

11-404. SCC - SHOPPING CENTER COMMERCIAL DISTRICT

A. Purpose and Intent

These districts are designed to provide for the development of shopping and commercial centers of integrated design of various sizes to serve the community.

In these coordinated commercial developments a variety of uses are permitted including commercial trade and service uses, entertainment facilities and offices. These districts are intended to be designed to accommodate safely a high volume of automotive traffic, so ease of automotive access is essential. Appropriate open space between commercial and residential areas is required.

B. Uses and Structures

1. Principal Permitted Uses and Structures

INSTITUTIONAL - limited to -

- Place of worship
- School, public or private, grades K-12
- Day care centers
- Group day care homes
- Family day care homes
- Parks, playgrounds and playfields
- Community centers
- Public, parochial and private non-profit museums, art galleries, libraries and observatories
- Non-profit private, public and utility administrative offices
- Post Offices (excluding major mail processing centers)
- Police and fire stations

PUBLIC UTILITIES - limited to -

- Communications equipment, installations or exchanges
- Electric or gas substations
- Electric, communication and telephone distribution lines, poles, transformers and splice boxes (but not including electric transmission lines)
- Water, storm drainage and sewer lines, and gas distribution lines with incidental appurtenances (but not including major fuel transmission lines)
- Private Streets
- Rights-of-way to all modes of transportation
- Small landscaped, scenically significant open areas, natural reserves

LUMBER, HARDWARE, BUILDING MATERIALS - except for -

- Building materials heating and plumbing equipment
- Lumber Yards
- Electrical supplies
- Lawn Mower sales and service Welding supplies
- Greenhouse and nursery products

GENERAL MERCHANDISE

- All uses

FOOD, DRUG, BEVERAGE

- Except for fruit and vegetable stands

AUTO DEALER AND SERVICE STATIONS - limited to -

- Auto parts (new)

APPAREL AND ACCESSORIES

- All uses

FURNITURE, HOME FURNISHING, APPLIANCES

- All uses

EATING AND DRINKING PLACES - except for -

- Nightclubs
- Taverns, bars

ART, ANTIQUE, JEWELRY

All uses

BOOKS, STATIONERY

All uses

HOBBY, TOY, PET

All uses

MISCELLANEOUS RETAIL

Except for salvage clothing

FINANCE, INSURANCE, REAL ESTATE

All uses

PERSONAL SERVICES - except for -

Funeral services

PROFESSIONAL SERVICES - except for -

Veterinarians

Medical Clinic - outpatient

BUSINESS OFFICES

All Uses

RECREATION AND ENTERTAINMENT - limited to -

Motion picture Theater

Roller skating

Bowling

Health Spa

BUSINESS SERVICES - limited to -

Duplicating, mailing and stenographic

Employment agencies

Consulting services

Detective and protective

Trading stamps

Clerical services

Custom painting, excluding the printing of books other than pamphlets and small reports

Window cleaning

REPAIR SERVICES - except for -

Auto body repair and paint shops

Armature rewinding

Welding Shops

Reupholstery

Tire recapping or retreading

Auto repair, garages

EDUCATIONAL SERVICES

All uses

UNDEVELOPED AND VACANT - except for -

Circuses, carnivals and similar transient enterprises

Open water including ponds, lakes and reservoirs, streams and water ways (all man made)

2. Permitted Accessory Uses and Structuresa. **Accessory off-street parking and loading** facilities as required in Chapter 7 of this ordinance.

b. Accessory facilities and buildings customarily incidental to a permitted use.

3. Conditional Uses

INSTITUTIONAL - limited to -

Temporary non-profit festivals

PUBLIC UTILITIES - limited to -
 Railroad, bus, and transit terminals
 Reservoirs and water tanks
 Water production, treatment facility

LUMBER, HARDWARE, BUILDING MATERIALS - except for -
 Greenhouse and nursery products
 Heating and plumbing supplies
 Electrical supplies
 Welding supplies
 Lawn Mower sales and service

AUTO DEALERS AND SERVICE STATIONS - limited to -
 Motorcycle sales
 Tire sales and servicing
 Service stations

RECREATION AND ENTERTAINMENT - limited to -
 Electronic amusement devices
 Arcade
 Billiard parlors

BUSINESS SERVICES -
 Equipment rental and leasing

REPAIR SERVICES - limited to
 Auto repair and garage

UNDEVELOPED AND VACANT - limited to -
 Circuses, carnivals and similar transient enterprises
 Open water including ponds, lakes and reservoirs, streams and waterways (all man-made).

4. Prohibited Uses
 Any use not allowed by right, by accessory use or by conditional use is prohibited in the SCC District.

C. Bulk Regulations

1. Minimum Required Lot Area

With the SCC Districts, there is a minimum lot size of six (6) acres.

2. Maximum Height

The maximum height of a front wall or other portion of a building or other structure at the street line shall be seventy-five (75) feet above the finished grade. However, this limitation shall not apply to those uses spelled out in 11-104 (D), Exception on Height Limitations.

D. Yard Requirements

1. General Provisions

General provisions applicable to all commercial districts concerning visibility at intersections, permitted obstructions in required yards, obstructions prohibited at street intersections, exceptions to these provisions, and other regulations are contained in Section 11-105 of this Ordinance.

2. Basic Provisions

Within the SCC Districts, the placement of buildings and parking areas shall be designed to protect residential areas; ornamental screening from noise and light shall be provided where necessary. However, in no case shall the design of the shopping center provide less than the following standards.

a. Front Yards

All buildings shall be set back from all street right-of-way lines not less than fifty (50) feet.

b. Side Yards

When the SCC Districts abuts a residential district, no building shall be constructed less than fifty (50) feet from such district line. Otherwise, the minimum side yard requirements shall be fifteen (15) feet.

c. Rear Yards

There shall be a rear yard, alley, service court or combination thereof, of not less than thirty (30) feet in depth; and all of the service areas of all buildings shall be completely screened from public view with permanent screening materials subject to approval by the Planning Commission.

E. Use of Required Yard Areas

The following uses may be made of yard areas in the SCC Districts:

1. Landscaping

The first ten (10) feet of any required yard adjacent to a street shall be devoted to landscaping (as defined in Section 11-202). All other required yard areas not occupied by sidewalks and driveways shall also be devoted to landscaping.

2. Driveways and Accessory Off-Street Parking

3. Sidewalks

F. Site Plan Review

1. Preliminary Plan

The owner or lessee of any tract of land zoned SCC who desires to develop said tract shall submit to the Brownsville Planning Commission a Preliminary Plan for the use and development of the entire tract.

The Preliminary Plan shall:

- a. **Be drawn on a scale of 1" = 100';**
- b. Include the following:
 - All existing and proposed roads and drainage ways;
 - Building lines enclosing the portion of the tract within which the buildings are to be erected;
 - Curb cuts, drives and parking areas;
 - Boundaries and tracts;
 - The proposed use of the land and buildings;
 - Landscaping, planting screens wall and fences;
- c. Exhibit a vicinity map showing the relation of the proposed development to Brownsville;
- d. Show the relation of the proposed development to:
 - The street system;
 - Traffic flow;
 - The surrounding property and use district;
 - Available community services (water, sewer, etc.);
 - General drainage patterns;
 - Contours at vertical intervals of not more than five (5) feet.
- e. Contain a certification by a licensed surveyor, architect, contractor or civil engineer that said boundaries have been surveyed and are true and correct;
- f. Provide a form for certificate of approval:
 - The Board of Mayor and Aldermen;
 - The Secretary of the Planning Commission;

The owner or lessee shall incorporate into his Preliminary Plan any changes and/or additional requirements imposed by the Planning Commission. When the Preliminary Plan is drawn to their satisfaction, the Planning Commission shall approve the Plan and the Secretary of the Commission shall sign on the form provided.

The Planning Commission shall review the Preliminary Plan and may hold a public hearing on the Plan if a majority of the Commission deems such action desirable. The owner or lessee shall incorporate into his Preliminary Plan any changes and/or additional requirements imposed by the Planning Commission and approval by the Commission shall constitute acceptance of the Plan as the overall development scheme for said tract.

2. Final Plan

Following the approval of the Preliminary Plan by the Planning Commission a Final Plan in conformity with the approved Preliminary Plan which shows all or that portion of the tract the applicant proposes to develop initially shall be submitted to the Planning Commission.

The Final Plan Shall:

- a. Be drawn to a scale of 1" = 100'.
- b. Include the following:
 - (1) The location and exterior dimensions of all proposed buildings;
 - (2) The location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays, angle of parking;
 - (3) The location, arrangement and dimensions of truck loading berths;
 - (4) The location and dimensions of vehicular entrance, exists, roads and drives;
 - (5) The location and dimensions of pedestrian entrances, exists, walks and walkways;
 - (6) The location and materials of walls, fences, screens and landscaping; and,
 - (7) The location, size, height and orientation of all signs.
- c. Show the building elevations for the front, rear and sides of all buildings and any proposed signs.
- d. Bear a form for certificate of approval by: The Secretary of the Planning Commission
- e. Provide a form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicate the streets as shown on the plan and agree to make any required improvements of adjacent streets as shown on the plan.

The Planning Commission shall review the Final Plan within thirty (30) days. Where conditions have been required of the applicant, such changes, as required by the Planning Commission, shall have been made.

The Planning Commission shall approve the Final Plan as submitted or reject the Final Plan as submitted. The reasons for rejection of the Final Plan shall be certified to the applicant in writing. The Planning Commission shall have the authority to give conditional approval to a Final Plan, subject to minor revisions being required of the applicant.

The certification required of the owner and trustee of the mortgage in 11-404 (F) (2) (e) of this ordinance shall serve as the commitment by the owner that the site will be developed as shown on the approved Final Plan. Upon such certification by the owner, the approved Final plan shall be recorded by the owner with the Haywood County Register's Office and shall regulate the development of the subject parcel. If, during the process of construction, the Building Inspector notes variations from the approved site plan, he shall direct that the variations be corrected within a specified period. If, after proper notice by the Building Inspector, the owner has not complied with the provisions of the approved Final Plan, the Building Inspector shall have the authority to cite the owner to Municipal Court for violation of this ordinance.

The Building Inspector shall have the authority to authorize minor revisions to the approved Final Plan during the process of construction, if, in his opinion, the revisions do not substantially alter the nature of the approved Final Plan, with the written concurrence of the Chairman of the Planning Commission.

G. Other Requirement

1. Landscaping

Any part of the project area not used for buildings or other structures, parking loading and access way shall be devoted to landscaping, as defined in Section 11-202.