

An ordinance to establish site and building design standards and the methods of administration and deployment by the Town of Walnut

Walnut Site and Building Design Standards

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Town of Walnut



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AN ORDINANCE TO ESTABLISH SITE AND BUILDING DESIGN STANDARDS AND THE METHODS OF ADMINISTRATION AND DEPLOYMENT BY THE TOWN OF WALNUT

Be It Ordained by the Mayor and Board of Aldermen of the Town of Walnut:

1. Purpose:

The overall design of any development has a direct bearing on the economic value of the property. When public areas, business establishments, and residential communities exhibit good design, shoppers, businessmen, homeowners, and industrial developers tend to have strong confidence in the community. Poor design, congestion, and a lack of proper maintenance bring about blight, decay, decreased property values, and the loss of both private and public revenues.

Good community design is the product of orderly and harmonious relationships established between man-made objects and nature. Good design results from the skillful combination and interrelation of these elements through both contrast and similarity.

What citizens experience daily in the community, both consciously and unconsciously, influences their lives. New building programs, along with the improvement and preservation of existing development, are necessary in order to maintain a healthy community. Expanded building programs and land development greatly reduce open space, resulting in an increased awareness of the importance of good design and land use.

The United States Supreme Court has recognized the importance of good design to community well-being. In the landmark case, *Berman v. Parker* {348 U.S. 26, (1954)}, in a decision without dissent, Justice Douglas stated:

"The concept of the public welfare is broad and inclusive....The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled."

The Court later re-emphasized this view in *Penn Central Transportation Co. v. New York City* {438 U.S. 104, 129, (1979)} when it stated:

"We emphasize what is not in dispute....This court has recognized in numerous settings, that states and cities may enact land use regulations or controls to enhance

the quality of life by preserving the character and the desirable aesthetic features of a city...”

The quality of that environment has a direct impact on the City's livability and its economic prospects. The Town of Walnut has acknowledged this vital linkage between the maintenance of a high quality of community design and the realization of the City's land use and fiscal objectives in its twenty year master plan study, the General Development Plan. The importance of good design is reflected in the following six major goals of the General Development Plan.

- A. Enhance the visual appearance and living environment of the City through effective design, landscaping, and control of visual clutter.
- B. Maximize the conservation of existing housing and the preservation of established neighborhood character and quality.
- C. Promote the control and regulation of the adverse effects of development, such as noise, light, odor, etc., within the City.
- D. Promote the preservation of historically significant structures and/or districts within the City and maximize the conservation of the established character of these facilities and areas.
- E. Encourage the stabilization of existing commercial areas and the development of new commercial nodes in locations which have (1) good vehicular access to local residential market areas; and, (2) minimal conflict or encroachment with either existing or newly developing residential land use areas in the vicinity.
- F. Encourage the continued expansion and development of industrial land use areas in existing locations and in new locations which offer the maximum potential for development, but compatible with surrounding land uses and transportation facilities.

In conjunction with the divisions of the Town of Walnut Code of Ordinances addressing related land use and fiscal controls, this division, which establishes design review regulations for the City, is adopted to implement the foregoing objectives of the General Development Plan.

2. Development Plan:

A development plan will be required for:

- a. All new construction, additions, change in exterior appearance, exterior alteration, or change in use for either land, buildings, or buildings and land in combination for all categories of commercial, multiple-family,

institutional and industrial uses (reference Section 5.3: Site Plan Standards in the zoning ordinance).

- b. The construction, reconstructions, alteration, or expansion of a parking area for automobiles, trucks, trailers, recreational vehicles, mobile homes, manufactured homes or other vehicles, whether for customer parking, sales, or temporary or long-term storage. (Reference Section 10: Off-Street Parking in the zoning ordinance).
 - c. Fences, signs, landscaping requirements, and curb cuts not otherwise reviewable in these regulations.
 - d. Subdivision entrance signs and landscape plans for subdivisions or planned developments, including entrances, landscaped buffer areas, medians and streetscaping.
 - e. Exceptions: (indented items below)
 - (i) Single-family residences and all accessory structures appurtenant thereto are exempt from these guidelines.
 - (ii) All permits for plumbing, heating, air conditioning, elevators, fire alarms and extinguishing equipment, and all other mechanical and electrical equipment when such work is entirely within the interior of a building, or when located outside of the building, but buried beneath the surface of the earth are exempt from these guidelines.
 - (iii) All permits for interior alterations, repairs or renovation are exempt from these guidelines.
 - (iv) All permits for demolition or wrecking are exempt from these guidelines.
3. General Architectural Guidelines: The Town of Walnut strongly encourages interesting, articulated and high quality structures. Long or continuous wall planes should be avoided. Buildings should exhibit detail and elements appropriate for pedestrian view.
4. Lighting:
- a. Illumination shall be appropriate to site activities and site location. The minimum amount of illumination necessary for safety should be used. Exterior lighting of the building and site is to be designed so that light is

not directed off the site and the light source is fully shielded from direct off-site viewing.

- b. Exterior light sources may not be exposed and must be shielded from view, down cast and parallel with the ground. All luminaries (the complete lighting unit, consisting of the light source and all necessary mechanical, electrical and decorative parts) shall be "cut-off type" luminaries with elements such as shields, reflectors, or refractor panels which direct and cut off the emitted light at an angle of ninety degrees or less.
- c. No exterior lighting fixture of any kind shall be so placed or directed such that the direct or reflected light therefrom shall interfere with the operation of automotive vehicles on any adjacent street.
- d. No exterior light shall have any blinking, flashing, or fluttering light, or other illuminating device which has a changing light intensity or brightness of color
- e. Exterior lighting is to be architecturally integrated with the building style, material and colors.
- f. Use of low, bollard-type lighting and landscape accent lighting is encouraged.
- g. Raised light pole bases are to be attractively designed and detailed to be compatible with the overall project.
- h. Building mounted artificial light sources are to be shielded from public view, except for low intensity decorative lighting not exceeding forty-five (45) watts per bulb.
- i. All exterior lighting must be listed by the developer on site plans, including a detailed lighting plan that includes the type, number, brightness, and type of cutoff/shielding for all fixtures.

5. Utilities:

- a. All on-site utilities shall be installed underground. Surface transformer switching pads shall be located and screened to be unobtrusive. In industrial zones, utilities may be located above ground, provided such utilities are on a steel pole and only on one side of the street.

6. Screening:
 - a. Chain link fencing as a screening device, including chain link fencing with slats or any other type of insert, is prohibited. Chain link gates with slats are allowed as gating devices for dumpster enclosures.
 - b. In highly visible public areas where fencing is needed, decorative fencing is required. Decorative fencing is defined as black wrought iron fencing, wooden shadowbox fencing or masonry (except flat face concrete block) fencing, or a combination thereof.
 - c. All exterior trash and storage areas, loading docks and ramps, and service areas are to be screened from view in a manner that is compatible with the building and site design. Screening materials should be the same as the primary building materials. The location of such services should be sited with limited visibility to public view and/or adjacent properties. Trash dumpsters and trash receptacle areas are to be screened on three sides and gated.
 - d. Garbage collection areas shall be located at the rear of buildings. The following criteria shall also apply:
 - i. Dumpster enclosures shall be located on a concrete pad, of such size as recommended by the disposal company.
 - ii. The approach to the dumpster area shall be paved of a hard surface Portland cement or asphaltic concrete, of a specification sufficient to support the weight and continual use of the garbage collection vehicle.
 - iii. The screening on all enclosed dumpsters shall be a minimum of at least two (2) feet taller than the dumpster.
 - iv. For compaction units, a floor drain shall be provided which ties to the sanitary sewer.
 - v. Either the dumpster enclosure must be constructed of sufficient size to accommodate all refuse materials to be recycled, such as grease barrels for restaurants and used oil barrels for automotive uses, or a separate enclosed pad of the same specification provided.
 - e. All building mounted equipment is to be screened from ALL public views as much as possible.

7. Sidewalks:

- a. In new commercial development, where the subject property does not already provide a public sidewalk, a five (5) foot wide sidewalk shall be constructed along the entire street frontage of the property. The sidewalk shall be constructed to align with existing sidewalks on adjacent properties. Where sidewalks are not yet present on adjacent properties, the sidewalk shall be constructed at least five (5) feet back from the curb to allow for green space and street trees. In the instance of a corner lot, the sidewalk will be constructed along both street frontages, with handicap access ramps constructed at the street corner.
- b. Crosswalks. Crosswalks shall be provided both internally and externally to the development. Public crosswalks shall be striped in conformance with the latest edition of the Manual on Uniform Traffic Control Devices. Private crosswalks, internal to the site, shall be delineated by materials of a different color and texture from the surrounding parking lot (brick, cobblestone, etc. preferred) or by white, reflectorized pavement striping.
- c. Street Signs and Traffic Control Devices. When, as the result of the proposed project, street signs, traffic signals, or traffic regulatory signs are required, the applicant shall be responsible for the installation of such devices and signs, the design of which shall be integrated into the overall site design.

8. Drainage:

- a. The height and length of retaining walls should be minimized with appropriate landscaping. Retaining walls should be designed to incorporate elements of other architectural features or natural features of the project
- b. Materials utilized for the retaining walls should match the primary building material. Plantable walls allowing for the growth of vegetation are encouraged.
- c. Parking lots shall be paved with a hard surface and curbed.
- d. Site plans shall provide adequate drainage capacity and indicate flow patterns.

9. Signs and Outdoor Advertising:

All signs are to be architecturally integrated and complement their surroundings in terms of size, shape, color, texture and lighting. Signs are to complement the overall design of the building and are not to be designed to be in visual competition with other signs in the area.

9.1. Definitions:

- a. SIGN: Any identification, description, illustration, or device illuminated or non-illuminated which is affixed to or represented directly or indirectly upon a building, structure, or land, and which directs attention to a product, service, place, activity, person, institution, or business. Signs erected by an authorized public agency for the purpose of directing traffic or providing information are not affected by these regulations, National and state flags, when properly displayed, are not considered a sign under these regulations.
- b. SIGN AREA: The total area of the space to be used for advertising purposes, including the spaces between open type letters and figures, the background structure, or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. A double faced sign shall be allowed the total area of a single faced sign on each face.
- c. ADVERTISING DEVICE: Banners affixed on poles, wires or ropes, and streamers, wind operated devices, flashing lights, and other similar devices.
- d. BENCH SIGN: A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.
- e. DIRECTORY SIGN: Any sign on which the names and locations of occupants or the use of the building is given. This shall include office buildings and church directories.
- f. GROUND SIGN: Any sign erected, constructed, or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial and reading matter when such sign is supported by two or more uprights, posts, or braces affixed in the ground and not attached to any part of a building.
- g. MARQUEE SIGN: Any sign affixed to a marquee over the entrance to a building and supported from the building,
- h. MONUMENT SIGN: Any letter, word, model sign, device or representation used in the nature of an advertisement or announcement not attached to a building and which is permanently mounted or affixed directly to the ground.
- i. PORTABLE SIGN: A sign, usually of a temporary nature, but not permanently affixed to the ground or to a building or structure.
- j. POST SIGN: Any letter, word, model sign, device or representation used in the nature of an advertisement or announcement not attached to a building and which is supported by a single stationary pole or post.
- k. PROJECTING SIGN: A sign which is attached to and projects more than 12 inches from the face of a wall of a building.

- l. ROOF SIGN: Any sign erected, constructed, or maintained upon the roof of any building or any wall sign which extends more than 36 inches above the roof line or parapet wall of a building.
- m. TEMPORARY SIGN: Ground signs advertising future use or development of property with a sign area per face not exceeding one hundred (100) square feet, not remaining more than six months on the property on which it is located and not more than one sign per parcel of land and located not closer than one (1) foot from the right-of-way.
- n. TRAFFIC DIRECTIONAL SIGN: Any sign which aids the flow of traffic.
- o. WALL SIGN: Any sign or poster on any surface or plane that may be affixed to the front, side or rear wall of any building. Any sign on a window which exceeds more than twenty (20) percent of the window area is considered a wall sign.

9.2. Maximum Sign Size - Wall signs will be a maximum of three signs with a maximum total area of fifty (50) square feet, or one (1) square foot for each lineal foot of building wall or lease space on which the sign is erected, whichever results in a smaller sign area. Monument signs (approved only on appeal) will follow the same guidelines.

9.3. Illumination - Signs shall not have blinking, flashing or other illuminating devices which change light intensity, brightness or color. Beacon lights are not permitted. The light from or from any illuminated sign shall be so shaded, shielded or directed that the light intensity will not be objectionable to surrounding areas. Neither direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

9.4. The subject matter of all advertising signs shall be limited to advertising businesses or services located in the Town.

9.5. Inspection, Removal and Safety: All signs may be inspected periodically by the Building Official for compliance with this Article.

9.6. All signs and components there of shall be kept in good repair and in safe, neat, clean, and attractive condition.

9.7. The Building Official shall give written notice for the removal of any permanent sign erected or maintained in violation of this Article. Upon failure to comply with this notice, the Building Official shall take legal action to enforce compliance with this ordinance. The Building Official may remove a sign immediately and without notice if the sign presents an immediate threat to the safety of the public. Any sign removal shall be at the expense of the property owner.

9.8. Permits - All permanent signs permitted under this Article shall require a permit which shall be obtained prior to erection of the sign.

9.9. Nonconforming Signs - In instances where a sign is nonconforming to any of the requirements of this ordinance, such sign and any supporting structure other than a building may be allowed although such sign does not conform to the provisions hereof. No such nonconforming sign may be enlarged or altered in any way which increases its nonconformity. No sign which has been damaged 50 percent or more of its fair market value shall be restored except in conformity with the regulations of this ordinance.

9.10. Violation and Enforcement - If, within ten (10) days of the date of notice of violation, the party fails to bring the sign into compliance with this ordinance, fails to remove the sign or fails to provide to the Town any evidence of the party's good faith effort to do either, then the party shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of one hundred dollars (\$100.00) per day, per violation, retroactive to the date of mailing of the violation notice and any or all of the following:

- a. Abatement – In case any sign is erected, constructed, reconstructed, altered, repaired, converted or continued in violation of this ordinance, the Town, or any person who would be damaged by such violation, in addition to other remedies, may institute an action for injunction or mandamus, or other appropriate action or proceeding to prevent or abate such violations;
- b. Impoundment of Signs– The Town shall have the authority to remove and impound any sign, without further notice, where such sign is not in compliance with this ordinance, and:
 - i. After ten (10) days of the mailing of notification of a violation, the owner has failed to remove the sign or bring it into compliance with this ordinance, or has failed to provide the Town with the evidence of a good faith effort to make such removal or compliance, or (ii) The sign is placed within any street, state road or highway right-of-way or other right-of-way, or attached to trees, fence posts, telephone and/or utility poles, and other than natural features;
 - ii. The Town shall impound such signs for a period of ten (10) days. The owner of a sign impounded may recover it upon payment of fifty dollars (\$50.00) for each sign, prior to the expiration of the ten-day impoundment period. In the event a sign is not claimed within ten (10) days of its impoundment, the Town shall have the authority to dispose of such sign;
 - iii. In the event a violating sign requires special resources for its removal and impoundment, the Town, or independent contractor secured by the Town, shall remove the sign and the resulting charges shall be assessed to the owner and/or lessee.

10. Materials and Colors:

- a. Materials should have good architectural character, be durable, and be selected for their compatibility with adjoining buildings and properties. Natural, traditional building materials are encouraged. Highly reflective and/or synthetic materials are discouraged.
- b. Exterior materials should be selected based on their durability and appropriateness for their intended function. Special attention should be given to the durability of materials used around the ground floor of the building. Preferred building materials include stone, brick, cement board, cementitious stucco, and wood. The materials selected should require minimal maintenance. Their color should be integral to the material and not painted on (except in the case of wood). No more than three (3) painted or applied colors may be used on the exterior of any building. Colors of the predominant exterior surface material should be subdued, with natural tones and neutral colors predominating.
- c. Exterior Insulating Finishing (EIFS) should not be the predominant building material. EIFS should be used as a way to accentuate an architectural element and should be limited to areas not subject to damage or abuse. It should not be used on the lower parts of a building. Concrete masonry should be limited to split face or burnished units.
- d. Warehouse or manufacturing areas of industrial buildings may utilize metal veneer surface or pre-cast concrete panels which are tinted or colored with the approval of the Site and Design Committee.
- e. Architectural consistency of colors, materials and detailing are to be provided between all building elevations. False or decorative façade treatments, where one or more unrelated materials are placed upon the building are prohibited. All elevations need not look alike; however, a sense of overall architectural continuity is strongly encouraged.
- f. Inconsistent adornment and frequent changes in material should be avoided.
- g. All buildings should be designed to be compatible with the character of the community.
- h. With the exception of industrial uses, the maximum unbroken facades plane shall be fifty (50) feet for multiple-family residential uses, and sixty (60) feet for commercial and office uses. The wall of any such building shall be interrupted through the use of projections or recesses, portals, courtyards, plazas or other appropriate architectural

conventions. The design of off-setting wall plane projections or recesses shall have a minimum depth of two (2) feet.

- i. No flat-faced cement block or metal surfaces shall be visible upon the exterior of any building, unless approved by the site and design committee.
 - j. Where pitched roofs are utilized, the primary roof form shall be on a slope of no less than 6/12. Porches shall be on a slope of not less than 3/12. Pitched roofs shall be shingled with wood textured composition shingles or architectural shingles. Roof design should be appropriate for the architectural style of the building. Enameled standing seam metal, flat tiles of concrete or clay, and copper metal roofs are permitted. All surfaces are permitted when the roof is concealed from public view by parapets (flat, built up or pitched roofs). The use of plastic, fiberglass, other metal, or glass, visible to public view, is strictly prohibited. The use of bright, high intensity colors is strictly prohibited.
 - k. The treatment of doors and windows shall be uniform throughout the building design, with the exception of designated fire doors located on the rear of the building.
 - l. Parapet facades may be used when of unified construction with the primary surface of the wall and of the same material and color. The parapet shall be designed such that the reverse side of all elements shall not be visible to public view. False mansards are prohibited. Canopies are permissible provided they are an integrated part of the overall building design, are not used to create the impression of a false mansard, and are not used as a location or support for wall-mounted signage (painted signs on canopies are permitted).
11. Landscaping: Landscaping is used in parking areas to reduce heat radiated from paving, improve auto circulation and safety, and to screen parked automobiles from public view. A consistent landscape treatment along public streets enhances the appearance of the public domain, and provides an attractive, unified setting for variations among individual developments. Landscaped areas shall be maintained along the frontage of any site where entries are the only interruption. Although the type and nature of the landscaping between individual properties may vary, the design and depth of landscape areas shall be consistent as they transition from one property to another. Landscape buffers or other screening shall be installed upon the construction of commercial buildings which abut residential properties.

12. Off-site Improvements: Where off-site roadway or utility improvements are required as a result of the proposed development (due to impact), those improvements shall be the responsibility of the applicant, and shall be constructed or installed prior to any final inspection or the issuance of an occupancy permit.
13. Design Review will be performed by an engineer contracted by the Town.
14. Administration and Appeals: Any person or persons aggrieved by any decision of the engineer may appeal such decision to the Board of Aldermen by filing a "Notice of Appeal" in writing within ten (10) days of the date of the final action of the development plan. The Board of Aldermen may affirm, reverse, remand, or modify the decision of the engineer as may be appropriate. The engineer may issue variances to the regulations in keeping with the rules of the Zoning Ordinance.