

ARTICLE XXI. PERFORMANCE OVERLAY DISTRICTS

Sec. 54-4-21.1. Intent.

The intent of this section is to describe certain Performance Overlay zones used to impose special development restrictions on identified areas. The location of Performance Overlay zones is established by the City of Sebastian based on the need for special protective measures in that area. The underlying uses in the area, as determined in chapter II of this code, remain undisturbed by the creation of the Performance Overlay zone. The Performance Overlay zone merely imposes additional or different development standards than those that would otherwise apply.

Sec. 54-4-21.2. Purpose.

The overall purpose of these regulations is to:

- (a) Promote an attractive and inviting corridor;
- (b) Provide for a sufficient amount of attractive and well-maintained landscaping to complement buildings and structures within the corridor;
- (c) Encourage development of attractive buildings within the corridor;
- (d) Ensure unobtrusive and orderly signage that averts a garish and visually cluttered appearance along the corridor;
- (e) Encourage creative designs and buildings of quality;
- (f) Foster creative approaches that result in buildings of enduring character through use of quality design and building materials; and
- (g) Make the Overlay Districts consistent with their vision statements.

Sec. 54-4-21.3. Special regulations and exemptions.

(a) *Exemptions.* Within the Performance Overlay Districts, the following exemptions shall apply:

- (1) Single-family development and redevelopment shall be exempt from all Performance Overlay District special development regulations.
- (2) Industrial and storage buildings located within an industrial district shall be exempted from foundation planting landscaping requirements and architectural/building requirements only if no building facades abut a residentially zoned area or front on public or platted roads. All industrial buildings shall satisfy the color requirements.
- (3) Electrical substations and similar public or quasi-public facilities that prohibit access by the public onto the site may be exempted from architectural/building requirements, if the exempted building(s) and equipment will be visually screened from adjacent properties and roadways.

(b) *Uses.* With the following exceptions, uses within the Performance Overlay Districts shall be as specified in article V of this code.

- (1) Outdoor displays. No outdoor displays shall be permitted unless approved by the planning and zoning commission pursuant to section 54-3.10.2(d).
- (2) Uses with vehicle and service bays. Uses involving vehicle and service bays that are oriented perpendicular to CR 512 are allowed only if a Type "B" buffer with a four-foot high opaque feature is provided along the site's CR 512 frontage.
- (3) Underground utilities services required. Where new utilities services (e.g. electrical, phone, cable) are provided to project sites, such service shall be installed underground.
- (4) Connection to pedestrian systems. Projects fronting on roads with existing or planned/required sidewalks and/or bikeways shall provide a pedestrian path from the project to the existing or future sidewalk and/or bikeway. Said pedestrian path shall have a minimum width of five feet, shall consist of a rigid surface meeting Florida Accessibility Code requirements, and may include properly marked areas that cross parking lots and driveways.

Sec. 54-4-21.4. Plan approval.

In the Performance Overlay Districts, development and redevelopment requiring administrative, minor modification or site plan approval and exterior renovations shall comply with the districts plan requirements. The area of development for such projects shall be the area of the site containing buildings, additions, structures, facilities or improvements proposed by the applicant or required to serve those items proposed by the applicant.

Sec. 54-4-21.5. Supplementary requirements for site plan submittal and review.

(a) *Preliminary review of site plans.* Preliminary staff review of site plans is mandatory, including review of landscaping and tree preservation plans, architectural plans, lighting plans, and color and exterior finish samples.

(b) *Site plan review.* The drawings listed below are to be submitted in a minimum 24-inch by 36-inch format, and are to be the largest scale, which will fit on a 24-inch by 36-inch format. In addition to normal site plan review submittal requirements, the following are to be submitted at the time of site plan review:

- (1) Site plan. This plan shall indicate setbacks and all site development as required by the site plan ordinance, and shall depict: building orientation; locations of signage, location of service areas, dumpsters, loading zones, mechanical equipment, and any other "visually offensive elements" as described in these requirements, including locations and specifications of screening devices.
- (2) Tree plan. This plan shall indicate location, diameter at breast height (dbh) four and one-half feet above grade, and species of all trees six-inch caliper (measured at dbh) and larger.

- (3) Landscape plan. The landscape plan may be incorporated into the site plan. It shall include calculations demonstrating compliance with article XIV and the special landscaping requirements as established within each district.
- (4) Building floor plans. This plan shall depict general location of entries and exits, restrooms, and general uses.
- (5) Roof plan. This plan shall indicate roof type, slope, and any offensive elements (as described in these requirements) and descriptions of screening devices.
- (6) Building elevations. This plan shall include all exterior-building elevations, including all items affecting the appearance of the building, including roof design, complete description of exterior building materials, exterior building colors, all loading zones, mechanical and electrical equipment locations and their required screening devices, and signs attached to buildings.
- (7) Certifications. The plan shall include certifications from the project architect or engineer that proposed roof plans and elevation plans satisfy the Overlay Districts architectural/building standards.
- (8) Other requirements. Prior to site plan release, applicants shall submit to planning and growth management department three sets of the following and shall obtain planning staff approval of each component:
 - a. Site lighting plan. The site lighting plan may be incorporated into the site plan. It must indicate the site lighting plan, as well as a light fixture schedule with cut sheets (written specifications and pictorial representation including photometric chart) for all site lighting fixtures. This includes any site lighting fixtures attached to buildings.
 - b. Sign elevations (minimum scale: three-quarters inch equals one foot). These are to be detailed drawings of building and site signage including all items affecting the appearance of signs, including but not limited to: dimensions, area in square feet, complete description of finish materials and their colors, color samples (minimum size three inches by five inches, using Pantone Matching System[®] numbers with color number on back of each sample) and method of illumination. This is required for all outdoor signs except those which cannot be determined because the occupancy of the space is not known. Any signs not reviewed at site plan review time for this reason must be reviewed under these requirements prior to the issuance of a sign permit.
 - c. Building color samples (minimum sample sizes: three by five inches): Exterior and exterior signage color samples shall be submitted.
 - d. Certification. Certification from the project architect or engineer that the proposed site and exterior building lighting, proposed signage, and proposed building and signage colors satisfy the Overlay District's lighting, signage and color standards.

(c) *Approval for change of exterior design required.* Changes to the exterior of any structure in the Overlay Districts shall require review and approval by the planning and growth management department. Such changes shall include, but not be limited to, colors, building materials, roof finishes and signage. Routine maintenance and replacement of materials which do not affect the approved exterior design shall be exempt from such review and approval.

Sec. 54-4-21.6. Waivers.

As part of an application for development, a request may be made for a waiver of any of the provisions of this article. The request shall be heard by the planning and zoning commission in determining if any such provision be waived, modified or applied as written. The planning and zoning commission shall hold a quasi-judicial hearing on the requested waiver. The criterion for granting a waiver or modification of any of the provisions of this article is whether the strict interpretation of the requirements of this article places an inordinate burden on the property owner as defined by Florida Statutes. The waiver procedure herein is the exclusive remedy to the application of the provisions of this article and is to be utilized in lieu of an application for a variance.

Historic buildings. The planning and zoning commission may waive the requirements of the performance overlay districts for the purpose of preserving a historic building.

DIVISION B. CR512 OVERLAY DISTRICT REGULATIONS

Sec. 54-4-21.B.1. Intent.

As a significant business and residential center and a major entranceway into the City of Sebastian, the corridor will have an attractive, well maintained, orderly and uncluttered appearance. The corridor will be characterized by impressive vegetation and landscaping; complementary buildings and signs with enhanced designs and aesthetic appearances; and a safe transportation system that accommodates mass transit, pedestrians, bicycles, and other transportation alternatives, as well as automobiles.

Sec. 54-4-21.B.2. Boundaries of the CR 512 Corridor.

The boundaries of the CR 512 Overlay District shall include all the properties which abut CR 512 and that are located within the city limits of the City of Sebastian. If any additional segments of CR 512 are subsequently duly annexed into the city, land development along the said newly annexed segment shall be consistent with the city's land development code, including this article. In the CR 512 Overlay District, the following special regulations and exemptions shall apply to new development and redevelopment.

Sec. 54-4-21.B.3. Architectural/building standards.

(a) *Prohibited architectural styles.* The following are prohibited:

- (1) Corporate signature or commercial prototype architecture, unless such is consistent with these special corridor requirements. Examples of such prohibited architecture include flat roofed convenience stores, gas stations, and canopies for gas stations, car washes, and drive through facilities.
- (2) Any kitsch architecture (such as a building that does not resemble a typical structure), including structures or elements that resemble an exaggerated plant, fish, edible food, or other such items such as giant oranges, ice cream cones, dinosaurs.

- (3) Any architecture having a thematic reference that is so different from current design philosophy that such reference is inconsistent and/or incompatible with surrounding structures. Examples of such include: Igloos, domes or geodesic domes, quonset style structures, teepees, log cabins, western "false fronts", medieval castles, caves, and the like.
- (b) *Special provisions.*
- (1) Industrial and storage uses in commercial and industrial districts. Compliance shall be required only for those facades fronting on residentially designated areas or public or platted roads. However, industrial buildings shall satisfy the color requirements.
 - (2) Residentially designated properties. The following materials are approved for use in residentially designated areas: fiberglass or asphalt shingle-style roofing for sloped roofs and visible roof structures, and textured plywood as a finish product. Rooftop screening devices shall not be required for attic ventilators or plumbing roof vents on residentially designated properties. However, roof ventilators, roof vents, and the like shall be located where they will be least visible from roadways.
 - (3) Shopping centers and out-parcels. The materials, exterior finishes, signage and colors of shopping centers and structures developed on shopping center outparcels shall be compatible and harmonious with each other as determined by which structures are developed first. This requirement may be waived by the planning and growth management department if:
 - a. The initial shopping center or outparcel was built prior to the enactment of the CR 512, special regulations; and
 - b. It is determined by the planning and growth management department that enforcement of this requirement would conflict with the intent of these CR 512 special requirements.
 - (4) Electrical substations and similar uses. Electrical substations and similar uses that prohibit access by the public into the site may be exempted from all architectural/building requirements by the planning and growth management director if the exempted building(s) and equipment will be visually screened from adjacent properties and roadways.
- (c) *General design criteria.*
- (1) Buildings with facades fronting on more than one street shall have similar design considerations (e.g. roof treatment, building articulation, entrance features, and window placement) and consistent detailing on all street frontages.
 - (2) General prohibitions and restrictions:
 - a. Flat, blank, unarticulated, or massive facades fronting on a roadway, exclusive access drive or residentially designated areas are prohibited. Facades fronting such roads, drives, or areas shall be designed to incorporate architectural elements providing breaks in the planes of exterior walls and/or roofs to

articulate the building and to lessen the appearance of excessive mass. Facades should incorporate elements relating to human scale, and can be divided by use at proportional expression of structure, openings, arcades, canopies, fenestration, changes in materials, cornice details, molding details, changes in the heights of different sections of the building, and the like (stepping or sloping of a parapet wall in conjunction with a low sloped roof is prohibited). Flat, blank, unarticulated, or massive facades will be permitted on the sides of a building when building is constructed to the allowable zero foot side setback.

- b. The following materials or systems are prohibited as a finish and/or exposed product: corrugated or ribbed metal panels, smooth finish concrete block (standard concrete masonry units), precast concrete tee systems, plywood or textured plywood. Plywood shall be allowed for soffit material.
- c. Any canopy (such as for a gas station, car wash, or drive-through facility) that is wholly or partially within 75 feet of a thoroughfare plan road right-of-way shall meet the following requirements concerning maximum fascia height (This pertains to all fascia on the above described canopy including any canopy fascia that continues beyond the 75-foot limit.):

<i>Roof Slope Distance</i>	<i>Maximum Fascia Height</i>
Less than 10 feet	8 inches
10 to 20 feet	12 inches
Greater than 20 feet	16 inches

- d. Plastic or metal is prohibited as a finish material for walls or trim. Plastic is prohibited as a finish material for sloped roofs, visible roof structures, and fascias. Although prohibited in general, certain metal and plastic construction products may be approved by the planning and zoning commission, upon a written request and product sample submitted by the applicant. The planning and zoning commission may approve use of the material if the following criteria are satisfied:
 - i. The product shall appear authentic from the closest distance that it will be viewed by the general public.
 - ii. The product shall be substantial. Thin and flimsy imitations are unacceptable.
 - iii. The product shall hold up as well as the product it is imitating. That is, it must be fabricated in such a way that it will retain its original shape, appearance, and color, as well as the product it is imitating.
 - iv. The product's color shall resemble the color of the product it is imitating.
- e. Any exposed masonry in a stack bond is prohibited.
- f. Lighting structures or strip lighting that follows the form of the building, parts of the building, or building elements is prohibited.

- g. Neon lighting, fiber optics or similar systems, which exceed six square feet in area, and where the neon tube, fiber optic or similar system is visible from the outside is prohibited. Neon lighting, fiber optics and similar systems shall not be used for outlining the building including the windows.
- h. Backlit transparent or translucent architectural elements, backlit architectural elements, as well as illuminated or backlit awnings and roof mounted elements are prohibited. This does not prohibit the use of glass blocks. This does not prohibit the use of an illuminated sign attached to a building:
- i. Facades that appear to be primarily awnings are prohibited. An awning shall not run continuously for more than 30% of the length of any single facade. Placement of awning segments shall relate to building features (e.g. doorways and windows), where possible. Awnings shall not exceed 25% of the area of any single facade.
- j. Drive-up windows shall not be located on a building facade that faces a residential area or a roadway unless architecturally integrated into the building and screened by landscaping equivalent to the landscape material required in a local road buffer and must run the length of the drive-through lane. Speakers shall be oriented so as not to project sound toward residential areas.
- k. Accessory structures, including sheds, out-buildings, dumpster enclosures, and screening structures, shall match the style, finish, and color of the site's main building. Metal utility sheds and temporary car canopies are prohibited.

(d) *Roofs and parapets:*

- (1) Sloped roofs. Gable, hip, and shed style roofs shall have a slope no less than 5:12 (rise:run). Mansard style roofs with a slope greater than 30:12 (rise:run) are prohibited. Generous eaves on sloped roofs are encouraged. Any roof with a slope less than 5:12 (rise:run) ("low sloped roof") shall not be visible from a roadway and/or residentially designated area. Low sloped roofs must be screened with a visible roof structure or parapet wall.
- (2) Visible roof structures. Visible roof structures shall be of such height, bulk, and mass, so as to appear structural, even where the design is non-structural and shall have a minimum vertical rise of six feet (not including fascia). Visible roof structures shall have a slope no less than 5:12 (rise:run). Mansard style visible roof structures with a slope greater than 10:12 (rise:run) are prohibited. Where visible roof structures are utilized in a building design, they shall be continuous around all sides of the structure, except where incorporated with a parapet wall or other architectural element (this does not allow "stuck-on" roofs). Any facade that is not visible from a roadway, exclusive access drive or residentially designated area, such as facades that are interior to a tightly spaced compound of buildings, will not require a continuous visible roof structure on that facade. Any building with less than 3,500 square feet of ground floor area shall have a visible roof structure on all facades.

- (3) The following roof styles are prohibited. "A-frame," bowstring, dome, gambrel, non-symmetrical gable or hip (different slope on each side of ridge), quonset, and polynesian. Gable or hip roof with up to a 10:12 (rise:run) maximum pitch with a "skirted" or "flared" lower portion at a 3:12 (rise:run) minimum pitch is allowed.
- (4) The ridge or plane of a roof (or visible roof structure), that runs parallel (or slightly parallel) with a roadway shall not run continuous for more than 100 feet without offsetting or jogging (vertically or horizontally) the roof ridge or plane a minimum of 16 inches. Low sloped roofs and parapet walls are excluded from this requirement.
- (5) Roofing on sloped roofs and visible roof structures shall be limited to the following systems:
 - a. Cedar shingles or shakes, slate, clay tile, or cement tile.
 - b. Steel, copper, and factory painted aluminum standing seam roofing.
 - c. 5-V crimp roof.
 - d. Galvanized metal or copper shingles of Victorian or diamond shape or pattern.
 - e. Three dimensional fiberglass or asphalt shingle.

Architectural standing seam roofs shall be limited to the following systems: flat metal panels with narrow raised seams running 12 to 20 inches apart, which are secured with continuous seam covers or mechanically seamed. Light and natural colors, as well as mill finish metal roofs are encouraged. Mixing colors of metal panels is prohibited. Roofs on any one site shall be of one color.

- (6) Roofing materials are prohibited for use as a finish material on parapets or any surface with a slope greater than 10:12 (rise:run) up to and including vertical surfaces. This pertains only to those surfaces visible from adjacent property, exclusive of access drives or roadways. This does not exclude the use of metal fascia six inches or less in height, use of typical metal flashing, wall cap, drip edge, and the like, use of roofing materials as a screening device (as long as it does not function as a building's parapet), and use of cedar shingles or shakes as a wall material used below the roof line.
- (7) Plastic or metal roof panels or systems, corrugated or ribbed roof panels, hot mopped systems, built-up, gravel, torched on foam or fluid applied, roll or membrane roofing, and the like are prohibited on any roof which is visible from any roadway and/or residentially designated area. This does not exclude the use of architectural standing seam metal roofing or galvanized 5-V crimp metal roofing. Use of metal or plastic tooling materials may be approved as specified under the section as finish materials for walls, fascia, and trim.
- (8) Partial parapet walls are prohibited. If a parapet wall is used on a building, then a parapet wall of the same style and material is to be continuous around all sides of the structure, except where incorporated with a visible roof structure or other architectural element. Introduction of any visible roof structure shall not appear "fake." Any

facade that is not visible from a roadway and/or residentially designated area shall not require a continuous parapet wall on that facade. Stepping or sloping of a parapet wall in conjunction with a low sloped roof is prohibited.

(e) *Site elements:*

- (1) All telephones, vending machines, or any facility dispensing merchandise or a service on private property shall be confined to a space built into the building or buildings, or enclosed in a separate structure compatible with the main building's architecture. These areas are to be designed with the safety of the user in mind. Public phones and ATMs should have 24-hour access.
- (2) No advertising will be allowed on any exposed amenity or facility such as benches or trash containers.
- (3) When feasible, existing specimen trees should be preserved in place or relocated on site. Use of tree wells, as well as adaptation and variations of siting in order to conserve native vegetation, is encouraged.
- (4) The use of thematic and decorative site lighting is encouraged. Low lights of a modest scale can be used along with feature lighting that emphasizes plants, trees, entrances, and exits. Light bollards are encouraged along pedestrian paths. The color of the light sources (lamp) should be consistent throughout the project. Color of site lighting luminaries, poles, and the like shall be limited to dark bronze, black, or dark green (decorative fixtures attached to buildings are exempt from the fixture color requirement).

Lighting is not to be used as a form of advertising or in a manner that draws considerably more attention to the building or grounds at night than in the day. Site lighting shall be designed to direct light into the property. Lighting shall avoid any annoyance to the neighbors from brightness or glare.

Roadway style luminaries (fixtures) such as cobra heads, Nema heads, and the like are prohibited. Wall pads and flood light luminaries are prohibited where the light source would be visible from a roadway, parking area and/or residentially designated area. High intensity discharge (e.g. high pressure sodium, metal halide, mercury vapor, tungsten halogen) lighting fixtures mounted on buildings and poles higher than 18 feet above the parking lot grade, and under canopies, shall be directed perpendicular to the ground. Other than decorative and low level/low height lighting, no light source or lens shall project above or below a fixture, box, shield, or canopy.

(f) *Screening devices.*

- (1) "Visually offensive elements", whether freestanding, mounted on roofs, or anywhere on a structure, shall be concealed from view on all sides. "Visually offensive elements" consist of: Walk-in coolers/freezers, transformers, electrical equipment (including panels and meters), water or waste piping and valves, pumps, fans, exhaust vents, compressors, generators, tanks, and similar equipment. Individual screens, building elements, or appropriate landscaping, are to be used to completely screen the offensive

elements. Parapet walls, visible roof structures, individual screens, or building elements, are to be used to completely screen roof mounted, visually offensive elements. They are to be screened from view from any point around the entire building perimeter. Screening devices shall relate to the building's style of architecture and materials. All screening devices shall be designed so that no part of the offensive element extends beyond the top of the screen, measured horizontally. Rooftop screening devices will not be required for plumbing roof vents which are less than four inches in diameter and less than 12 inches above roof penetration. These roof vents should be located where they will be least visible from roadways. Where chain link or similar fencing is allowed to be used (e.g., around storm water ponds), such fencing shall be green or black and shall be located and landscaped so as to visually screen the fencing from public view.

- (2) "Nuisance elements" shall be visually screened from adjacent roadways and/or residentially designated areas with solid walls in addition to any required landscaping. Loading dock buffering shall meet standards of the landscape ordinance (article XIV). All other walls shall be a minimum of six feet in height. All dumpster and trash container areas shall be completely screened on all sides. Acoustical material shall be used on the inside face of walls around HVAC equipment.
- (3) Individual screens and walls shall relate to the building's style of architecture and materials. A durable material such as reinforced concrete masonry units is recommended with an architecturally compatible finish. Wood fences are encouraged.
- (4) Chain link fencing, with or without slats, is prohibited as a screening device for screening visually offensive elements and nuisance elements.

Sec. 54-4-21.B.4. Colors and building graphics.

(a) *The following building graphics are prohibited.* Polka dots, circles, vertical stripes, diagonal stripes or lines, plaids, animals, and symbols such as lightning bolts. However, legally registered trademarks which directly relate to the building occupant (not trademarks of products or services sold or displayed) are allowed, subject to applicable sign and color regulations.

(b) *Color standards.* All buildings and accessory structures within the CR-512 Overlay District shall be limited to the colors listed in the Overlay Districts master color list.

- (1) Base building colors. Base building colors relate to wall and parapet wall areas and shall be limited to colors consisting of white and light neutral colors in the warm range.
- (2) Secondary building colors. Secondary building colors relate to larger trim areas and shall not exceed 30% of the area of any one building facade elevation. These colors consist of a mid-range intensity of the base building colors and complementary colors, and include all base building colors.
- (3) Trim colors. Trim colors are used for accent of smaller trim areas, are the brightest group of colors allowed, and include all base building and secondary building colors.

Use of metallic colors (i.e.: gold, silver, bronze, chrome, and other extraordinarily bright colors) and use of garish colors, such as fluorescent colors (e.g. hot pink, shocking yellow), is prohibited. Trim colors shall not exceed ten percent of the surface area of any one building facade elevation.

- (4) Roof colors (requirements for roofs that are visible from a roadway and/or residentially designated area). These colors consist of natural mill finish, white, light neutral colors in the warm range, blue, and a limited number of earth-tone colors. Mixing or alternating colors of metal panels is prohibited. For non-metal roofs, other than natural variations in color or color blends within a tile, the mixing or alternating of roof color in the same roof material is prohibited. Colors and color blends shall not be contrary to the intent of this code. Color for roofing which is glazed, slurry coated, or artificially colored on the surface by any other means shall be limited to the same colors as approved for metal roofs.
- (5) Natural finish materials. The color regiments listed above shall not apply to the colors of true natural finish materials such as brick, stone, terra cotta, concrete roof tiles, slate, integrally colored concrete masonry units, copper, and wood. Color commonly found in natural materials are acceptable, unless such material has been artificially colored in a manner which would be contrary to the intent of these requirements. Black, gray, blue, or extremely dark colors for brick, concrete masonry units, roofing, wood or stone is prohibited. This provision shall not prohibit the use of colors for natural finish roofing materials that match those colors approved for metal roofs.
- (6) Awning colors. Awning colors may include base building colors and/or secondary building colors and/or trim colors. However, secondary building colors and trim color area used for awnings shall be included in the percentage limitation on the secondary building color and trim color surface area of a facade.
- (7) Overlay District master color list. The Overlay Districts master color list and approved color board shall be maintained and made available by the planning and growth management staff. The list can be mailed or faxed upon request.

Sec. 54-4-21.B.5. Landscaping.

The city landscaping requirements of article XIV apply except as noted herein.

- (a) *Increased canopy tree size.* All canopy trees required under normal landscaping and buffering requirements and special CR 512 corridor plan requirements for projects within the corridor shall have a minimum height of 12 feet and minimum spread of six feet at time of planting. Palm tree clusters may be used as canopy trees as specified in the landscape ordinance. However, such palm trees shall have a minimum clear trunk of 12 feet.
- (b) *CR 512 and thoroughfare plan road buffer.* Within the corridor plan area, the following landscape buffer shall be provided along the entire length of a site's CR 512 frontage, except for approved driveways:

<i>CR-512 Frontage</i>	<i>Buffer Depth</i>	<i>Minimum Planting/ Berm Requirements per 100'</i>
Over 400 feet	10 feet	5 canopy trees 6 Understory trees Continuous hedge ¹ : 2.5-3 feet high at planting Berm: 1'-1.5' high ¹
250 to 400 feet	10 feet	4.5 Canopy trees 5.5 Understory trees Continuous hedge ¹ : 1.5-2.5 feet high at planting Berm: 1.5'-2.5' high
Less than 250 feet	10 feet	4 Canopy trees 5 Understory trees Continuous hedge ¹ : 1.5-2.5 feet high at planting Berm: 1.5'-3' high ¹

¹ NOTE: The hedge and berm combination shall provide a visual screen four feet high above the grade of the project site parking area. Hedge material shall provide full screening to the ground; therefore, a mix of myrtles and shrubs with similar leafing characteristics shall not be used for hedge material unless a double row arrangement is used. At the time of a certificate of occupancy (CO) for the project site, the combination of berming and hedging shall provide a four-foot visual screen, subject to city sight distance requirements. Undulations in the berm and corresponding hedge height are encouraged.

Hedge shrubs shall be planted no further apart than 24 inches on center along the length of the buffer strip, to form a hedge that appears continuous as viewed from the roadway being buffered.

Berms shall have a slope no steeper than three horizontal to one vertical, and shall be continuous along the length of the buffer strip, except where berm modifications may be necessary for tree preservation as determined by the planning and growth management director or his designee.

Clustering of trees along the buffer strip is encouraged, and uniform spacing of trees is discouraged, except where used to emphasize a particular planting theme or development style. Hedge plantings may be asymmetrical, and a buffer wall not to exceed four feet in height except as specified below, is allowed within the middle one-third of the buffer strip's width (measured perpendicular to the road being buffered) if landscaping material is planted on each side of the wall.

- (c) *Special buffer for multifamily projects.* Multifamily projects shall provide the CR512 and thoroughfare plan road buffer as described above, with the additional requirement that the buffer shall include a six-foot opaque screen consistent with specifications in

article XIV. Where a wall or fence is used, such wall or fence shall be located with the middle one-third of the buffer strip's width (measured perpendicular to the road being buffed), and landscaping material shall be planted on each side of the wall or fence.

- (d) *Landscape islands.* Landscape islands shall be backfilled at least to the top of curb or protective barrier, and may be bermed to a maximum height of 24 inches above the adjacent parking lot grade.

Sec. 54-4-21.B.6. Special sign regulations.

(a) *Scope.* These special regulations are in addition to the city's sign ordinance and shall supersede any less restrictive provisions found in the sign ordinance. All signage shall comply with the requirements of the sign ordinance except as modified by these special sign regulations.

(b) *Approval or change of sign design required.* Any exterior change to CR 512 Overlay District signage shall require review and approval by the planning and growth management department. Such changes shall include, but not be limited to, changes of sign area (square footage), sign copy area (square footage), sign copy (this does not apply to "changeable copy" signage), height, shape, style, location, colors, materials, or method of illumination. Routine maintenance and replacement of materials which does not affect the approved design shall be exempt from this review and approval. Changes to signs not originally required to comply with these special sign regulations are addressed in the "nonconforming signs" section of these regulations.

(c) *Prohibited signs.* The provisions stated herein are in addition to prohibitions listed in article XVI, Signage and Advertising. The following are prohibited:

- (1) Lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color, except for time-temperature-date signs. Public signs permitted pursuant to article XVI, Signage and Advertising provisions, are excluded from this prohibition and are allowed.
- (2) Electronic message boards and message centers, electronic adjustable alternation displays, or any sign that automatically displays words, numerals, and/or characters in a programmed manner. Traffic regulatory and directional signs permitted pursuant to article XVI, Signage and Advertising provisions, are excluded from this prohibition and are allowed.
- (3) Portable or trailer style changeable copy signs, excepting approved special event signs.
- (4) Signs with the optical illusions of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.
- (5) Strings of light bulbs used on nonresidential structures for commercial purposes, other than traditional holiday decorations at the appropriate time of the year.
- (6) Signs that emit audible sound, odor, or visible matter, such as smoke or steam.

- (7) Neon lighting, fiber optics or similar systems, which exceed six square feet in area, and where the neon tube, fiber optic or similar system is visible from the outside is prohibited. Neon lighting, fiber optics and similar systems shall not be used for outlining the building including the windows.
 - (8) Rough plywood used for permanent signs.
 - (9) Any material used in such a manner for a permanent sign that results in a sign having a semblance to the look of a temporary sign but intended by the owner to be permanent.
 - (10) Installation of an additional sign (or signs) that does not harmonize with the design or materials of the initial sign, such as:
 - a. Attachment or mounting of signs where mounting hardware is left exposed.
 - b. Signs with different color cabinets, frames, or structure.
 - (11) Appliques or letters of vinyl and similar materials for use on any permanent monument sign. They are also prohibited for use on any permanent wall or facade signs that exceed three square feet. Window signs as allowed in this article are excluded from this prohibition. Regardless of size, appliques or vinyl letters are prohibited for use on plastic sign faces.
 - (12) Changeable copy signs for office, industrial, commercial and residential uses, unless such sign is incorporated within the allowable monument sign area.
- (d) *Signs that are encouraged:*
- (1) Shaped and fashioned "wood look" multi-level signs (i.e.: sand blasted or carved), and signs having durable sign cabinet material such as high-density polyurethane and PVC.
 - (2) Internally illuminated aluminum cabinet with textured finish, and cutout inset or push through acrylic letters.
 - (3) Backlit reverse pan channel letters (opaque faced) mounted on sign that is harmonious with the project's architecture.
 - (4) Signage that relates to the building's style of architecture and materials.
 - (5) Thematic signage.
- (e) *Colors.*
- (1) The following colors are encouraged for signage:
 - a. Use of earth-tone colors and pastels.
 - b. Darker backgrounds with light color sign copy.
 - c. Use of colors that match or are compatible with the project's architecture.
 - d. Polished or weathered true bronze, brass, or copper metal finishes are acceptable and encouraged.

(2) The following colors are prohibited for signage:

- a. The use of bright metallic or mill finish colors (i.e., gold, silver, bronze, chrome, aluminum, stainless steel, or other extraordinarily bright colors). Colors such as medium or dark bronze are acceptable and encouraged. Precious metal colors are allowed on sand blasted or carved "wood look" style signs.
- b. The use of garish colors, such as fluorescent colors, is prohibited.

(f) *Multi-tenant spaces.* Applicants of proposed multi-tenant projects, such as shopping centers, out parcels, industrial complexes and parks, and office complexes and parks, shall submit a sign program for review and approval. This sign program shall communicate the coordination and consistency of design, colors, materials, illumination, and locations of signage. In a multi-tenant project where no established pattern exists as described above, the owner of the multi-tenant project shall be required to submit a sign program for approval prior to issuance of any new sign permits for a tenant space.

(g) *Design criteria and additional restrictions.*

- (1) *Freestanding changeable copy signs.* Where allowed, a freestanding changeable copy sign shall not comprise more than 80% of the total area of the actual sign.
- (2) *Wall/facade signage.*
 - a. The maximum vertical dimension of a facade or wall sign shall not exceed 25% of the building height.
 - b. Awnings with lettering shall be considered wall signs. Where lettering is used on an awning, the area of lettering shall be included in the percentage limitation of a project's sign area.
 - c. Lettering, logos, and trim colors on canopy fascia shall be considered a wall sign and shall be limited to 33% of the fascia area of any one elevation. Internally illuminated signs shall not be placed on a canopy structure, and no sign shall be placed above the fascia on a canopy structure.
- (3) *Changeable copy wall signs for theaters.* Theaters may utilize up to 80% of actual sign area for display of names of films, plays or other performances currently showing.
- (4) *Illumination.* All external flood sign illumination shall be mounted at grade, directly in front of the sign area. Light source shall be completely shielded from oncoming motorist's view.

(h) *Nonconforming signs:* It is the intent of this section to allow nonconforming signs permitted before the adoption of this code to continue until they are no longer used, or become hazardous, but not to encourage their survival. Such signs are hereby declared to be incompatible with the overall intent of this section.

- (1) *Removal of nonconforming signs:* All nonconforming signs, except as provided for herein, shall be removed.

- (2) Continuation of nonconforming signs: A nonconforming sign may be continued, subject to the following provisions:
 - a. A nonconforming sign shall not be enlarged or increased in any way from its lawful size at the time of the adoption of this code.
 - b. Nonconforming signs or nonconforming sign structures that are defined as abandoned signs shall not be permitted for reuse.
 - c. Except as otherwise provided herein, there may be a change of tenancy or ownership of a nonconforming sign, without the loss of nonconforming status, if the property is not abandoned.
- (3) Repairs, maintenance, and improvements: Normal repairs, maintenance, and improvements may be made.
- (4) Reconstruction: If any nonconforming sign is destroyed by fire, flood, explosion, collapse, wind, or other catastrophe, it shall not be used or reconstructed except in full conformity with the provisions of these special regulations.
- (5) Casual, temporary, or illegal use: the casual, temporary, or illegal use of any sign shall not be sufficient to establish the existence of a nonconforming use or to create any rights in the continuance of such use.

Sec. 54-4-21.B.7. Nonconformities.

Within the CR 512 District area, legally established existing development and uses that do not comply with these special regulations are grandfathered in. All nonconforming uses and structures are governed by article VIII. In addition, within the CR 512 District area the following nonconformity regulations shall apply:

- (a) *Nonconforming property*: It is the intent of this chapter to allow nonconforming properties to continue, but also encourage their conformity to what extent is possible considering the existing site conditions and characteristics. A "compatible property" shall be considered in compliance with the intent of the CR 512 District special regulations.
- (b) *Continuance of nonconforming property*: A nonconforming property may be continued, subject to the following provisions:
 - (1) Use of nonconforming structures abandoned for a period of six or more consecutive months located on a nonconforming property shall not be permitted until the property is brought into compliance with the requirements of a compatible property.
 - (2) Except as otherwise provided herein, there may be a change of tenancy or ownership of a nonconforming property, without the loss of nonconforming status, if use of the nonconforming structures is not abandoned for a period of six or more consecutive months.

- (3) Colors of a structure located on a nonconforming property shall not be changed from those existing at the time of the adoption of these special regulations, unless the new, to-be-painted colors comply with the CR 512 special color regulations.
- (4) Projects on nonconforming properties requiring a building permit (excluding permits for roofs or minor repairs) shall be required to bring the property into compliance as a "compatible property."
- (5) A structure located on a nonconforming property shall not be enlarged or increased in any way from its lawful size at the time of the adoption of these special regulations. Where such changes are made, a building permit and compliance with the requirements of a "compatible property" are required for the enlargement or addition.

