

REDD

TEXT AMENDMENT

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Article XXI Georgetown Redevelopment Districts (REDD)

Division 1 Introductory Provisions

Section 2100 Intent of the REDD

The Georgetown City Council has determined that heavy industrial uses are incompatible when in close proximity to the city's downtown, waterfront, historic district, residential neighborhoods, and gateway corridors and intersections. It has been further determined by the council that the discontinuance of incompatible industrial uses is in the long-term interest of the city. These areas should be redeveloped in a manner which improves property value, promotes economic development, and enhances the viability of surrounding residential neighborhoods and businesses, while providing the owners of affected sites flexibility in the transition and repurposing of their lands.

The intent of this Ordinance, and the districts created herein, is to provide a regulatory framework that promotes the thoughtful redevelopment of industrial sites, industrial districts, and adjacent properties in accordance with the City of Georgetown's Comprehensive Plan, including the future land use map, and the City of Georgetown's Official Map. Specifically, the provisions of this Ordinance are designed in furtherance of the comprehensive plan to encourage compatible redevelopment by:

1. Allowing a mixture of uses;
2. Prohibiting heavy industrial uses while providing for the conditioned continuation of existing nonconformities;
3. Promoting setback, height, and other bulk and dimensional restrictions that are compatible with adjacent districts or provide for reasonable transition;
4. Providing density, height, parking, and other development bonuses and design modifications for developments that provide additional open spaces or public amenities;
5. Protecting adjacent streets; and
6. Protecting adjacent waterfronts and preserving and/or creating viewsheds.

It is recognized that some aspects of the redevelopment and repurposing of former industrial sites may occur in the short term and that other aspects may take years to accomplish. This article and the district created by it provide for short and long-term redevelopment with multiple options designed to afford flexibility to affected property owners. The purposes and intent of each district is further described in Division 2.

Section 2101 Summary of Article Provisions

This article creates four redevelopment districts, including a base redevelopment district and three floating zones. Each district allows, but does not require, a mixture of uses with permitted intensities and densities varying by zone. Heavy industrial and similarly incompatible uses are prohibited in the four districts and this article provides nonconformity standards to address the continuation and eventual cessation of these pre-existing uses.

Properties may be rezoned by the City Council to the REDD base district to accommodate the repurposing and transitioning of lands from incompatible industrial or other uses to activities and uses that are economically viable and harmonious with the city's longstanding commercial and

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residential districts. The base district allows for lower intensity nonindustrial development and retains many of the non-district specific requirements of the city’s zoning ordinance.

Property owners may choose to proceed with development under the standards of the base district; however, this article provides the authority for the City Council to apply three floating zone options available within the base redevelopment district, each of which are described herein. Property owners may petition for the rezoning of their properties to one of these floating zones. The flexibility afforded by the floating zones varies. Two of the floating zones require the approval by the City Council of a development plan and development zoning text, collectively referred to as floating zone district standards. However, the proposed standards must be in agreement with the comprehensive plan and the requirements of this article and must be approved by the City Council. If approved by City Council, floating zone district standards govern future development of the property within the floating zone.

Table 2101 provides an overview of the different requirements and options provided under the four REDD districts.

Table 2101 Summary of REDD Districts				
STANDARDS	Base District	Floating Zones		
	REDD-B	REDD-F1	REDD-F2	REDD-F3
Development Plan (DP) Required	NO (Site Plan Required)	NO (Site Plan Required)	YES	YES
Development Zoning Text (ZT) Required	NO Standards Set by Article	NO Standards Set by Article	YES	YES
Density Bonus Available	NO	NO	YES	YES
Flexible Height Standards	NO	NO	YES	YES
Flexible Lot Size Standards	NO	NO	NO	YES
Flexible Parking Standards	NO	NO	YES	YES
Flexible Sign Standards	NO	NO	YES	YES
Flexible Use Standards	NO	NO	NO	YES
Subject to Design Overlay District Standards	YES	YES	OPTIONAL	OPTIONAL
Heavy Industry Permitted	NO	NO	NO	NO
Light Industry Permitted	NO	YES By Special Exception Only	YES If Authorized by the District’s Standards	YES If Authorized by the District’s Standards

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Section 2102 Definitions Applicable to Article

In addition to the definitions set forth in Article III and elsewhere in this Ordinance, the following words, terms, and phrases when used in this article shall have the meanings ascribed to them by this section. All other words, terms, and phrases not defined by this Ordinance shall be given their common, ordinary meaning unless the context clearly requires otherwise.

2102.1 *Abandon (Abandonment)*: The relinquishment of property, a change of use, or the discontinuance in the use of the property by the owner, regardless of intent, for a period of more than three hundred sixty five (365) consecutive days or more than three hundred sixty five (365) days in any two consecutive years.

2102.2 *Affordable Housing*: In the case of dwelling units for sale, housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, constitute no more than twenty-eight percent of the annual household income for a household earning no more than eighty percent of the area median income, by household size, for the metropolitan statistical area as published from time to time by the U.S. Department of Housing and Urban Development (HUD) and, in the case of dwelling units for rent, housing for which the rent and utilities constitute no more than thirty percent of the annual household income for a household earning no more than eighty percent of the area median income, by household size for the metropolitan statistical area as published from time to time by HUD.

2102.3 *Building Coverage*: The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings. For properties in the REDD-B and REDD-F1, building coverage is expressed as a percentage of lot area. For properties in the REDD-F2 and REDD-F3, building coverage is expressed as a percentage of the net development area.

2102.4 *Cluster Development (Clustering)*: The grouping of allowable uses within a subdivision or development site, permitting a reduction in the otherwise applicable lot size, while preserving substantial open space on the remainder of the parcel. Building and impervious coverage and density in the REDD-F2 and REDD-F3 are based on net development area (not individual lot area) allowing for clustering in these districts.

2102.5 *Density*: The number of dwelling units permitted per acre. For properties in the REDD-B and REDD-F1, the number of dwelling units permitted is based on lot area. For properties in the REDD-F2 and REDD-F3, the number of dwelling units permitted is based on the net development area.

2103.6 *Development Bonus*: The provision of additional development capacity in the form of an increase in allowable density, building coverage, impervious coverage or a decrease in required open area. A development bonus may be granted as an incentive for the voluntary provision of increased amenities or improvements of public benefit as identified in this article.

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2102.7 *Development Zoning Text:* Written standards adopted by legislative action of the City Council that, in addition to the standards imposed by this article and the approved development plan, establish zoning requirements within the floating zone.

2102.8 *Floating Zone:* The zones described in the text of this article and adopted by legislative action of the City Council, but which are unmapped unless a property owner petitions the City Council to have the floating zone applied to a particular parcel meeting the minimum zoning district area requirements of this Ordinance through action by the City Council, as authorized by S.C. Code 6-29-720(C)(2).

2102.9 *Floating Zoning District Standards, or “district standards.”* The REDD development plan and development zoning text that collectively, when adopted by the City Council, in accordance with this article, form the zoning requirements governing development in the REDD-F2 and REDD-F3 floating zones.

2102.10 *Heavy Industry (heavy industrial):* A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions such as smoke, noise, soot, dirt, vibrations, odor, noxious discharges, and adverse traffic generation. Heavy industrial uses include but are not limited to the manufacture of chemicals (including herbicides, insecticides, fungicides, disinfectants, solvents, and related industrial and household chemical compounds and any use involving the bulk storage of chemicals), fertilizers, paper, petroleum products (including plastics and rubber), and steel and other metals; concentrated feedlots; electric generation; oil and gas extraction and storage; incinerators; mining; animal slaughter, packaging, and rendering plants; lumber mills; and recycling and salvage yards.

2102.11 *Impervious Coverage:* The area covered by an impervious surface expressed as a percentage. For properties in the REDD-B and REDD-F1 districts, impervious coverage is expressed as a percentage of lot area. For properties in the REDD-F2 and REDD-F3 districts, impervious coverage is expressed as a percentage of the net development area.

2102.12 *Impervious Surface:* Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks, swimming pools, and other paved areas.

2102.13 *Light Industry (light industrial):* A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, noxious discharges, and adverse traffic conditions.

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2102.14 *Net Development Area:* The cumulative area of all lots and land including open space within an individual district sharing common district standards but excluding streets, rights of way, dedicated easements, wetlands, and ponds.

2102.15 *Nonconforming Lot:* A lot, designated on a duly recorded subdivision plat, or duly recorded deed, or by other lawful means, that complied with the zoning and development standards applicable to it on the effective date of this Ordinance, but which no longer complies with the minimum area, lot width, frontage, or other standards now applicable to it.

2102.16 *Nonconforming Feature:* A characteristic of a lot, structure, or use, such as illumination, parking, impervious area, landscaping, or a similar appurtenance, that lawfully existed on the effective date of this article, but which no longer complies with the standards applicable to it.

2102.17 *Nonconforming Structure:* A building or structure that lawfully existed on the effective date of this article, but which no longer complies with the size, coverage, setback, building height, or other dimensional standards applicable to it.

2102.18 *Nonconforming Use:* A use that lawfully existed on the effective date of this article, but which is no longer allowed by the use regulations of the zoning district in which it is located. The term nonconforming use shall include all onsite buildings and structures associated with said use.

2102.19 *Official Map:* A map or maps showing the location of existing or proposed public streets, highways, and public utility rights-of-way, public building sites and public open spaces adopted by City Council in accordance with Section 6-7-1210 et seq. of the state code. A public building site is one on which a building is to be constructed for public use with public funds.

2102.20 *Open Area:* Land not occupied by buildings, parking lots, or structures. Open area includes yards, open space, active and passive parks, stormwater basins and swales, and other vegetated lands that are open from the ground to the sky. For properties in the REDD-B and REDD-F1, open space is expressed as a percentage of lot area. For properties in the REDD-F2 and REDD-F3, open space is expressed as a percentage of the net development area.

2102.21 *Open Space:* Noncommercial land not occupied by buildings, parking lots, or structures that has been set-aside, reserved, or dedicated for public use or for the general use and enjoyment of residents, employees, or patrons of a development. Open spaces are planned and clearly delineated areas. Open space may contain improvements (and incidental impervious surfaces) such as swimming pools, pedestrian walkways, boardwalks, play equipment for children or adults, ball fields, court games, picnic tables, etc. when included as part of approved district standards. Active and passive parks are considered open space. Open space does not include required yards or isolated (noncontiguous) areas of less than 1,000 square feet. For properties in the REDD-B and REDD-F1, open space is expressed as a percentage of lot area. For properties in the REDD-F2 and REDD-F3, open space is expressed as a percentage of the net development area.

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2102.22 *Park (Active)*: A park that features recreation including swimming pools, gyms, playing fields and courts, or similar recreation.

2102.23 *Park (Passive)*: A park that features interpretive programs, open space, picnic areas, trails or similar amenities that take advantage of natural and scenic resources but not including recreational facilities, such as swimming pools, gyms, and playing fields.

2102.24 *REDD Development Plan*: A component of proposed floating zone district standards, drawn to scale and prepared by a licensed design professional, that depicts the location of proposed uses and structures and the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, marshes and waterways, open spaces, walkways, means of ingress and egress, utility services and other public improvements such as streets and sidewalks, landscaping, signs, lighting and screening devices, and any other information required by this article or that may be reasonably required in order that an informed decision can be made by the approving authority.

2102.25 *Retail Store, small*: A commercial use, conducted exclusively within an enclosed building, that engages in the sale of goods to ultimate consumers, usually in small quantities. Small retail stores are conducted in a building with a gross floor area of 5,000 square feet or less.

2102.26 *Retail Store, medium*: A commercial use, conducted exclusively within an enclosed building, that engages in the sale of goods to ultimate consumers, usually in small quantities. Medium retail stores are conducted in a building with a gross floor area of more than 5,000 but less than 10,000 square feet.

2102.27 *Retail Store, large*: A commercial use, conducted exclusively within an enclosed building, that engages in the sale of goods to ultimate consumers, usually in small quantities. Large retail stores are conducted in a building with a gross floor area of more than 10,000 square feet.

2102.28 *Site Plan*: A plan, drawn to scale and prepared by a design professional, that illustrates the location of existing and proposed structures, uses, parking, signs, points of ingress and egress, lots lines, and other features deemed necessary by the Zoning Administrator to determine compliance with this Ordinance.

2102.29 *Substantial Improvement*. Any repair, reconstruction, rehabilitation, addition or other improvement to a nonconforming use, structure, or site feature the cumulative cost of which in any five year period equals or exceeds fifty (50) percent of the structure or feature's appraised value for tax purposes before the start of construction of the improvement. This term also includes repairs and improvements to uses, structures, and site features that have been damaged or destroyed by any cause. Determinations of the costs of shall be made by the building official.

2102.30 *Traffic Impact Mitigation Measure*. Any measures or improvements taken by, or required of, the developer in order to lessen, abate, or reduce the impact of the development on the public streets and highway system.

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2102.31 *Traffic Impact Study.* An engineered analysis of the effects of traffic generated by a development at build-out on the capacity, operations, and safety on the public streets and highway system and including an assessment of traffic impact mitigation measures necessary to reduce impact. This analysis and related calculations shall reference the most current edition of the Institute of Transportation Engineer's Trip Generation Manual.

2102.32 *Water Oriented Uses.* A use that is located over or is otherwise reliant on its proximity to the water. These uses include, but are not limited to, docks, piers, and wharfs.

Sections 2103 through 2119 [RESERVED]

Article XXI Georgetown Redevelopment Districts (REDD)

Division 2 Redevelopment Districts

Section 2120 Creation of Redevelopment Districts

2120.1 REDD Districts. In addition to the districts and overlays provided by articles VI and XIII, the following districts are hereby created:

- Base Redevelopment District (REDD-B)
- Redevelopment District Floating Zone 1 (REDD-F1)
- Redevelopment District Floating Zone 2 (REDD-F2)
- Redevelopment District Floating Zone 3 (REDD-F3)

2120.2 District Citation. The individual districts may be cited by full title, e.g. Base Redevelopment District or by abbreviated reference, e.g. REDD-B or REDD-B district. Collectively these districts and affected properties may be referred to as “the REDD”, “REDD districts” or “REDD properties.” The requirements for properties in the REDD-F2 and REDD-F3 are based on the floating zone district standards approved by legislative action of the City Council. As these floating zones are applied, a unique name or identifier will be used as a prefix to the zone’s title, for example: “Georgetown Market Village” REDD-F3.

2120.3 District Assignment. Except as provided in this article, properties may be zoned REDD-B and REDD-F1 following the map amendment procedures as provided in Article XVIII of this Ordinance. The application of REDD-F2 and REDD-F3 floating zones to a particular parcel also constitutes a text and map amendment and requires compliance with Division 8 of this article, requisite to City Council consideration and action.

Section 2121 REDD-B District

2121.1 District Intent. The intent of the Base Redevelopment District is to provide for lower intensity nonindustrial development while protecting adjacent streets, waterways, and uses from encroachment. This district provides for varying uses but limits intensity through setback, lot size, coverage, density, and other standards. These standards are designed to promote compatible reuse while preserving the higher intensity redevelopment potential of properties. It is anticipated that in the future, properties or portions of the REDD-B district may be rezoned to the higher intensity floating zones as property and development conditions warrant.

2121.2 Eligibility for Designation. Notwithstanding the provisions of Section 513, any property, irrespective of lot size, within the city may be zoned as a Base Redevelopment District subject to conformity with the comprehensive plan and the requirements of this Ordinance. A request to rezone a property to an REDD-B may be initiated by the City Administrator, the Planning Commission, the City Council, or by the owner of the property.

2121.3 REDD-B Dimensional and Density Standards. The following standards shall apply to properties within the REDD-B district.

1. Minimum lot size. Each lot shall have a minimum area of ten (10) acres.

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2. Minimum lot width. Each lot shall have a minimum lot width of three hundred (300) feet.
3. Building coverage. The total lot coverage permitted for all buildings shall not exceed ten (10) percent of the lot area.
4. Impervious coverage. The total lot coverage permitted for all impervious surfaces shall not exceed twenty (20) percent of the lot area.
5. Height limit. Building and structure height shall not exceed thirty five (35) feet. No building shall exceed two (2) stories.
6. Setbacks. The minimum setback from property lines shall be as follows:
 1. Front yard: Ninety (90) feet;
 2. Rear yard: Fifty (50) feet;
 3. Side yard: Forty (40) feet; and
 4. Side yard abutting a public street: Sixty (60) feet.
7. Special setback from natural water body. The minimum setback from a natural water body shall be one-hundred (100) feet. For tidal rivers, bays, or inlets this distance is measured from the mean high water mark. This requirement does not apply to water-oriented uses that are approved as a special exception by the Board of Zoning Appeals.
8. Open Area Required. No less than sixty (60) percent of the lot area shall be open area.
9. Open Space. Except as may be required for a conditional or special exception use, open space is not required in this district.
10. Density. Where multi-family units are permitted as a special exception, density shall not exceed two (2) units per acre (or fractional equivalent thereof) of lot area. REDD floating zones may permit densities in excess of two (2) units per acre as expressly provided by this article.

2121.4 Uses. Uses permitted by right, by conditional use, and by special exception are provided in Division IV of this article.

Section 2122 REDD-FI District

2122.1 District Intent. The intent of the Redevelopment District Floating Zone 1 is to provide for development on smaller, pre-existing lots within the REDD. These lots by virtue of their size, location, or lot width may not readily accommodate the setback and coverage requirements of the base district. Also, due to their lot size, these smaller lots would not be eligible for consideration under the other floating zone options provided by this article. This floating zone permits uses similar to the base district and provides reduced setbacks and coverage requirements. This district also allows for light industrial uses as a special exception. It is further intended that this district only be assigned in cases where the orientation of lots allow for self-contained or stand-alone development that do not impact the development of adjacent properties or conflict with the city's official map.

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2122.2 Eligibility for Designation. Notwithstanding the provisions of Section 513, any property within the REDD-B district that constituted an existing lot of record of less than three (3) acres in area at the time of this article's adoption may be zoned as a Redevelopment District Floating Zone 1 subject to conformity with the comprehensive plan and the requirements of this Ordinance. A request to rezone a property to an REDD-F1 district may only be initiated by the owner(s) of the property(s).

2122.3 REDD-F1 Dimensional and Density Standards. The following standards shall apply to properties within the REDD-F1 district.

1. Minimum lot size. Each lot shall have a minimum area of one (1) acre.
2. Minimum lot width. Each lot shall have a minimum lot width of one hundred (100) feet.
3. Building coverage. The total lot coverage permitted for all buildings shall not exceed twenty five (25) percent of the lot area.
4. Impervious coverage. The total lot coverage permitted for all impervious surfaces shall not exceed thirty five (35) percent of the lot area.
5. Height limit. Building and structure height shall not exceed thirty five (35) feet. No building shall exceed two (2) stories.
6. Setbacks. The minimum setback from property lines shall be as follows:
 1. Front yard: Forty (40) feet;
 2. Rear yard: Twenty (20) feet;
 3. Side yard: Twenty (20) feet; and
 4. Side yard abutting a public street: Thirty (30) feet.
7. Special setback from natural water body. The minimum setback from a natural water body shall be one-hundred (100) feet. For tidal rivers, bays, or inlets this distance is measured from the mean high water mark. This requirement does not apply to water-oriented uses that are approved as a special exception by the Board of Zoning Appeals.
8. Open Area Required. No less than forty five (45) percent of the lot area shall be open area.
9. Open Space. Except as may be required for a conditional or special exception use, open space is not required in this district.
10. Density. Where multi-family units are permitted as a special exception, density shall not exceed three (3) units per acre (or fractional equivalent thereof) of lot area.

2122.4 Uses. Uses permitted by right, by conditional use, and by special exception are provided in Division IV of this article.

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Section 2123 REDD-F2 District

2123.1 District Intent. The intent of the Redevelopment District Floating Zone 2 is to provide for higher intensity development consistent with approved floating zoning district standards. Further, this district is intended to accommodate imminent development on tracts of three acres or greater. Uses within this district are prescribed by the article; however this district is intended to allow for design flexibility in setback, height, density, and parking standards and to allow for cluster development. In addition, architectural standards may be customized. This district is designed to encourage development that is compatible with adjacent nonindustrial districts, integration with surrounding development, and provide for the coordination of improvements outlined in the city's comprehensive plan and official map.

2123.2 Eligibility for Designation. Any property or combination of properties within the REDD-B or REDD-F1 districts that is three acres or greater of contiguous area may be zoned as a Redevelopment District Floating Zone 2 subject to conformity with the comprehensive plan and the requirements of this Ordinance. A request to rezone a property to an REDD-F2 district may only be initiated by the owner(s) of the property(s).

2123.3 REDD-F2 Dimensional and Density Standards. The following standards shall apply to properties within the REDD-F2 district.

1. Minimum lot size. Each lot shall have a minimum area of four thousand (4,000) square feet.
2. Minimum lot width. Each lot shall have a minimum lot width of twenty five (25) feet.
3. Building coverage. The total lot coverage is established by applicable district standards. The coverage for all building within the floating zone shall not exceed thirty five (35) percent of the net development area.
4. Impervious coverage. The total lot coverage is established by applicable district standards. Impervious coverage shall not exceed forty five (45) percent of the net development area.
5. Height limit. The maximum building and structure height is established by the district standards.
6. Setbacks. The minimum setbacks are established by applicable district standards.
7. Open Area Required. No less than forty (40) percent of the net development area shall be open area.
8. Open Space Required. No less than twenty five (25) percent of the net development area shall be open space.
9. Density. Density shall not exceed five (5) units per acre (or fractional equivalent thereof) of net development area.
10. Clustering. The REDD-F2's district standards may provide for cluster development.

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2123.4 Uses. Uses that may be permitted by right, by conditional use, and by special exception are provided in Division IV of this article. The REDD-F2's floating zone may further restrict allowable uses by requiring a higher level of approval procedure but not a lower level approval procedure than is shown in Division IV, Table 2142. Where uses are further restricted, the floating zone text shall specify those uses which are allowed by right, conditional use, or special exception and provide conditions, if any, requisite to the establishment of each use. A use which does not appear within Division IV, Table 2142 is an unlisted use and is not permitted within an REDD-F2 floating zone.

Section 2124 REDD-F3 District

2124.1 District Intent. The intent of the Redevelopment District Floating Zone 3 is to provide for higher intensity development consistent with approved floating zoning district standards. Unlike the REDD-F2, this district is intended for larger developments and affords the greatest amount of flexibility in design and permissibility of uses of any of the REDD districts. This district is designed to encourage large scale development that can occur in phases and that incorporates the design principles and improvements of the city's comprehensive plan and official map.

2124.2 Eligibility for Designation. Any property or combination of properties within the REDD-B, REDD-F1, or REDD-F2 districts that is ten (10) acres or greater of contiguous area may be zoned as a Redevelopment District Floating Zone 3 subject to conformity with the comprehensive plan and the requirements of this Ordinance. A request to rezone a property to an REDD-F3 district may only be initiated by the owner(s) of the property(s).

2124.3 REDD-F3 Dimensional and Density Standards. The following standards shall apply to properties within an REDD-F-3 floating zone.

1. Minimum lot size. The minimum lot size is established by the applicable district standards.
2. Minimum lot width. Each lot shall have a minimum lot width of twenty (20) feet.
3. Building coverage. The total lot coverage is established by the REDD-F3's district standards. The coverage for all building within the floating zone shall not exceed forty (40) percent of the net development area.
4. Impervious coverage. The maximum impervious coverage for each lot is established by the REDD-F3's district standards. Impervious coverage shall not exceed fifty (50) percent of the net development area.
5. Height limit. The maximum building and structure height is established by the approved district standards.
6. Setbacks. The minimum setbacks are established by the approved district standards.
7. Open Area Required. No less than thirty five (35) percent of the net development area shall be open area.

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9. Open Space Required. No less than twenty five (25) percent of the net development area shall be open space.
10. Density. Density shall not exceed seven (7) units per acre (or fractional equivalent thereof) of net development area.
11. Clustering. The REDD-F3's district standards may provide for cluster development.

2124.4 Uses. Permitted uses and their location within the district are established by the district standards. In addition to permitted uses, the development's zoning text may provide for alternate uses that may be permitted by right, as a conditional use, or as a special exception.

Section 2125 Summary of Dimensional and Density Standards

The dimensional and density standards of the REDD districts are summarized in Table 2125 below:

Table 2125 Summary of REDD District Dimensional & Density Standards				
STANDARDS	Base District	Floating Zones		
	REDD-B	REDD-F1	REDD-F2	REDD-F3
Minimum Area for District Designation	None	None	3 acres	10 acres
Maximum Area For District Designation	None	Less than 3 acres	None	None
Minimum Lot Size	10 acres	1 acre	4,000 square feet	Set by DS
Minimum Lot Width	300 feet	100 feet	25 feet	20 feet
Maximum Building Coverage*	10%	25%	35%	40%
Maximum Impervious Coverage*	20%	35%	45%	50%
Height Limit	35 feet	35	Set by DS	Set by DS
Setbacks	Front	90 feet	40	Set by DS
	Rear	50 feet	20	Set by DS
	Side	40 feet	20	Set by DS
	Street Side Yard	60 feet	30	Set by DS
	Waterfront	100 feet	100	Set by DS
Minimum Open Area	60%	45%	40%	35%
Minimum Open Space	None	None	25%	25%
Density (Units per acre)*	2	3	5	7

Notes: The dimensional and density standards illustrated in Table 2125 are the minimum standards for the above districts. Where the text of this Ordinance provides more restrictive standards than those summarized above, the more restrictive standards shall apply. *Density and coverage bonuses are available in the REDD-F2 and REDD-F3 districts and shall not exceed any density limitations set forth in the comprehensive plan. DS = District Standards

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Sections 2126 through 2129 [RESERVED]

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Division 3 General Provisions Governing REDD Districts

Section 2130 Heavy Industrial Uses Prohibited in the REDD Districts

Notwithstanding any provision to the contrary, new heavy industrial uses are prohibited in the REDD districts. Heavy industrial uses that lawfully existed on the effective date of this article are nonconforming uses in the REDD.

Section 2131 Alternate Development Options Retained

This article provides various zoning district options and requirements for properties within the REDD. Nothing herein precludes an owner of an REDD property from requesting that it be rezoned to an alternate zoning district as provided in Article VI or petitioning for approval as a planned development district as provided in Article VII.

Section 2132 Affect of the Design Overlay District Standards

Properties located within the REDD-B and REDD-F1 are subject to the standards and requirements of Article XIII: Design Overlay District for Main Corridors. Properties located within the REDD-F2 and REDD-F3 are subject to the design and appearance standards as specified in the approved floating zone district standards for their respective floating zone.

Section 2133 REDD Districts Subject to Other Requirements of Zoning Ordinance

Except where specifically supplanted by this article or approved district standards applicable to a floating zone, all lands within the REDD are subject to this ordinance's requirements of general applicability affecting uses, lots, structures, parking, and other features.

Sections 2134 through 2139 [RESERVED]

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Division 4 Use Standards

Section 2140 Classification of Use in the REDD

2140.1 Referral to Zoning Administrator. All questions concerning the classification of uses within the REDD shall be referred to the Zoning Administrator for an interpretation of this Ordinance. The referral of the use classification question shall be accompanied by a written statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, storage and the amount thereof, anticipated employment, types of products, transportation requirements, and any additional information determined necessary by the Zoning Administrator to classify the proposed use.

2140.2 Decision of the Zoning Administrator. The Zoning Administrator shall consider the nature and described performance of the proposed use and may assign a use classification descriptive of the use from Table 2142 “Schedule of Uses” or assign a use classification as is otherwise specifically provided by this Ordinance.

2140.3 Appeals. Appeals from the determinations of the Zoning Administrator are made to the Board of Zoning Appeals pursuant to Article XV of this Ordinance.

2140.4 Referral of Unlisted Uses. If the Zoning Administrator or the Board of Zoning Appeals, operating under parts (2) and (3) above, determines that a described use does not appear within this Ordinance, the Zoning Administrator or the Board of Zoning Appeals shall transmit a copy of the determination to the Planning Commission. The City Administrator, Planning Commission or City Council may initiate a text amendment to classify the proposed use.

2140.5 Unlisted Uses are Prohibited. Any use which does not appear within this Article shall be determined to be a Use Not Allowed within the REDD-B, REDD-F1, and REDD-F2 districts.

Section 2141 Use Types

Within the REDD-B, REDD-F1, and REDD-F2 districts, a use is either a Use Permitted by Right, a Conditional Use, a Special Exception Use, or a Use Not Allowed.

P USES PERMITTED BY RIGHT

A “P” in the zoning district column of Table 2142 indicates that a use is permitted in the respective zoning district, subject to compliance with all other applicable regulations of this Ordinance (see Section 2144 for exception).

C CONDITIONAL USES

A “C” in the zoning district column of Table 2142 indicates that a use is allowed in the respective zoning district only if it complies with use-specific conditions and all other applicable regulations of this Ordinance. A cross-reference to the applicable use-specific

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conditions can be found in the “Special Conditions” column of Table 2142 (see Section 2144 for exception).

SPECIAL EXCEPTION USES

An “SE” in the zoning district column of Table 2142 indicates that a use is allowed only if reviewed and approved by the Board of Zoning Appeals in accordance with the special exception procedures of this Ordinance. In addition, special exception uses may be subject to compliance with the use-specific conditions and all other applicable regulations of this Ordinance. A cross-reference to the applicable use-specific conditions, if any, can be found in the “Special Conditions” column of Table 2142.

USES NOT ALLOWED

A blank cell in the zoning district column of Table 2142 indicates that a use is not allowed in the respective zoning district, unless said use is otherwise expressly allowed by other provisions within this Ordinance.

Section 2142 Use Table

Uses are allowed within the REDD-B, REDD-F1, and REDD-F2 districts in accordance with Table 2142 “REDD Schedule of Uses”. The REDD-F2’s floating zone may further restrict allowable uses by requiring a higher level of approval procedure but not a lower level approval procedure than is shown in Table 2142. Where uses are further restricted, the floating zone text approved by City Council shall specify those uses which are allowed by right, conditional use, or special exception and provide conditions, if any, requisite to the establishment of each use. A use which does not appear within Table 2142 is an unlisted use and is not permitted within an REDD-F2 floating zone (see also Section 2123.4).

Table 2142 REDD Schedule of Uses				
KEY:	P=Permitted by Right	C=Conditional Use	SE=Special Exception	Blank Cell=Use Not Allowed
USE CLASSIFICATION	DISTRICT			SPECIAL CONDITIONS
	REDD-B	REDD-F1	REDD-F2	
Adult Day Care			P	
Armory	P	P	P	
Assembly Hall, Coliseums, Gymnasiums, and similar uses			P	
Automated Teller Machine (Free-Standing)	C	P	P	Section 418
Bakery	P	P	P	
Bank	P	P	P	
Barber Shop	P	P	P	

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Beauty Shop	P	P	P	
Bed and Breakfast			P	
Billiard Parlor			P	
Boat Sales, Service, and Supplies			P	
Bowling Alley			P	
Bus Station			P	
Church and other religious institutions			P	
Club			P	
Courthouse			P	
Day Care Center			P	
Dock, Pier and Wharf	SE	SE	P	Section 423
Family Day Care Home			P	
Financial Institutions			P	
Fire Station	P	P	P	
Fraternal Organizations			P	
Greenhouse/Horticulture Nursery	P	P	P	
Group Dwelling			P	
Horse Drawn Carriage		SE	P	Section 407
Hospital			P	
Hotel			P	
Industrial, Light		SE	P	Section 2143.1
Library	P	P	P	
Lodge			P	
Marina (Wet or Dry)			P	
Marine Related Storage			P	
Mini-Day Care Center			P	
Mini-shopping Center	SE	SE	P	
Multi-Family	SE	SE	P	Section 2143.2
Museum	P	P	P	
News Stand	P	P	P	
Office (Business, professional, government)	P	P	P	
Park, Active	SE	SE	P	
Park, Passive	P	P	P	
Parking Lot (principal use)	SE	SE	P	
Police Station	P	P	P	
Post Office			P	
Printing Establishment			P	
Produce Stand and Market	SE	SE	P	
Public Assembly Hall			P	
Publicly Owned and	P	P	P	

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Operated Buildings, Facilities, and Land				
Restaurant (excluding drive-in)	SE	SE	P	
Retail Store, Small	P	P	P	
Retail Store, Medium	P	P	P	
Retail Store, Large	SE	SE	P	Section 2143.3
Schools			P	
Seafood Establishment (wholesale/retail)			P	
Single Family Dwelling			P	
Skating Rink			P	
Substation	SE	SE	P	Section 412
Taxi Stand			P	
Theater (indoor)	SE	SE	P	
Trucking Terminal/Transfer Company			P	
Two-Family Dwelling or Duplex			P	
Uses Located Over Water			P	
Watchmen/Caretaker Dwelling	P	P	P	
Water Tower	C	C	P	Section 411
Wholesale and warehouse in enclosed building		SE	P	Section 2143.1

Section 2143 Use Conditions

In addition to the district and supplemental requirements imposed on lands and uses by this Ordinance and the required findings for special exceptions in Section 1504, the following conditions shall apply in the REDD districts where a use is allowed as a conditional use or special exception as shown in Table 2142.

2143.1 Light Industry (including wholesale and warehouse uses). Light industry may be permitted in the REDD-F1 provided that:

1. Total building floor area shall not exceed 15,000 square feet;
2. The principal building and any permitted accessory structures shall observe a minimum rear yard setback of one hundred (100) feet and a side yard setback of fifty (50) feet;
3. The principal building and any permitted accessory structure shall not be placed any closer than four hundred (400) feet from Front Street nor placed any closer than two hundred (200) feet from any arterial street. This distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest

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- portion of the building to the nearest boundary of the Front Street or arterial street's right-of-way;
4. All activities associated with the use shall be contained within an enclosed building. No outdoor processes or storage of materials is permitted;
 5. An exterior landscaping buffer, a minimum of thirty (30) feet in width, shall be provide along the rear and side yards; and
 6. Vehicular access onto Front Street is prohibited.

2143.2 Multi-Family. Multi-family uses in the REDD-B and REDD-F1 require one thousand (1,000) square feet of open space per unit. An exterior landscaping buffer, a minimum of twenty (20) feet in width, shall be required around the entire development.

2143.3 Retail Store, large. Large retail stores may be permitted in the REDD-B and REDD-F1 provided that:

1. Total building floor area shall not exceed 40,000 square feet;
2. The principal building and any permitted accessory structure shall not be placed any closer than four hundred (400) feet from Front Street. No parking lot(s) and drive(s) associated with the retail store shall be placed closer than two hundred (200) feet from Front Street. This distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building, parking lot, or drive to the nearest boundary of the Front Street right-of-way;
3. Vehicular access onto Front Street is prohibited; and
4. A traffic impact study is required.

Section 2144 Special Exception Required for High Intensity Uses

Notwithstanding the provisions of Section 2142, in the REDD-B and REDD-F1 uses that require new curb cuts or access points onto Front Street or uses that have the potential to generate three hundred (300) or more peak hour trips as determined by the Institute of Transportation Engineer's Trip Generation Manual (latest edition) are special exception uses and require approval by the Board of Zoning Appeals. The board shall require the submission of a traffic impact study and condition the special exception's approval on the implementation of traffic impact mitigation measures.

Sections 2145 through 2149 [RESERVED]

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Division 5 Supplemental Standards

Section 2150 Fences and Walls

In the REDD-B and REDD-F1, fences and walls shall not exceed eight (8) feet in height and shall not be placed within any required yard. In cases where a fence or wall is used to conceal or enclose a nonconforming industrial use or a utility use, is required by Sections 510 or 2151 of this Ordinance, or is required by a health or safety code (e.g. construction fencing), the Zoning Administrator may permit the placement of a fence or wall in a required yard provided such placement does not infringe on sight distance at an intersection or driveway. In the REDD-F2 and REDD-F3, the approved floating zone shall establish requirements for the placement of fences and walls.

Section 2151 Screening of Nonconforming Heavy Industrial Uses Required

In addition to the requirements imposed by Section 510, heavy industrial uses in the REDD-B and an REDD-F1 floating zone shall be screened from view from any public street or right-of-way with no less than a six foot high, sight obscuring fence, wall, or hedge of not less than an eighty percent opacity. Notwithstanding the provisions of Division 7, heavy industrial uses shall conform with the requirements of this section no later than three hundred sixty-five (365) days from the effective date of this Ordinance. Where not in conflict with this section, screening installed after this article's effective date shall conform to the requirements of Article XIII of this Ordinance

Section 2152 Outdoor Storage and Display

Except where expressly provided in REDD-F2 or REDD-F3 district standards approved by City Council, no merchandise, equipment (excluding licensed vehicles and trailers), machinery, bulk materials for processing or shipment, or recyclable, salvage, or junk materials shall be stored or displayed outside of an enclosed building in the REDD, except as follows:

1. Materials and associated recyclables may be stored outside of an enclosed building when appurtenant to a permitted construction or demolition project;
2. Outdoor storage, of less than twenty (24) total hours in any seven (7) day period and excluding outdoor sales or display, is permitted when incidental to the shipping, receiving, or stocking of a licensed business; or
3. Outdoor storage that lawfully existed on the effective date of this article is a nonconforming feature and is subject to the provisions of Section 2174. The area devoted to outdoor storage may not hereafter be enlarged.

Section 2153 Signs

2153.1 Review, Permitting, and Enforcement. Except where expressly provided otherwise in a REDD-F2 and REDD-F3 floating zone district, signs in the REDD districts are subject to the review, permitting, and enforcement standards contained in Article X and Article XIII of this Ordinance.

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2153.2 Permitted Signs in REDD-B and REDD-F1. In addition to signs deemed exempt from the terms of this Ordinance, the following signs are permitted in REDD-B and REDD-F1 districts:

1. Monument freestanding sign: One (1) monument freestanding sign shall be permitted per lot. The maximum gross surface area per sign face shall not exceed sixty (60) square feet and the aggregate gross surface area of the sign shall not exceed one hundred twenty (120) square feet. The freestanding sign shall not exceed eight (8) feet in height and shall not be placed closer than fifteen (15) feet from any property line.
2. Wall signs. Each principal building shall be permitted one (1) wall sign. The maximum gross surface area of the wall sign shall not exceed sixty (60) square feet. In cases where a principal building is located on a corner lot, an additional wall sign is permitted provided that the gross surface area of the sign not exceed thirty (30) square feet.

2153.3 Permitted Signs in the REDD-F2 and REDD-F3. In the REDD-2 and REDD-F3 districts, signs shall be permitted in accordance with the approved floating zone district standards.

Section 2154 Parking and Access Standards

In the REDD-B and REDD-F1 districts, off-street parking shall be provided, constructed, and maintained in accordance with Articles XI and XIII of this Ordinance. In the REDD-2 and REDD-F3 districts, off-street parking shall be provided in accordance with the approved floating zone.

Section 2155 Application of District Standards; Clustering

In the REDD-B and REDD-F1, density, open area, open space, building coverage, impervious coverage, and other standards are applied uniformly to each lot. In the REDD-F2 and REDD-F3, density, open area, open space, building coverage, and impervious coverage are based on the net development area. Cluster development is permitted, if authorized in approved floating zone district standards. Individual lots within these districts may have varying densities and coverages, provided that cumulatively the lots within the district conform to the standards of this Ordinance and the comprehensive plan.

Section 2156 Frontage Requirements in the REDD

Notwithstanding the provisions of Section 501, all lots in the REDD districts shall have frontage on and access to a publically dedicated and accepted or publicly maintained street. The minimum frontage requirement shall be a distance equal to or greater than the minimum lot width requirement for the district in which the lot is located.

Section 2157 Exception for Small Lots in REDD-B and REDD-F1

In the REDD-B and REDD-F1, coverage and setback requirements shall not be applied to limit building coverage to less than 2,500 square feet or limit impervious coverage to less than 5,000 square feet on any lot. The Zoning Administrator is authorized to proportionally reduced setback requirements in accordance with this requirement (see also Section 2173).

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Section 2158 Development Bonuses Available in REDD-F2 and REDD-F3

2158.1 Development Bonuses Available for Certain Improvements. The owner of the property may propose a development bonus as part of an application for an REDD-F2 or REDD-F3 floating zone. Bonuses may be granted for:

1. The dedication of active and passive parks for public use;
2. The construction and dedication of pedestrian trails;
3. The construction and dedication of streets as illustrated on the official map or provided in the comprehensive plan; or
4. Affordable housing.

When in conformity with the density provisions of the comprehensive plan, development bonuses may be granted in accordance with Table 2158:

Table 2158 Schedule of Development Bonuses		
Improvement	Development Bonus	Maximum Development Bonus
<p>Parks and Pedestrian Trails: The voluntary construction and dedication of onsite active or passive park area to the city or other entity for perpetual public use. The location of park areas should correspond with the locations and intended purposes as provided in the comprehensive plan.</p>	<p>For every ½ acre of park area, the district may be afforded one additional dwelling units per acre of net development area and an additional 1% in building and impervious surface coverage.</p>	<p>No more than four additional dwelling units per acre and no more than a 4% increase in allowable building and impervious surface coverage for the district.</p>
<p>Waterfront Parks and Pedestrian Trails: The voluntary construction and dedication of onsite, waterfront active or passive park area to the city or other entity for perpetual public use. The location of park areas should correspond with the locations and intended purposes as provided in the comprehensive plan.</p>	<p>For every ½ acre of waterfront park area, the district may be afforded two additional dwelling units per acre of net development area and an additional 1% of building and impervious surface coverage.</p>	<p>No more than eight additional units per acre and no more than a 4% increase in allowable building and impervious surface coverage for the district.</p>
<p>Street Dedication: The construction and dedication of onsite streets (and associated rights-of-way) as illustrated on the official map or as outlined in the comprehensive plan.</p>	<p>For every ½ acre of dedicated street right-of-way, the district may be afforded three additional dwelling units per acre of net development area and</p>	<p>No more than nine additional units per acre and no more than a 6% increase in allowable building and impervious surface coverage for the district.</p>

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	an additional 2% of building and impervious surface coverage.	
Affordable Housing: The provision of affordable housing subject to sufficient instruments being provided to guarantee unit affordability for a period of no less than fifteen (15) years.	For every affordable unit provided, one additional market rate unit may be allowed (for the entire district).	May not increase density by more than 20% of district standards.

2158.2 *Application and Recommendation of Planning Commission.* The application and accompanying proposed district standards shall clearly describe the improvements and the requested development bonus. The Planning Commission in its report on the proposed floating zone to City Council shall make a recommendation on the requested development bonuses including the justifications for granting the request and its consistency with the comprehensive plan.

2158.3 *Approval of Development Bonus.* The City Council may, with the approval of an REDD floating zone, grant the requested development bonus. Where the requested bonus would involve the transfer of real property to the City of Georgetown, the acceptance of property and the corresponding granting of development bonuses is discretionary to the City Council. Improvements which are to be dedicated to the City shall follow the procedures as outlined in the City of Georgetown Development Regulations.

Section 2159 [RESERVED]

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Division 6 REDD Architectural and Design Standards

Sections 2160 through 2169 [RESERVED]

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Division 7 REDD Nonconformity Standards

Section 2170 General Provisions Governing Nonconformities in REDD Districts

2170.1 *Applicability.* Notwithstanding the provisions of Section 400, nonconforming uses, structures, lots, and site features within the REDD districts are subject to the requirements of this article.

2170.2 *Continuance.* Any use, structure, lot, or other property feature that lawfully existed on this article's effective date may continue in accordance with and subject to the limitations imposed by this division.

2170.3 *Determination of nonconformity status.* The burden of establishing that a use, structure, lot, or site feature is a legal nonconformity, which lawfully existed on the effective date of this article shall, in all cases, be solely upon the property owner.

2170.4 *Substantial improvements prohibited.* A nonconformity shall not hereafter be substantially improved except where such improvement eliminates the nonconformity.

2170.5 *Incidental Repairs and maintenance.* Incidental repairs and normal maintenance of nonconformities shall be permitted unless such repairs are otherwise prohibited by this article. Nothing in this article shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of the building official or his/her designee.

2170.6 *Change of tenancy or ownership.* The status of a nonconformity is not affected by changes of tenancy, ownership, or management and the provisions of this division shall apply to current and subsequent owners and assigns of properties in the REDD.

Section 2171 Nonconforming Uses

2171.1 *Expansion.* A nonconforming use shall not be enlarged or expanded unless one of the following conditions exists:

1. Such expansion eliminates or reduces the nonconformity and such expansion or extension conforms to the provisions of this Ordinance; or
2. The expansion is into a part of an existing building or structure that was lawfully and manifestly designed or arranged for such use, provided that no such expansion shall be allowed if it displaces a conforming use or constitutes a substantial improvement as defined herein.

2171.2 *Change of use.* A nonconforming use may not be changed to any use other than a use allowed in the zoning district in which it is located.

2171.3 *Abandonment and loss of nonconforming status.* Once a nonconforming use, which lawfully existed on the effective date of this Ordinance, is abandoned, the use's legal nonconforming status shall be lost and the re-establishment of a nonconforming use shall be

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prohibited. Any subsequent use of the property shall comply with the regulations of the REDD district in which it is located.

The abandonment of a nonconforming use and any related building(s) or structure(s) shall be deemed to have occurred upon any one or more of the following for more than three hundred sixty five (365) consecutive days or more than three hundred sixty five (365) days in any two consecutive years:

1. The cessation of production or processes for which the nonconforming use was intended; or
2. The vacating of the premises; or
3. Failure to secure or maintain licenses, permits, or regulatory approvals necessary for operation; or
4. Disconnecting utility service, such as water, gas, or electric service, serving the nonconforming use or property; or
5. Removal of buildings, equipment, or fixtures which are necessary for the operation of the nonconforming use; or
6. Any structure containing a nonconforming use that has fallen into disrepair and has been deemed unfit for occupancy by the building official, fire marshal, or other competent authority.

2171.4 *Damage or destruction and loss of legal nonconforming status.* A nonconforming use that is damaged or destroyed by any cause shall not be restored or re-established if the cumulative cost of the repair work (materials and labor) in any five year period is more than fifty (50) percent of its pre-damage appraised value for tax purposes. Determinations of the costs of repair work shall be made by the building official, based on receipts and other evidence indicating actual repair costs. Where damage is fifty (50) percent or less and such repairs are permitted, they shall in no way increase the extent of the nonconformity (pre-damage) and shall otherwise be in full compliance with the regulations of this Ordinance. Authorized repairs shall be completed within twelve (12) months of such damage and shall conform to the requirements of the building code.

2171.5 *Accessory uses.* No use that is accessory to a principal nonconforming use shall continue after the principal use has ceased, unless it complies with the regulations of this Ordinance.

2171.6 *Discontinuance of Nonconforming Heavy Industrial Uses.*

1. Except as provided below, heavy industrial uses shall be discontinued within five (5) years from the effective date of this Ordinance. Thereafter, all uses on the property shall comply with the requirements of this Ordinance.
2. Within three (3) years of the discontinuance of a nonconforming heavy industrial use as required by subsection (1) above or (3) below, all nonconforming structures and features shall be brought into conformity with the provisions of this Ordinance. Structures and equipment that are manifestly and exclusively arranged for conducting the discontinued nonconforming use shall be removed from the property.
3. At any time within four (4) years of the effective date of this division, an owner may apply to the Zoning Administrator for an extension to the timeframes for compliance

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set forth in subsection (1) or (2) above. The burden shall be on the applicant to demonstrate that these timeframes are not reasonable and do not afford sufficient time to protect a vested right or to recover costs, based some or all of the following factors:

- (a) capital investments made in the property before the property became nonconforming;
- (b) actual present or depreciated value of the land and improvements;
- (c) original purchase price;
- (d) the time period, if any, to amortize costs of the land and improvements, under the Internal Revenue Code;
- (e) the remaining useful life of capital improvements and equipment on the property;
- (f) annual income;
- (g) return on investment;
- (h) close-out or demolition costs;
- (i) depreciation or appreciation in value of the property and capital investments;
- (j) salvage value of any nonconforming structures or equipment;
- (k) environmental clean-up costs, if any;
- (l) the remaining term of any leases on the property;
- (m) the availability of alternative business locations and the costs of relocation;
- (n) the suitability of existing capital investments and the property for uses that conform with the REDD;
- (o) the benefits to the public of amortizing the nonconforming use, based on the intent of this Article and the City's comprehensive plan, compared to the detriment to the property owner; and
- (p) any other factors supporting the applicant's assertion that the amortization and conformity timeframes set forth in subsections (1) and (2) above are not sufficient to protect a vested right under applicable law.

In making a determination under this subsection, the Zoning Administrator may rely on neutral experts in property appraisal, finance, and industry, based on reasonable economic practice and current market conditions. Appeals from the Zoning Administrator's determination shall be to the Board of Zoning Appeals as provided in this Ordinance.

4. No less than one hundred eighty (180) days after the effective date of this division, the Zoning Administrator shall provide written notice to the current owner of a nonconforming use property setting forth the date of the required discontinuance and conformity under subsections (1) and (2) above and advising the owner of the opportunity to appeal the Administrator's determination or to apply for an extension as provided in subsection (3). The Zoning Administrator also shall record a copy of said notice with the Georgetown County Registrar of Deeds.
5. The affected property owner may, within ninety (90) days of the receipt of written notice provided by subsection (4), above, appeal the Zoning Administrator's determination that subsections (1) and (2) apply to the property, to the Board of Zoning Appeals as provided in Article XV of this Ordinance.

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Section 2172 Nonconforming Structures

2172.1 Use. A nonconforming structure may be occupied by any use allowed in the underlying zoning district. When a nonconforming structure contains one or more nonconforming uses, the nonconforming use of the structure is subject to the requirements of Section 2171.

2172.2 Expansion. A nonconforming structure shall not be enlarged or altered in a way which increases its nonconformity or constitutes a substantial improvement, but any structure or portion thereof may be altered to decrease its nonconformity.

2172.3 Moving or relocation. A nonconforming structure may be moved in whole or part to another location on the same lot if the movement or relocation does not increase the extent of nonconformity. A nonconforming structure may be moved to another lot provided that the dimensional and use requirements of the lot's underlying zoning district can be met.

2172.4 Damage or destruction and loss of nonconforming status. A nonconforming structure that is damaged or destroyed by any cause shall not be repaired, rebuilt, or altered if the cumulative cost of the repair work (materials and labor) in any five year period is more than fifty (50) percent of its pre-damage appraised value for tax purposes. Determinations of the costs of repair work shall be made by the building official, based on receipts and other evidence indicating actual repair costs. Where damage is fifty (50) percent or less and such repairs are permitted, they shall in no way increase the extent of the nonconformity (pre-damage) and shall otherwise be in full compliance with the regulations of this Ordinance. Authorized repairs shall be substantially complete within twelve (12) months of such damage and shall conform to the requirements of the building code.

Section 2173 Nonconforming Lots

2173.1 Vacant lots. Nonconforming vacant lots may be occupied by a use allowed by the underlying zoning district, provided that the use shall comply with all applicable setbacks. If the applicable zoning district permits a variety of uses or a variety of intensities and one or more uses or intensities would comply with setback and other district standards, while others would not, then only the uses or intensities that would comply with the applicable district standards shall be permitted.

2173.2 Lots with building(s) or structure(s). If a nonconforming lot contains a building or structure on the date on which this article becomes applicable to it, then the owner may continue the use of that building or structure and may reasonably expand the structure in a way that does not increase the degree of nonconformity. For buildings or structures occupied by a permitted use, an increase in the building size shall not be deemed to increase the degree of nonconformity unless it increases the encroachment on a required yard or, in the case of residential occupancy, increases the number of dwelling units on the nonconforming lot.

Section 2174 Nonconforming Features

Nonconforming features. Except as may be provided elsewhere in this Ordinance, nonconforming features to include a deficiency in the number of required parking spaces, paving, deficiency in

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landscaping, required illumination, excessive impervious coverage or similar site appurtenance may continue pursuant to the provisions of this section. Any change of principal use, new construction, feature replacement, or the issuance of a zoning permit affecting the nonconforming feature will thereupon require full compliance with the requirements of this Ordinance.

Sections 2175 through 2179 [RESERVED]

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Division 8 REDD Zoning and Floating Zone Approval Process

Section 2180 REDD-B and REDD-F1

Except as provided by Sections 2121.2 and 2122.2, the rezoning of property to the REDD-B and REDD-F1 districts shall follow the amendment provisions of Article XVIII of this chapter.

Section 2181 REDD-F2 and REDD-F3

Designation of a parcel with the REDD-F2 or REDD-F3 floating zone shall follow the procedures as outlined in this article.

2181.1 *Sketch Plan Prepared.* A sketch plan shall be prepared illustrating the boundaries of the proposed areas to be rezoned, the proposed land uses, a proposed lot layout and street configuration, estimated gross densities the generalized location of proposed buildings and improvements, and estimated useable open space.

2181.2 *Sketch Plan Review.* The Zoning Administrator shall submit the sketch plan to the Planning Commission with a recommendation as to whether the proposed design concept is consistent with the comprehensive plan and the requirements of this article. Within sixty (60) days of the receipt of the sketch plan by the Zoning Administrator, the Planning Commission shall either request preparation of detailed district standards consistent with the proposed sketch plan or recommend revisions to the sketch plan.

2181.3 *Content of Proposed Floating Zone.* A proposal to have an REDD-F2 or REDD-F3 floating zone applied to a particular parcel shall be on forms approved by the Planning Commission. As part of the proposal, the applicant shall prepare and submit a detailed REDD development plan and zoning text for the entire proposed district to the Zoning Administrator for consideration by the City Council as provided herein. Floating zone district standards shall contain all relevant information deemed necessary by the Planning Commission and the Zoning Administrator. Relevant information and exhibits shall include but are not limited to the following:

1. REDD Development plan. A development plan shall be submitted that illustrates:
 - (a) The surveyed boundary of the district including approximate interior property lines when future division is permitted;
 - (b) Proposed land uses for each lot or tract within the district;
 - (c) The location of existing and proposed utilities, streets, easements, and other rights-of-way. Where offsite improvements are required, the plan shall illustrate the location and extent of improvements;
 - (d) The location(s) and proposed use(s) of existing and planned buildings;
 - (e) The location of parking lots, drives, and walkways;

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- (f) The location and acreage of passive and active parks and open spaces;
 - (g) A delineation of development phases, if applicable, with an estimated timeline for development (REDD-3 only);
 - (h) Topographical data including existing and proposed contour elevations, areas of special flood hazard, drainage easements, and storm water detention easements.
 - (i) Supplemental exhibits and written narratives that include:
 - 1. A traffic impact study including a description of traffic impact mitigation measures to be taken,
 - 2. A lighting plan denoting the types and locations of exterior fixtures and intensity of illumination,
 - 3. A signage plan,
 - 4. An analysis of public facility impacts,
 - 5. A detail of improvements to be constructed and dedicated to public use. This written narrative shall include a cost estimate and specify the intended ownership, use, and maintenance of improvements,
 - 6. An analysis of any special site conditions that require remediation or mitigation such as floodplains, wetlands, and brownfields,
 - 7. A listing of all onsite nonconformities and a schedule for their removal,
 - 8. If applicable, any requested development bonuses, and
 - 9. A statement of conformity with the city's comprehensive plan, this article, and the official map, and
 - 10. Any additional information the applicant believes to be pertinent.
2. District text. Proposed text that establishes the requirements of the REDD district shall be submitted. At a minimum, the proposed text shall include:
- (a) The name (prefix) of the REDD district, not duplicating the name of any other REDD district, planned development, or subdivision;
 - (b) A statement of the intent and objectives of the proposed district;
 - (c) A legal description of the district boundaries, including the location and acreage of varying densities, uses, or other areas subject to special requirements;
 - (d) Proposed land uses and dimensional requirements including:
 - 1. A listing of uses to be allowed within the proposed district the total acreage for each use and their location. This listing may include primary and alternate uses,
 - 2. Proposed maximum and average residential densities for each residential use, not in excess of those allowed by this Ordinance or the City comprehensive plan, if applicable,
 - 3. The maximum proposed floor area ratios, if any, and the maximum building and impervious coverage for each use,

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4. The maximum height for each use or for the district as a whole,
5. The minimum setbacks for each use or for the district as a whole,
6. The minimum separation distance, if any, between buildings or uses, and
7. Any other proposed use or dimensional requirements to be enforceable to the district.

(e) Requirements imposed on development within the district including, but not limited to: landscaping and streetscapes, signage, parking, pedestrian amenities, lighting, architectural, and/or orientation standards;

(f) A provision which establishes for the possible reversion of property if construction does not occur within a specified-time period; and

(g) A provision which enumerates, other than district requirements, the specific requirements of this chapter which are not applicable to or that are amended upon approval of applicable district standards.

Complete forms and required exhibits, together with an application fee to cover administrative costs, shall be filed with the Zoning Administrator. Any communication purporting to be an application for an amendment shall be regarded mere notice to seek relief until it is made in the form required.

2181.4 Planning Commission Review; Hearing; Recommendation. The Zoning Administrator shall promptly transmit all complete applications to have a floating zone applied to a particular parcel to the Planning Commission. The Planning Commission shall conduct a public hearing on the proposed REDD district floating zone following the notification and hearing procedures for text and map amendments as specified in Section 1802.3 of this Ordinance. At the hearing, any party may appear in person, or by agent, or by attorney. The Planning Commission shall have thirty days following the public hearing within which to submit its recommendation and report to the City Council. The report submitted to the City Council shall contain a summary of all significant issues or concerns presented at the public hearing. Criteria to be considered by the Planning Commission in making a recommendation include, but are not limited to, the following:

1. Whether or not the proposed district complies with the standards and intent of this article;
2. Whether or not the proposed district is consistent with the comprehensive plan, official map, and adopted land use standards (including the zoning ordinance and land development regulations);
3. Whether or not the city or other agencies will be able to provide necessary public services, facilities, and programs to serve the district at the time the property is developed; and
4. When applicable, whether the development bonus(es) requested are in agreement with this article and any applicable policies or density provisions set forth in the comprehensive plan.

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If the Planning Commission fails to submit a recommendation within the thirty day period, it shall be deemed to have recommended approval of the requested district.

2181.5 Action by the City Council. The Planning Commission shall promptly transmit its recommendation to the City Council for legislative action. For each district request, the City Council shall consider the recommendation of the Planning Commission; however, the City Council is not bound by the recommendation in making its final decision. The creation of the REDD district must be adopted as an ordinance in accordance with South Carolina law and the requirements of the Zoning Ordinance.

Section 2182 Reversion

Notwithstanding the provisions of Section 1803, the Planning Commission shall within two years of a rezoning, and periodically thereafter, review the assignment of an REDD-B or REDD-F1 districts to determine its continued appropriateness under the terms of the comprehensive plan. If warranted, the Planning Commission may initiate proceedings to reclassify the property.

In the REDD-F2 and REDD-F3, the timeline for development (including phased development in the REDD-F3) and process for evaluation and reversion are to be specified in the approved floating zone; however, nothing therein shall limit the authority of the City Council to amend the official zoning map or text as provided Title 6, Chapter 29 of the South Carolina Code of Laws or abridge the vesting of rights as provided in the City of Georgetown Development Regulations.

Section 2183 REDD Districts Subject to Land Development Regulations

When an REDD district provides for the dedication of land for rights-of-way, parks, or other public spaces; requires the division of property into two or more lots; requires easements; or necessitates the installation of other public improvements, zoning permits for property within the district shall not be issued until such time as a final plat has been approved by the Planning Commission in accordance with the Georgetown Land Development Regulations. The Planning Commission shall require the posting of a surety instrument to guarantee the installation and/or dedication of required improvements including traffic impact mitigation measures and any legal instruments necessary to accomplish public dedication.

All plats approved under the terms of this section shall be recorded in the Office of the Register of Deeds of Georgetown County.

Section 2184 Permitting

Following the adoption by the City Council of an REDD district and an applicant's compliance with this Ordinance, permits may be issued by the Zoning Administrator to allow construction. All permitting shall conform to the application and site plan review procedures as specified in Article XV of this chapter.

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Section 2185 REDD-F2 and REDD-F3 Floating Zone Amendments

2185.1 Minor Amendments. Minor changes in an REDD floating zone's district standards may be approved by the Zoning Administrator provided that such changes:

1. Do not increase the density of the district;
2. Do not change the exterior boundaries of the district or alter the permitted height of structures,
3. Do not increase the intensity of land use;
4. Do not increase the number of lots (where subdivision has been approved);
5. Do not materially change the location or amount of land devoted to a specific land use;
6. Do not alter or conflict with the district's zoning text; and,
7. May include, but not be limited to the minor shifting of buildings, proposed streets, public or private ways, utility easements, parks or other public open spaces, or other features of the plan. Minor shifting of buildings does not include encroaching into any required setback.

All minor changes approved by the Zoning Administrator and all amended plans or plats shall be recorded in the Office of the Clerk of Court of Georgetown County.

2185.2 Major Amendments. Major changes in an approved REDD floating zone's district standards shall be considered an amendment to the original ordinance and shall require a public hearing, review and recommendation by the Planning Commission, and approval by City Council as required by South Carolina law and the City Zoning Ordinance. Major changes may include, but are not limited to, the following:

- (1) Increases in density, within any limitations described in this Ordinance or the City comprehensive plan,
- (2) Changes in the exterior boundary lines of the REDD floating zone district or alterations in the district's lot size, density, or dimensional requirements;
- (4) Changes in the location or amount of land devoted to specific land uses;
- (5) The creation of any new lot; or
- (6) Any change that requires the zoning text of the floating zone district to be altered.

A major change(s) to an REDD floating zone district shall be approved or denied pursuant the procedures established in Section 2181.

Sections 2186 through 2199 [RESERVED]

Amendments to Sections 514, 1301, and 1504

PROPOSED AMENDMENTS ARE HIGHLIGHTED

Section 514 One Principal Use on a Lot

Only one principal use may be permitted on a parcel with the exception of the Planned Developments as defined in Section 713 and the REDD-F2 and REDD-F3 as provided in Article XXI. Parcels that have existing buildings prior to the adoption of this ordinance may continue uses of the building. If the existing use ceases to operate, a new use will not be permitted. If the uses ceases for a period of 90 days, the use will no longer be considered existing and will not be eligible for a permit to reopen. A property owner may subdivide the property if all the requirements established in Article VIII of the Zoning Ordinance can be met.

Section 1301 Delineation of District Boundaries

The boundaries of the Design Overlay District shall include all parcels partially or completely within the outlined Design Overlay District boundaries as illustrated on the Official Zoning Map and the map attached as approved by the Mayor and City Council and includes the following zoning districts within the district. (All properties annexed into the City of Georgetown after the adoption of said guidelines, partially or completely contiguous with Church Street, Highmarket Street, Fraser Street, access roads parallel to these said streets where visible from the main road, and or any street designated to be within the adopted Overlay district shall be required to comply with the adopted guidelines as set forth):

General Commercial (GC)
 Intermediate Commercial (IC)
 Planned Development District(s) (PD)
 Conservation Preservation (CP)
 High Density Residential (R-4)
 Heavy Industrial (HI)
 Low Density Residential (R-1)
 Public Service District (PS)
 Base Redevelopment District (REDD-B)
 Redevelopment District Floating Zone 1 (REDD-F1)

Specific zoning-related standards are established within the zoning ordinance and must be met prior to beginning development or redevelopment activities of the overlay zone. In addition to the requirements set forth in the Design Overlay Corridor District, all commercial, industrial, or Office development in the Design Overlay District shall meet all applicable zoning requirements set forth in the underlying zoning district.

Noncontributing commercial buildings located in the Designs Overlay District that are also located in the Historic District shall be exempt from ARB review.

PROPOSED TEXT AMENDMENTS

Amendments to Sections 514, 1301, and 1504

PROPOSED AMENDMENTS ARE HIGHLIGHTED

Section 1504 Powers

The Board of Zoning Appeals shall have the following powers:

1504.1 To hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the Zoning Ordinance; **and**

1504.2 To hear and decide appeals for variances from the requirements of the Zoning Ordinance when strict application of the provisions of the Ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board make and explains in writing the following findings:

1504.201 There are extraordinary and exceptional conditions pertaining to the particular piece of property,

1504.202 These conditions do not generally apply to other property in the vicinity,

1504.203 Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property,

1504.204 The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance, and

1504.205 The Board may not grant a variance the effect of which would be to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the Official Zoning Map. The fact that property may be utilized more profitably, should a variance be granted may not be considered grounds for a variance;

1504.3 To authorize the permitting of special exceptions subject to the terms and conditions for such uses as set forth by this Ordinance. The Board of Zoning Appeals may approve, approve with conditions, or deny a request for a special exception permit. Special exception permits may be approved only if the board finds that the proposed use:

1504.301 Is in fact a use specifically listed as a special exception for the zoning district in which the use is intended,

1504.302 Is consistent with the recommendations contained in the City of Georgetown Comprehensive Plan and the character of the underlying zoning district as indicated in the zoning district's intent,

1504.303 Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community,

PROPOSED TEXT AMENDMENTS

Amendments to Sections 514, 1301, and 1504**PROPOSED AMENDMENTS ARE HIGHLIGHTED**

1504.304 Adequate provision is made for such items as setbacks, buffering, and screening (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use such as noise, vibration, dust, glare, odor, traffic conditions, and similar factors,

1504.305 When applicable, will be developed in a way that will preserve and incorporate important natural features,

1504.306 Complies with all applicable rules, regulations, laws, and the standards of this chapter, and

1504.307 Will not hinder or endanger vehicular traffic or pedestrian movements on adjacent streets.

In granting a special exception permit, the board may attach to it such conditions regarding the location, character, or other features of the proposed structure or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare; and

1504.4 To remand a matter to the Zoning Administrator, upon motion by a party or the board's own motion, if the board determines that the record is insufficient for review. A party's motion for remand may be denied if the board determines that the record is sufficient for review. The board must set a rehearing on the remanded matter without further public notice for a time certain within sixty days unless otherwise agreed by the parties. The board must maintain a list of persons who expressed an interest in being informed when the remanded matter is set for rehearing, and notice of the rehearing must be mailed to these persons prior to the rehearing.

1504.5 In exercising the above powers, the Board of Zoning Appeals may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination of the Zoning Administrator and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The board, in the execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify such fact to the circuit court having jurisdiction. All final decisions and orders of the Board must be permanently filed in the office of the Board as a public record. All findings of fact and conclusions of law must be delivered to the parties of interest by certified mail.

PROPOSED TEXT AMENDMENTS