

## **1124.10 WHITEHALL COMMERCIAL OVERLAY DISTRICT.**

(a) The Whitehall Commercial Overlay was established to create standards to enhance the development pattern along primary commercial corridors. In the past the development of primary commercial corridors focused on automobile travel and usually overlooked pedestrian mobility. Thus, commercial development resulted in challenging pedestrian travel and a lack of connectivity between the streets and buildings due to large parking lots. In addition, the overall architectural pattern of these corridors does not contain significant traditional or natural materials. The existing building setbacks and site orientation have also created a disjointed pattern which has contributed to the lack of overall character and image of the City.

Important goals of the Overlay District include improving pedestrian mobility, accommodating multiple transportation options, and enhancing landscaping and building appearance. Improving these corridors will help to maintain a high-quality community for residents and businesses, and create an economic environment to attract and support future development. The overlay standards are intended to achieve the following objectives:

- (1) Implement appropriate building and parking setback standards that accommodate redevelopment and establish continuity and consistency along the corridors.
- (2) Promote high quality building materials and timeless architecture.
- (3) Establish, and reinforce pedestrian-orientation.
- (4) Promote development that features landscaping, facade transparency, rear parking lots, user-friendly access, appropriately scaled lighting and signage.
- (5) Enhance connectivity between uses to allow for easy flow of automobile and pedestrian traffic.
- (6) Enhance the attractiveness of a corridor to further economic development.

(b) Definitions. This section contains many commonly used terms found within this chapter of the Code.

(1) Building frontage. The side, or facade, of a building closest to and most nearly parallel to an abutting street.

(2) Build-to-line. The point from a primary or secondary right-of-way where the front of the building is to be located.

(3) Building frontage, primary. A building frontage that abuts a street listed as a primary street.

(4) Building frontage, secondary. A building frontage that abuts an alley or street not listed as a primary street.

(5) Building, rear. The wall or plane opposite the primary building frontage. For a building on a corner lot, the building rear is the wall or plane opposite the wall or plane containing the principal building entrance.

(6) Drive-thru. A building or portion thereof that, by design, permits customers to receive goods or services while remaining in a motor vehicle.

(7) Facade. A side of the exterior of a building, especially the front, but also sometimes the sides and rear.

(8) Foot-candles. A unit of light intensity that is equal to the amount of light falling on one square foot area from a one candela light source at a distance of one foot (one lumen per square foot).

(9) Gable. The triangular section of wall at the end of a pitched roof, occupying the space between the two slopes of the roof, or the whole end wall of a building or wing having a pitched roof.

(10) Parapet wall. A low wall barrier at the edge of a roof or structure which may serve to prevent falls over the edge or serve as a stylistic feature.

(11) Pole sign. A sign made of cloth, paper, fabric or any other material that is mounted to a permanent freestanding support not exceeding two (2) feet wide and six (6) square feet and so that the bottom edge of the sign face is ten (10) feet or more above grade.

(12) Primary street. A primary street as referred to in this section includes Broad Street, Main Street, Yearling Road and S. Hamilton Road.

(13) Redevelopment. The increase of a developed property or building gross floor area or combination thereof by more than fifty percent (50%) over a three (3) year period.

(14) Routine maintenance. Work that is planned and performed to maintain and preserve the condition of the building or site including but not limited to painting, landscaping, roof repair, parking rehabilitation, and window replacement and treatment.

(15) Signs. Any object, device, display, or structure, or part thereof, which is used to advertise, identify, display, direct, or visually attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

(16) Stacking space. Area where cars are permitted to wait in a resting state to access a use, or at a traffic signal or sign.

(17) Temporary signs. A sign including, but not limited to, placards, banners, pennants, posters, or other outdoor advertising displays not intended to be permanently displayed.

(18) Traditional and natural materials: "Traditional and Natural Materials" consists of clay bricks (full or thin set, if thin set, corners must have full brick appearance), stone, manufactured stone (samples must be provided), wood or fiber cement board siding.

(19) Tree lawn. A small area, often planted with trees and grass, between a street and the sidewalk of that street.

(20) Window sign. A sign posted, placed, affixed or painted on the interior of a window or door of a building exposed to the public view.

(c) Overlay Area. The boundaries of the Community Commercial Overlay are part of the Official Zoning Map. The overlay applies to any parcel that falls within the following areas:

(1) All parcels fronting on East Broad Street from the western city boundary to Midcliff Drive.

(2) All parcels fronting on Hamilton Road from the Conrail tracks to Mound Street.

(3) All parcels fronting on East Main Street from the western City boundary to Big Walnut Creek just west of Noe-Bixby Road.

(4) All parcels fronting on Yearling Road from the Conrail tracks just south of Fifth Avenue to Mound Street.

(5) All parcels fronting Robinwood Avenue south of Broad Street to Doney Street.

(6) All parcels fronting on Fairway Boulevard from Yearling Road to Hamilton Road including Eastway Court.

Within this area there are three sub districts. These areas shall be referred to as the Pedestrian Oriented, Low-Impact Auto, and General Auto, and defined as follows:

(d) Low-Impact Auto Sub District.

- (1) Any area within the Overlay that is not defined by the Pedestrian Oriented or General Auto Sub Districts.
- (2) All parcels fronting Hamilton Road north of Broad Street to the Conrail tracks.
- (3) All parcels fronting Yearling Road north of Broad St. to Conrail tracks.

(e) Pedestrian Oriented Sub-District.

- (1) All parcels fronting on Hamilton Road from Broad Street to Main Street.
- (2) All parcels fronting on Yearling Road from Broad Street to Main Street.
- (4) All parcels fronting on East Main Street from Hamilton Road to Beechwood Road.
- (5) All parcels fronting Robinwood Avenue south of Broad Street to Doney Street.
- (6) All parcels fronting on Fairway Boulevard from Yearling Road to Hamilton Road including Eastway Court.

(f) General Auto.

(1) Notwithstanding the provisions of the Low-Impact Auto Sub-District and Pedestrian Oriented Sub-District preceding this section, any property or project where there is a primary structure which is over 40,000 square feet in size is located in a General Auto District.

(g) Applicability and Extent. The overlay shall apply and extend as follows:

- (1) Maintenance and in-kind replacement of materials are exempt from the provisions herein;
- (2) All new construction as to the area being developed;
- (3) The expansion or redevelopment of a building's gross floor area by more than fifty-percent (50%) over a three year period shall subject the entire building to all the provisions herein;
- (4) The extension or expansion of a building towards a public street is subject to all the provisions herein;
- (5) Exterior alteration, enhancement, or reconfiguration of a building, other than that listed above, is subject to all other City standards;
- (6) The construction or installation of a parking lot is subject to all applicable provisions herein;

(7) Exterior lighting, fencing, or other accessory structures, and signage are subject to all the applicable provisions herein; and

(8) All industrial zoning is exempt.

(9) **Commercial Zoning Review Approval**

(i) All review of commercial building applications filed with the City subject to the Whitehall Commercial Overlay District will be reviewed by staff.

Applicant shall receive a letter stating approval or denial of the application.

(ii) If denied, applicant may apply for a review by the Planning Commission at a public hearing. The City of Whitehall, acting through its staff, shall review the application and submit a written report to the Planning Commission on or before the date of the public hearing. Planning Commission may approve, modify or disapprove of the plan.

(10) The expansion, exterior alteration or reconfiguration of a multi-family building subject to the Overlay shall be approved by city staff to ensure the architecture improves and elevates the residential character and compliments the overall area. If denied, applicant may apply for a review by the Planning Commission at a public hearing. Planning Commission may approve, modify or disapprove of the plan.

(h) Site Orientation.

(1) **Build-to-Zone**

A. **Pedestrian Sub District.**

1. All primary structures shall be located in the build-to-zone. The build-to-zone for a building or structure shall be between ten (10) and twenty (20) feet from the right-of-way, with the exception of architectural features including but not limited to signage, awnings, columns, porticos, public art or landscape features, or as determined by the Development Director.

B. **Low-Impact Auto Sub District.**

1. All primary structures shall be located in the build-to-zone. The build-to-zone for a building or structure shall be between ten (10) and eighty-two (82) feet from the right-of-way, with the exception of architectural features including but not limited to signage, awnings, columns, porticos, or as determined by the Development Director.

C. **General Auto Sub District.**

1. All primary structures shall be exempt from the build-to-zone. Buildings must still maintain at least a ten (10) foot setback from the right-of-way.

(2) The area between the build-to-zone and the right-of-way shall be landscaped and planted with at least one shade tree and three shrubs per thirty (30) lineal feet, or fraction thereof, in lieu of any front yard tree requirements set out within the Codified Ordinances.

(3) All rights-of-way and tree lawns must be maintained by the primary property owner in accordance with City Code.

(i) Accessibility.

(1) In the Low-Impact Auto and General Auto Sub Districts a minimum five (5) foot wide public sidewalk shall be provided along all streets (excluding alleys) and extend the frontage of the lot and connect to the sidewalks on adjacent properties.

(2) In the Pedestrian Oriented Sub District a minimum six (6) foot wide public sidewalk shall be provided along all streets (excluding alleys) and extend the frontage of the lot and connect to the sidewalks on adjacent properties.

(3) A pedestrian walkway with a minimum width of five (5) feet shall be provided from the public sidewalk to a primary building entrance (note the area shall be striped if extending through a parking area).

(4) A clearly marked pedestrian walkway/pathway shall be provided from a parking lot to a building entrance with a minimum width of four (4) feet.

(j) General Design Standards.

(1) A primary building shall be oriented parallel to a primary street, or as parallel as the site permits.

(2) The height of a building shall be a minimum of eighteen (18) feet above grade.

(3) A building frontage that exceeds a width of fifty (50) feet shall incorporate articulation and offset of the wall plane to inhibit a large expanse of blank wall and add interest to the facade.

(4) For a primary building frontage of a commercial use in the Low-Impact Auto Sub-District and Pedestrian Oriented Sub-District a minimum of forty percent (40%) of the area between the height of two (2) feet and ten (10) feet above grade shall be in clear window glass that permits a full, unobstructed view of the interior to a depth of at least four (4) feet, with the exception of blinds, curtains or other interior decorative elements.

(5) In the Low-Impact Auto Sub-District and Pedestrian Oriented Sub-District facades adjacent to the primary building frontage, the pattern of window glass shall continue from the primary building frontage a minimum distance of ten (10) feet.

(6) Any drive-thru shall be attached to the principal building and located at the rear or side of the building.

(7) Any roof-mounted mechanical equipment shall be screened from public view to the height of the equipment. The materials used in screening must be architecturally compatible with the rooftop and the aesthetic character of the building.

(8) Gables shall have a minimum depth of eight (8) feet, parapet walls that abut a corner shall extend around to the side of the building to a minimum depth of twelve (12) feet.

(9) If at least fifty percent (50%) of a building is redeveloped all overhead utilities serving that building shall be placed underground.

(10) Any new building or redevelopment of a building facade shall include one hundred percent (100%) traditional and natural materials on the front facade, and at minimum forty percent (40%) traditional or natural materials on side facades. There is no requirement for rear facades except for corner lots which shall have a minimum of forty percent (40%) traditional and natural materials.

(11) Rolling doors, security bars, and/or security gates, etc. are prohibited.

(k) Landscaping and Screening. Landscaping is an important component which shapes the character of a site and corridor in which it resides. To continue to shape a high quality environment in the area of the overlay all landscaping standards in Chapter [1130](#) of the Zoning Code shall apply.

- (1) Two Landscaped parking islands, no less than 25 square feet, shall be required for every fifteen parking spaces required on the site. Each island shall have at least one shade tree and a curb around the entire island of at least six inches in height.

(l) Lighting.

- (1) Exterior lighting shall be designed, located, constructed and maintained to minimize light and reflected light trespass and spill over off the subject property.
- (2) The light level along a property line adjacent to a residentially-zoned or used property shall not exceed an average intensity of one-half (1 /2) foot-candle.
- (3) The height of parking lot lighting shall not exceed:
  - (4) Eighteen (1 8) feet in the Pedestrian and Low-Impact Auto Sub-Districts. Twenty-eight (28) feet in the General Auto Sub-District.
  - (5) Parking lot lighting fixtures and poles shall be black in color.
  - (6) Exterior building illumination shall be from concealed sources. Strobe or flashing lights and exposed neon lights are not permitted. Lighting fixtures shall not generate excessive light levels, cause glare, or direct light beyond the facades onto neighboring property, streets, or the night sky.
  - (7) Security lighting shall be full cut-off type fixtures, shielded and aimed so that illumination is directed to the designated areas.

(m) Parking and Circulation.

- (1) Parking or stacking spaces between the right-of-way and the building:
  - A. No parking, staking spaces or drive aisles are permitted between the right-of-way and building in the Pedestrian Oriented Sub-District. Parking must be located on the side or rear of the structure, or some combination thereof.
  - B. Two rows of parking and one drive aisle are permitted between the right-of-way and building in the Low Impact Auto Sub-District. Remaining parking must be located on the side or rear of the structure, or some combination thereof.
  - C. No restrictions on parking and drive aisles between the right-of-way and building in the General Auto Sub-District.
- (2) The Planning Commission may reduce the required number of off-street parking spaces by up to fifty percent (50%) in conjunction with a major site plan approval after giving due consideration to the following factors:
  - A. Type of land use/development.
  - B. Hours of operation.
  - C. Pedestrian traffic and accessibility.
  - D. Availability of transit service.
  - E. Opportunities for shared parking.
  - F. Availability of on street parking.
  - G. Availability of other public parking.
  - H. Elimination of arterial curb cuts.
- (3) The Planning Commission may reduce or eliminate the required number of loading spaces in conjunction with a major site plan approval after giving due consideration to the following factors:
  - A. Frequency and time of deliveries.

- B. Necessary size and nature of delivery vehicles.
- C. Impact on adjoining streets or alleys.
- D. Neighborhood character.

(n) Graphics.

(1) Notwithstanding anything to the contrary herein, in addition to all other Code provisions, any new graphic or sign, other than a like-kind replacement for maintenance reasons, or for a face change in a cabinet box either ground or wall mounted due to a change in owner or occupant(s) is subject to all the provisions of this section.

(2) The following types of signs are not permitted: exposed neon, roof-mounted, monopole, rotating, signs with flashing messages or bare bulbs, any painted signs, changeable copy signs (except fuel pricing signage) may not exceed thirty percent (30%), signs on backlit awnings, off-premise signs, billboards, bench signs, and wall cabinet signs.

(3) Except as permitted within this section, only one ground sign is permitted per street frontage; however it may include the names of all the major tenants of that parcel. Only a monument type ground sign is permitted. The sign base shall be integral to the overall sign design and complement the design of the building and landscape. The setback for a ground sign shall be a minimum of five (5) feet. The height of a ground sign shall not exceed six (6) feet above grade, and the sign area shall not exceed fifty (50) square feet. The height of a ground sign for parcels in the General Auto District shall not exceed fifteen (15) feet above grade, and the sign area on each face shall not exceed seventy-five (75) square feet.

(4) Each tenant is permitted up to two wall signs per street frontage. The size of the wall signage shall not exceed one square foot per lineal foot of building face the sign is attached to.

(5) One (1) window sign indirectly or non-illuminated shall be allowed per principal building in which the permanent window copy, painted or otherwise attached to the window surface shall be limited in area to twenty-five percent (25%) of the total surface area of that window. This provision stated above shall not restrict the reasonable application upon a window surface of lettering or decals stating the address, hours of business, entrance or the like, nor will such lettering be included in the overall computation of allowable sign area.

(6) When indirectly lighting a ground sign, the light source shall be screened from motorist view.

(7) Temporary signs shall be allowed in all districts of the overlay only for temporary special events and are not to be displayed for more that fourteen (14) consecutive days or three (3) days after the end of the event, whichever is less. Special events shall include, but not be limited to, business closings; and special events such as seasonal sales. Only one (1) permit shall be issued at a cost of one hundred dollars (\$1 00.00) per business during any six (6) month period. Only one (1) business per parcel may obtain a temporary sign permit at any one time. Temporary signs shall not be illuminated and may be one of the following categories but not both or a combination of: one (1) free standing sign with surface display area not exceeding twenty-four (24) square feet or four (4) pole signs as described in the section. If the business has a lot frontage greater than 3 50 linear feet, the business shall be eligible for two (2) additional pole signs. No signs may be snipe signs. No signs may be placed in the right-of-way.

(8) If a property has a second frontage on a parcel designated GCD, LCD, or OD District, additional signs shall be allowed equal to one half of the allowable areas herein. IF the

second frontage is on a street immediately adjoining to Residential Districts R-1 through R-4, no additional signs will be allowed on the second frontage.