



**PROPOSED CODE CHANGES
TECHNICAL MEMO
4.19.2007**

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I.0 INTRODUCTION AND OVERVIEW

The current zoning and subdivision ordinance for the Town of Belville were adopted in their present form on April 17, 2001 (Subdivision Ordinance) and the October 15, 2002 (Zoning Ordinance). Simplistic in their scope, these ordinances are based on other ordinances in southeastern North Carolina. The use of model ordinances is very common in municipal governance. Often, the problems of community have been addressed by another. However, issues arise when a template is applied to an incompatible landscape. And specifically and far too often, a substandard ordinance, one which acquiesced to the lowest common denominator of the last municipality is blindly applied as the purified standard in the next community.

Belville's unique geographic and locational characteristics, when combined with its limited boundaries, do not demand a thicker ordinance with more districts. In fact, an argument can be made for fewer districts. At present, there are only four fully differentiated areas in the community – two industrial areas, one neighborhood area, a highway-oriented corridor, and the old downtown/waterfront.

Within the neighborhood, there is a slight difference between the R-10 and R-15 zones based on the permitted density (3.3 units per acre vs. 2.5 units per acre). All other characteristics including use standards, setbacks and maximum permitted heights are identical.

Often there is a gradation of density from environmentally sensitive lands that should be protected to more intense mixed-use areas where the values of the human habitat outweigh the natural habitat. This condition does not exist in Belville as the current model is predicated on the automobile where proximity is based on miles not on feet. This is not an uncommon condition for communities that began first as suburban developments where there was no previous Main Street or historic downtown.

As part of the development of the Master Plan, The Lawrence Group was asked to make recommendations regarding the upgrade of the existing development ordinances. This document is intended to outline those recommendations as well as provide some patches and updates. A full upgrade is expected to be completed at a later date by the Town staff. Principally, the two major patches provided help to facilitate the redevelopment of the old downtown/waterfront area and as well provide improved controls on the expansion of the industrial and highway commercial activities along US 17.

2.0 CONDITIONAL DISTRICTS

Currently, rezoning applications in Belville are handled as base district map amendments. While this is certainly efficient and simple it lacks the details that most neighborhood groups are interested in when they attend a public hearing. For example, an amendment from I to HB would permit the full range of uses in HB even though the petitioner may only be seeking to construct a specific use.

The use of Conditional Districts permits the applicant to submit additional information along with the application including a voluntary limit of the types of uses as well as a site specific plan. This type of submission is very useful to surrounding property owners and neighborhood groups who would otherwise be afraid of the “worst case scenario” that the base zoning district would permit.

There are currently two types of conditional districts used in North Carolina. The first is the use of a quasi-judicial process that permits a Conditional Use Permit with a Site Specific Plan to be processed concurrently with a map amendment. This is a highly structured process that follows basic rules of judicial decision-making including the limitation of ex parte communication, presentation of testimony, the cross-examination of witnesses, and the requirement to make decisions consistent with the testimony received and with findings of fact. The final decision is actually rendered with two votes, one on the map amendment and one for the Conditional Use Permit. This type of procedure has long been incorporated into Boards of Adjustment for variances and special use permits.

The second approach incorporates the voluntary submission of site specific plans and conditions with a legislative decision making process. Much more discretion is granted under this process and the decision makers are permitted to interact to a much greater degree with both applicants and interested parties. While originally thought to be questionable practice the NC Court recently upheld its validity with the Massey decision in 2002.¹ This practice has since been codified by the General Assembly in their 2005 legislative session in Senate Bill 814.

¹ **Bethanie C. Massey v. City of Charlotte and Albemarle Land Company, LLC** 145 N.C. App. 345; 550 S.E.2d 838; 2001. The practice of conditional use zoning is an approved practice in North Carolina, so long as the action of the local zoning authority in accomplishing the zoning is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest. The standard of review for conditional use zoning is the standard of review for a legislative decision. The legislative function of zoning is subject only to limitations forbidding arbitrary and unduly discriminatory interference with the rights of property owners and to limitations of the enabling statute. The principal differences between valid conditional use zoning and illegal contract zoning are related and are essentially two in number. First, valid conditional use zoning features merely a unilateral promise from the landowner to the local zoning authority as to the landowner's intended use of the land in question, while illegal contract zoning anticipates a bilateral contract in which the landowner and the zoning authority make reciprocal promises. Second, in the context of conditional use zoning, the local zoning authority maintains its independent decision-making authority, while in the contract zoning scenario, it abandons that authority by binding itself contractually with the landowner seeking a zoning amendment.

Recommendation #1: Amend Article 18 by adding a new Section 18.2 and renumbering accordingly

18.2 Conditional Districts

- A. Purpose:** The purpose of Conditional Districts is to provide a procedure for the re-zoning of property based upon the recognition that certain types of zoning districts would be inappropriate at particular locations in the absence of special conditions. The Conditional District process allows certain uses to be established in accordance with specific standards, assuring the compatibility of the use with the surrounding properties and the area in general, for each proposed Conditional District. This process affords a degree of certainty in land use decisions not possible when re-zoning to a general category allowing many different uses.
- B. General requirements:**
- 1. Applicant:** Conditional District classification shall only be considered upon the request of the owners and/or their representatives of all the property to be included.
 - 2. Use Standards of Corresponding General District to be Met:** All uses standards and requirements of the corresponding General District shall be met, except to the extent that the conditions imposed specifically permit a relaxation of any standards (except permitted uses). Within an approved Conditional District, no use shall be permitted except pursuant to the conditions imposed on the Conditional District in the approval of the re-zoning.
 - 3. Content of Application:** The Master Plan, as a site specific Conditional Zoning Plan, is itself a condition of the Conditional District re-zoning. In addition to the Master Plan, the applicant shall provide the exact land use classifications proposed for the Conditional District. Such use classifications may be selected from any of the uses, whether permitted by right or special use, allowed in the General District upon which the Conditional District is based. Uses not otherwise permitted within the General District shall not be permitted within the Conditional District.

The Master Plan shall be drawn to the following specifications and must contain or be accompanied by the information listed below. All plans shall be submitted at a scale not less than 1 inch = 50 feet unless otherwise authorized by the Administrator. No processing or review of a Master Plan will proceed without all of the following information:

- The boundary, as determined by survey, of the area to be developed with all bearings and distances shown and the location within the area, or contiguous to it, of any existing streets, railroad lines, perennial streams, wetlands, easements or other significant features of the tract.
- Scale with north arrow.

- A vicinity map showing the location of the subdivision with respect to adjacent streets and properties.
 - The location of proposed buildings, parking and loading areas, streets, alleys, easements, lots, parks or other open spaces, site reservations (i.e. school sites), property lines and building setback lines with street dimensions, tentative lot dimensions, and the location of any building restriction areas (i.e. flood hazard areas, buffer locations, watershed protection districts, and/or jurisdictional wetlands). Site calculations shall include total acreage of tract, acreage in parks area of non-residential uses, total number and acreage of parcels, and the total number of housing units.
 - Typical cross-sections of proposed streets.
 - Original contours at intervals of not greater than 2 feet for the entire area to be subdivided and extending into adjoining property for a distance of 300 feet at all points where street rights-of-way connect to the adjoining property and 50 feet at all other points of common project boundaries. Publicly available digital topography may be used to satisfy this requirement but should be field-verified to ensure accuracy. This requirement may be waived for developments smaller than one (1) acre or where insufficient topographic changes warrant such information.
4. **Fair and Reasonable Conditions:** At the request of the applicant, the Planning Board may recommend and the Town Board may attach reasonable and appropriate conditions including but not limited to the location, nature, hours of operation and extent of the proposed use. The applicant will have a reasonable opportunity to consider and agree to any additional requirements proposed by either the Planning Board or the Town Board prior to final action.
 5. **Decisions:** Decisions by the Town Board shall be by majority vote, unless a valid Protest Petition has been filed, in which case a four-fifths (4/5) supermajority vote shall be required for approval.
 6. **Substantial Changes:** Any substantial change to a Master Plan that results in a net increase to the number of lots or to the heated floor area shall be reviewed by the Planning Board and approved or denied by the Town Board as an amended Conditional District.
 7. **Rescission of Conditional Districts:** The Applicant must secure a valid building or construction permit(s) within a 12 month period from date of approval of the Conditional District unless otherwise specified. If such project is not complete and a valid building or construction permit is not in place at the end of the 12 month period, the Administrator shall notify the applicant of either such finding. Within 60 days of notification, the Administrator shall make a recommendation concerning the rescission of the Conditional District to the Town Board. The Town Board may then rescind the Conditional District or extend the life of the Conditional District for a specified period of time.

3.0 INDUSTRIAL DISTRICT

The preservation of an area for industrial/employment-based operations within an exploding suburban area is a vital necessity for the preservation of opportunities for highly taxable, low service demanding operations. There are many approaches to the regulation of industrial uses and activities.

The first approach is the creation of a business/industrial park where there is a common developer and special covenants and standards that are collectively managed much like a homeowner's association. The North Brunswick Industrial Park on US 74 is constructed on this model. Lots are typically 5 to 20+ acres and there is a consistent landscaping theme throughout.

The second approach is the management of long-standing areas where the ownership is fragmented and not part of a planned development. Such is the case with area north of US 17 that abuts Leland's jurisdiction. Though much of the development in that area predates the abutting residential development, the residential encroachments have limited through proximity and influence the types of activities that can occur.

Because the development was planned in another jurisdiction, the neighborhoods in Leland that now abut industrially zoned land (Magnolia Greens and Waterford) are concerned about what might be built in their backyard. Because of the pre-existing industrial property, the onus of responsibility for screening or buffering should have been on the new residential neighborhoods. Instead, a poorly landscaped berm was installed along a portion of the perimeter and homes were built within 20 feet of that berm. The most appropriate course of action would be for the developer(s) of the abutting neighborhoods to purchase and install a reasonably wide buffer and/or preserve any existing vegetation. The buffer should be placed into the common open space of the neighborhood so it can be maintained by those who care about it the most.

In lieu of this course of action and because the other neighborhoods are in another jurisdiction, the more likely approach will need to be an incremental installation of a screen/berm on the industrial district side of the perimeter.

3.1 Current Standards:

The principal standards for the Industrial District are strewn throughout the existing zoning ordinance. Article 5 introduces the district with a basic statement of intent along with two pages of standards, many of which are found elsewhere in the Ordinance. In addition to Article 5, the following sections also affect development in the Industrial District:

- Section 6.9, Buffering and Landscaping Requirements, provides for the construction of a screen between any low density residential neighborhoods and every other type of development. The base width is 20 ft and it includes some performance standards that are very minimal.
- Section 7.1, Table of Permitted Uses, replicates the list from Article 5 and includes additional uses not previously mentioned (redundancy and inconsistency).
- Section 7.1, Note 6 is a list of exclusions from the Industrial Uses

- Article 8, Table of Area, Yard and Height Requirements list yard standards which are inconsistent with Article 5.

| | Article 5 Standards | Article 8 Standards |
|--------------|---------------------|---------------------|
| Front | 50 ft | 25 ft |
| Side | 10 ft | 10 ft |
| Rear | 50 ft | 10 ft |

- Section 9.4, Business and Industry Planned Building Group Regulations, applies to development with more than one commercial on a single parcel. Interestingly, they require the submission of more detailed plans for approval including lighting, yet there are no lighting standards by which the plan can be judged.
- Article 12, Sign Regulations, permits both wall signs as well as freestanding signs for each lot. Each freestanding sign is permitted to a maximum height of 35 feet.
- Article 21, Vegetation Management Ordinance, regulates the protection of the existing landscape as well the required installation of new plant materials.

3.2 Recommendations:

The most common technique for the continuation of industrial/employment based activities is the creation of a district boundary with an adequate visual screen and buffer around the perimeter but permitting reduced standards within the district/development. We recommend this approach for the Industrial district that abuts the neighborhoods in Leland’s jurisdiction. Given the existing lot configuration and street layout, a 50 foot buffer and setback is reasonable to address the concerns while still permitting a reasonable building envelope on each lot. Landscaping should be preserved if it exists and installed if it does not.

Finally, the infrastructure within an Industrial District should be compatible to its connecting streets. All streets should have street trees in planting strips a minimum of 6 feet in width and 5 foot wide sidewalks behind the planting strip. Because the Town of Belville does not currently maintain their street system, they must rely upon the North Carolina Department of Transportation standards. These standards are not “town-friendly” in that they do not require curbs or sidewalks and they focus on the provision of wide streets. Because this is such a fundamental policy shift for the Town, this decision will require further study before adopting new street standards.

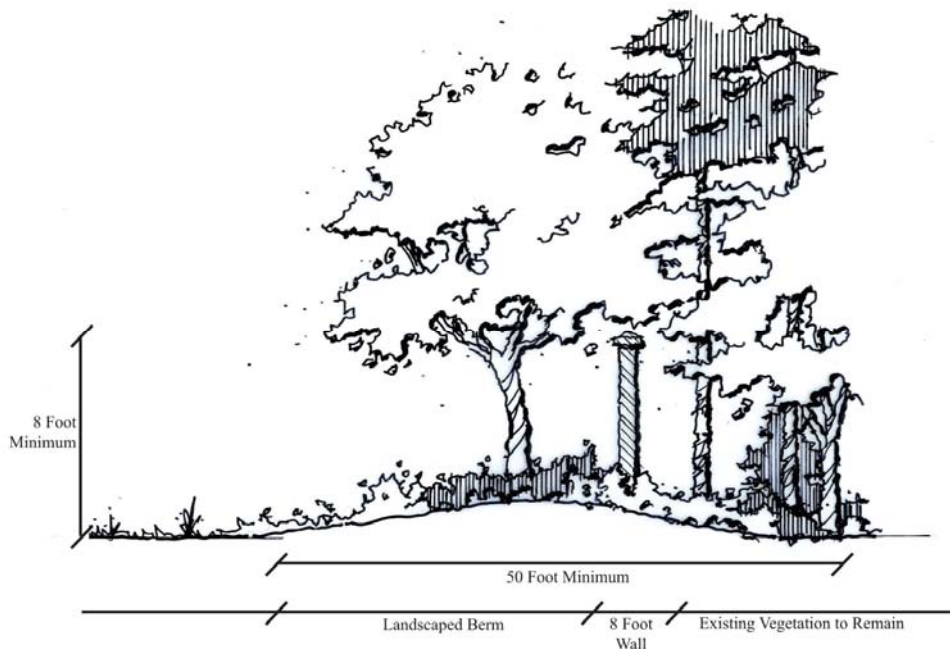
Recommendation #2: Amend Article 5 by adding a new subsection (H) to Industrial District and renumbering accordingly

H. Minimum District Boundaries: There shall be a minimum undisturbed setback of 50 feet along any Industrial District perimeter adjacent to a Residentially zoned district. No encroachments of this setback are permitted.

Recommendation #3: Amend Section 6.9 by adding a new subsection (G)

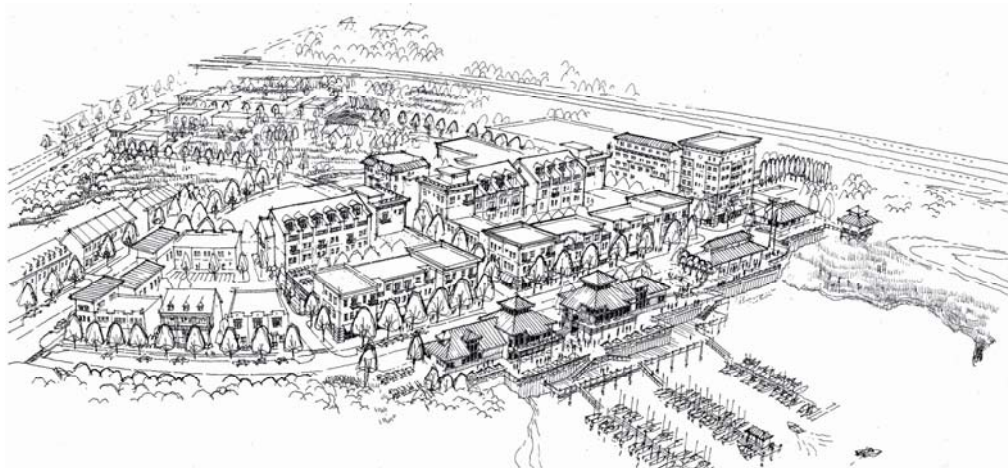
G. Buffer Strips for Industrial Property abutting Residentially-Zoned Property

1. **Minimum Width:** 50 feet
2. **Minimum Height & Opacity:** Ground to 8 feet – *Opaque Screen*
8-30 feet – *Intermittent Visual Obstruction*
3. **Maximum Horizontal Openings:** 10 feet – *Opaque Screen Areas*
20 feet – *Intermittent Visual Obstruction Areas*
4. **Performance Standard:** A buffer which is fifty (50) feet in width and contains screening materials which at maturity provides opacity from the ground to a height of eight (8) feet, and intermittent visual obstruction from a height of eight (8) height up to a height of thirty (30) feet. Vegetative screening materials within intermittent visual obstruction areas shall contain horizontal openings no greater than ten (10) feet in width; Vegetative screening materials within semi-opaque areas shall contain no horizontal openings greater than ten (10) feet in width upon the plants' maturity. A masonry wall may be used in lieu of a vegetative screen.



4.0 CENTRAL BUSINESS DISTRICT

The current “old downtown” area is an agglomeration of vacant and underutilized sites left over from when the Main Street was US 17. The Master Plan as indicated in the drawing below envisions a complete redevelopment of the entire area as a mixed-use, pedestrian-friendly, riverfront village.



4.1 Current Standards:

Some thought has been placed in crafting the existing standards of the CBD – Central Business District. The form-based standards are fashioned on other ordinances adopted throughout the state. Setbacks have been reduced and aesthetic regulations are included. These standards need some modification as well additional clarification, but otherwise serve as a strong base.

In addition, the entire ordinance’s variance procedure is outlined in this section (subsection D). This should be placed towards the back of the ordinance with the other administration sections.

In addition:

- Article 7, Table of Permitted Uses, specifically excludes the following use which may be otherwise appropriate for a riverfront village: Banks & Financial Institutions, Department Stores(not sure how this is defined), Health Spas/Clubs, Assembly Halls, Boat Launching Ramp/Dock/Pier (Public), Child Care Facility, Commercial Recreation Facilities (definition?), Swimming Pools-Public/Commercial (would this exclude a pool for an apartment/condo complex?), Duplexes, Triplexes, Multi-Family, and Marina-Residential. Condominiums and Townhomes are permitted only subject to the issuance of a Special Use Permit though there are no additional use standards by which these can be evaluated.
- Article 9, Planned Building Group Regulations, establishes requirements for developments where more than one building is contemplated including any apartment or condominium buildings. Section 9.1 requires for a minimum of 30 feet between buildings which would preclude good village-style development. The parking ratio in Section 9.4 requires 5 spaces per 1000 square feet. This is excessive by today’s standards (even for highway commercial development) and also does not include provisions for

shared use parking. This standard is replicated in Article 11, Off-Street Parking. Lastly, under Placement of Buildings, #1, the standard for separation of buildings is that they be located “no closer than a distance equal to the height of the taller building”.

- Article 12, Sign Regulations, permits both wall signs as well as freestanding signs for each lot. Each freestanding sign is permitted to a maximum height of 45 feet.
- Lastly, like the discussion of streets in Section 2.0 above, the current NCDOT Street Standards are insufficient to accommodate slow speed, pedestrian-friendly streets with on-street parking.

4.2 Recommendations:

The Central Business District as envisioned is a urban village modeled after downtown Wilmington, its larger sister across the rivers. In order to achieve the level of urbanism needed to create a truly pedestrian-friendly environment as well offset the redevelopment and acquisition costs necessary, the codes will need to encourage and/or require (as appropriate) new standards that create compact development that prioritizes the pedestrian over the automobile.

Recommendation #4: Add the following uses to the Table of Permitted Uses in Article 7:

Add the following uses to the CBD Districts as uses permitted by right:

Banks & Financial Institutions
Department Stores
Health Spas/Clubs
Assembly Halls
Boat Launching Ramp/Dock/Pier
Child Care Facility
Commercial Recreation Facilities
Swimming Pools-Public/Commercial
Duplexes
Triplexes
Multi-Family
Marina-Residential
Condominiums
Townhomes
Live Work Units

Recommendation #5: Remove the Standards for CBD from Article 5 and Replace with a new Article 6 inserted as follows:

ARTICLE 6. CENTRAL BUSINESS DISTRICT

The CBD District is established subject to the approval of a Conditional District Rezoning and shall be processed pursuant to the requirements of Article 18. These regulations supercede all other regulations of this Ordinance.

6.1 GENERAL LOT STANDARDS

- A. Lot Frontage:** All lots shall front a street, square or common open space. (Exception: Buildings which are interior to a site that has buildings that otherwise meet the frontage requirement).
- B. Corner Lots:** Buildings located at street intersections must place the main building, or part of the building, at the corner.
- C. Setbacks:** Front and side setbacks shall be consistent with those of surrounding buildings. Buildings on infill lots should generally setback a distance equal to an average of buildings on either side of the proposed development on the same side of the street. A building may be set back to create an “outdoor room” where the building serves as a termination of a pedestrian street.
- D. Adjacent Lots:** For similarly used properties, the grade of adjacent lots should match where the properties meet. If there is a significant grade difference, development should create an attractive transition using creative grading and landscaping or a decorative retaining wall, incorporating vehicular and pedestrian cross-access. Avoid using a blank or unscreened concrete retaining wall or rock covered slope.

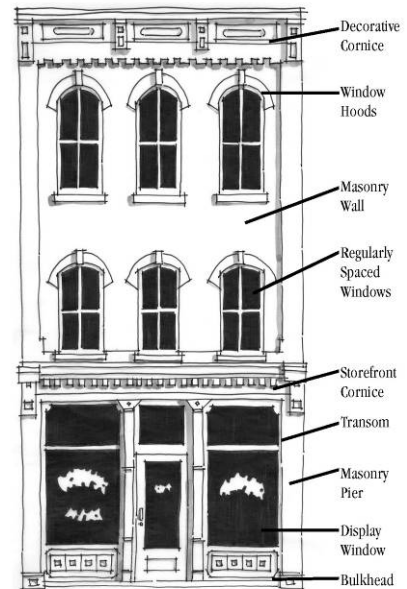
6.2 BUILDING DESIGN STANDARDS

A. General Building Design Standards

- 1. Building Entrance:** A primary entrance facade shall be oriented toward the street, be designed for the pedestrian, and be distinguishable from the rest of the building. Such entrances shall be designed to convey their prominence on the fronting façade. Use building massing, special architectural features, and changes in the roof line to emphasize building entrances. Additional entrances may be oriented toward side or rear parking lots. Service entrances for shipping and receiving shall be oriented away from the public street.
- 2. Architectural Style:** The building design standards of this Chapter intentionally do not mandate a particular style and permit a wide variety of architectural expressions. However, when a design exhibits a known architectural style (i.e. Italianate) the details shall be consistent with that

style unless the local architectural vernacular of the Wilmington region provides an alternate precedent for a detail or element.

3. **Termination of Vistas:** Important street vistas (such as along gateways and primary pedestrian streets) should terminate in a focal point, such as a building or other architectural or landscape feature.
4. **Compatibility:** Adjacent buildings should relate in similarity of scale, bulk, height, architectural style, and/or configuration.
5. **Proportions:** Windows, doors, columns, eaves, parapets, and other building components shall be proportional to the overall scale of the building. Windows shall be vertically proportioned wherever possible.
6. **Wall Materials:** When two or more materials are used on a façade, the heavier material (i.e. brick) should be placed below the lighter material (i.e. siding) to give the sense of support and grounding.
7. **Roof Pitch:** Roof pitches less than 3/12 and flat roofs will require a parapet wall. A pitched roof shall be profiled by eaves a minimum of 6 inches from the building face or with a gutter.
8. **Façade Treatment:** Architectural elements like windows and doors, bulkheads, masonry piers, transoms, cornice lines, window hoods, awnings, canopies, and other similar details shall be used on all facades facing public rights-of-way.
9. **Building Wall Offsets:** Building wall offsets, including projections, recesses, and changes in floor level shall be used in order to: add architectural interest and variety; relieve the visual effect of a single, long wall; and subdivide the wall into human size proportions. Similarly, roofline offsets should be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.



E. Building Types

The building types outlined in this Section will provide the predominant form for new CBD development. While it is expected that some new building types will be introduced in this district, these variations should be based upon the types listed in this section. Innovative planning or design ideas for development where the proposed building types are different than those allowed in the CBD district may be approved subject to review by the Planning Board.

| I. Civic Buildings | |
|---|--|
| A. Building Type Defined | The Civic Building type includes public buildings such as libraries, semi-public buildings such as museums, and private buildings such as churches. |
| B. General Standards | <p>I. Because of the unique characteristics of the Civic Building, it is generally exempt from the standards imposed on other buildings in this Section with the following exceptions:</p> <ul style="list-style-type: none"> ▪ They should be sited to terminate a street vista whenever possible. ▪ They should be of sufficient design to create visual anchors for the district. |
| C. Façade | Not applicable |
| D. Roof | Not applicable |
| E. Dimensional Standards | |
| 1. Front Setback (<i>Minimum</i>) | 0 ft |
| 2. Front Setback (<i>Minimum</i>) | 0 ft |
| 3. Front Setback (<i>Maximum</i>) | n/a |
| 4. Front Yard Encroachment ² | 10 ft |
| 5. Side Setback (<i>Minimum</i>) | 10 ft between buildings |
| 6. Rear Setback (<i>Minimum</i>) | 30 ft |
| 7. Rear Setback from Alley ³ (<i>Minimum</i>) | n/a |
| 8. Accessory Structure Side/Rear Setback (<i>Minimum</i>) | 5 ft |

¹ For lots less than 60 feet wide and multi-family uses, alley/rear lane access to all off-street parking areas is required. For lots greater than 60 feet wide, access to off-street parking is permitted from the fronting street or rear lane/alley.

² Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback.

³ For lots that provide access to off-street parking from a rear lane/alley

| | 2. Detached House | 3. Townhouse | 4. Flat/Loft Building |
|----------------------------------|---|--|--|
| A. Building Type Defined | The House has four yards (Front/Sides/ Rear) though variations include setting the building on one of the side property lines to create a larger side yard on the opposite side (i.e. Charleston Single). The House is flexible in use, accommodating single family uses, multi-family uses up to four units, home occupations, professional offices, and limited retail uses. There are two House types — with Alley or with Driveway — based on how the lot is accessed with an automobile. In general, within a block, building types should be uniform in their use of driveways or alleys. | The Townhouse typically has 1 yard (Rear) though variations include a small front setback to provide some landscaping. The townhouse is a building with two or more residential units that are located side-by-side. When an entrance is provided at-grade, the townhouse may be used as a live-work unit. The use permitted within the building is determined by the approved site plan. | The Apartment Building typically has 1 yard (Rear) though variations include a small front setback to provide landscaping. A multiple-unit building with units vertically arranged (generally) and with parking located below or behind the building. Units may be for rental or for sale in condominium ownership or may be designed as continuing care facilities. The ground floor may be available for commercial uses. The uses permitted within the building are determined by the approved site plan. |
| B. Ground Level Treatment | <ol style="list-style-type: none"> 1. Raised Entries: To provide privacy, all residential entrances within 15 of the sidewalk shall be raised from the finished grade (at the building line) a minimum of 1½ feet. 2. Porches: Useable porches and stoops should form a predominate motif of the building design and be located on the front and/or side of the building. Useable front porches are at least 8 feet deep and twelve (12) feet in width. 3. Crawlspace: The crawlspace of buildings shall be enclosed. | | |
| C. Façade | Not applicable | I. Detailed Design: All building elevations visible from the street shall provide doors, porches, balconies, and/or windows. A minimum of 50% of front elevations, and a minimum of 30% of side and rear building elevations, as applicable, shall meet this standard. “Percent of elevation” is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. This standard applies to each full and partial building story. | |
| D. Roof and Eaves | <ol style="list-style-type: none"> 1. Main roofs on residential buildings shall have a pitch between 8:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch roof shall have a pitch less than 4:12. 2. Overhanging eaves may expose rafters. Flush eaves shall be finished by profiled molding or gutters. 3. All rooftop equipment shall be screened from view. | | |

| | 2. Detached House | 3. Townhouse | 4. Flat/Loft Building |
|---|--|---|--|
| E. Garage | <ol style="list-style-type: none"> 1. Garage doors are not permitted on the front elevation of any detached house on a lot less than 60 feet wide. 2. Garages with front loading bays shall be recessed from the front facade of the house by a minimum of five (5) feet and visually designed to form a secondary building volume. Garage doors shall be a minimum of twenty (20) feet from the back of sidewalk. 3. At no time shall the width of an attached garage exceed 40% of the total building facade. | <ol style="list-style-type: none"> 1. Garage doors are not permitted on the front elevation. | |
| F. Materials | <ol style="list-style-type: none"> 1. Building Walls: Residential building walls shall be primarily clad in wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, stucco, vinyl, or synthetic materials similar and/or superior in appearance and durability. 2. Roof Materials: Residential roofs shall be clad in wood shingles, standing seam metal, terne, slate, dimensional asphalt shingles or synthetic materials similar and/or superior in appearance and durability. | | |
| G. Dimensional Standards | | | |
| 1. Building Height (Maximum) | 3 stories | 3 stories | 4 stories (6 stories with Board Approval) |
| 2. Front Setback (Minimum) | 10 ft ² | 0 ft ² | 0 ft ² |
| 3. Front Setback (Maximum) | n/a | 8 ft ⁴ | 8 ft ⁴ |
| 4. Side Setback (Minimum) | 20% of lot width ⁵ | 10 ft between buildings | 10 ft between buildings |
| 5. Rear Setback (Minimum) | 15 ft from centerline | 15 ft from centerline | 15 ft from centerline |
| 6. Rear Setback from Alley³ (Minimum) | 5 ft | 5 ft | 5 ft |

¹ For lots less than 60 feet wide and multi-family uses, alley/rear lane access to all off-street parking areas is required. For lots greater than 60 feet wide, access to off-street parking is permitted from the fronting street or rear lane/alley.

² Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback.

³ For lots that provide access to off-street parking from a rear lane/alley

⁴ Upper story balconies may encroach into the right-of-way (over sidewalk only) with permission from the Town.

⁵ In new developments, the entire setback may be allocated to one side with a minimum of 6 feet of total building separation, providing the setback condition is consistent with the block

5. Mixed-Use Building

| | |
|---------------------------------------|--|
| A. Building Type Defined | A multi-story small scale structure which can accommodate a variety of uses. A group of mixed-use buildings can be combined to form a mixed-use neighborhood center. Individual mixed-use buildings can be used to provide some commercial service, such as a neighborhood store, in close proximity to homes. The Mixed-Use Building typically has 1 yard (Rear) though variations include a small front plaza or courtyard to provide public space for outdoor seating as well as a building with complete lot coverage where an alternative to on-site surface parking is provided. |
| B. Ground Level Treatment | <ol style="list-style-type: none"> 1. Street Walls: The first floors of all commercial buildings shall be designed to encourage and complement pedestrian-style interest and activity by incorporating the following elements: 2. Canopies/Awnings: A building canopy, awning, or similar weather protection may be provided and should project a minimum of 3-5 feet from the façade. 3. Blank Walls: Expanses of blank walls may not exceed 20 feet in length. (A "blank wall" is a façade that does not contain transparent windows or doors.) 4. Ventilation grates or emergency exit doors located at the first floor level in the building façade, which are oriented to any public street, shall be decorative. |
| C. Fenestration | <ol style="list-style-type: none"> 1. Windows and Doors: The first floor of all buildings fronting directly on a street shall include transparent windows and doors arranged so that the uses inside are visible from and/or accessible to the street on at least 60% of the length of the first floor building elevation along the first floor street frontage. 2. Building Entrances: A primary entrance façade shall be oriented toward the street, be designed for the pedestrian, and be distinguishable from the rest of the building. Such entrances shall provide a sense of entry and add variety to the streetscape. Additional entrances may be oriented toward side or rear parking lots. Service entrances for shipping and receiving shall be oriented away from the public street. 3. Window dimensions: Maximum Sill Height (1st Floor): 42 inches (as measured from the finished floor elevation) Minimum Area: 16 sq ft Minimum Width: 3 feet Minimum Height: 4 feet |
| D. Materials | <ol style="list-style-type: none"> 1. Building Walls: Mixed-use building walls shall be brick, stone, cementitious fiber board, or wood clapboard. Regular or decorative concrete block and EIFS-type stucco may be used on building walls not visible from a public street or as an accent material only. All accessory buildings shall be clad in materials similar in appearance to the principal structure. |
| F. Dimensional Standards | |
| 1. Building Height (<i>Minimum</i>) | 2 Stories (Exception: 1 Story for Waterfront Buildings) |
| 2. Building Height (<i>Maximum</i>) | 4 Stories (6 Stories with Town Board approval) |
| 2. Front Setback (<i>Minimum</i>) | 0 ft ¹ |
| 4. Front Setback (<i>Maximum</i>) | 8 ft |
| 6. Side/Rear Setback | 0 ft |

¹ Upper story balconies may encroach into the right-of-way (over sidewalk only) with permission from the Town.

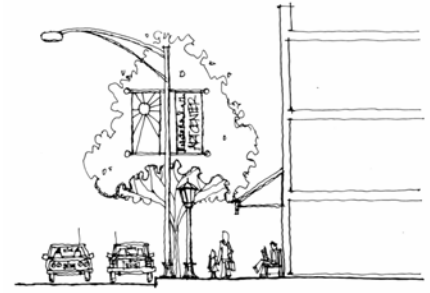
6.3 STREETS

Streets in the CBD district should permit the comfortable use of the street by motorists, cyclists, and pedestrians. Pavement widths, design speeds, and the number of vehicle lanes should be minimized without compromising safety. The specific design of any given street must consider the buildings which front on the street and the relationship of the street to the Town's street network.

A. Streetscape Design

All new development or expansions to existing development shall be required to build or upgrade their street frontage in accordance with the following standards:

1. **On-Street Parking:** All on-street parking should be parallel. Angle parking is permitted in front of high traffic retail locations and where the posted speed is 20 mph or less.
2. **Curb-Return Radii:** Curb radii shall be designed to reduce pedestrian crossing times along all streets requiring sidewalks. In general, curb radii should not exceed 20 feet.
3. **Curbs and Drainage:** Standard curbing is required along all streets with on-street parking. Mountable curbing is permitted around center medians, roundabouts, and other features in order to facilitate the infrequent use by vehicles with larger turning radii. All drainage grates, if provided, must be safe for bicyclists (grating must be perpendicular or diagonal to the street centerline).
4. **Traffic Calming:** The use of traffic calming devices such as raised intersections, landscaping bulb-outs, horizontal speed bumps, and traffic circles are encouraged as alternatives to conventional traffic control measures.
5. **Street Trees/Planting Strips:** Street trees shall be planted between the street and the sidewalk for all new development. Trees shall be planted in planting strips or in tree wells with tree grates located between the curb and the sidewalk
 - a. Shade trees shall be installed at a minimum average distance of 40 feet on-center. Where overhead utilities exist prior to development, ornamental trees shall be substituted.
 - b. Planting strips shall have minimum width of six (6) feet.



A typical mixed-use streetscape in a commercial area with on-street parking, lighting, street trees, seating, and sidewalks.

- c. Trees shall be planted in tree wells with tree grates in areas of mixed-use development where street frontages contain ground floor retail uses and on-street parking.
 - d. A consistent variety and species of street trees shall be maintained by street, but adjacent streets shall use different species for variety and as a precaution against blight.
6. **Sidewalks:** Sidewalks shall be constructed along both sides of all streets.
- a. All proposed sidewalks shall be included on the Master Plan at the time of rezoning.
 - b. Residential sidewalks shall be a minimum of 5 feet in width.
 - d. Sidewalks serving mixed-use and commercial areas shall be a minimum of 8 feet in width, and there should be a minimum of 12 feet in front of retail uses. Sidewalks located in a mixed-use area may extend from the back of curb to the buildings and/or plaza areas.
7. **Outdoor Seating:** Where uses such as outdoor seating for cafés and restaurants use the public sidewalk, there shall be a minimum of 4 feet of clearance for adequate passing distance by pedestrians.
8. **Street Lighting:** Street furnishings in residential and retail areas shall include pedestrian-scale, decorative street lights no taller than 20 ft.
9. **Underground Utilities:** Underground utilities (and associate pedestals, cabinets, junction boxes and transformers) shall be located in alleys, where possible. To reduce the visual impact of overhead wiring, utility services shall be located underground.



Typical sidewalks in mixed-use commercial areas should be 12-16 feet wide to encourage outdoor seating while providing adequate passing clearance

6.4 Open Space

- A. **Location:** The design and location of public open space on a site is perhaps the most important determinant in a successful pedestrian environment. To ensure that public open space is well-used, it is essential to locate and design it carefully.

- Public open space should be fronted by streets and buildings to encourage their use and patrol their safety.
- The space should be located where it is visible and easily accessible from homes and public areas (building entrances, streets, sidewalks). No residential unit shall be more than 1000 feet from any dedicated open space.
- Take views and sun exposure into account in design and location.
- The space should be well-buffered from moving cars so that users can enjoy and relax in the space.
- The space may be visible from streets or internal drives but should not be wholly exposed to them.
- Partially enclose the space with building walls, freestanding walls, landscaping, raised planters, or on-street parking to help buffer it and create comfortable "outdoor rooms".



Public open space may be raised from the street grade and/or have on-street parking along its perimeter to help define its edges



An "outdoor room" is created by surrounding an open plaza or greenspace with buildings.

B. Public Seating: Publicly accessible places to sit in the public realm are important not only as basic amenities, but also in encouraging casual social interaction. Seating can be both formal and informal, including both park benches on the tops of garden walls or monumental stairs at the entrance to public buildings. Planter walls should be set at a maximum height of 2½ feet to allow for their use as seating. Moveable chairs and sidewalk cafes are strongly encouraged in public open spaces in the T-4 through T-6 zones.

C. Minimum Amenities:

The following requirements apply to squares, plazas and other urban open spaces in the CBD:

- 1 tree (3 inch caliper minimum measured 6" above the ground at installation) to be planted in at least 350 square feet of soil for every 1,000 square feet of provided open space.
- A minimum of 25 linear feet of seating should be provided for every 1,000 square feet of open space. Seating should be more than 12 inches and less than 30 inches in height and not less than 16 inches in depth. Seating more than 28 inches in depth and accessible from two sides should count double. Moveable chairs are encouraged and each count as 2 ½ linear feet of suggested seating.
- At least half of the open space should be at street level.
- Playground equipment, statues, and fountains, if provided, should be located toward the interior of squares and parks.
- One water tap for each 5,000 square feet of each landscaped open space.
- One garbage receptacle for each 5,000 square feet of each physically separated open space.

6.5 Parking

- A. Parking Master Plan:** A parking master plan showing the proposed parking, including bicycle parking, for the overall development shall be approved at the time of rezoning.
- B. Parking Requirements:** All uses in CBD District shall provide the following minimum off-street parking spaces:
- Retail/Office: 3 spaces per 1000 square feet
 - Restaurant: 1 space per 4 seats
 - Residential: 1.5 spaces per unit
- C. On-Street Parking:** On-street parking is required where a particular land use will generate regular guest or customer parking use. Occasional on-street parking (such as within a single family area) can be accommodated without additional pavement width or delineation. On-street parking shall count toward any minimum parking requirements.
- D. Location of Off-Street Parking Areas:**
1. Parking lots should be located to the side or behind buildings or in the interior of a block whenever possible.
 2. Parking areas in the side yards shall be located a minimum of 10 feet behind the frontage line of the building.
 3. No off-street parking shall be located within any front yard except for single family residential uses or existing buildings not serviced by a rear alley.
 4. All off-street parking spaces for multi-family buildings shall be in the rear yard only and access to any garages shall be from the rear.
 5. Primary parking lots (over 24 spaces) and parking garages shall not:
 - abut street intersections;
 - be located adjacent to squares or parks; or,
 - occupy lots which terminate a street vista
- E. Interconnected Parking Lots:** Adjacent parking lots shall be interconnected, except in the case of existing steep topography between sites, and/or shall have vehicular connections from an alley, where provided.

F. Bicycle Parking:

Bicycle parking is required for each building based on the use of the building and the percentage of motor vehicle parking provided for each use, as indicated in the table below. Bicycle parking is not required for single family houses, townhouses, and apartments of less than 4 units per building. Where fewer than 2 spaces are required, at least two bicycle parking spaces or one rack must be provided.

| Use Type | Required Bicycle Parking Spaces per 100 Auto Spaces |
|--|---|
| Multi-family Residential (4 or more units/building only) Office/Business Services Retail Trade (except Lodging) Institutional/Civic (Non-Assembly Uses) | 5 |
| Lodging Wholesale/Manufacturing/Industrial Institutional/Civic (Assembly Uses Only) | 2 |
| Institutional/Civic (Schools) | 10 |

1. An “Inverted U” or other bicycle parking rack that supports the bicycle at two points on the bicycle frame is the minimum standard for fulfillment of the bicycle parking standards. A single inverted U rack will count as two bicycle parking spaces. Long term bicycle parking, which protects the entire bicycle and its components from theft, vandalism, and weather (such as bike lockers, locked rooms) may be provided for use by employees and students and may count toward fulfillment of the bicycle parking requirements.



Example of an “Inverted U” bicycle rack. This rack will hold two bikes.

2. Bicycle racks should be located no closer than three feet from any wall to provide adequate space for access and maneuvering.
3. Bicycle parking for customers and visitors should be placed along a major building approach line and clearly visible from the approach and no more than 50 feet from building entrances or no further than the closest motor vehicle parking space, whichever is less. Rack placement should allow for visual monitoring by people within the building and/or people entering the building.
4. Uses with several major, actively used entrances shall locate a portion of the required bicycle parking at each entrance.

G. Parking Area Landscaping:

1. **Required Plantings:** One (1) Shade Tree and eight (8) shrubs per 10 parking spaces.

2. **Parking Area Screening:** All parking areas visible from the right-of-way should be screened from view. Parking areas located in the side yard shall have the portion of the lot that fronts the street screened up to a height of 3 feet using shrubs, brick walls (using brick that matches the adjacent building), wrought iron fencing, or any combination thereof. If landscaping is used, the minimum planting area width should not be less than 4 feet.

3. Parking Structures

a. **Liner Buildings Required:** The ground-level of a parking structure should be wrapped by retail, office or some other active use along at least the primary façade. All levels of a structured parking facility shall be designed and screened in such a way as to minimize visibility of parked cars.

b. **High-Quality Materials:** Along pedestrian-oriented streets, parking structure facades should be treated with high quality materials and given vertical articulation and emphasis compatible to the principal structure. The façade should be designed to visually screen cars. In no instance will rails or cabling alone be sufficient to meet this screening requirement.

c. **Clear Entries:** Pedestrian entries should be clearly visible. The vertical circulation should not be located in the center of the structure so that it is difficult or circuitous to locate.

d. **Vents and Utility Openings:** In addition to the above requirements, in the event that any openings for ventilation, service, or emergency access are located at the first floor level in the building façade, then they shall be an integral part of the overall building design. These openings as well as pedestrian and vehicular entrances shall be designed to minimize visibility of parked cars. The remainder of the street level frontage shall be either commercial space or an architecturally articulated façade designed to minimize the visibility of parked cars.

6.6 Utilities and Trash Containment

A. **Solid Waste Storage Areas:** All trash containment devices, including compactors and dumpsters, shall be located and designed so as not to be visible from the view of nearby streets and properties. Screening, where required, shall meet the requirements of Article 11. If the device is not visible off-site, then it need not be screened.

B. **Mechanical and Utility Equipment:** Mechanical and utility equipment shall be screened from view from nearby streets and properties in the same manner as trash containment areas. Ground mounted equipment shall be located in the rear or side yard and screened. Such equipment located on the roof of the building shall also be made invisible from nearby streets and properties through the use of setbacks from the edge of the roof or through the use of a screen exceeding the height of

the equipment and using building materials and design which are compatible with those used for the exterior of the building. If the equipment is not visible off-site, then it need not be screened. The type of screening used shall be determined based on the proposed location of the equipment, existing site conditions, and the type and amount of existing and proposed vegetation on the site.

6.7 Signage

| | Permitted Sign Type(s) | Specific Applicability | Maximum Area | Maximum Height | Maximum Number |
|------------------|---------------------------|---|---|----------------|----------------|
| Building Mounted | Wall ^{1&2} | Front Facades | 1 sq ft for each linear foot of wall frontage <u>or</u> 5% of wall whichever is greater | n/a | n/a |
| | Wall ² | All other facades | 5% of wall | n/a | n/a |
| | Window | Businesses (excluding Home Occupations). | 15 % of window and/or door area | n/a | n/a |
| | Projecting ^{3,4} | Businesses (excluding Home Occupations). | 9 sq ft (total of 18 sq ft) | 6 ft | 1 |
| | Arm ^{3,4} | Businesses (excluding Home Occupations). | 5 sq ft (total of 10 sq ft) | 16" | 1 |
| | Awning ^{3,4} | Businesses (excluding Home Occupations). | Copy Area of the sign is limited to the drip flap. | --- | 1 |
| | I.D. Plaques | Identifies tenants in a building. | 4 sq ft | n/a | 1 |
| Free Standing | Monument ⁵ | Civic Buildings Buildings with a setback greater than 30'. | 16 sq ft (total of 32 sq ft) | 5 ft | 1 |
| | Post and Arm ⁵ | Home Occupation | 4 sq ft | 5 | 1 |

¹ Combined square footage of all signs shall not exceed 100 square feet.

² Wall Signs may project a maximum of 12" from the wall to which it is mounted.

³ Sign may not protrude above soffit, parapet, or eave line of the building to which it is attached.

⁴ Minimum 8 feet above ground; no portion of the sign may extend within 3 feet of street pavement.

⁵ Sign must be placed no closer than 10 ft from back of curb/pavement.