

Implementing the Comprehensive Plan

October 2012
Planning Department City of Bethel

The Bethel Comprehensive Plan was updated in 2011

- The plan covered many topics related to the City of Bethel's functions, infrastructure, and anticipated future needs.
- Topics related to land use are of interest to the Planning Commission.
- How can we address some of the topics in the Plan?

Ways to Implement

- We can talk about beautification. Under the Economic Development Section, Local Industries: Tourism and Visitation, Goal 4 Action 2b: Invest in beautification efforts. Bethel should be clean, presentable, and maintained.

Ways to Implement

- Land Use Compatibility Goal 3: Revise the Bethel Zoning Code.
- What can we add to the code to further beautification efforts?
 1. We can create overlays for specific focus areas.
 2. We can write some code to regulate signage.
- We can address blight, but that is more of a Council function.

Zoning Overlays

- A zoning overlay enhances or supersedes existing zoning.
- An overlay is generally more strict and supports a particular focus area of development or improvement.
- The use of overlays allows us to keep our existing zoning map in place.

Possible Overlay Areas?

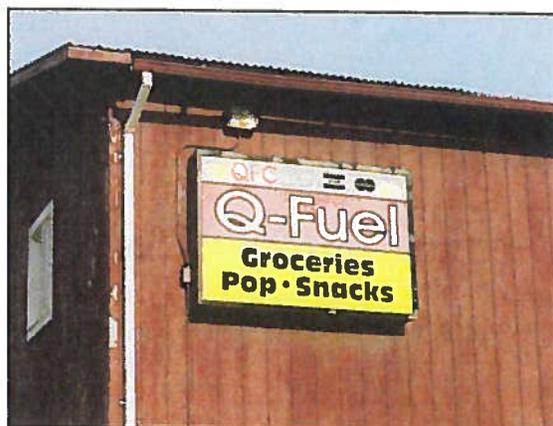
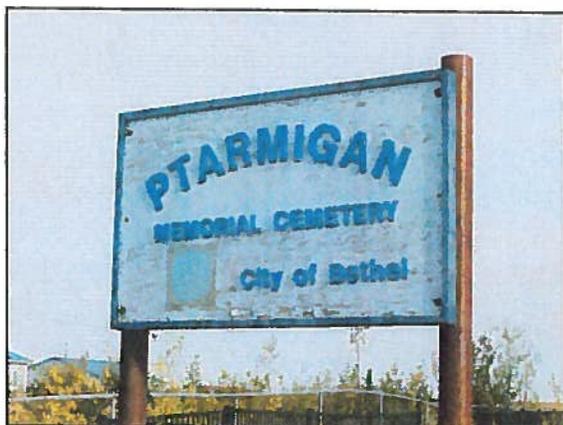
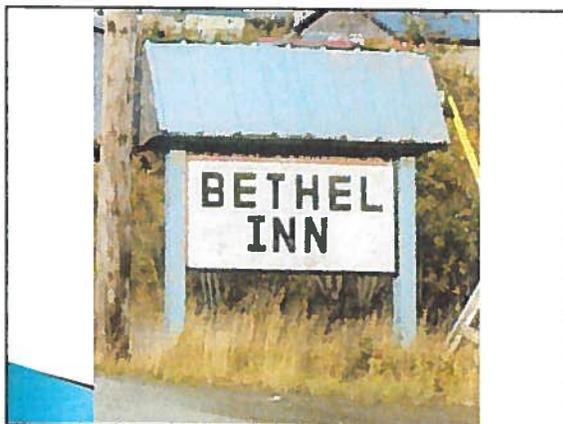
- Overlay for the Chief Eddie Hoffman Highway corridor between the AC Store and the airport.
- Overlay for the Bethel Port waterfront.
- Entertainment / Tourism Overlay.
- Maybe you can think of some other focus areas.

Chief Eddie Hoffman Highway Overlay

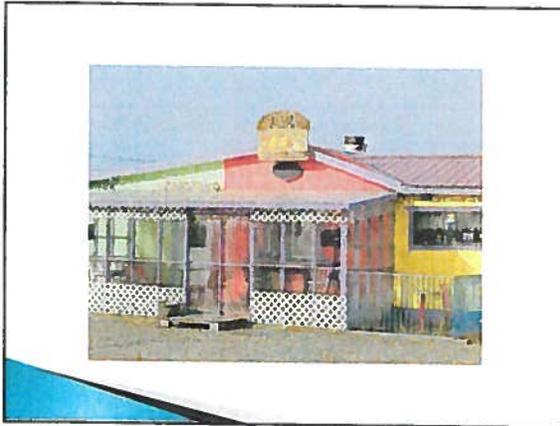
- To be applied to area extending 250' from highway centerline.
- Front setback width to be increased to accommodate future road widening, drainage swale, foot/bike path, landscaping, and signage.
- Limit amount of front of property to be used for parking. Professional sign design for Planning Commission approval.

Why a Sign Design Review?

- Some sign regulation is needed in Bethel. Let's look at what we have.
- What would we want our sign code to do?





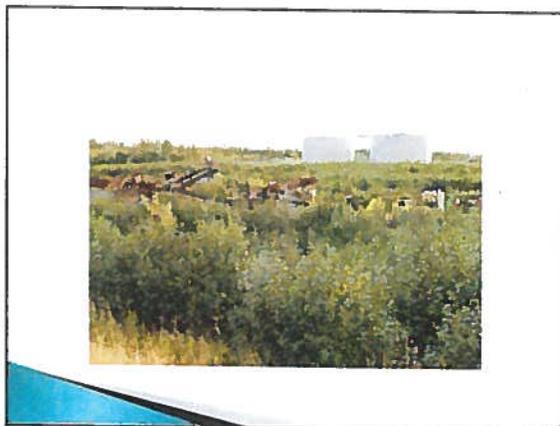


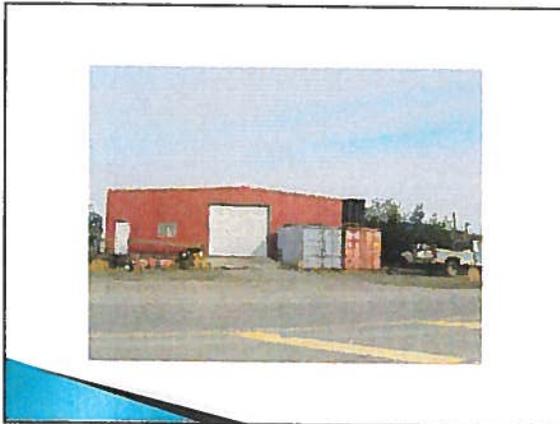
Chief Eddie Hoffman Highway Overlay

- There is a potential for development in this corridor.
- How do we want the corridor to look when it is developed?
- The airport may be expanded in the future. Should an expanded airport have a separate industrial overlay?

Some Highway Corridor Issues

- Let's look at a few more photos that might identify some issues.





Port / Harbor Overlay

- ▶ Riverfront overlays address recreation, beautification, ecological restoration, and development.
- ▶ Unlike zoning, an overlay can affect part of a property.
- ▶ What do we want to accomplish at the Port and Harbor?

Entertainment / Tourism Overlay

- ▶ A hotel / casino would provide economic development:
 - Fishing
 - Birdwatching
 - Aerial Touring
 - "The Tundra Experience"
 - Sales of Native Arts and Crafts
 - Winterfest
- ▶ Locate it out of town near the airport to minimize community impacts.

Entertainment / Tourism Overlay

- ▶ Permit slot machines.
- ▶ Cabaret license (music and dancing, beer and wine sales).
- ▶ Onsite staff to deal with any alcohol consumption issues.

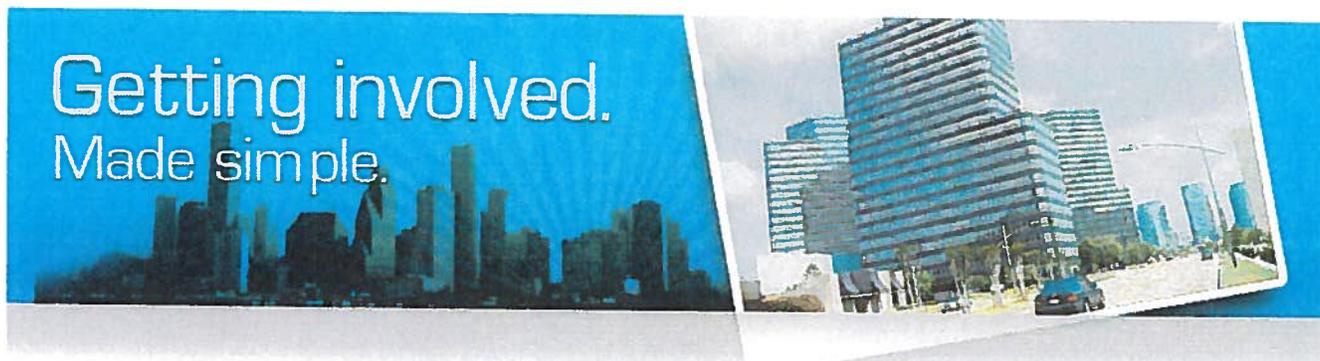
Overlays are Flexible

- ▶ We can also do overlays for land uses such as single- and multi-family, mixed use, industrial / commercial, and public use.
- ▶ Applying overlays is a zoning action and follows the zoning process of getting permission from landowners to alter the designation of their properties.
- ▶ Overlays can have conditional uses.

Conclusion

- ▶ We have tools to make new development in Bethel attractive and economically beneficial.
- ▶ We can use overlays to enhance and specialize our present zoning code.
- ▶ We can create some sign code to get consistent attractive signage in Bethel.
- ▶ All ideas are welcome!

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PLANNING TOOLS

OVERLAY DISTRICT ORDINANCES:

Purpose of Tool:

Overlay Districts provide a means to incorporate various development regulations across a specified area. These districts are special zones that lie on top of existing zoning categories to supplement or supersede existing regulations. They usually provide a higher level of regulation than that required by the existing zoning classification, but they can also permit exceptions or require a less-restrictive guideline. In cases where conflicting standards are given by an overlay district and the underlying zoning category, those of the overlay district take priority. The boundaries of an overlay district may or may not coincide with the boundaries of the underlying zone, and an overlay district may contain parts of more than one existing zone.

Overlay districts are used to accomplish a variety of development, transportation, and land use goals such as access management, protection of historic or natural resources, safety, standardization of a historic district, implementation of development guidelines, protection of the quality of surface water, and even special taxing or financing for an area. Overlay districts often complement a jurisdiction's Comprehensive Plan.

Benefits of Using Tool:

Overlay districts are particularly useful to communities and municipalities because they allow existing zoning requirements to be superseded, when needed. Overlay districts can be implemented by passing a law that appends existing land use regulations, without having to go through the process of rewriting the underlying zoning requirements/regulations. Communities can also modify overlay districts without difficulty, should they decide to modify the requirements or coverage area.

Overlay Districts can accomplish the following elements:

- Provide design guidelines that create a particular look and feel of an area
- Protect valuable resources
- Help meet goals and objectives of the community
- Maintain certain current codes while addressing a special need of a particular area within a zone(s)

Steps Involved to Use Tool:

To be implemented, an overlay district typically follows this process:

- A study or report is compiled that details the purpose and goals of the overlay district, and ensures that it is tied to the objectives of the Comprehensive Plan or the stated goals of the community.
- The boundary is simply and clearly defined, which is known as "spatial definition."
- Applicant information is compiled into a formal application to demonstrate the need for the overlay district.
- The community's reviewing body (typically a review board comprised of citizens and/or planning staff, or possibly the planning commission) evaluates for compliance with current standards.
- The local governing body (City Council) must approve the application before it is voted on.

Special Requirements to Use Tool:

The primary requirement for using an overlay district is that there must be a zoning ordinance in place prior to implementation. Quite simply, if there is no zoning to be overlaid, an overlay district is not possible. Additionally, there must also be a clear and defensible purpose for implementing the overlay district such as stated

goals and objectives from a local plan or study.

Specials Resources Needed to Use Tool:

Because of the review process necessary to implement and manage an overlay district, this tool is best suited for communities or agencies that have an adequate professional planning staff. Typically, interpretation of technical issues associated with the application and overlay ordinance requirements is required; therefore an experienced planner on staff would be beneficial.

Communities / Agencies that Have Used Tool:

Many communities and agencies have successfully used this tool. Some examples are:

- Parkway Village Design District, Roswell, Georgia: This overlay district was implemented to provide a uniform landscape and urban design along six miles of SR 92 in north suburban Atlanta. Contact:

Bradford Townsend - Roswell Planning & Zoning Director

770-641-3774 38 Hill Street, Suite G-30

Roswell, GA 30075

communitydev@ci.roswell.ga.us

- Highlands Garden Village, Denver, Colorado: This is Denver's first mixed-use overlay zone with commercial, residential, historic, and educational facilities as part of this urban village that was once an amusement park. Contact:

Tracy Huggins - Executive Director

Denver Urban Renewal Authority

303-534-3872

1437 Bannock St

Denver, CO 80202

Tracy.Huggins@ci.denver.co.us

- Union Square Arts Overlay District, Somerville, Massachusetts: This district seeks to preserve and promote the arts by providing incentives for high-density retail, commercial, and housing with arts-related benefits. Contact:

Monica Lamboy - Executive Director

Somerville Office of Strategic Planning and Community Development

617-625-6600 ext. 2500

mlamboy@somervillema.gov

93 Highland Avenue

Somerville, MA 02143

Metrics to Use to Monitor Tool Effectiveness:

Because there is such a wide variety of the types of overlay districts that can be implemented, the ways to measure their performance are also widespread. For example, for districts whose purpose is to regulate a particular "look and feel" for corridors or communities, set design standards, as well as oversight in the plan review process, are essential in ensuring that the objectives of the overlay district are met. Quantitative elements can also be monitored for success through implementation of the overlay ordinance, including the following examples: lot size, building height and area, parking, number of access points (or consolidation of access points), and types of land uses.

List of Resources to Obtain Additional Info:

Additional helpful information can be found here:

- Atlanta Regional Commission, "Community Choices: Quality Growth Toolkit, Uses of Overlay Districts." <http://www.atlantaregional.com/html/392.aspx>
- Center for Land Use and Education, "Planning Implementation Tools: Overlay Zoning." <ftp://ftp.wi.gov/DOA/public/comprehensiveplans/ImplementationToolkit/Documents/OverlayZoning.pdf>
- Union Square Arts Overlay District map displays how an overlay fits in with existing zoning.
- Indiana Department of Transportation I-69 Planning Toolbox, "Overlay Zones." I-69 Planning Toolbox

HORRY COUNTY, SC

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Overlay Zones

Overlay zones are applied only in conjunction with other zoning districts, and may impose a set of additional requirements or relax a set of requirements imposed by the underlying zoning district.

Overlay zones are applicable when there is a specific public interest in a geographical area that does not coincide with the primary district boundaries.

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Socastee Boulevard Overlay Zone

- **Purpose:** To protect existing and adjacent land uses from possible adverse effects of any new development.
- **Applicability:** Renovated or newly constructed structures within 200 feet on either side of Socastee Boulevard right-of-way. Also, preservation of protected and specimen trees as defined in section 528 within 200 feet of Socastee Boulevard right-of-way.
- **Planning Commission Review:** Planning Commission shall review all development plans in corridor before issuance of building permits.

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Veteran's Highway Overlay Zone

- **Purpose:** To preserve the exceptional scenic value of the highway and maintain the serene farm field and natural vistas from the highway for all travelers to enjoy.
- **Applicability:** Overlay zone extends 1,000 feet of the right-of-way line on both sides of Veteran's Highway (S.C. 22). Also applicable are following supplemental sign regulations (selected):
 - a. Off-premise signs are prohibited, except for official signs or logo signs of government agencies;

- b. On-site signs associated with businesses must have at least 400 feet of Veteran's Highway frontage, and shall only be permitted one primary sign of maximum 35 feet;
- c. Animated signs or signs with flashing lights are prohibited in the corridor;
- d. (See other supplemental sign regulations in Ordinance).

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Highway 501 Overlay Zone

- **Purpose:** To provide standards relative to accessibility, appearance and safety in the development of commercial, industrial, multi-family residential and office projects that utilize Highway 501 as their primary means of access. Furthermore, the overlay zone is to create unified development that promotes a sense of place and to develop projects compatible with the carrying capacity of Highway 501 as a major transportation corridor.
- **Applicability:** Highway 501 overlay zone starts at eastern base of Highway 501 bridge outside of Conway (near Grainger Steam Plant) and terminates at the intersection of Highway 501 and Canal Street in Myrtle Beach. The overlay extends 500 feet of the right-of-way line on each side of the highway. Renovated or newly constructed commercial, industrial, multi-family residential and office developments partially or completely located within the overlay shall comply with these regulations.

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Temporary Vending Overlay Zone

- **Purpose:** To Provide limits on the number of temporary vending permits in conjunction with festivals, fairs, or special events occurring within the county.
- **Applicability:**
 - a. Southern Strand Temporary Vending Overlay (SSTVO) – area between S.C. 544 on then north, Atlantic Ocean on the east, Intracoastal Waterway on the west, and Horry-Georgetown County Line on the south;
 - b. Northern Strand Temporary Vending Overlay (NSTVO) – area lying east of western right-of-way line of U.S. 17 from South Carolina – North Carolina State Line to where highway crosses Intracoastal Waterway (ICWW), at which point the NSTVO shall be that area bounded by the Atlantic Ocean to the east, S.C. 544 to the south, and the ICWW to the west;
 - c. Western Strand Temporary Vending Overlay (WSTVO) – area of Horry County previously not defined within either the SSTVO or NSTVO.

Permits for temporary vending in any of the above TVOZ shall be limited to no more than two hundred-fifty (250) permits per festival, fair or special event.

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Highway 544 Overlay Zone

- **Purpose:** To provide standards relative to accessibility, appearance and safety in the development of commercial, industrial, multi-family residential and office projects that utilize Highway 544 as their primary means of access.

- **Applicability:** Divided in two segments, the East Highway 544 Overlay beginning at the junction of U.S. 17 Business and S.C. 544 near Surfside Beach, and the West Highway 544 Overlay from intersection of U.S. 17 Bypass and S.C. 544 northwards and terminating at the beginning of the Highway 544 bridge over Highway 501 Bypass near Conway.

Overlay segments generally extend 300 feet to either side of the right-of-way lines of Highway 544.

Renovated or newly constructed commercial, industrial, multi-family residential or office developments that are wholly or partially located within shall comply with the overlay regulations.

- **Required plan review:** Proposed developments or renovations within the overlay shall be reviewed by the Planning Department or Planning Commission.

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Highway 707 Overlay Zone

- **Purpose:** To provide standards relative to accessibility, appearance and safety in the development of commercial, industrial, multi-family residential and office projects that utilize Highway 707 as their primary means of access. Furthermore, the overlay zone is to create unified development that promotes a sense of place and to develop projects compatible with the carrying capacity of Highway 501 as a major transportation corridor.
- **Applicability:** The Highway 707 Overlay starts at the intersection with Dick Pond Road or Old Highway 544 and ends at Horry-Georgetown County Line.

The overlay shall extend 200 feet to either side of the right-of-way line of Highway 707.

Renovated or newly constructed commercial, industrial, multi-family residential or office developments that are wholly or partially located within shall comply with the overlay regulations.

- **Required plan review:** Proposed developments or renovations within the overlay shall be reviewed by the Planning Department or Planning Commission.

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Holmestown Road Overlay Zone

- **Purpose:** To provide standards relative to accessibility, appearance and safety in the development of commercial, industrial, multi-family residential and office projects that utilize Holmestown Road as their primary means of access. The overlay zone is intended to create unified development that promotes a sense of place and to develop projects compatible with the carrying capacity of Holmestown Road as a major transportation corridor.
- **Applicability:** The Holmestown Road Overlay Zone starts at the intersection of Highway 707 and Holmestown Road and travels east until Holmestown Road ends at the intersection with U.S. 17 Bypass.

The overlay extends 200 feet to either side of the right-of-way lines of Holmestown Road.

Renovated or newly constructed commercial, industrial, multi-family residential or office developments that are wholly or partially located within the overlay shall comply with the overlay regulations.

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Little River Height Overlay Zone

- **Purpose:** To develop standards that protect the Little River area from over development that would impact the safety within the area and desirability to visit Horry County; to propose new standards for development appropriate to the needs of the area; to proceed with a height restriction on new construction in the area to prevent developments that are out of character with the surrounding area.
- **Applicability:** The Little River Height Overlay shall begin at the intersection of Golf Avenue, Highway 90 and Highway 17 and Kingsport road and terminate at North Carolina State Line; furthermore the overlay shall extend 500 feet to the north and west of the right-of-way line of Highway 17 and shall extend to the Atlantic Ocean on the east and include the North Myrtle Beach Marina.
- **Applicable Height Restrictions:** Height of all new construction within the Little River Height Overlay shall not exceed 60 feet, unless the property is rezoned to a Planned Development district (PDD); a height of up to 120 feet may be approved in a PDD.

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Little River Overlay Zone

- **Purpose:** To provide standards relative to accessibility, appearance and safety in the development of commercial, industrial, multi-family residential and office projects and to provide unified development that promotes a sense of place and provides opportunities to develop projects engineered to be compatible with the carrying capacity of an urban corridor.
- **Applicability:** Applicable to any substantially modified or newly constructed commercial, industrial, multi-family residential or office developments that is located partially or completely within the overlay boundaries, which includes the area generally 250 feet to the east and west of Highway 17 right-of-way lines; the overlay zone shall begin at the North and South Carolina State Line and continues south to the overpass of Highway 90 at the intersection of Highway 9 and Highway 17.

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Restaurant Row Overlay Zone

- **Purpose:** The Overlay Zone is established to provide standards relative to accessibility, appearance and safety in the development of commercial, industrial, multi-family residential and office projects. Furthermore, the overlay is established to provide unified development that promotes a sense of place and provides opportunities to develop projects to be compatible with

the carrying capacity of an urban corridor.

- **Applicability:** Any building that is partially located within the boundaries, shall comply with these regulations. If an existing business is damaged or destroyed due to an act of nature (flood, hurricane, tornado, etc.), or catastrophic event and the building permit is acquired within twelve (12) months and is reconstructed within twenty four (24) months of such damage or destruction, the standards contained herein shall not apply. This exemption, however, shall not relieve the property owner of having to meet applicable building or zoning regulations that may be in place at the time of reconstruction.

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Wausau, WI (Wisconsin River)

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Wausau, WI presents the example of a city that, for the last 100 years, has utilized its river as a regional economic driver. The paper mills of days past have been replaced by hydroelectric dams and public parkways, drawing visitors and commerce through the Wisconsin River once again. Citizen involvement in the river's renewal has been prominent, particularly through representation on the Wausau River Edge Commission. From a land policy perspective, the City has revitalized its riverfront mainly through the establishment and implementation of a zoning overlay, allowing for public access, as well as enhancement of natural riverfront amenities. It is the City's intention that the revitalized "River Edge" will attract tourists and increase the value of the river corridor, as well as surrounding areas.



Below, we highlight specific aspects of how this riverfront revitalization effort was orchestrated.

History

Riverfront revitalization goals

What's in the land policy toolbox?

What was the role of citizens (in planning, implementing, and oversight)?

What was the role of the municipality?

Who were the key champions of the riverfront vision?

Did a particular project or initiative act as a catalyst for further riverfront revitalization?

Does a particular governing body oversee riverfront development? Is its authority regulatory or advisory?

How is "success" measured?

More information

History:

The City of Wausau, on the banks of the Wisconsin River, has a history that is directly linked to and shaped by the river. The city rose to prominence as a mill town for lumber harvested from the nearby forests of northern Wisconsin. The river provided the power to run the mills, as well as transported logs and finished products. As the milling boom subsided, the power of the river was harnessed to generate hydroelectric power. By the 1950s and 1960s, paper mill and sewage discharges had significantly fouled the river's waters.

In 1974, steps were taken toward restoring the river, by establishing the Wausau River Edge Commission, an organization tasked with charting a course for river restoration. The push for the Commission's formation came largely from community leaders who envisioned the river as a premier natural resource asset for the community.

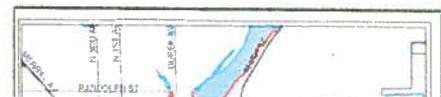
The *River Edge Master Plan*, created by the City Planning Office and the River Edge Commission, was adopted by the City Council June 1995. It focused on development of a riverside parkway (today called the River Edge Trail) on both banks of the river, in addition to enhancing scenic quality of the river, protecting native vegetation, and improving management of riverside structures. The City's Common Council approved creation of a River Edge Overlay District, which was implemented in October 2000 (see below for more details).

Riverfront revitalization goals:

The *River Edge Master Plan* established several goals for the riverfront: 1) to increase public access to the river, 2) improve the ecology of the river, and 3) establish and provide for safe public recreational uses of the river. The realization of these goals came via the creation of the River Edge Overlay District, which was established to help protect the water quality and scenic resources of the Wisconsin River by reducing soil bank erosion, establishing building setback regulations, and regulating signs near the river's edge.

What's in the land policy toolbox?

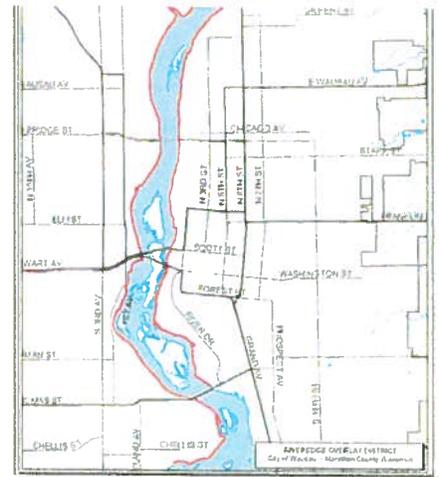
REGULATORY TOOLS: ZONING OVERLAY



The River Edge Overlay District protects water quality and scenic resources by preventing soil loss and establishing setbacks, building requirements, and regulations on riverfront signage. The district extends 50 feet from the ordinary high water mark of the riverbank. The long history of citizen and municipal engagement in revitalizing Wausau's Wisconsin riverfront made the implementation of the overlay district more politically saleable than it might have been otherwise.

What was the role of citizens (in planning, implementing, and oversight)?

Citizens were instrumental in the formation of the River Edge Commission, working with city staff and community leaders to build support and ownership around the concept of a revitalized Wisconsin River. Once formed, the Commission incorporated citizens in the riverfront planning process, by facilitating site visits to the river, walking tours, and meetings to discuss the newly created *River Edge Master Plan*. The Commission, made up of City planning staff as well as citizen landowners, has played and continues to play a critical role in riverfront developments. The entire community, according to River Edge Commission founding member Phil Valitchka, "was invited to own the plan and currently they continue to be the ultimate champions for its recommendations and implementation."



What was the role of the municipality?

In the early stages of efforts to redevelop the riverfront, the City of Wausau played the role of supportive partner to the River Edge Commission. The Commission's formation was approved by the city, and to it the city provided key resources and support. As riverfront revitalization efforts progressed in Wausau, the mayor's office and key city council committees recognized the benefit of such efforts, and took opportunities to promote future projects, easement acquisitions, and public access provisions consistent with the *River Edge Master Plan*.

Who were the key champions of the riverfront vision?

The citizens of the City of Wausau, who championed the formation of the River Edge Commission and have remained engaged throughout the years in the effort to revitalize the Wisconsin River.

Did a particular project or initiative act as a catalyst for further riverfront revitalization?

The inclusive nature of the process behind the River Edge Master Plan's implementation—incorporating citizens, civic leaders, municipal staff, city council members—served as a catalyst toward giving all parties buy-in and ownership of the project, which in turn facilitated more commitment to future efforts related to the project.

Does a particular governing body oversee riverfront development? Is its authority regulatory or advisory?

The River Edge Commission oversees all zoning and permit approvals within the district and is autonomous, a qualification that members feel is helpful to it acting without external political or development pressure.

How is "success" measured?

The Wisconsin River forms the identity of downtown Wausau's "River District," an area that boasts 250 businesses and 2500 jobs.

A qualitative measure of the success of Wausau's revitalized Wisconsin riverfront is the sheer number of people that use the river trail, as well as the draw of the whitewater course on the river in downtown Wausau.

More information:

River Edge Overlay District. <http://www.ci.wausau.wi.us/Departments/Planning/Ordinances/RiverEdgeOverlay.aspx>

[River Edge Master Plan](#)

River Edge Commission. <http://www.ci.wausau.wi.us/Departments/CityCouncil/BoardsCommitteesCommissions/RiverEdgeCommission.aspx>

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AIRPORT OVERLAY ZONE



May 09, 2007 Douglas County Approved Chapter 18.65 Airport Overlay District

- [✈ Airport Overlay Map](#)
- [✈ Airport Overlay Ordinance](#)

April 25, 2007 Pangborn Memorial Airport Recommendations

- [✈ Airport Overlay Map](#)
- [✈ Planning Commission and Airport Recommendations](#)

April 19, 2006 Public Overlay Committee

- [✈ Airport Overlay](#)
- [✈ Airport Overlay Ordinance & Comprehensive Plan](#)
- [✈ WSDOT Aviation Land Use Compatibility Program \(updated in 2010\)](#)
- [✈ Land Use Guidance and Reference Material](#)
- [✈ Committee Authority Record of Work](#)
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BREMEN, GEORGIA

OVERLAY THAT PERMITS BUSINESSES TO SERVE ALCOHOL
WITH STRICT GUIDELINES

Section 513.A. C-2A Zoning District (Special Commercial Overlay District - Distilled Spirits Sales for Consumption on the Premises; Open Area and Patio Sales; Development and Design Conditions within District; Use Restrictions Within District).

The C-2A Zoning Overlay District is intended primarily to cover an area of the City that is accessible to large numbers of people and that is capable of serving the traveling public and the local populace, within which, those businesses licensed by the City to sell distilled spirits for consumption on the premises may operate. The C2A District is intended to contribute to and enhance trade, tourism, entertainment, recreational, lodging and dining facilities; to further employment opportunities and capital investment in the City; to promote the general welfare of the general populace of the City and the surrounding areas; and to increase the tax base of the City. Within, the C2A District, properly permitted restaurants, hotels and private clubs may sell distilled spirits by the drink for consumption on the premises. The C2A District is designed to encompass an area of the City that presently has the road structure and infrastructure to handle increased growth and traffic. The City of Bremen is anticipated to see major growth within its boundaries within the near future, and the C2A District is created as a magnet area, removed from primary residential and youth recreation areas. This district is intended to: 1) promote economic activity primarily in the form of restaurants, hotels, golf and private clubs, and convention centers in an area of the City that is capable of handling large or increased volumes of traffic; 2) increase sales and use tax revenues available to the City to better provide for services city-wide; 3) and to offer attractive, inviting and varied dining and lodging services to area residents and the traveling public.

1). *Boundaries of the District.* The initial C-2A Zoning Overlay District shall primarily be located in that part of the City of Bremen in close proximity to the U.S. Highway 27 corridor lying south of U. S. Highway 78 and areas along and in proximity to the U. S. Interstate 20/U. S. Highway 27 interchange, and adjoining roadways within that area. The boundaries of the District shall be as shown on the overlay transparency adopted as a part of this Ordinance and incorporated by reference into the Official Zoning Map for the City of Bremen. Though the Overlay transparency as made a part of the Official Zoning Map shall rule the boundary locations, the area covered by the District may be generally described as a strip of land being 1000 feet in width adjacent to and adjoining the rights of way (on both sides of said right of way) of certain designated roadway within the City of Bremen, said roadways being: 1) U.S. 27 (south of U.S. Hwy 78); 2) I-20; 3) that portion of Business 27/Alabama Street within Carroll County, lying south of the Haralson County line; 4) Price Creek Road; 5) Waco Road; 6) Murphy Industrial Blvd; 7)

Murphy Campus Road; and 8) Bremen-Mt. Zion Road. Also included within the District will be a strip of land running along and adjacent to the easterly right of way of Greenwood Street sufficient in width to join with the 1,000 foot wide strip adjoining the westerly right of way of U.S. Highway 27. Islands created by the joining of these strips of land may also be included within the overlay district, but if so included they will be shown on the Overlay Transparency to have been included. The boundary lines of the Overlay District may at times exceed the 1,000 foot boundaries in those areas zoned commercial, manufacturing or PUD, as of the date of this ordinance, where the majority of the tract falls within the Overlay District; in those instances the boundary line of the Overlay District may exceed 1000 feet in width, but will be shown on the Overlay Transparency as having been included within the District. A building or structure divided by a boundary line shall be considered to lie totally within the Overlay District for the purposes of this Ordinance. The boundaries of this District shall be described on an overlay to the Official Zoning Map and will be considered an integrated part of the Official Zoning Map. The overlay shall be in the form of a transparency through which the underlying zoning classification of parcels of property will be visible. The boundaries of the district may from time to time be amended. Such an amendment will constitute a "zoning decision" requiring passage in accordance with the Zoning Procedures Act of the State of Georgia. The governing body of the City may amend the boundaries of the District so as to include within the District an amount of land up to 500 feet in width lying adjacent to and adjoining the right of way of any state, or federal roadway or through street of the City of Bremen, that is deemed appropriate, by the governing authority, for inclusion within the C2A District. The Mayor and City Council may apply the C2A District to any highway corridor upon concluding that:

- a) A major purpose of the highway is to carry through traffic, and;
- b) Development along the highway in the absence of the C2A District zoning provisions could have an adverse impact on it's level of service; impair the public health, safety, convenience and welfare; and/or impede the maintenance or creation of a convenient attractive and harmonious community; and
- c) The allowance of restaurants, hotels and/or private clubs, permitted to sell distilled spirits by the drink for consumption on the premises, within the expanded C2A District will promote the economic well-being of the area to be included within the expanded district and will not otherwise harm the welfare of the general populace of the City.

2). *Adoption of the C-2A Overlay District.* The Official C-2A Zoning Overlay District transparency is hereby adopted as the Official C-2A Zoning Overlay District by the governing authority of the City, signed and dated by the Mayor of the City of Bremen. The C-2A Zoning Overlay District, as adopted, is by reference hereby incorporated into, and made a part of, the Official Zoning Map for the City of Bremen.

3). *Keeping of the Official C-2A Zoning Overlay District Transparency.* The Official C-2A Zoning Overlay District transparency shall be kept with and as a part of the Official Zoning Map for the City of Bremen in accordance with this Ordinance.

4). *No Change in Zoning Classification of Underlying Parcels Contained within the Boundaries of the Overlay District.* The zoning classification of a parcel of land found to lie within the boundaries of the C-2A Zoning Overlay area will not change merely because of its placement within the overlay area.

5). *Permitted Uses.* The sale of distilled spirits for consumption on the premises will be permitted within the C-2A Overlay District, so long as: 1) the underlying zoning classification falls within either the C-2, M-1, M-2 or PUD zoning classifications, as defined in Section 513, Section 514 and Section 515, respectively, of the Zoning Ordinance of the City of Bremen, adopted 12/8/03; and, 2) the business has been properly licensed to serve distilled spirits by the drink for consumption on the premises by the City of Bremen and the State of Georgia, in accordance with applicable State and local laws governing said licensure; and, the licensed business maintains its required minimum 60% food sales to 40% maximum alcoholic beverage sales ratio the city's alcoholic beverage ordinance.

6). *Additional Permitted Uses on those parcel or tracts of land lying within the C-2A Overlay District having an underlying C-2 Zoning Classification.* Hotels, containing fifty or more separate lodging rooms offered to the public for compensation, and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment. Restaurants located within a hotel may be licensed to serve distilled spirits by the drink for consumption on the premises, so long as they meet the requirements for seating capacity and maintain the required food to alcohol sales ratio set out in the Alcohol Beverage Ordinance for the City of Bremen. Hotels-Motels are not permitted to stock an *in-room* cabinet with distilled spirits or sell distilled spirits in individual quest rooms.

7). *Special Considerations.*

a) *Only Areas Within C2A Overlay District Allowed Licenses to Sell Distilled Spirits by the Drink for Consumption on Premises.* The sale of distilled spirits by the drink for consumption on the premises shall not be licensed or permitted within the boundaries of the City of Bremen, except on those land parcels that are: 1) zoned with one of the four referenced classifications set out in subsection 513.A(5) above and, 2) lie within the boundaries of the C-2A Zoning Overlay District.

b) *License for Sale of Distilled Spirits by the Drink for Consumption on the Premises a Privilege.* All licenses granted under the provisions of the Bremen Alcohol Beverage Ordinance shall be a mere grant of privilege to carry on the business during the term of the license subject to all terms and conditions imposed by the city ordinances and state law. All Businesses licensed under the Alcohol Beverage Ordinance and operating in an area governed by this Ordinance shall have printed on the front these words: "This license is a mere privilege subject to being revoked and annulled, and is subject to any further ordinances which may be enacted".

8). *Consumption Sales Only.* Persons holding a license to sell distilled spirits for consumption on the premises shall not be permitted to sell any distilled spirits by the package or bottle. Sale of malt beverages or wine by the package or bottle, with food service, does not violate the provisions of this section.

9). *Hours and Days of Sale.* Distilled spirits shall not be sold for consumption on the premises except between the hours of 10:00 a.m. until 12:00 a.m. midnight, Monday through Saturday. Distilled spirits shall not be sold for consumption at any time in violation of any local ordinance or regulation or of any special order of the mayor and city council

10). *Advertising in Official Legal Organ of City.* A notice of each application to sell distilled spirits for consumption on the premises shall be advertised in the official legal organ of the County within which the premise, to be licensed, is located. Said advertisement notice shall run at least once a week for the two weeks immediately preceding the hearing of the application.

11). *Open Area and Patio Sales.*

a) Alcoholic beverage sales can be made by a licensed consumption on premises establishment in a patio/open area type environment if the establishment has been approved to do so by the City Manager.

b) The requirement for approval of a patio/open area type environment is that the patio/open area be enclosed by some structure providing for public ingress/egress only through the main licensed premises. The purpose of this requirement is to prevent a customer from leaving the outside sale area with an open drink without the licensee's knowledge.

c) The height of the structure required in subsection (b) of this section shall be a minimum of three and a half feet above ground level. It does not have to be solid nor does it have to restrict visibility into or out of the patio/open sales area. The structure shall be approved by the city's building inspection department and the city's fire department as required by the governing regulations or codes, prior to being permitted.

d) The only exit from this type area is to be through the licensed establishment's main premises or through an approved fire exit (not for general public use unless an emergency exists). The fire exit should be of the type that sounds an alarm so that the establishment will be alerted in the event of unauthorized use when no emergency exists.

e) If a licensee desires a patio/open sales area inside an existing structure, plans will be reviewed and approved on an individual basis by the City Manager. Interior type patio/sales areas must also meet the requirements of the city's development and fire codes.

f) Nothing contained in this section shall prohibit a hotel or motel with a licensed consumption on the premises restaurant from making sales and allowing consumption of alcoholic beverages in ballrooms, meeting rooms, reception rooms, or patio areas of such hotel or motel provided such functions are catered in connection with a meeting, conference, convention or similar type gathering at such hotel or motel. "Patio areas," as that term is used in this subsection, do not have to conform to the standards in this section.

12). *Advertising; Signs.*

a) No outdoor advertising or signs with respect to the promotions of the sale of alcoholic beverages, or the prices of such beverages, shall be permitted on the exterior or any retail consumption on the premises dealer or in the windows of any such establishment that may be viewed from the outside.

b) No signs shall be erected anywhere in the incorporated area of the city advertising or promoting the sale of alcoholic beverages, except that a store displaying its merchandise may, in the same manner as such other merchandise is displayed, erect a sign or signs indicating the counter on which the merchandise is displayed provided the lettering of such signs does not exceed in size the lettering of signs on other counters where other products are sold. The name, brand or type of alcoholic beverage served and the price per serving may be provided to customers on a regular printed menu.

c) Sign limitations. Retail package licensees of beer or wine shall indicate plainly by tags or labels on the bottles or containers or on the shelf immediately below where the containers are placed, the price of an alcoholic beverage exposed or offered for sale.

13). Development and Design Conditions Within the C2A Overlay District..

On all properties within the C2A Overlay District lying on or adjacent to a Federal or State highway, all uses under this section are subject to the following conditions:

a) A site plan is required to be submitted for review and approval for the development of any parcel within the C2A District. The site plan review procedure shall be carried out in accordance with the applicable city procedures. A site plan shall be submitted and approved prior to any site preparation.

b) The minimum distance between all driveways, curb cuts or access points of any kind onto a service road or unified access road to the main highway shall be approved by the state Department of Transportation or the City Manager as applicable. All such entrances shall be constructed of materials that will eliminate the potential for soil and mud to be tracked onto the street or highway.

c) No loading or unloading of material shall take place in any front or corner side yard or any parcel, which fronts on the highway right-of-way. Buildings will be designed so as to provide service entrances at the rear.

d) No parking shall be permitted on the highway right-of-way. All parcels shall be expected to provide sufficient offstreet parking to meet their individual needs.

e) For every four (4) rows of parking spaces delineated, one (1) raised parking island shall be provided, thereby creating separated parking areas to aid in safe and orderly use to the lot and confine vehicular movement to marked drives. Raised or curved circulation islands shall be constructed at the ends of the rows of parking spaces or at other locations where circulation drives intersect. For all uses providing clientele parking, all circulation drives shall be clearly defined and marked appropriately with arrows and the like to assist public circulation into, on and out of the property and through parking lot areas.

f) Adequate circulation drives shall interconnect all lot access points with all vehicle parking, loading, servicing and like areas and structures, thereby creating an on-site circulation network which, together with any service drives abutting the lot, will provide a safe and convenient means for lot servicing and fire protection.

g) Circulation drives used by vehicles to reach a drive-by sales or service window, depository or similar facility shall be one-way and shall be of sufficient length to prevent a line of waiting vehicles from backing up into a street or onto adjoining property.

h) Any commercial development shall be subject to the following:

1) Coordination of pedestrian and vehicular circulation patterns shall be encouraged between property owners.

2) Such use shall have access designed so as not to impede traffic on a public street intended to carry through traffic. To such end, access via the following means shall be given favorable consideration in site plan review:

i) Access to the site is provided by a public street other than the one intended to carry through traffic; and/or

ii) Access to the site is provided by a functional frontage road, service drive or joint driveway which provides controlled access to the site and/or several adjacent sites; and/or

iii) Acceleration/deceleration lanes, turning lanes and/or stacking lanes are provided to improve access to the site and/or several adjacent sites.

3) All areas subject to vehicular traffic including frontage roads, accessways, loading areas and service areas shall be constructed in accordance with the minimum paving specifications in force in the city at the time of improvement.

4) Filling stations and automobile repair facilities shall adequately screen areas designed for the outdoor storage of more than two abandoned, wrecked or inoperable vehicles on the site.

5) All commercial uses shall provide at least one, regular sized garbage container, outside the establishment adequately screened from the view of the highway.

6) All commercial uses shall provide and maintain a landscaped area along the length of their frontage with the highway or service road right-of-way as may be reasonably necessary.

14). Use Permitted. Land or structures within the C2A District zone may be used as permitted in the underlying zoning district in which the lot or tract of land is located, subject to the above conditions, the restrictions of the respective zoning district, and with the following:

a) Restaurants (free-standing, in malls or shopping center complexes, or within Hotels), Golf Clubs and Private Clubs, lying within applicable zoning classification areas, that otherwise meet the zoning requirements and setback limitations of the City's Alcohol Beverage Ordinance, may be permitted by the City to sell distilled spirits by the drink for consumption on the premises.

b) The premise, to be licensed, must meet the following distance requirements:

(1) *Distilled spirits, malt beverages, or wine by the drink.* No license shall be issued to any person to sell distilled spirits, malt beverages or wine by the drink for consumption on the premises, where the place of business of the licensee is located within three hundred (300) feet from any church, school, or college campus.

(2) *Wine.* No license shall be issued to any package wine retailer hereunder where the place of business of the licensee is located within three hundred (300) feet of any church, school, or college campus.

(3) *Malt beverages.* No license shall be issued to any package malt beverage retailer where the place of business of the licensee is located within three hundred (300) feet of any church, school, or college campus.

(4) *Private residences.* No licenses shall be issued to any person to sell any alcoholic beverages hereunder where the place of business of the licensee is located within one hundred 100 feet of any private residence, unless otherwise permitted in accordance with the provisions of the city's Alcoholic Beverage Ordinance.

(5) *Alcoholic treatment center.* No license shall be issued for the sale of alcoholic beverages within three hundred (300) feet of any alcoholic treatment center owned and operated by the state, Haralson County or Carroll County, respectively, or the city.

(6) *Schools applicable.* The schools or colleges referred to herein shall include only such state, county, city, church or other public or private schools as teach the subjects commonly taught in the common schools and colleges of this state, and shall not include private schools or colleges wherein only specialized subjects, such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

(7) *Church applicable.* Church referred to herein shall include only such churches which maintain a permanent place of public religious worship, and include only those church owned properties upon, or within, which such activities take place.

8) *Method of measuring.* The distances set out in subsections (1), (2), (3), (4), and (5) shall be measured from the closest point of the building or structure located on the licensed premises and from which alcoholic beverages are sold, to the nearest property line of the residence, church, school, college campus, library or treatment center by the shortest straight line. For leased premises that lie entirely within a mall, shopping center, larger enclosed structure or Hotel, the measurement shall begin at the boundary line of the leased premises and not the larger structure.

15) Use Restrictions. Land and buildings lying within the C2A District zone may not be used for:

- a) Junkyards
- b) Individual Mobile homes and mobile home parks.
- c) Adult entertainment establishments.

16) *Overall Landscaping Requirements Within the C2A District.* Any part of the project site not used for buildings or other structures shall be landscaped in an amount equal to ten (10%) percent of the vehicular use area. (Vehicular use area includes parking lots, accessways, loading area and service areas.) Landscaped islands can count towards overall landscaping requirements; however, only trees and shrubs, or other approved plant materials shall be considered as landscaping elements.

a) Landscaping shall include a minimum of one (1) tree for each 500 square feet of landscaped area. Each tree shall have a caliper of two (2) inches at the time of planting.

b) Existing vegetation, which meets the requirements of this section, should be used as required planting, where practical.

c) All required planting shall be maintained in a healthy and productive condition.

d) A formal landscape plan shall be submitted as a part of the required site plan for all construction within the C2A District.

17) *Building and materials construction standards.* Any building constructed or erected on a site within the C2A District shall be of masonry construction, its equivalent or superior construction; provided, however, metal buildings with brick or masonry façade on the front exterior wall so as to give the appearance of masonry construction will be permitted. The exterior finish may be common brick, concrete blocks, tile bricks, enamel siding (so long as the front exterior wall is of brick or masonry construction), their equivalent or better, but no building thereon may be covered with asbestos siding or galvanized sheet metal. When the exterior walls are constructed of concrete or concrete blocks, unless the finish is stucco, gunite or their equal, the joints must be rubbed down and the wall covered sufficiently with standard waterproofing paint. Colors and textures of exterior building structures must be harmonious and compatible with the colors of their building within the property. All other types of construction not covered in the above must have the written approval of the City Manager.

18). *Sale or Possession for Sale Without License or Beyond Boundaries of Premises Covered by License Prohibited.* It shall be unlawful for any person to sell, or possess for the purpose of sale, any distilled spirits where such person does not have a license granted by the city to sell distilled spirits for consumption on the premises; or, to sell, or make deliveries of, distilled spirits for consumption beyond the boundaries of the premises covered by the license. Violations of this section shall result in a fine of not less than \$1,000.00 and/or incarceration for a period not to exceed sixty (60) days in jail.

19). *Conflict With Alcohol Beverage Ordinance.* If any provision or section of this Ordinance is in conflict with or is not consistent with any provision of the Alcoholic Beverage Ordinance of the City, the conflicting provision of the Alcoholic Beverage Ordinance will control.

20). *Record of Passage.* This Ordinance, introduced as a Bill for the Addition of a C2A Zoning Classification to the Zoning Ordinance of the City of Bremen, after being duly advertised, presented to the public at two separate public hearings, heard and recommended favorably by the Planning and Zoning Board was discussed, voted upon, and passed this the 10th day of January, 2005.

SHARON SEWELL, Mayor

COUNCILMEN:

J. CHRISTOPHER COATS

W. STEPHEN McINTOSH

W. O. PARRISH

DANNY L. ROBINSON

Attested: _____
BEVERLY CASH, City Clerk