

FAIRVIEW LAND USE ORDINANCE

SECTION 180N: SHOPPING CENTER

Shopping Center: A group of two (2) or more retail *or service* establishments constructed and developed in one (1) or more phases with customer and employee parking and merchandise and other loading facilities provided on-site. A shopping center may be located and developed on one (1) or more lots and may include one (1) or more principal buildings.

Shopping Center, Class A: A shopping center containing up to fifty thousand (50,000) square feet of gross leasable area.

Shopping Center, Class B: A shopping center containing **greater than fifty thousand (50,000) and up to one hundred twenty thousand (120,000)** square feet of gross leasable area.

Shopping Center, Class C: A shopping center containing greater than one hundred twenty thousand (120,000) square feet of gross leasable area.

| | B-1 | B-2 | B-3 | B-4 | HC |
|---------------------------------|------------|------------|------------|------------|-----------|
| Shopping Center, Class A | <i>Cs</i> | <i>Cs</i> | | <i>Cs</i> | <i>Cs</i> |
| Shopping Center, Class B | <i>Cs</i> | | | <i>Cs</i> | <i>Cs</i> |
| Shopping Center, Class C | <i>Cs</i> | | | <i>Cs</i> | <i>Cs</i> |

Permitted uses: The following permitted principal and accessory uses are allowed within a shopping center: (See also Table of Use Table)

1. Any of the following office uses such as:
 - a. Office/business establishments
 - b. Financial (banks, credit unions, etc.)
 - c. Government Uses
 - d. Medical Center/clinics
2. Any of the following primarily retail stores uses as:
 - a. Book and magazine stores with exception of adult entertainment
 - b. Cameras, videos
 - c. Clothing and apparel stores
 - d. Craft, flowers, notions, gift stores, card stores
 - e. Drug store / Pharmacy
 - f. Hardware and home improvement store
 - g. Jewelry shop (to include repair)
 - h. Sporting goods store
 - i. Toy store/shop
 - j. Furniture store
 - k. Food store
3. Department stores
4. Service establishments such as:
 - a. Beauty and barber shops
 - b. Dry cleaning and laundry stores
 - c. Health and physical fitness centers
 - d. Restaurants
 - e. Shoe sales and repair
 - f. Theaters
 - g. Hotels
 - h. Automobile Service stations w/without restaurants
 - i. Animal Hospital, kennel and boarding services (permitted with conditional use permit only)
5. Uses that are not permitted in this district are:
 - a. Repair shops w/outdoor storage areas
 - b. Modular/manufactured home sales office and/or lot
 - c. New/used car lots
 - d. Pet kennels
 - e. Freestanding car wash facilities
 - f. Tractor trailer refueling stations

Design standards:

It is the intent of this district to provide for the proper grouping and development of commercial facilities and to provide: (1) a safe means of public interaction at the proposed development with proper attention given to site access, vehicle circulation and pedestrian ways, (2) adequate public utilities and fire suppression capabilities, (3) compatible architectural styling to complement surrounding commercial and residential character and (4) protect property values in surrounding neighborhoods. It is further intended that a Shopping Center (Class A, B or C) shall provide a broad range of facilities and services appropriate to the general need of the area served to these ends.

The following performance criteria shall apply to any Shopping Center:

1. Notwithstanding any other regulations contained in this Ordinance, any new or expanded shopping center shall be subject to the issuance of a conditional use permit per Section 54B of this ordinance
2. Principal buildings shall be substantially parallel to the public road upon which they front. When more than one principal building is located on site, said regulation shall apply to the principal building or closest to the adjacent public road. When located on a corner lot, the building shall be parallel or catty-cornered with the road(s) with the greatest traffic volumes.
3. No greater than two (2) rows of off-street parking shall be provided in the front yard of the lot. The remaining off-street parking shall be located in the rear and side yards. Parking Requirements (see Article XVIII, Parking Sections 290-302): Twenty-five percent (25%) of parking area must be constructed of permeable pavement. Parking area must provide a bicycle rack offering a secure parking area for at least ten (10) bicycles.
4. The following regulations are designed to create visually distinct and aesthetically appealing structures. To the greatest degree feasible and practical exterior architectural characteristics shall be designed to differentiate such structures from similar structures containing the same uses which may be found outside Fairview. Accordingly, the external appearances of the front of all buildings (and any building sides that are visible from any public street right-of-way whether located within the development or not) shall be governed as follows:
 - A. Facades of buildings having a horizontal length of one hundred fifty (150) feet or greater, shall have an articulated wall plane that incorporates plane projections or recesses to create an interesting and attractive architectural design which is comprised of more than flat walls with minimal features.
 - B. Rooflines should consist of one or more sloped planes. However, flat roofs may be allowed so long as they are concealed from view by a parapet. Such parapet shall not be of a constant height for greater than one hundred fifty (150) linear feet. Rooftop HVAC equipment shall be concealed by a parapet.
 - C. Walkways must be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting public parking areas. Such walkways must be located an average of three (3) to four (4) feet from the façade of the building to provide planting beds for foundation landscaping, except where features such as arcades, display windows, planters or entryways are part of the façade.
 - D. Customer entrances must have weather protection features, such as awnings, arcades or vestibules.
 - E. All internal pedestrian walkways that cross parking aisles or driveways must be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks scored concrete or scored and painted asphalt or applied surface materials (e.g., bubbled runner mats) designed to enhance pedestrian safety and

comfort. Raised walkways may be installed if elevated six (6) inches with tapered side slopes and meet ADA standards.

- F. All building designs must express a “base”, “middle” and “top” through the building’s architecture details and the use of building materials.
- G. Buildings visible from public streets must include at least three (3) of the following features:
- Variations in roof form and parapet heights;
 - Clearly pronounced recesses and projections at multiple locations for any building with a front façade exceeding 50 feet in width;
 - Wall plane off-sets (dimension established by building module) at multiple locations for any building with a front façade exceeding 50 feet in width;
 - Reveals and projections and changes in texture and color of wall surfaces;
 - Deep set windows with mullions;
 - Ground level arcades and second floor galleries / balconies; or
 - Other features that reduce the apparent mass of a building.
- H. Seventy-five (75) percent of the area below the fascia of any non-residential building face (excluding industrial uses) including doors and windows shall be finished with one (1) or more of the materials listed below, subject to applicable building code requirements. This shall apply to any side of the building that is visible from an adjacent public street.
- Brick, brick veneer
 - Decorative CMU (concrete masonry unit) concrete block
 - Pre-cast or field-poured tilt-up concrete panels with texture (such as exposed aggregate) and/or architectural detailing
 - Stone, stone veneer, lath applied stone and cultured stone
 - Flush architectural metal panels or other metal panels with architectural detailing, but not including sheet metal panels of “R” or similar corrugated and/or ribbed configuration or appearance
 - Hard Coat Stucco with architectural detail
 - Glass, plastic “glass”, e.g., “Plexiglass” and translucent fiberglass panels
 - Doors, windows and other fenestration along with their casings
 - Wood and wood materials designed and intended for use as exterior finish material
- I. Those portions of any roof that is visible from a public road shall not have a shiny surface appearance similar to aluminized or galvanized metal. Notwithstanding, anodized, baked or other non-reflective roof material shall be allowed.
- J. Off-street loading docks and facilities shall not be visible from any adjoining public road located entirely outside the lot(s) containing the large retail structure (i.e., such requirement shall not apply to roads, public or private, located entirely within the development containing the shopping center).

- K. All rooftop mechanical and electrical equipment shall be completely screened from view from all public streets and adjacent properties. All screening walls/parapets shall be constructed and designed of materials compatible to that of the primary structure and shall be incorporated into the design of the structure. Metal screening walls shall not be permitted. To the greatest extent possible, mechanical appurtenances shall be located within the structure. Appurtenances such as heating and air conditioning equipment, coolers, etc. shall be screened entirely from public view and shall be designed and finished to match adjacent building materials. In addition to design elements, landscape materials shall be incorporated to provide additional screening and/or softening of equipment areas.
- L. Solid waste containers shall be confined to an enclosed area that is screened on all sides. Solid waste storage areas shall be located to the rear or side of the structure. These areas shall be designed to complement the structure and should be constructed from materials that match the building. Solid waste storage areas shall not be located in any applicable planting yard and shall be screened from any street and/or any residentially developed or residentially zoned property.
- M. Shopping centers having greater than 120,000 square feet gross floor area (GFA) shall provide at least one outdoor space or site amenity to beautify the site and to enhance the vehicular and pedestrian entryways to the site and any other buildings on the site. A preferred option (although other options may be considered and approved) include a public plaza or courtyard that contains “furniture” items such as seating walls, benches, drinking and/or decorative fountains, clock towers and other features that are designed to enhance external aesthetics of the site. Such outdoor spaces can be designed to be accessed exclusively through the development(rather than from the adjoining street) or in the interior portion of the development.
5. Street access shall be restricted per Section 212 and coordinated as detailed in Section 214. Deviations to Section 212 may be granted by the Town Council, where the access control has not been compromised and the developer shows good cause for the deviation. Any out-parcel lying within the shopping center may only be accessed internally from within the shopping center.
6. Signage shall be governed by Article XVII: Signs: Sections 270-285.
7. Screening shall be established or preserved along the exterior property lines as may be required per Section 308.
8. Lighting shall be required in accordance with Section 242, Lighting Requirements and Section 243, Excessive Illumination. Preference will be given to creating lower to ground lighting types.
- A lighting plan shall be submitted. Lighting for all non-residential uses shall provide proper lighting for security purposes while not diminishing the quality of any surrounding residential uses. The selection of light fixtures, pole types, lamp color and style all contribute to the character and sense of place within a complex, and shall be consistent with the lighting requirements below:

- All light fixtures (freestanding, flood or any other form of light fixture) shall be provided with full cut-off fixtures, visors or any other suitable directional control to direct light either downward or directly on the appropriate building. Wall pack lighting shall not be permitted.
 - No light fixture shall create any glare or spillover lighting effects on any residential properties or streets.
 - Freestanding light fixtures along all public street systems and internal street systems shall not exceed nineteen (19) feet in total mounted height and shall consist of a decorative fixture that shields the source of light away from neighboring properties.
 - Lighting located within parking lots may not exceed thirty-three (33) feet in total mounted height. Parking lot lighting shall consist of a fixture that shields the source of light away from neighboring properties and direct the illumination to the ground's surface.
 - Lighting installations should include timers, dimmers and/or sensors to reduce overall energy consumption and unnecessary lighting.
 - Lighting levels for canopies and awnings of commercial facilities shall be adequate only to facilitate the activities taking place in such locations and shall not be used to attract attention to the businesses. Lighting fixtures mounted on canopies shall be recessed so that the light's lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained. Canopies shall be constructed of non-light-emitting material.
9. Circulation patterns within the shopping center shall be designed to safely accommodate both pedestrian and vehicular traffic. This may include sidewalk connection between buildings in the center and along the public streets with pedestrian connections to the interior.
10. In approving a conditional use permit, the Town Council may establish limitations on hours of operation and/or types of use to be located within the development to ensure that the operation of the shopping center will not have undue harmful effects on adjacent and/or nearby residential uses or developments.
11. A complete landscaping plan shall be provided.
- In addition, a minimum of twenty-five (25%) percent of the required landscaping shall be distributed within the parking surface area. See requirements for shading and trees: Article XIX, Part II, Shading Section 314-317.
12. The Leadership in Energy and Environmental Design (LEED) Green Building Rating System is the nationally accepted benchmark for the design, construction and operation of high performance green buildings. LEED gives building owners and operators the tools they need to have an immediate and measurable impact on their building's performance. LEED promotes a whole-building approach to sustainability by recognizing performance in five (5) key areas of human and environmental health: sustainable site development, water savings, energy efficiency,

conservation of materials and resources and indoor environmental quality. The Town of Fairview will support and strongly encourage the approved certification programs such as:

- The Leadership in Energy and Environmental Design (LEED)
- The Green Globes Program
- EarthCraft House
- NC HealthyBuilt Houses
- NAHB national Green Building Program