Setback may be reduced by one-third (1/3) foot for each foot by which the lot depth is less than eighty (80) feet rounded up or down to the nearest whole foot; provided, however, the Front Yard Setback shall never be less than fifteen (15) feet.
4. Additional Front Yard Setback:
 - (a) For any portion of a Principal Building's height exceeding twenty (20) feet, that portion in excess of twenty (20) feet shall be set back from the Front Yard Setback an additional one (1) foot for every one (1) foot of increased height above twenty (20) feet as measured at the Front Yard Setback.
 - (b) Explanation.

² Please note the impact of Sec. 21-49 with respect to lots designated CCOD.

- i. This requirement creates a Front Yard Setback “building envelope” within which the Principal Building’s front façade shall fit.
 - ii. The additional front setback line shall be measured as a straight line from the Front Lot Line to the required setback line, then turning at a 90 degree angle and extended twenty (20) feet vertically, and then angled at a 45-degree slope to infinity (1-foot of run to 1-foot of rise).
- (c) Design Review Board.
The Design Review Board may grant up to a fifteen percent (15%) modification in this Zoning Standard if the modification or other modifications achieve greater Neighborhood Compatibility as described in Article XII.
5. Principal building constructed adjacent to post-FEMA elevated Principal Buildings.
- (a) If the foundations of the Principal Buildings on either side of a proposed Principal Building are elevated to meet FEMA’s current flood standards, the proposed Principal Building is permitted to have the same Front Yard Setback as the Principal Building having the greater Front Yard Setback, but in no case shall the Front Yard Setback of the Principal Building be less than fifteen (15) feet.
 - (b) If the proposed Principal Building is located on a corner lot, the Principal Buildings sharing a common side lot line with the corner lot shall govern the permitted front setback.
 - (c) This provision to the Front Yard Setback applies only to the Principal Building (no accessory structures).
 - (d) Design Review Board.
The Design Review Board may grant up to a fifteen percent (15%) modification in this Zoning Standard if the modification or other modifications achieve greater Neighborhood Compatibility as described in article XII.

c. Minimum side yard setback.

- 1. Lots equal to or greater than one hundred five (105) feet wide as measured at the required Front Yard Setback Line:
 - (a) The Side Yard Setback shall be a minimum of fifteen feet (15) with a combined Side Yard Setback for both sides equal to forty (40) feet.
- 2. Lots less than one hundred five (105) feet wide as measured at the required Front Yard Setback Line:
 - (a) The required Side Yard Setback may be reduced by one-third (1/3) foot for each foot by which the lot width is less than one hundred five (105) feet rounded up or down to the nearest whole foot; provided, however, the Side Yard Setback shall never be less than ten (10) feet.
 - (b) Design Review Board. The Design Review Board may grant up to a twenty-five percent (25%) modification in this Zoning Standard if this or other modifications achieve greater Neighborhood Compatibility as described in ARTICLE XII, so long as neither Side Yard Setback is less than ten (10) feet.

3. Accessory structures Side Yard Setbacks.
 - (a) See article XV for Setbacks required for accessory structures.

D. Minimum principal building side façade setback.

1. A Principal Building's 2nd floor Side Façade having a width in excess of ten (10) feet shall be setback two (2) feet from the 1st floor Side Façade.
2. If a Principal Building's 2nd floor Side Façade has an unenclosed porch with a minimum depth of four (4) feet, the Side Façade encompassed by the porch shall not be subject to the additional required setback.
3. Design Review Board.

The Design Review Board may grant up to a *one hundred percent (100%)* modification in this Zoning Standard if this or other modifications achieve greater Neighborhood Compatibility as described in *ARTICLE XII*.

E. Minimum rear yard setback.

1. Unless otherwise provided, no structure or part of a structure shall be erected or allowed to remain nearer than twenty-five (25) feet to a Rear Lot Line.
2. Shallow lot:
 - (a) A Shallow Lot is a lot with less depth than width at the Building Line.
 - (b) The required Rear Yard Setback may be reduced by one-third (1/3) foot for each foot by which the lot depth is less than eighty (80) feet rounded up or down to the nearest whole foot; provided, however, the Rear Yard Setback shall never be less than ten (10) feet.
 - (c) This provision does not eliminate the required Setbacks from the RC-1 and RC-2 Districts stipulated in article III 21-23.
3. See required Setbacks from RC-1 and RC-2 Districts in article III 21-23.
4. See required Setbacks for Accessory Structures in Article XV.

Sec. 21-24. Building Height.

- A.** No Principal Building shall be erected, altered or moved so as to exceed thirty-eight (38) feet in overall height.
- B.** Building height shall be measured in a straight line from the highest point of the Principal Building, excepting any chimney but including any other vertical improvement, to the natural ground elevation at the center point of the Building.
- C.** Elevated Lot: In no case shall the highest point of a Principal Building be higher than forty (40) feet above the crown of the street nearest to the center of the foundation.
 1. Example: Foundation grade is three (3) feet above street crown; maximum Principal Building height = 37 feet.
- D.** Religious institutions: The height of sixty feet (60') shall apply to spires, belfries, cupolas and domes not intended for human occupancy located on the Principal Building.

- E. The Design Review Board may consider any reduction of the principal building height below the maximum of thirty-eight feet (38) in its assessment of overall neighborhood compatibility.
- F. Notwithstanding any of the requirements in Sec. 21-24 A-C above, single family residential structures on lots within the CCOD 1 and 2 Overlay Districts may be permitted only if the principal building height will not exceed 80% of the maximum height otherwise permitted in Sec. 21-24 A-C; provided however that buildings in such Overlay districts may be eligible for bonuses as set forth in Section 21-49E and F.

Sec. 21-27. Principal building square footage.

A. Purpose and definition.

1. Purpose: The overall size of a Principal Building in relation to lot size affects the impact of the Principal Building's scale and mass on adjacent buildings and the Island as a whole. Improving the relationship between lot size and the Principal Building by limiting the Principal Building's maximum size promotes greater compatibility of new construction with existing development and contributes to overall neighborhood compatibility.
2. Principal Building Square Footage: The entire square footage encompassed within the exterior portion of the Principal Building or Buildings, specifically including more than one dwelling on the same lot and historic structures used as accessory dwelling units, but not including (5-15-07)
 - (a) interior space not readily useable as living space (attic used only for storage or parking area beneath dwelling);
 - (b) structures that are not used as living space;
 - (c) exterior porches and decks; and,
 - (d) exterior stairs.

B. Permitted principal building square footage.

1. Lot Area of five thousand (5,000) square feet or less: Principal Building Square Footage limited to twenty four hundred (2400) square feet.
2. Lot Area exceeding five thousand (5,000) square feet: maximum Principal Building Square Footage of twenty four hundred (2400) square feet may be increased 10 sf for every additional 100 square feet of Lot Area.
3. Equation: $[(\text{Lot Area} - 5000 \text{ sf}) / 100 \text{ sf}] \times (10) + 2400 = \text{Principal Building Square Footage}$.

Examples:

- a. ½ acre Lot 21,780sf = 4078 Principal Building Square Footage.
- b. ⅓ acre Lot 14,505sf = 3351 Principal Building Square Footage.
- c. ¼ acre Lot 10890sf = 2989 Principal Building Square Footage.
- d. Lot 5,000 sf = 2400 Principal Building Square Footage.

4. The maximum permitted Principal Building Square Footage is fifty six hundred (5600) square feet.

C. Design Review Board.

1. The Design Review Board may increase by no more than twenty-five percent (25%) the maximum permitted Principal Building Square Footage if this or other modifications achieve greater Neighborhood Compatibility as described in ARTICLE XII, except as provided in Section 21-20C(2)(j) regarding historic properties with a second structure on the same lot.
2. However, in no case shall any Principal Building Square Footage exceed 5,600 square feet.

D. Notwithstanding any of the requirements in Sec. 21-27 A-C above, single family residential structures in the CCOD 1 District may be permitted only if the principal building coverage area shall not exceed 80% of the maximum principal building square footage otherwise permitted in Sec. 21-27 A-C. The Design Review Board shall not have the authority to increase the principal building square footage as set forth in Sec. 21-27 (C) for single family residential structures on CCOD 1 or 2 Overlay District lots; provided, however, the Design Review Board may exercise the discretion described in Sec. 21-49.

21-31. Foundation height.

A. Purpose.

Due to FEMA regulations and Hurricane Hugo, the foundations of new Principal Buildings are substantially elevated; in many cases, Principal Buildings are elevated higher than FEMA requirements to provide parking and better views. Decreasing foundation height and the height of the Principal Building (including, but not limited to eliminating under house parking) increases Neighborhood Compatibility.

B. Design standards.

1. The bottom elevation of the Principal Building's lowest horizontal structural member shall be no more than the greater of seven feet above grade or two (2) feet above the FEMA base flood elevation
2. The finished floor shall be no more than three (3) feet above the FEMA base flood elevation.

C. Design Review Board.

The Design Review Board may grant up to a one foot (1') modification in this Design Standard if the modification or other modifications achieve greater Neighborhood Compatibility as described in ARTICLE XII.

D. CCOD Lots.

Structures located on lots within the CCOD Overlay Districts shall not have their foundation heights set by reference to Sec. 21-31, but rather shall be governed by the foundation height requirements set forth specifically within the Overlay ordinance. See Sec. 21-49.

Sec. 21-48. Purpose and application of CC-Community Commercial District and CCOD 1 and 2 Overlay Districts.

A. Purpose.

It is the intent that the CC-Community Commercial District (and portions of the associated overlay zones CCOD 1 and CCOD 2) shall be developed and reserved for commercial business and office use for the benefit of Sullivan's Island residents, and to encourage well-regulated residential land use. The regulations that apply within the district are designed to encourage the formation and continuance of a compatible and economically healthy environment for commercial and professional office uses that benefit from being located in close proximity to one another. It is also the intent to provide opportunities for residential uses to be developed at appropriate locations within the CC-District and CCOD 1 and 2 Overlay Districts under circumstances which will assure compatibility of neighboring commercial and residential activities.

B. Application of zoning and design standards and design guidelines.

- (1) Unless otherwise specifically identified as a Design Standard or Design Guideline, all of the standards under this Article shall be considered as Zoning Standards.
- (2) Within the CC District and CCOD 1 and 2 Overlay Districts, all plans for new construction or for renovations which will change the exterior appearance must be reviewed in advance by the Design Review Board for neighborhood compatibility.

Sec. 21-49. CC, CCOD 1 and CCOD 2.

A. Generally.

Sullivan's Island contains lots that are, or previously were, split zoned lots. These are located generally between Station 20 ½ and Station 22 ½ that have frontage on Middle Street and I'on Avenue and Middle Street and Jasper Boulevard. These lots are shown in Exhibit 1.1 at the end of this section, and shall be divided into Districts and Overlay Districts to be known as CC, CCOD 1 and CCOD 2. In instances of unsubdivided lots within the CC District, and CCOD 1 and 2 Overlay Districts, the underlying (RS / CC) zoning boundary line bisecting split zoned lots and shall be retained and observed absent specific amendment by Council. (Please refer to the Official Zoning Map for exact demarcation of zoning district boundaries). In instances where lots are subdivided the subdivision shall occur along the pre-existing (RS / CC) zoning boundary. In instances in which specific CCOD 1 or CCOD 2 overlay rules conflict with the underlying base zoning (RS or CC) requirements or the general zoning, site planning, and use regulations set forth elsewhere within this code, then the more specific CCOD 1 and CCOD 2 Overlay provisions shall control for such parcels. In all other instances the more general underlying base zoning and ordinances of the Town of Sullivan's Island shall apply.

B. Boundaries.

1. CC – The CC area may generally be described as consisting of those lots between Station 20 ½ and Station 22 ½ that have frontage on Middle Street and I'on Avenue and Middle Street and Jasper Boulevard. Some portions of the CC area are further divided into the CCOD 1 and CCOD 2 Overlay Districts for regulatory purposes. Town to provide revised description of CC district boundaries.
2. CCOD 1 – The CCOD 1 Overlay District may generally be described as consisting of those lots between Middle Street and Jasper Boulevard from Station 22 ½ to Station 22. This area is comprised of the parcels identified as TMS Numbers 529-05-00084, 529-05-00034, 529-05-00033, 529-05-00032, 529-05-00031 and 529-05-00030 (five parcels of land) as well as any additional parcels later created by subdivision or replatting of these listed parcels. See Exh. 1.1.
3. CCOD 2 – The CCOD 2 Overlay District area may generally be described as consisting of those lots between I'On Avenue and Middle Street from Station 22 to 2019 Middle Street and 2120 Middle Street. This area is comprised of the parcels identified as TMS Numbers 5290900014, 5290900109, 5290900096, 5290900106, 5290900017, 5290900095, 5290900114, 5290900097, 5290900111, 5290900108, 5290900125, 5290900015, 5290900110, 5290900103, 5290900107, 5290900093, 5290900094, 5290900124, 5290900018, 5290900019, 5290900020, 5290900021, 5290900022, 5290500086, 5290500035, 5290500087 and 5290500085 (twenty-seven parcels of land) as well as any additional parcels later created by subdivision or replatting of these listed parcels See Exh. 1.1.

COMMUNITY COMMERCIAL OVERLAY DISTRICT PROPERTIES

EXHIBIT 1.1

DISTRICT #1	DISTRICT #2	DISTRICT #2
TMS#	TMS#	TMS#
5290500084	5290900014	5290900107
5290500034	5290900109	5290900093
5290500033	5290900096	5290900094
5290500032	5290900106	5290900124
5290500032	5290900017	5290900018
5290500031	5290900095	5290900019
5290500030	5290900114	5290900020
	5290900097	5290900021
	5290900111	5290900022
	5290900108	5290500086
	5290900125	5290500035
	5290900015	5290500087
	5290900110	5290500085
	5290900103	

C. Subdivision of Lots

1. The subdivision of split-zoned lots within the CCOD 1 and 2 Overlay Districts is permitted as specified herein, but shall not be required. For split-zoned lots that are not subdivided the split-zoning shall remain undisturbed absent amendment by Council.
2. Parcels within the CCOD 1 and 2 Overlay Districts may be subdivided, provided that the bisecting boundary line accomplishing the subdivision is placed along the pre-existing RS / CC zoning district boundary line as shown on the Official Zoning Map. See Exh. 1.1. Absent specific zoning amendment by Council, each of the parcels resulting from subdivision shall retain the respective underlying (RS or CC) base zoning designation previously associated with the particular land area while split-zoned, subject of course to any Overlay District modifications.
3. Subdivisions in the CCOD 1 and 2 Overlay Districts accomplished in accordance with this subsection above are permitted without regard to the minimum lot requirements specified in Sections 21-12(A)(1), 21-12(A)(3) and 21-21. Lots subdivided in this manner shall be considered conforming lots of record, but may not be further subdivided. Subdivision of lots in this fashion must, however, meet all other requirements of Section 21-12 as well as all requirements of Section 21-51 regarding utility easements and meters.

4. Notwithstanding the provisions of Sec. 21-19(C), in the event that split-zoned lots are subdivided in accordance with the provisions of Section 21-49, the commercial and residential lots so created may be owned by different owners.

D. CC Standards Outside of CCOD 1 and 2 Overlay Districts.

Applicable development standards may be found in Sections 21-50 through 66, among others.

E. CCOD 1 Standards

1. CCOD 1 RESIDENTIAL CONSTRUCTION

- a. For single family residences constructed on the residential (RS) portion of the split zoned lots or on residentially zoned lots within the CCOD 1 Overlay District, the site planning and other development and zoning requirements applicable to RS zones shall apply except that
 - (i) a principal building square footage bonus not to exceed fifteen (15%) percent; and/or
 - (ii) a building height bonus not to exceed fifteen (15%) percent³; and/or
 - (iii) a side setback reduction from those currently set forth with respect to RS Districts (though in no event shall a side setback of less than ten (10') feet be permitted);

may be approved by the Design Review Board when such bonus(es) or reduction would improve neighborhood compatibility or further other goals of the Town's Comprehensive Plan. An illustration of the application of these various rules can be seen in Table 1.1. See also, generally among others, Sections 21-19 through 46, for additional standards.

- b. For the purpose of calculating Principal Building square footage, lot coverage, impervious coverage, and other standards for land located within the residential portion CCOD 1 Overlay District, only that portion of the Lot Area base zoned RS shall be considered in the calculations.
- c. Single family residences to be constructed within CCOD 1 Overlay District must be constructed with all exterior walls facing Middle Street appropriately built for sound proofing. Additionally, the rear façade (i.e. façade facing Middle Street) shall not employ a flat, single plane aspect. Rear façade design and rear wall soundproofing specifications shall be approved by the Design Review Board prior to permitting.
- d. The bottom elevation of a Principal Building's 1st floor joists shall be no more than one (1) foot above the FEMA base flood elevation.

³ See Section 21-24 for underlying base calculation.

- e. Permitted uses shall be determined by reference to Section 21-20 (Principal Uses) and Article XV of these Ordinances (Accessory Uses).
- f. In order to facilitate the objectives of neighborhood compatibility, front and rear setbacks described within Section 21-22 may be reduced by the Design Review Board, but in no case shall the combined total front and rear setbacks be less than forty (40') feet and the front setback shall not be less than fifteen (15') feet.
- g. Dormers. Conforming front dormers shall be exempt from the 1:1 front yard setback rule described in Section 21-22(B)(4)(a). Dormers constructed in accordance with this exemption shall be limited to twenty (20%) percent of the roof area with no one dormer exceeding six (6') feet in length measured at the portion of the wall plate parallel to the exterior of the structure at the lowest roof edge. Front dormers constructed in the residential portions of the CCOD 1 district shall not, however, be eligible for the Design Review Board modification described in Section 21-22(B)(4)(c).

CCOD 1 Residential Construction

Illustration Table 1.1

Lot Size	Principal Building Square Footage ⁴	Principal Building Square Footage Plus Max. 15% Bonus	Principal Building Height	Principal Building Height Plus Max. 15% Bonus
10,890	2391 sf	2750 sf	30.4 ft	35.0 ft
7000	2080 sf	2392 sf	30.4 ft.	35.0 ft

⁴ Please note the impact of Section 21-27(D).

2. CCOD 1 Commercial

- a. For buildings constructed on the commercial (CC) portion of lots or commercial (CC) lots within the CCOD 1 Overlay District the site planning and other development and zoning requirements applicable to CC zones shall apply except that:
 - (i) for purposes of the maximum structure size calculations described in Section 21-52(A)(1) the size limit percentage shall be fifty-two (52%) percent rather than the typical fifty-seven (57%) percent, and for the calculations described in Section 21-52(A)(2) the listed 2.72% figure shall be replaced with three (3%) percent⁵; and
 - (ii) a principal building square footage bonus not to exceed fifteen (15%) percent may be approved by the Design Review Board when such bonus(es) would improve neighborhood compatibility or otherwise further the goals of the Town's Comprehensive Plan; and/or
 - (iii) a building height bonus not to exceed twenty (20%) percent may be approved by the Design Review Board when such bonus(es) would improve neighborhood compatibility or otherwise further the goals of the Town's Comprehensive Plan.⁶

An illustration of the application of the rules generally governing such construction can be seen in Table 1.2. See also, generally among others, Sections 21-50 through 66, for additional standards.

- b. For the purpose of calculating Principal Building square footage, lot coverage, impervious coverage, and other standards, only that portion of the Lot Area base zoned CC-Community Commercial District shall be considered in the calculations.
- c. Foundation height shall be determined by reference to Sec. 21-59 (A) and (B). The Design Review Board shall not be permitted to consider variances from these requirements.
- d. Permitted uses for structures on the commercial portion of a lot within the CCOD 1 Overlay District shall be governed by Section 21-50) and Article XV of these Ordinances.
- e. The first floor of the structure must be used exclusively for one or more commercial uses as described in Section 21-50 except for building access for the upper floor, mechanical, utilities and similar uses.

⁵ Please note further the application of Section 21-52(C).

⁶ See Section 21-54 for underlying base calculation.

- f. If developed for commercial and residential use, the structure shall have a balanced appearance and present a harmonious and substantially uniform width facing Middle Street.

CCOD 1 Commercial Construction

Illustration Table 1.2

Lot Size	Principal Building Square Footage	Principal Building Square Footage Plus Max. 15% Bonus	Principal Building Height	Principal Building Height Plus Max. 20% Bonus
10,890	4530 sf	5210 sf	30.4 ft	36.5 ft
7000	3696 sf	4250 sf	30.4	36.5 ft

F. CCOD 2 Standards

1. CCOD 2 RESIDENTIAL CONSTRUCTION – I’On Avenue Lots

- a. For Single-family residences constructed on the residential (RS) portion of split-zoned lots or residential (RS) lots within the CCOD 2 Overlay District, the site planning and other development and zoning requirements applicable in RS zones shall apply except that:

(i) a principal building square footage bonus not to exceed fifteen (15%) percent; and/or

(ii) a building height bonus not to exceed twenty (20%) percent⁷;

may be approved by the Design Review Board when such bonus(es) would improve neighborhood compatibility or otherwise further the goals of the Town’s Comprehensive Plan. An illustration of the application of these rules may be seen in Table 1.3. See also, generally among others, Sections 21-19 to 46, for additional standards.

- b. For the purpose of calculating Principal Building square footage, lot coverage, impervious coverage, and other standards for land located within the residential portion CCOD 2 Overlay District, only that portion of the Lot Area base zoned RS shall be considered in the calculations.

⁷ See Section 21-24 for underlying base calculation.

- c. The bottom elevation of a Principal Building's 1st floor joists shall not exceed the lower of (a) seven (7') feet above grade or two (2') feet above the FEMA base flood elevation. See also Section 21-31(B)(1)(2).
- d. Permitted uses shall be as described in Section 21-20 and Article XV of these Ordinances.

CCOD 2 Residential Construction

Illustration Table 1.3

Lot Size	Principal Building Square Footage	Principal Building Square Footage Plus Max. 15% Bonus	Principal Building Height	Principal Building Height Plus Max. 20% Bonus
10,890	2989 sf	3437 sf	30.4 ft	36.5 ft

2. CCOD 2 Commercial - Middle Street Lots

- a. Buildings constructed on the commercial portion of split-zoned lots or a commercial lot within the CCOD 2 Overlay District the site planning and other development and zoning requirements applicable to CC zones shall apply except that:
 - (i) for purposes of the maximum structure size calculations described in Section 21-52(A)(1) the size limit percentage shall be fifty-two (52%) rather than the typical fifty-seven (57%) percent, and for the calculations described in Section 21-52(A)(2) the listed 2.72% figure shall be replaced with three (3%) percent⁸; and
 - (ii) a principal building square footage bonus not to exceed fifteen (15%) percent may be approved by the Design Review Board when such bonus(es) would improve neighborhood compatibility or otherwise further the goals of the Town's Comprehensive Plan; and/or
 - (iii) a building height bonus not to exceed twenty (20%) percent may be approved by the Design Review Board when such bonus(es) would improve neighborhood compatibility or otherwise further the goals of the Town's Comprehensive Plan.⁹

⁸ Please note further Section 21-52(C).

⁹ See Section 21-54 for underlying base calculation.

An illustration of the application of these rules may be seen in Table 1.4. See also, generally among others, Sections 21-50 through 66, for additional standards.

- b. For the purpose of calculating Principal Building square footage, lot coverage, impervious coverage, and other standards, only that portion of the Lot Area base zoned CC-Community Commercial District shall be considered in the calculations.
- c. Foundation height shall be determined by reference to Sec. 21-59 (A) and (B). The Design Review Board shall not be permitted to consider variances from these requirements.
- d. Permitted uses for structures on the commercial portion of a lot within the CCOD 2 Overlay District shall be governed by Section 21-50 and Article XV of these Ordinances.
- e. The first floor of the structure must be used exclusively for one or more commercial uses as described in Section 21-50 except for building access for the upper floor, mechanical, utilities and similar uses.
- f. If developed for commercial and residential use, the structure shall have a balanced appearance and present a harmonious and substantially uniform width facing Middle Street.

CCOD 2 Commercial Construction

Illustration Table 1.4

Lot Size	Principal Building Square Footage	Principal Building Square Footage Plus Max. 15% Bonus	Principal Building Height	Principal Building Height Plus Max. 20% Bonus
10,890	4530 sf	5210 sf	30.4 ft	36.5 ft

Sec. 21-50. Permitted uses, conditional uses and prohibited uses.

A. Permitted uses in the CC District.

1. Retail businesses:

- a. Art and framing shop;

- b. Bakery goods or candy shop;
- c. Bicycle shop without outdoor storage;
- d. Clothing, accessories or fabric shop;
- e. Gift or collectibles shop;
- f. Jewelry /watch shop and repairs;
- g. Stationery and book shop;
- h. Toy or hobby shop;
- i. Pharmacy with no drive through;
- j. Music store;
- k. Florist shop; and
- l. Woodworking shop.

2. Personal services:

- a. Barber shop or beauty salon;
- b. Cleaners, drop-off and pick-up only;
- c. Dental or medical office;
- d. Dressmaker, seamstress, or tailor;
- e. Financial, legal and insurance services;
- f. Photographic studio and sales;
- g. Real estate or property management agency;
- h. Studies for instruction in art, music, fitness, dancing, drama, or similar activity;
- i. Shoe repair; and
- j. Liquor store.

3. Offices for government, business, professional or general purposes.

B. Conditional uses in the CC District.

- 1. Bakery or deli – take-out only: on premise food/beverage consumption permitted under Special Exception -Restaurant.
- 2. Specialty grocery store limited to five thousand (5000) square feet.
- 3. Video sales/rental: limited to hours between 8:00 a.m. and 11:00 p.m.

C. Special Exceptions in the CC District.

1. Restaurant

- a. The use as a restaurant shall only be permitted on existing lots zoned CC-Community Commercial in the block of Middle Street between Station 22-1/2 and Station 22; provided, however, that no new bars or restaurants

may be established within three hundred (300) feet of any existing bar or restaurant. (12/16/08);

- b. Outdoor porches and patios are permitted only on the front portions of the Principal Building;
- c. Decks are permitted only on the front-facing main floor of the Principal Building.
- d. The hours of operation, including deliveries, shall be limited to 6:00 a.m. to 2:00 a.m.; and,
- e. No outdoor entertainment or speaker system is permitted, but this shall not prevent the service of food and drinks on porches, decks and patios.

2. Upper Story Residential.

- a. Upper Story Residential shall only be permitted on the commercial portion of lots designated CC, CCOD 1 and CCOD 2; and,
- b. Parking provided for Upper Story Residential shall be in addition to the required parking of the ground floor use unless a shared parking plan is approved; and,
- c. No Upper Story Residential shall be used as a Vacation Rental.
- d. No more than two (2) dwelling units per lot shall be permitted as Upper Story Residential uses.
- e. The total square footage devoted to Upper Story Residential shall not exceed two (2) times the amount of ground floor principal square footage devoted to commercial use.
- f. No residential uses are permitted above restaurants or bars and;
- g. The proposed uses must be consistent with Sec. 21-48.

3. Short-Term Auto Parking Lot.

- a. Short-Term Auto Parking Lot shall be limited to short-term parking for patrons of commercial or office uses on the commercial lots and portions of lots located within the CC, CCOD 1 and CCOD 2 areas;
- b. A written agreement setting out the terms of the parking lot use shall exist between the owner of the parking lot and the commercial or office use reserving the parking lot for clients and patrons;
- c. There shall be no long-term parking; and,
- d. Adequate parking spaces, driving aisles and buffers shall be provided in accordance with Article XV, Section 21-143.

d. Prohibited uses in the CC District.

1. Bars or businesses that serve alcoholic beverages for on-premise consumption where less than thirty percent (30%) of their revenues are generated from the sale of on-premise restaurant prepared food.

Note: Existing bars are permitted to operate under the Nonconforming Use provisions of this Zoning Ordinance; however, this does not prevent the Town of Sullivan’s Island from enacting other non-zoning related ordinances pertaining to their operations.

2. Businesses selling gasoline or any other businesses handling hazardous chemical wastes;
3. Automated teller machine, drive-through or walk up windows, drive-in or drop-off, or night drop windows;
4. Outdoor storage of vehicles, supplies, or equipment associated with a commercial or office enterprise.
5. Vacation Rentals.
6. On the commercial portion of a CC lot or a commercial lot within the CCOD 1 and 2 areas, structures principally dedicated to, or designed for, first floor residential use (i.e. single family residential structures, first floor apartments, or first floor condominiums.)
7. No uses shall be allowed in the CC-District unless specifically provided in Section 21-50(A) – (C) herein.

e. Parking and sign requirements.

Parking requirements for uses within the CC, CCOD 1 and CCOD 2 Districts shall be in accordance with Accessory Uses and Structure – Parking Article XIV, Section 21-143. Sign requirements within the CC-Community Commercial District shall be in accordance with Sign Regulations, Article XIV.

Section 21-51. Electrical and water meters and associated easements.

A. Additional Meters.

Nothing contained in this Zoning Ordinance shall prohibit the lawful existence or installation of additional meters on CC-District land (including land within the CCOD 1 and 2 Overlay Districts), provided such meter or meters are duly authorized by the Town of Sullivan’s Island.

B. CCOD 1 and 2: Easements and Line Installations Required Prior to Subdivision

The owner of a split zoned lot who subdivides such lot shall, prior to subdivision, be required, at the owner’s sole expense, to create a water and sewer easement from Jasper Boulevard or

I'On Avenue to the lot fronting Middle Street, which easement must be incorporated into the final plat for the two new lots. Such easements, as well as the water and sewer tap locations for both lots, shall conform in all respects to the requirements of the Town. Further, prior to subdivision such owner shall be required at his / her own cost to run all water and sewer lines that may be reasonably necessary to permit water and sewer service to be provided to the newly created lot fronting Middle Street from the existing mains running along Jasper Blvd. or I'On Ave., or, with the approval of the Town, to provide to the Town Building Department an estimate of the cost to do such work that is satisfactory to the Building Department and post with the Town a bond equal to one and one-half times the amount of such estimate to ensure that required water and sewer lines will be constructed as required.

Sec. 21-52. Maximum structure size

A. For buildings in the CC Community Commercial District constructed no more than three (3) feet above grade,

[1] For lots whose CC Community Commercial District portion is 10,346 square feet (approximately (plus or minus 5%) one fourth acre) or greater, the maximum number of square feet shall be no greater than fifty-seven percent (57%) of the area of the CC Community Commercial District portion of the lot; and

[2] For lots whose CC Community Commercial District portion is less than 10,346 square feet (95% of one fourth of an acre), the maximum number of square feet, expressed as percentage of the area of the CC Community Commercial District portion of the lot, shall be no greater than 87%, minus 2.72% for every 1000 square feet of area platted.

B. For buildings constructed more than three feet (3') above grade, the maximum number of square feet shall be no greater than two thirds of the numbers determined in 21-52.A[1] and [2].

C. Notwithstanding any of the requirements in Sec. 21-52 A-B above, commercial buildings in the CCOD 1 and 2 Overlay Districts may be permitted only if the building square footage shall not exceed 80% of what is permitted in Sec. 21-52 A-B.

Sec. 21-53. Front, side and rear setbacks.

A. Encroachments into yard setbacks.

1. For the purpose of determining the Setbacks required for a Principal Building, it shall not include encroachment by
 - a. eave overhangs to thirty (30) inches;
 - b. step treads below a height of six (6) feet, so long as the total width of all such stairways does not exceed ten (10) feet of the run of the affected property line;

- c. HVAC stands within five (5) feet of the Principal Building located in the Side or Rear Yards, or
 - d. Driveways/parking access to the lot area rear yard.
2. In no case shall there be any other type of encroachment into the required Setbacks by any type of structure unless expressly permitted hereafter.

B. Minimum front yard setback.

1. Front Yard Setback.

- a. The required Front Yard Setback shall be no less than five (5) feet and no greater than ten (10) feet.
- b. The Front Yard Setback may be used for porches or patios provided adequate room remains for a six (6) foot walkway between the curb/pavement edge and the Principal Building (walkway may be contained within the public right-of-way and/or Front Yard Setback area).

2. Corner lot.

The required Front Yard Setback for a Corner Lot shall be no less than five (5) feet and no greater than ten (10) feet with a minimum street corner visibility clearance equivalent to that which would occur with both the Side Yard Setback and the Front Yard Setback being ten (10) feet.

3. Additional Front Yard Setback:

- a. Except for dormers, for any portion of a Principal Building's height exceeding twenty (20) feet, that portion in excess of twenty (20) feet shall be set back from the Front Yard Setback an additional one (1) foot for every one (1) foot of increased height above twenty (20) feet as measured at the Front Yard Setback.

b. Explanation.

- i. This requirement creates a Front Yard Setback "building envelope" within which the Principal Building's front façade shall fit.
- ii. The additional front setback line shall be measured as a straight line from the Front Lot Line to the required setback line, then turning at a 90 degree angle and extended twenty (20) feet vertically, and then angled at a 45-degree slope to infinity (1-foot of run to 1-foot of rise).
- iii. The Design Review Board may, in its discretion, grant relief from the provisions of this requirement to achieve neighborhood compatibility and streetscape symmetry.

C. Minimum side yard setback.

1. The required Side Yard Setback shall be zero (0) foot to five (5) feet
2. A zero (0) foot Side Yard Setback shall be permitted on one (1) side if a Principal Building is developed as an attached building to an adjacent Principal Building located on an adjacent lot.
3. Driveway/parking access to the Lot Area's rear yard shall be separately provided for each lot; provided however, driveway/parking access to the Lot Area's rear yard may be provided jointly by adjacent property owners, so that a lot owner may be exempt from a requirement to provide driveway/parking access to the Lot Area's rear yard upon documentation of a joint access agreement with an adjacent property owner.
4. Accessory structures Side Yard Setbacks.
Article XV for Setbacks required for Accessory Structures.

D. Minimum rear yard setback.

1. The minimum Rear Yard Setback from the adjoining residentially zoned portion of the lot shall be fifteen (15) feet.
2. Accessory structures Rear Yard Setbacks.
See Article XV for Setbacks required for Accessory Structures

Sec. 21-54. Building Height

- A. No Principal Building shall be erected, altered or moved so as to exceed thirty-eight (38) feet in overall height.
- B. Building height shall be measured in a straight line from the highest point of the Principal Building, excepting any chimney, to the natural ground elevation at the center point of the Principal Building.
- C. Elevated Lot: In no case shall the highest point of a Principal Building be higher than forty (40) feet above the crown of the street nearest to the center of the foundation.
 1. Example: Natural ground elevation is three (3) feet above street crown; maximum Principal Building height = 37 feet.
- D. Religious institutions: A height limit of 60 feet shall apply to spires, belfries, cupolas and domes not intended for human occupancy located on the Principal Building.
- E. Notwithstanding any of the requirements in Sec. 21-54 A-C above, structures on lots in the CCOD 1 and 2 Overlay Districts may be permitted only if the principal building height shall not exceed 80% of the maximum height otherwise permitted in Sec. 21-54 A-C; provided, however, that buildings in such Overlay districts may be eligible for bonuses as set forth in Section 21-49(E) and (F).

Sec. 21-59. Foundation height.

A. Purpose.

Due to FEMA regulations and Hurricane Hugo, the foundations of Principal Buildings are substantially elevated; although not presently the case within the CC-District, this provision is intended to prevent Principal Buildings from being elevated higher than FEMA requirements.

B. Design standards for Elevated Buildings.

1. The bottom elevation of a Principal Building's 1st floor joists shall be no more than two (2) feet above the FEMA base flood elevation
2. The Principal Building's finished floor shall not be more than three (3) feet above the FEMA base flood elevation.
3. Exception: For Principal Buildings constructed no more than three feet (3') above grade, the rear one half (½) of the Principal Building may be elevated to permit parking underneath the Principal Building.

C. Design Review Board.

The Design Review Board may grant a modification in this Design Standard of no more than one foot if this or other modifications achieves greater Neighborhood Compatibility as described in article XII.

Sec. 21-143. Parking and outdoor storage.

A. Intent.

Parking is an accessory use to both residential and business land uses. This section sets forth the standards for parking and storage of personal vehicles, customer vehicles, commercial vehicles, non-operative vehicles, and recreational vehicles.

B. Definitions.

- (1) Outdoor Storage: The keeping within an unroofed and unenclosed area any goods, materials, merchandise or vehicles in the same place for more than thirty (30) days.
- (2) Parking: The placement of a vehicle or equipment at a location for thirty (30) or fewer days.
- (3) Parking Lot: Any area used for the express purposes of parking automotive vehicles, but not including a single family dwelling's parking area incidental to the principal use.

c. Parking requirements in the RS-Residential District, and Residential parcels within the CCOD 1 and CCOD 2 Districts.

- (1) Parking lots are not permitted in the RS-District or residential portions of CCOD 1 and 2 Districts.

- (2) To the extent possible, parking areas should be twenty (20) feet to the rear of the Principal Building's front façade.
- (3) In the residential portion of CCOD 1 and 2 districts, designated off-street parking area of at least 324 sq. ft. shall be required. Such area may be left in a pervious state.
- (4) Outdoor Storage of vehicles and equipment:

Storage of personal recreation vehicles, cars, boats, campers, and trailers shall be permitted in the RS-District and residentially zoned lots within the CCOD 1 and CCOD 2 Districts;

Storage shall be limited to a total of six hundred (600) square feet;

Storage areas shall be located a minimum of twenty (20) feet to the rear of the Principal Building's front façade;

Recreation vehicles may be parked anywhere on residential premises for a period not to exceed seven (7) days during loading and unloading. After seven (7) days they must be parked to the rear of the front facade;

All setbacks shall be met as required by the zoning district;

Neither vehicles nor equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot.

d. Parking requirements on Split zoned lots within the CC-Community Commercial District and on commercial lots within the CCOD 1 and CCOD 2 Districts.

- (1) Areas suitable for parking automobiles in on-street and off-street locations shall be required in the CC-Community Commercial District. A parking plan shall be required

At the time of the initial construction of any Principal Building;

When a structural alteration or other change in a Principal Building produces an increase in floor area; or

If there is a change in use that increases the demand for parking.

- (2) A parking plan shall be submitted to the Design Review Board for approval and required parking shall be within the CC-Community Commercial District or area otherwise designated by Town Council. The plan must:

Demonstrate how parking demand shall be accommodated;

Provide information as to how the existing lot will accommodate the proposed use,

Provide information as to plans to utilize on-street parking, valet parking or shared parking between businesses that may have different operating hours;

Identify available on-street parking area;

Provide a scaled drawing or layout of all parking areas showing the location, size, and arrangement of the individual parking spaces, loading spaces, and landscaped areas; and,

Be prepared by a professional who shall be knowledgeable about commercial parking demand.

DRAFT

(3) Parking design requirements:

Direct access provided from parking lot to a public street;

Parking space: 18 feet x 9 feet; on-street parallel parking space a minimum of twenty (20) feet in length;

Wheel stops shall be required for all parking area without raised curbing; the vehicle side of the wheel stop shall be no less than eighteen (18) inches from the end of the parking space; where sidewalks or other walkways occur, parked vehicles shall not overhang or extend over the sidewalk. In these parking facilities, wheel stops shall be provided even if the parking facility has curbing;

Parking driveway aisle for off-street parking: minimum width of eighteen (18) feet for sixty (60) degree angle parking; minimum width of twenty four (24) feet for ninety (90) degree parking;

Permeable materials shall be used for on-site parking and drives;

Access to parking areas shall not be permitted to cross residentially-zoned portions of lot;

Access driveways shall not exceed fourteen (14) feet in width; and,

Driveways shall be sited to minimize interruption of the continuity of the public sidewalk.

(4) Buffer and landscape plan for parking lot.

The applicant shall submit a proposed buffer and landscape plan to the Design Review Board for their approval. At a minimum, each parking newly developed or redeveloped commercial lot area shall have a six (6) to eight (8) foot fence high solid fence or wall abutting the residential zoning district boundary; lot area adjacent to the right-of-way lines shall be planted borders not less than five (5) feet in width parallel to the right-of-way (except where egress to the street is needed). The planted border areas shall have at least one (1) tree (having a minimum clear trunk of five (5) inches and a minimum height of eight (8) feet for each thirty (30) linear feet of the border area). The remainder of the required landscape buffer area shall be landscaped with shrubs, lawn, ground cover, or other approved materials.

(5) Joint use of off-street parking areas.

Two or more principal uses may utilize a common area in order to comply with the parking requirements, provided that a covenant agreement with the Town shall be signed that relinquishes the development rights over the property that is being utilized for off-site parking until such time as the lot is no longer required to comply with the parking requirement of the permitted business.

(6) Overnight parking.

Parking lots for the daily use of customers in the CC-Community Commercial District shall not be used for the overnight parking of vehicles, unless the vehicles are commercial vehicles used in the conduct of the commercial activity; if such vehicle is parked overnight, it shall be located a minimum of twenty (20) feet to the rear of the Principal Building's front façade.

(7) Outdoor Storage.

No Outdoor Storage shall be permitted in the CC-District.

Carl J. Smith, Mayor

Attest:

Ellen Miller, Town Clerk

First reading: _____

Second reading: _____

Third reading: _____

Ratification: _____

Attest to Form:

Lawrence Dodds, Esq., Town Attorney

