

ARTICLE XXXIII
MS Main Street District
[Added 9-4-2012 by Ord. No. 334]

§ 184-229. Intent.

It is the specific intent of this article to:

- A. Create a consistent zoning district along the Ridge Pike corridor.
- B. Encourage mixed-use commercial such as retail, office and other compatible uses that will help to create a vital mixed-use district along the length of the corridor.
- C. Encourage a high level of architectural detail, aesthetically pleasing signage and functional site design through the utilization of design guidelines.
- D. Encourage cross-access easements, shared driveways and the creation of service roads between parcels to minimize the number of driveways onto Ridge Pike in order to enhance safety and provide more efficient and economical access and parking.
- E. Encourage shared parking between compatible uses on the same lot or on adjacent lots.
- F. Encourage the development of Ridge Pike as a complete street that safety accommodates bus, automobile, bicycle and pedestrian transportation modes.

§ 184-230. Permitted uses.

- A. One or more of the following principal uses allowed by right:
 - (1) Home occupation in accordance with § 184-72.
 - (2) No-impact home-based business, as defined, and subject to the provisions of the definition of "no-impact home-based business" in § 184-10.
 - (3) Retail sales. This use does not include the sale of gasoline or the sale, repair or servicing of vehicles, such as automobiles, trucks, motorcycles, farm equipment, boats, motorized and nonmotorized recreational vehicles, trailers, construction equipment and related accessories and attachments, mobile homes, or other vehicles.
 - (4) Retail garden center.

- (5) Bank.
- (6) Restaurant/tavern/cafe.
- (7) Drive-through restaurant in accordance with § 184-76.3.
- (8) Hotel or motel.
- (9) Personal services.
- (10) Professional and business offices.
- (11) Cultural use.
- (12) Health services. This use excludes outpatient care facilities with a gross floor area greater than 1,500 square feet unless this use is part of an outpatient surgical center with a minimum gross floor area of 50,000 square feet.
- (13) Health care facility. This use excludes outpatient clinics or dispensaries with a gross floor area greater than 1,500 square feet unless this use is part of a hospital with a minimum gross floor area of 100,000 square feet.
- (14) Indoor commercial recreation. This use excludes outdoor commercial recreation.
- (15) Day care in accordance with § 184-73.
- (16) Undertaking or funeral establishment.
- (17) Small appliance or electronics repair.
 - (a) This use shall be totally contained indoors.
 - (b) This use shall not include the repair and/or servicing of vehicles or tools powered by an internal combustion engine.
- (18) Rental of goods, merchandise and equipment. This use shall be totally contained indoors.
- (19) Conversion, as defined. Residential conversions shall be subject to the provisions of § 184-70.
- (20) Municipal/government.
- (21) Educational use.
- (22) Place of worship.
- (23) Fire/ambulance station.

- (24) Open space.
- (25) Clubs, lodges, fraternal organizations.
- (26) Public utilities facility. **[Amended 4-22-2014 by Ord. No. 347]**
- (27) Veterinarians, not including animal boarding facilities or kennels, § 184-75 does not apply.
- (28) Agriculture.
- (29) Bed-and-breakfasts in accordance with § 184-74.
- (30) Customary accessory uses to permitted uses.

§ 184-231. Conditional uses.

A. One or more of the following uses are permitted by conditional use, provided that all standards in this chapter for conditional uses are met, as well as the standards required in this section.

- (1) Two-family in accordance with the following conditions:
 - (a) One residential dwelling unit is permitted for every 1,200 square feet of nonresidential gross floor area constructed, provided that bulk and area requirements herein are met. The nonresidential gross floor area cannot be used to permit this use if it is used to meet requirements for single-family detached, apartments or single-family attached uses.
 - (b) The residential area must be subdivided separately from the commercial area for the purposes of calculating stormwater management, area and bulk requirements.
 - (c) The entire area subdivided for residential uses shall be set back 300 feet from Ridge Pike ultimate right-of-way. This setback shall not apply to stormwater management facilities that are shared between residential and nonresidential uses.
 - (d) The perimeter of the area subdivided for residential uses shall contain a twenty-five-foot wide buffer in accordance with § 155.27.1 along all property lines and adjacent to nonresidential uses.

- (e) Two-family uses shall establish the applicable front yard setbacks from an internal roadway or roadway other than Ridge Pike.
 - (f) For developments with 30 or more dwelling units: 400 square feet of common use area shall be provided for each dwelling unit in accordance with the following:
 - [1] The common use area shall not overlap the required buffer area except to connect to open space on contiguous parcels.
 - [2] The common use area shall be accessible to residential units and consist of a contiguous area of at least 11,000 square feet. The perimeter of the common use area shall not have a dimension less than 50 feet on any one side.
 - [3] The common use area shall connect to adjacent open space parcels.
 - [4] Residential buildings located adjacent to a common use area or residential buildings located along a street adjacent to a common use area shall be oriented so that at least 60% of the buildings provide frontage on the common use area.
 - [5] Buildings with frontage on the common use area shall provide side or rear loaded garages.
 - (g) Horizontal articulation: all dwelling units shall contain a minimum one-foot horizontal roof offset from roofs of neighboring dwelling units to vary the massing of a building and relieve the effect of a single, long roof.
 - (h) Vertical articulation: all dwelling units shall contain a minimum two-foot vertical front facade offset from front facades of neighboring dwelling units to vary the massing of a building and relieve the effect of a single, long wall.
 - (i) All residential buildings shall have pitched roofs.
- (2) Single-family attached in accordance with the following conditions:
- (a) One residential dwelling unit is permitted for every 1,200 square feet of nonresidential gross floor area constructed, provided that bulk and area requirements herein are met. The nonresidential gross floor area

cannot be used to permit this use if it is used to meet requirements for single-family detached, apartments or two-family uses.

- (b) The residential area must be subdivided separately from the commercial area for the purposes of calculating stormwater management, area and bulk requirements.
- (c) The entire area subdivided for residential uses shall be set back 300 feet from Ridge Pike ultimate right-of-way. This setback shall not apply to stormwater management facilities that are shared between residential and nonresidential uses.
- (d) The perimeter of the area subdivided for residential uses shall contain a twenty-five-foot wide buffer in accordance with § 155.27.1 along all property lines and adjacent to nonresidential uses.
- (e) Two-family uses shall establish the applicable front yard setbacks from an internal roadway or existing roadways other than Ridge Pike.
- (f) For developments with 30 or more dwelling units: 400 square feet of common use area shall be provided for each dwelling unit in accordance with the following:
 - [1] The common use area shall not overlap the required buffer area except to connect to open space on contiguous parcels.
 - [2] The common use area shall be accessible to residential units and consist of a contiguous area of at least 11,000 square feet. The perimeter of the common use area shall not have a dimension less than 50 feet on any one side.
 - [3] The common use area shall connect to adjacent open space parcels.
 - [4] Residential buildings located adjacent to a common use area or residential buildings located along a street adjacent to a common use area shall be oriented so that at least 60% of the buildings provide frontage on the common use area.
 - [5] Buildings with frontage on the common use area shall provide side or rear loaded garages.

- (g) Single-family attached uses shall establish the applicable front yard setbacks from an internal roadway or existing roadways other than Ridge Pike.
 - (h) No one building may consist of more than eight dwelling units.
 - (i) Horizontal articulation: all dwelling units shall contain a minimum one-foot horizontal roof offset from roofs of neighboring dwelling units to vary the massing of a building and relieve the effect of a single, long roof.
 - (j) Vertical articulation: all dwelling units shall contain a minimum two-foot vertical front facade offset from front facades of neighboring dwelling units to vary the massing of a building and relieve the effect of a single, long wall.
 - (k) All residential buildings shall have pitched roofs.
- (3) Small lot single-family detached in accordance with the following conditions:
- (a) One residential dwelling unit is permitted for every 1,200 square feet of nonresidential gross floor area constructed, provided that bulk and area requirements herein are met. The nonresidential gross floor area cannot be used to permit this use if it is used to meet requirements for two-family, apartments or single-family attached uses.
 - (b) The residential area must be subdivided separately from the commercial area for the purposes of calculating stormwater management, area and bulk requirements.
 - (c) The entire area subdivided for residential uses shall be set back 300 feet from Ridge Pike ultimate right-of-way. This setback shall not apply to stormwater management facilities that are shared between residential and nonresidential uses.
 - (d) The perimeter of the area subdivided for residential uses shall contain a twenty-five-foot wide buffer in accordance with § 155.27.1 along all property lines and adjacent to nonresidential uses.
 - (e) Small lot single-family detached uses shall establish the applicable front yard setbacks from an internal roadway or existing roadways other than Ridge Pike.

- (f) For developments with 30 or more dwelling units: 400 square feet of common use area shall be provided for each dwelling unit in accordance with the following:
 - [1] The common use area shall not overlap the required buffer area except to connect to open space on contiguous parcels.
 - [2] The common use area shall be accessible to residential units and consist of a contiguous area of at least 11,000 square feet. The perimeter of the common use area shall not have a dimension less than 50 feet on any one side.
 - [3] The common use area shall connect to adjacent open space parcels.
 - [4] Residential buildings located adjacent to a common use area or residential buildings located along a street adjacent to a common use area shall be oriented so that at least 60% of the buildings provide frontage on the common use area.
 - [5] Buildings with frontage on the common use area shall provide side or rear loaded garages.
- (g) All residential buildings shall have pitched roofs.
- (4) Apartments in accordance with the following conditions:
 - (a) Shall only be located in second and third floors of buildings with nonresidential uses located on the first floor, provided that the nonresidential gross floor area is at least 2,500 square feet.
 - (b) No more than 20,000 square feet in any one building may be allocated for residential uses.
 - (c) Such buildings must front on Ridge Pike with a maximum front yard setback of 30 feet.
 - (d) One residential dwelling unit is permitted for every 600 square feet of nonresidential gross floor area constructed, provided that bulk and area requirements herein are met. The nonresidential gross floor area cannot be used to permit this use if it is used to meet requirements for single-family detached, two-family or single-family attached uses.

- (5) Scientific or industrial research or engineering facilities in accordance with the following conditions:
 - (a) Must be set back 300 feet from Ridge Pike ultimate right-of-way. Maximum front yard setback provisions established herein shall not apply to this use.
 - (b) The total quantity of plant material shall be doubled for required property line buffers established in § 155-27.1C(5) and street trees and other landscaping established in § 155-27.
 - (c) A seventy-five-foot wide buffer shall be provided along all property lines adjacent to residential districts.
 - (d) The building facade, architectural parapets or other opaque screens shall be used to screen from view of public roadways all industrial appurtenances such as pipes, stacks, telecommunications, exhaust, satellite dishes, tanks, air handling or HVAC units, and similar structures.
- (6) Planned office and/or industrial parks in compliance with § 184-158 and in accordance with the following conditions:
 - (a) If retail, office, financial institutions, restaurants, hotels, hospitals or other commercial uses are included in the planned development then these uses shall be located in buildings fronting on Ridge Pike. All other uses shall be set back 300 feet from Ridge Pike.
 - (b) The total quantity of plant material shall be doubled for required property line buffers established in § 155-27.1C(5) and street trees and other landscaping established in § 155-27.
 - (c) A seventy-five-foot wide buffer shall be provided along property lines adjacent to residential uses or districts.
 - (d) Shall meet building and streetscape design standards in accordance with Chapter 155, Subdivision and Land Development.
- (7) Any use or combination of uses permitted in Article XXXIII, MS Main Street District, in a building larger than 65,000 square feet gross floor area in accordance with the following conditions:

- (a) Implementation of at least three tier A, and two tier B sustainable building practices as established herein.
 - (b) The total quantity of plant material shall be doubled for required property line buffers established in § 155-27.1C(5) and street trees and other landscaping established in § 155-27.
 - (c) Earth berms shall be required to meet the requirements of § 155-27.1C(5)(c).
 - (d) A seventy-five-foot wide buffer shall be provided along property lines adjacent to residential districts.
 - (e) Shall meet any other conditional use requirements specific to the proposed use.
 - (f) Shall meet building and streetscape design standards in accordance with Chapter 155, Subdivision and Land Development.
- (8) Health care facilities, hotels, business or professional office uses and no other are permitted in buildings not to exceed 65 feet in height in accordance with the following conditions:
- (a) One or more of these uses comprise at least 80% of the total gross floor area.
 - (b) Implementation of at least three tier A, and two tier B sustainable building practices as established herein.
 - (c) The total quantity of plant material shall be doubled for required property line buffers established in § 155-27.1C(5) and street trees and other landscaping established in § 155-27.
 - (d) A seventy-five-foot wide buffer shall be provided along property lines adjacent to residential districts.
 - (e) Shall meet any other conditional use requirements specific to the proposed use.
 - (f) Shall meet building and streetscape design standards in accordance with Chapter 155, Subdivision and Land Development.
 - (g) Minimum side and rear yard building setbacks established herein shall be increased one foot for each foot of building height exceeding 35 feet.

- (9) Gasoline service station with convenience retail or retail sales with gas station in accordance with the following conditions: **[Amended 8-15-2017 by Ord. No. 379]**
- (a) The minimum lot area shall be 80,000 square feet.
 - (b) If the lot will involve its own vehicle access onto an arterial street, then the minimum lot frontage along that arterial street shall be 300 feet.
 - (c) All activities shall be performed within an enclosed building, except those activities performed at fuel or air pumps.
 - (d) All auto parts and other storage shall be kept within an enclosed building.
 - (e) All gasoline pumps and fuel tanks shall be set back a minimum of 35 feet from the ultimate street right-of-way and all property lines.
 - (f) No paint spraying, body or frame work shall be permitted.
 - (g) The use shall provide for coordinated traffic access with abutting existing and future development. If it is not possible to provide coordinated traffic access at the present time, provisions shall still be made for future coordinated access.
 - (h) The total quantity of plant material shall be doubled for required property line buffers established in § 155-27.1C(5) and street trees and other landscaping established in § 155-27.
 - (i) A seventy-five-foot wide buffer shall be provided along property lines adjacent to residential districts.
 - (j) Maximum permitted front yard setbacks established herein shall not apply to this use.
 - (k) This use must include a convenience retail sale or grocery store with a gross floor area of more than 1,500 square feet.

§ 184-232. Dimensional standards.

The following dimensional standards shall apply to all permitted uses in the MS Main Street District unless otherwise required or permitted by conditional use:

Type	Uses Other Than Single-Family Attached/Detached and Two-Family	Single-Family Attached and Two-Family Uses	Small Lot Single-Family Detached Uses
Minimum gross lot area (square feet)	20,000	1,800 per unit	5,000
Minimum lot width (feet)	100	24 per unit	50
Maximum front yard (feet) (This requirement shall not apply if one or more building's frontage comprise at least 50% of the site's roadway frontage and is located between the minimum and maximum front yard setbacks)	100	25 from roadways other than Ridge Pike	25 from roadways other than Ridge Pike
Minimum front yard (feet) building setback	30	15 from roadways other than Ridge Pike; 300 from Ridge Pike	15 from roadways other than Ridge Pike; 300 from Ridge Pike
Minimum side yard (feet) for buildings with heights of 35 feet or less	15 each	7.5 each	7.5 each
Minimum rear yard (feet) for buildings with heights of 35 feet or less	30	20 each	20 each
Maximum building height (feet)	35	35	35

Type	Uses Other Than Single-Family Attached/Detached and Two-Family	Single-Family Attached and Two-Family Uses	Small Lot Single-Family Detached Uses
Maximum building height (feet) for health-care facilities, hotels, business or professional office uses and no other	65	N/A	N/A
Maximum building gross floor area (square feet)	65,000	N/A	N/A
Maximum building coverage (percentage of net lot area) for small lot single-family detached, single-family attached and two-family uses except as allowed with the use of sustainable building practices as provided herein	N/A	65	65
Maximum building coverage (percentage of net lot area) except as allowed with the use of sustainable building practices as provided in this article	20	N/A	N/A

Type	Uses Other Than Single-Family Attached/Detached and Two-Family	Single-Family Attached and Two-Family Uses	Small Lot Single-Family Detached Uses
Maximum impervious coverage (percentage of net lot area) for small lot single-family detached, single-family attached and two-family uses except as allowed with the use of sustainable building practices as provided in this article	N/A	65	65
Maximum impervious coverage (percentage of net lot area) except as allowed with the use of sustainable building practices as provided in this article	65	N/A	N/A

Type	Uses Other Than Single-Family Attached/Detached and Two-Family	Single-Family Attached and Two-Family Uses	Small Lot Single-Family Detached Uses
Minimum building setback (feet) where the rear yard or side yard is adjacent to a residential district. This requirement shall only apply to buildings with uses other than single-family attached/detached or two-family	75	N/A	N/A
Minimum parking, loading area setback (feet)			
Front lot line	20	N/A	N/A
Side or rear lot line (residential district)	25	N/A	N/A
Side or rear lot line (nonresidential district)	10	N/A	N/A
From building	10	N/A	N/A
Minimum distance between buildings (feet)	25	15	15
Minimum size of common use area (square feet)	N/A	11,000	11,000

Type	Uses Other Than Single-Family Attached/Detached and Two-Family	Single-Family Attached and Two-Family Uses	Small Lot Single-Family Detached Uses
Minimum perimeter dimension (any one side) of common use area (feet)	N/A	50	50

§ 184-233. Bonus standards.

A. Sustainable building practices. The utilization of sustainable building practices to conserve energy and water is encouraged in the MS District. Utilization of sustainable building practices will be used as incentives to allow for increased percentage of building coverage and lot coverage.

(1) The following Tier A sustainable building practices are encouraged:

- (a) Installation of waterless urinals in all mens rooms.
- (b) Greywater reuse for site irrigation or toilet flushing.
- (c) Roof rainwater harvesting for site irrigation or toilet flushing.
- (d) Operable windows in all office, residential and hotel/motel spaces (including ancillary offices in commercial and retail buildings).
- (e) Implementation of one or more passive solar building design techniques that maximize the thermal benefits of the sun's daily and annual cycles. These passive solar design techniques include but are not limited to large expanses of south-facing walls, sky lights, window awnings, solar heat sinks, trees positioned to shade the building and reduce air-conditioning loads, extraordinary insulation levels, and similar techniques. It shall be the responsibility of the applicant to prove to the Board of Supervisors that there will be substantial annual energy savings through the use of the method(s) selected by the

applicant. Use of one or more passive solar techniques counts as one sustainable building practice.

- (f) Passive solar hot water heating for each residential/commercial unit.
 - (g) Photovoltaic solar panels to generate at least 10% of the electrical power provided to the building.
 - (h) Installation of a "cool roof" by applying a reflective color or material endorsed by the Cool Roof Rating Council to reflect the sun's heat away from the building.
 - (i) Shared parking: a reduction in the required number of parking spaces is permitted in accordance with the requirements herein.
 - (j) Shared driveways with one or more abutting lots.
- (2) The following Tier B sustainable building practices are encouraged:
- (a) Vegetated roof (must cover at least 80% of individual building roof surface).
 - (b) On-site use of geothermal heating and cooling systems for the entire building.
 - (c) Use of all-weather porous or permeable paving in at least 75% of all paved areas on the tract.
 - (d) Photovoltaic solar panels to generate at least 20% of the electrical power provided to the building.

	Maximum Allowed without the Implementation of Sustainable Practices	Maximum Allowed with 5 of the Tier A Sustainable Practices	Maximum Allowed with 5 of the Tier A Sustainable Practices and 2 of Tier B Sustainable Practices
--	--	---	---

Uses Other Than Small Lot Single-Family Detached, Single-Family Attached and Two-Family:

Maximum Building Coverage (percentage of lot area)	20	25	30
Maximum Impervious Coverage (percentage of lot area)	65	70	75

Small Lot Single-Family Detached, Single-Family Attached and Two-Family Uses:

Maximum Building Coverage (percentage of lot area)	65	70	75
Maximum Impervious Coverage (percentage of lot area)	65	70	75

(3) Failure to continue and maintain standards for sustainable building practices shall result in a zoning violation unless the development complies with zoning before the sustainable building bonus.

B. Shared Driveways. For developing shared driveway access or marginal access with abutting lots, the area of the shared driveway (but not the surrounding parking area) shall be

exempted from impervious coverage limitations. If only one lot is being developed, a cross-access easement to an abutting lot or lots shall be offered and recorded on the plan for the first lot. To use this bonus no additional driveways shall be permitted to access either lot from an arterial street. The following elements are encouraged and shall be exempted from impervious coverage limitations:

- (1) Driveway and pedestrian connections between nonresidential parking areas.
- (2) For properties fronting arterial streets, construction of a portion of a rear service road or marginal access road for access to more than one property.

§ 184-234. General design standards.

The following general design requirements shall apply to all properties:

- A. Buffer area. For all nonresidential uses a property line buffer shall be required, as specified in § 155-27.1C of Chapter 155, Subdivision and Land Development. The width of the required buffer shall be equal to the width of the parking, driveway or loading area setback from property boundaries specified in § 184-142 herein.
 - (1) For all nonresidential uses abutting a residential district, a seventy-five-foot wide buffer shall be provided along property lines adjacent to residential districts.
- B. Outdoor display and outdoor storage.
 - (1) For this section only, outdoor display shall be defined as the area displaying individual items for sale. Outdoor display that displays more than one piece of each item for sale, stacked items, or stockpiled material shall be considered outdoor storage and not outdoor display.
 - (2) Outdoor display and outdoor storage shall be prohibited between any street and a building, regardless of whether access is provided from the street, except that outdoor display, and not outdoor storage, shall be permitted within 15 feet from the facade of the principal structure facing the street. Multiple pieces of any one item, stacked items or stockpiled material shall be considered storage and limited to the side or rear of the principal structure.

- (3) Any outdoor display regardless of whether it is to the rear, side or within 15 feet of a facade facing a street shall be considered sales floor area for the purpose of computing parking requirements.
 - (4) Any outdoor display area shall be separated from the ultimate right-of-way of any street by a minimum of 20 feet and planted in grass, ground cover or low shrubs.
 - (5) All outdoor display areas and outdoor storage areas shall not occupy areas for vehicle parking spaces or drive aisles.
 - (6) Outdoor display that is not between the street and the facade of the principal building facing a street and all outdoor storage shall be totally screened from view from all streets and all property boundaries as well as comply with Chapter 155, Subdivision and Land Development, for screen type No. 1.
 - (7) Outdoor display and outdoor storage shall not occupy any areas intended for pedestrian use.
 - (8) Outdoor display and outdoor storage may not encroach upon the required front, side or rear setback areas that apply to locations of principal buildings.
 - (9) All outdoor display within 15 feet of a facade of a principal building facing a street shall not exceed 10 feet in height. Outdoor display to the side or rear may be 12 feet in height.
 - (10) All outdoor storage cannot exceed 12 feet in height even if items are stacked or materials are stockpiled.
 - (11) Both outdoor display and outdoor storage cumulatively shall not exceed 20% of the total net lot area.
- C. Refuse areas. All refuse collection facilities shall meet the requirements of § 184-66 herein.
- D. Driveways. Driveways shall be prohibited in the buffer area unless it crosses the buffer at a perpendicular angle to connect to adjacent parcels, driveways or streets.