



VISION LONG ISLAND

VILLAGE OF FARMINGDALE VISIONING RECOMMENDATIONS

VII. SECTION VII: CASE EXAMPLES

Burlington Zoning Ordinance

Article 14: Inclusionary Zoning/Density Bonus

TABLE SUMMARY

[Table 14-A](#) Inclusionary Zoning Percentages

[Table 14-B](#) Density Bonus

[Table 14-C](#) Lot Coverage Bonus

Sec. 14.1.1 Intent. The intent of these regulations is:

1. To meet the specific mandates of *24 V.S.A. Section 4302* related to housing opportunities for all of Vermont's citizens, particularly for those citizens of low or moderate income;
2. To mitigate the impact of market rate housing construction on the limited supply of available land suitable for housing, thus preventing the city's zoning ordinances which allow residential development from having the effect of excluding housing that meets the needs of all economic groups within the municipality; and
3. To prevent overcrowding and deterioration of the limited supply of affordable housing, and thereby promote the public health, safety and general welfare.

Sec. 14.1.2 Authority. These regulations are enacted under the authority of *24 V.S.A. Sec. 4406(4)(B)*.

Sec. 14.1.3 Applicability. Except as otherwise provided in this ordinance, these regulations shall apply only to permit requests including:

1. The creation of five (5) or more dwelling units through new construction and/or substantial rehabilitation of existing structures; or
2. The creation of ten (10) or more dwelling units through adaptive reuse or conversion of a nonresidential use to residential use.

Multiple developments or projects by the same applicant or responsible party within any consecutive twelve (12) month period that in the aggregate equal or exceed the above criteria shall be subject to these regulations.

Any project meeting the criteria of this section shall be deemed a covered project.

Sec. 14.1.4 Certificate of Inclusionary Housing Compliance. Notwithstanding any other provision of this ordinance, no conditional use approval, change of use, subdivision approval, building permit or occupancy permit shall be granted for a covered project unless a certificate of inclusionary housing compliance has been issued by the Housing Trust Fund.

Sec. 14.1.5 Conditional Use Approval. A covered project, except subdivisions approved by the development review board, is permitted only upon receipt of conditional use approval of the board.

Sec. 14.1.6 Percentage of Inclusionary Units. All covered projects shall meet the percentage requirements for inclusionary units as specified in [Sec. 14.1.7](#) and [Sec. 14.1.8](#). The percentage of inclusionary units shall be calculated with a base number that includes any bonus units added to the covered project under [Sec. 14.1.14](#). Inclusionary units shall include those units in a covered project, which are regulated in terms of:

1. Selling price or rent level;
2. Marketing and initial occupancy; and
3. Continued requirements pertaining to re-sale or rent increases.

Sec. 14.1.7 Inclusionary Units (Rental). For projects where units are offered for rent, fifteen percent (15%) of all of the dwelling units in the project shall be designated as inclusionary units except that in any waterfront zoning district twenty-five percent (25%) of all the dwelling units in the project shall be designated as inclusionary units.

Sec. 14.1.8 Inclusionary Units (For Sale). For covered projects where units are offered for sale via the conveyance of a deed or share for individual units, inclusionary units shall be designated in accordance with the following table:

[| Table Summary |](#)

Table 14-A: Inclusionary Zoning Percentages		
If the average sale price of project units is affordable to household earning:	The percentage of units which are subject to rents and selling prices as per Sec. 14.1.10 and are subject to marketing and continued affordability provisions (Sec. 14.1.11 and Sec. 14.1.12) shall be:	The percentage of units which are subject to marketing and continued affordability provisions (Sec. 14.1.11 and Sec. 14.1.12) shall be:
Less than 80% of median	0%	15%

income		
80% - 99% of median income	10%	5%
100% - 139% of median income	15%	0%
140%-179% of median income	20%	0%
180% of median income and above	25%	0%

Sec. 14.1.9 General Requirements for Inclusionary Units. All covered projects must comply with the requirements set forth in subparagraphs (a) through (e) below.

1. In order to assure an adequate distribution of inclusionary units by household size, the bedroom mix of inclusionary units in any project shall be in the same ratio as the bedroom mix of the non-inclusionary units of the project, unless waived by the Housing Trust Fund or its designee;
2. Inclusionary units may differ from the market units in a covered project with regard to interior amenities and gross floor area; provided, that:
 1. These differences, excluding differences related to size differentials, are not apparent in the general exterior appearance of the project's units; and
 2. These differences do not include insulation, windows, heating systems, and other improvements related to the energy efficiency of the project's units; and
 3. The gross floor area of the inclusionary units is not less than the following minimum requirements, unless waived by the Housing Trust Fund or its designee:

One bedroom 750 square feet

Two bedroom 1,000 square feet

Three bedroom 1,100 square feet

Four bedroom 1,250 square feet

3. Priority in the sale or lease of inclusionary units will be given to households earning less than eighty percent (80%) of median income, adjusted for household

size and to households residing in Burlington at the time that these units are offered for sale or lease;

4. Except for household income limitations as set forth herein, occupancy of any inclusionary unit shall not be limited by any conditions that are not otherwise applicable to all units within the covered project; and
5. The final calculations for the number of inclusionary units and the rental or sales price for these units shall be made prior to the issuance of building permits for the covered project.

Sec. 14.1.10 Calculating Rents and Selling Prices. The following provision shall apply to the calculation of rents, selling prices and/or carrying charges of inclusionary units:

1. Inclusionary rental units shall be rented at a price which, on average, is affordable for a household with an annual income that is sixty-five percent (65%) of median income adjusted for household size;
2. Inclusionary units for sale shall be sold at a price which is affordable for a household with an annual income that is seventy-five percent (75%) median income adjusted for household size;
3. In calculating the rents or carrying charges of inclusionary units, the following relationship between unit size and household size shall apply:

Efficiency units:	1 person household
One-bedroom units:	1.5 person household (average of one and two-person household incomes)
Two-bedroom units:	3 person household
Three-bedroom units:	4.5 person household (average of four and five-person household incomes)
Four-bedroom units:	6 person household

4. With respect to inclusionary units offered for sale, prices will be calculated on the basis of:
 1. An available fixed-rate thirty-year mortgage, consistent with a "blended rate" for Burlington banks plus the Vermont Housing Finance Agency. A lower rate may be used in calculating affordable prices if the developer can guarantee the availability of a fixed-rate thirty-year mortgage at this lower rate from the Vermont Housing Finance Agency for all of the inclusionary units required for the covered project;
 2. A down payment of no more than ten percent (10%) of the purchase price;

3. A calculation of property taxes; and
4. A calculation of homeowner insurance or homeowner association fees. Homeowner association fees shall be calculated in the same manner as those calculated for the residents of market units in the same development.

Sec. 14.1.11 Marketing of Inclusionary Units. Any applicant developing a covered project shall adhere to the following provisions with respect to the initial offering of inclusionary units for sale or rental:

1. *Trust Fund Notification.* The developer shall notify the Housing Trust Fund, as defined in Section 14-400 of the Code of Ordinances, of the prospective availability of any inclusionary units at the time that the building permit is issued for such units in a covered project;
2. *Trust Fund Option.* The Housing Trust Fund shall then have an exclusive option for one hundred twenty (120) days to purchase each inclusionary unit offered for sale from the developer unless waived or assigned;
3. *Trust Fund Waiver.* If the Housing Trust Fund fails to exercise its option by failing to negotiate and sign a purchase and sale agreement for the inclusionary units, or if the Housing Trust Fund declares its intent not to exercise its option, the developer shall offer the units for purchase or rent to households earning less than median income, adjusted for household size. If requested by the developer, the Housing Trust Fund shall execute documents that may be recorded in the Burlington Land Records to evidence said waiver of the option;
4. *Time of Closing.* Closing on inclusionary units purchased by the Housing Trust Fund shall occur on or after the time of issuance of the certificate of occupancy. If the Housing Trust Fund fails to close on these inclusionary units, the developer shall offer the unit for purchase or rent to households earning less than median income, adjusted for household size; and
5. *Transfer of Option.* The Housing Trust Fund may assign its options under this section to any "designated housing agency," as defined by the provisions of Article 5 of Chapter 18 of the Burlington Code of Ordinances, in which event it shall notify the developer of the agency to which it has assigned the option, which agency shall deal directly with the developer, and shall have all of the authority of the Housing Trust Fund as provided under this section.

Sec. 14.1.12 Continued Affordability Requirements. All covered projects shall comply with the following provisions to ensure continued affordability of inclusionary units provided under this article and units required to be continually affordable under [Sec. 14.1.8](#).

1. *99-Year Requirement.* All inclusionary units shall remain affordable for a period of no less than ninety-nine (99) years commencing from the date of initial occupancy of the units. Where a developer can establish that regulatory or other

considerations make it impossible to provide the required inclusionary units if subject to the full extent of this requirement, the development review board, under the provisions of [Sec. 14.1.17](#), may modify the duration of the period of continued affordability only to the extent necessary to render the development feasible;

2. *Deed Restrictions.* Provisions to ensure continued affordability of inclusionary units shall be embodied in legally binding agreements and/or deed restrictions, which shall be prepared by the developer, but which shall not be recorded or filed until reviewed and approved by the Housing Trust Fund with such modifications as it may deem necessary to carry out the purpose of this article. Such review and approval shall be completed within forty-five (45) days following date of submission of such documents to the Housing Trust Fund. Failure of the Housing Trust Fund to respond within the forty-five (45) day period as set forth herein shall constitute approval of the documents;
3. *Resale Restrictions.* Provisions to ensure continued affordability of inclusionary units offered for sale shall include a formula for limiting equity appreciation to an amount not to exceed twenty-five percent (25%) of the increase in the inclusionary unit's value, as determined by the difference between fair market appraisal at the time of purchase of the property and a fair market appraisal at the time of resale, with such adjustments for improvements made by the seller and necessary costs of sale as may be approved by the Housing Trust Fund;
4. *Rent Increases.* Provisions for continued affordability of inclusionary rental units shall limit annual rent increases to the percentage increase in the median household income within the Burlington Metropolitan Statistical Area (MSA), except to the extent that further increases are made necessary by hardship or other unusual conditions, and shall provide that no rent increase may take effect until it has received the approval of the Housing Trust Fund in writing;
5. *Purchase Option.* Provisions for continued affordability of inclusionary units shall provide that the Housing Trust Fund or its designee shall have an exclusive option to purchase any inclusionary unit when it is offered for resale for a period of ninety (90) days from the date on which the Housing Trust Fund is notified of the availability of the unit; and
6. *Sublet Restrictions.* Provisions for continued affordability of inclusionary units shall prohibit subletting for a price exceeding that which is affordable for a household with an annual income that is seventy-five percent (75%) of median, consistent with the relationship between unit size and household size set forth in [Sec. 14.1.10\(c\)](#).

Sec. 14.1.13 Phasing of Inclusionary Units. Inclusionary units shall be made available for occupancy on approximately the same schedule as a covered project's market units, except that certificates of occupancy for the last ten percent (10%) of the market units shall be withheld until certificates of occupancy have been issued for all of the inclusionary units. A schedule setting forth the phasing of the total number of units in a

covered project, along with a schedule setting forth the phasing of the required inclusionary units, shall be established prior to the issuance of a building permit for any development subject to the provisions of this article.

Sec. 14.1.14 Density Bonus. All covered projects shall be entitled to a density increase in accordance with the provisions of this section.

1. Any covered project shall be entitled to an increase in the maximum coverage allowed for the site on which the project is located following the calculation of density, height, lot coverage, setbacks, and parking improvements for the site. Calculations for the density and/or lot coverage bonus will be based upon the following tables:

| [Table Summary](#) |

Table 14-B: Density Bonus		
Zoning District	Bonus	Maximum Dwelling Units/Acre with Bonus
RH, CBD, WFC-E	15%	46
WRM, RM, WFC-N, UC	20%	24
C, NC, GC	20%	30
RL, WRL	25%	5.5

| [Table Summary](#) |

Table 14-C: Lot Coverage Bonus		
Zoning District	Bonus	Maximum Lot Coverage with Bonus
RH, NC, C, GC	15%	92%
WRM	20%	72%
RM, UC	20%	48%
RL, WRL, WFC-N	25%	44%

2. Bonus units as provided for herein shall be accepted at the option of the applicant;
3. With the approval of the development review board, applying the conditional use criteria, bonus units added to a project as market rate units may be substituted by commercial or other nonresidential uses wherever such nonresidential uses are otherwise permitted in the district where the project is located. Approved substitution for nonresidential uses shall occur at the following rate:

1 market-rate dwelling unit = 1,500 square feet nonresidential space

4. All provisions of [Sec. 14.1.6 through 14.1.12](#) shall apply without exception to any inclusionary units that are added as bonus units; and
5. Bonus units as provided for herein may not be added to a covered project where a bonus for elderly housing or affordable housing has already been granted pursuant to another section of this ordinance.

Sec. 14.1.15 Off-Site-Option. The development review board at its sole discretion may allow any developer of a covered project that is not located within a waterfront zoning district to comply with the requirements of [Sec. 14.1.8](#) and [Sec. 14.1.9](#) by constructing inclusionary units on a site other than that on which the covered project is located, subject to the following conditions:

1. The number of inclusionary units to be provided by the developer or by the developer's designee through off-site development shall be no fewer than 1.25 times the number otherwise required by this article;
2. The bonus provisions of [Sec. 14.1.14](#) shall not be granted to the units constructed off-site; and
3. All of the provisions of [Sec. 14.1.5 through 14.1.7](#) shall apply without exception to off-site inclusionary units under the provisions of this section.

Sec. 14.1.16 Exemptions. Exempt from the requirements of this article are:

1. Projects that are located within a UC zoning district that are developed by an educational institution for the exclusive residential use and occupancy by that institution's students; and
2. Those dwelling units in a covered project that are produced as "replacement units," pursuant to [Article 15](#).

Sec. 14.1.17 Administrative Relief. The development review board may waive all or part of the inclusionary requirements of this article in the case of any covered project where the applicant can establish by clear and convincing financial data and other evidence relating to the character of the development or surroundings that the imposition of the requirements set forth in this article shall render the project unfeasible. A waiver

under this section shall only be granted to the extent necessary to relieve the hardship or difficulty that serves as the basis for the requested waiver.

Sec. 14.1.18 Certificate of Occupancy. No certificate of occupancy shall be issued for a covered project unless all inclusionary units within the covered project are eligible for a certificate of occupancy; except that with respect to covered projects to be constructed in phases, certificates of occupancy may be issued on a phased basis consistent with the provisions of [Sec. 14.1.13](#).

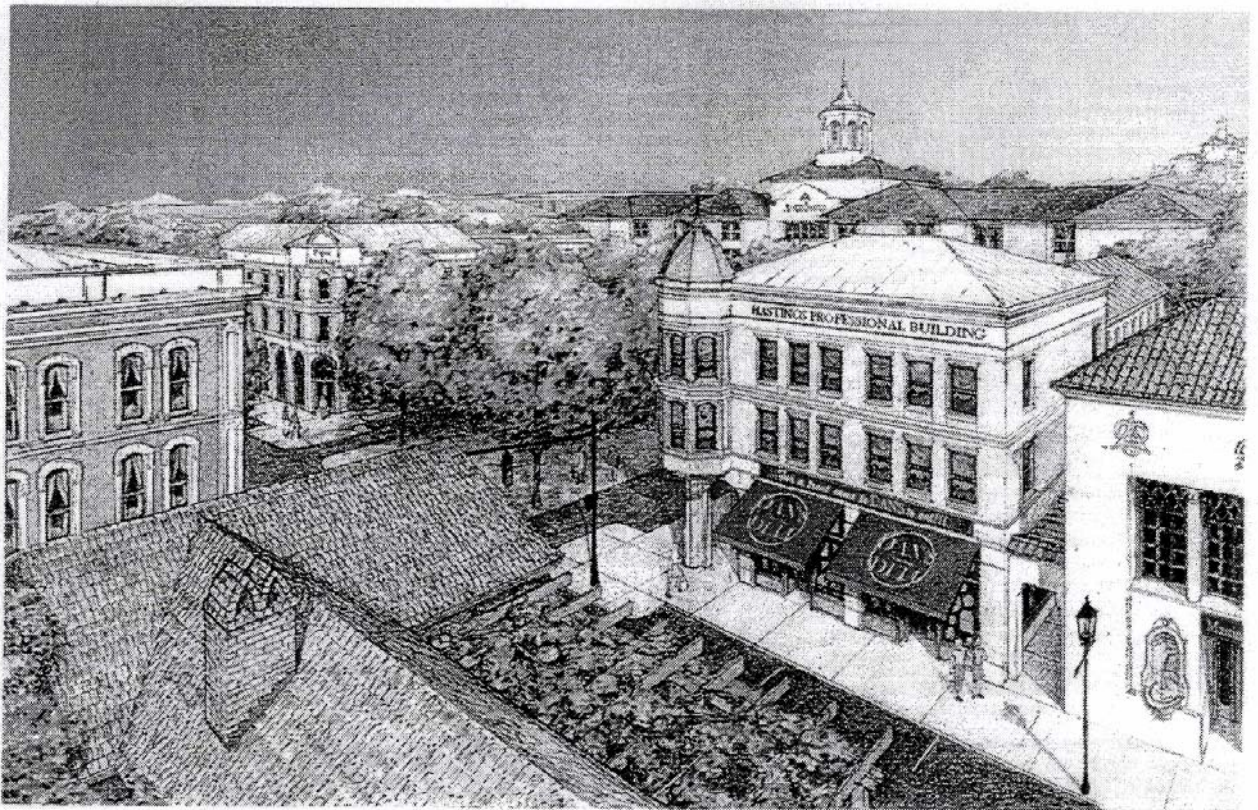
Sec. 14.1.19 Enforcement. Violations of this article shall be punishable as provided by [Article 19](#) of this ordinance and by Section 1-9 of the Code of Ordinances and Sections 49 and 54 of the City Charter.

Sec. 14.1.20 Administration. The Housing Trust Fund shall monitor activity under this article and shall provide a report no less than every two (2) years to the legislative body, setting forth its findings, conclusions and recommendations for changes that will render the program more effective. The report described above shall be presented to the legislative body at a public hearing legally warned.

| [Top](#) |

End of Article 14: Inclusionary Zoning/Density Bonus

REGULATING CODE *for the*



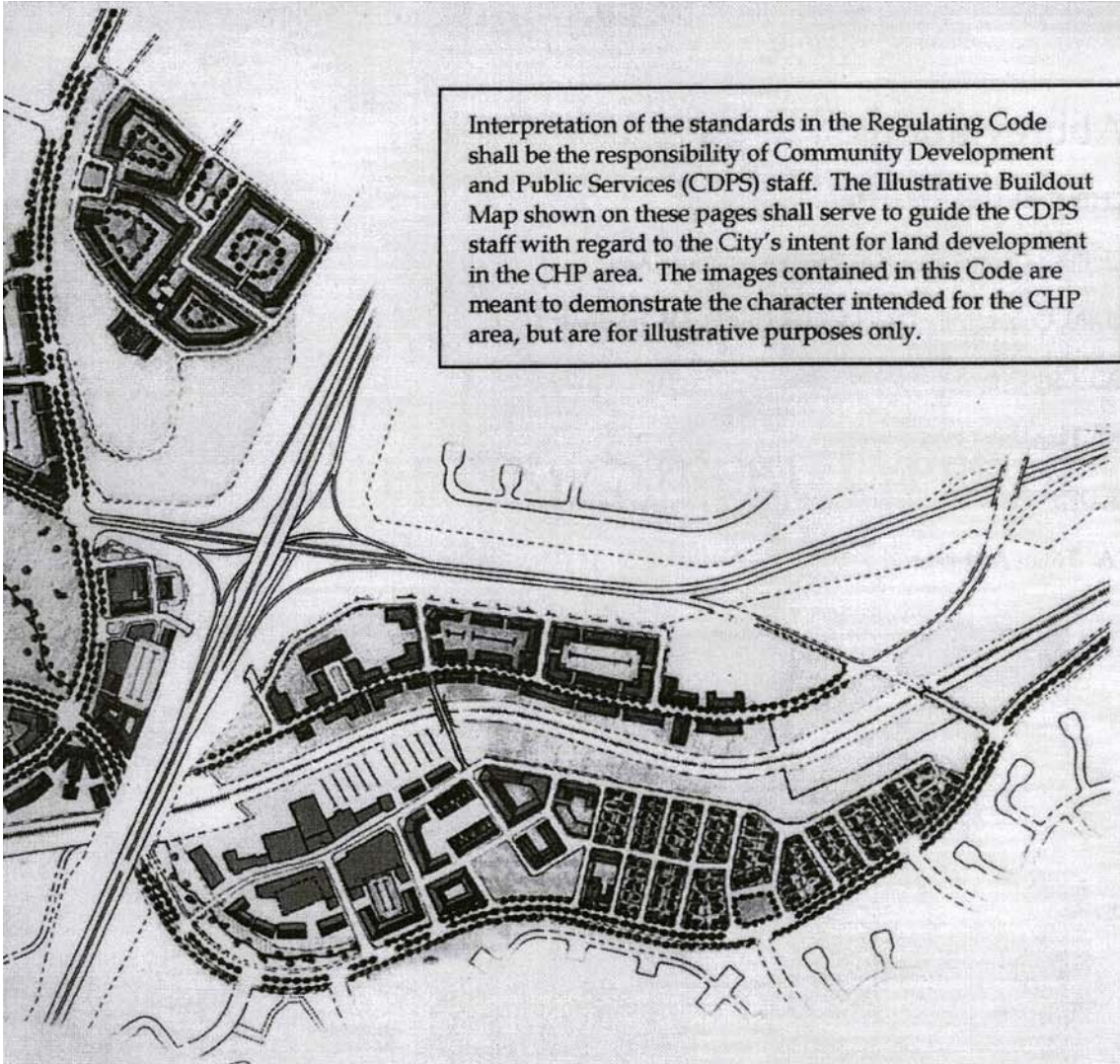
CENTRAL HERCULES PLAN

TABLE OF CONTENTS

I. Intent	I 1
How to Use this Code	I 2
Central Hercules Plan Boundary Map	I 2
Abbreviations.....	I 3
II. Palette of Street Types	II
Hierarchy of Street Types.....	II 1
Legend.....	II 2
a. Four Lane Avenue	II 3
b. Two Lane Avenue	II 4
c. Main Street	II 5
d. Town Center Street	II 6, 7
e. Neighborhood Street	II 8
f. Neighborhood Lane	II 9
g. Edge Drive - Two-way	II 10
h. Edge Drive - One-way	II 11
III. Projecting Facade Elements	III 1-3
IV. Architectural Regulations	IV 1-8
V. Allowed Use vs. Conditional Use Permit (CUP) Table.....	V 1-4
VI. General Provisions	VI 1-6
VII. Administration of the Regulating Code	VII
a. Submission Requirements	VII 1
b. Review Process	VII 1
c. Findings	VII 5
d. Specific Findings.....	VII 7
e. Standards / Criteria for Uses.....	VII 10
F. Application Review Table.....	VII 13
VIII. Definitions.....	VIII
IX. Additional References	IX

CHAPTER I

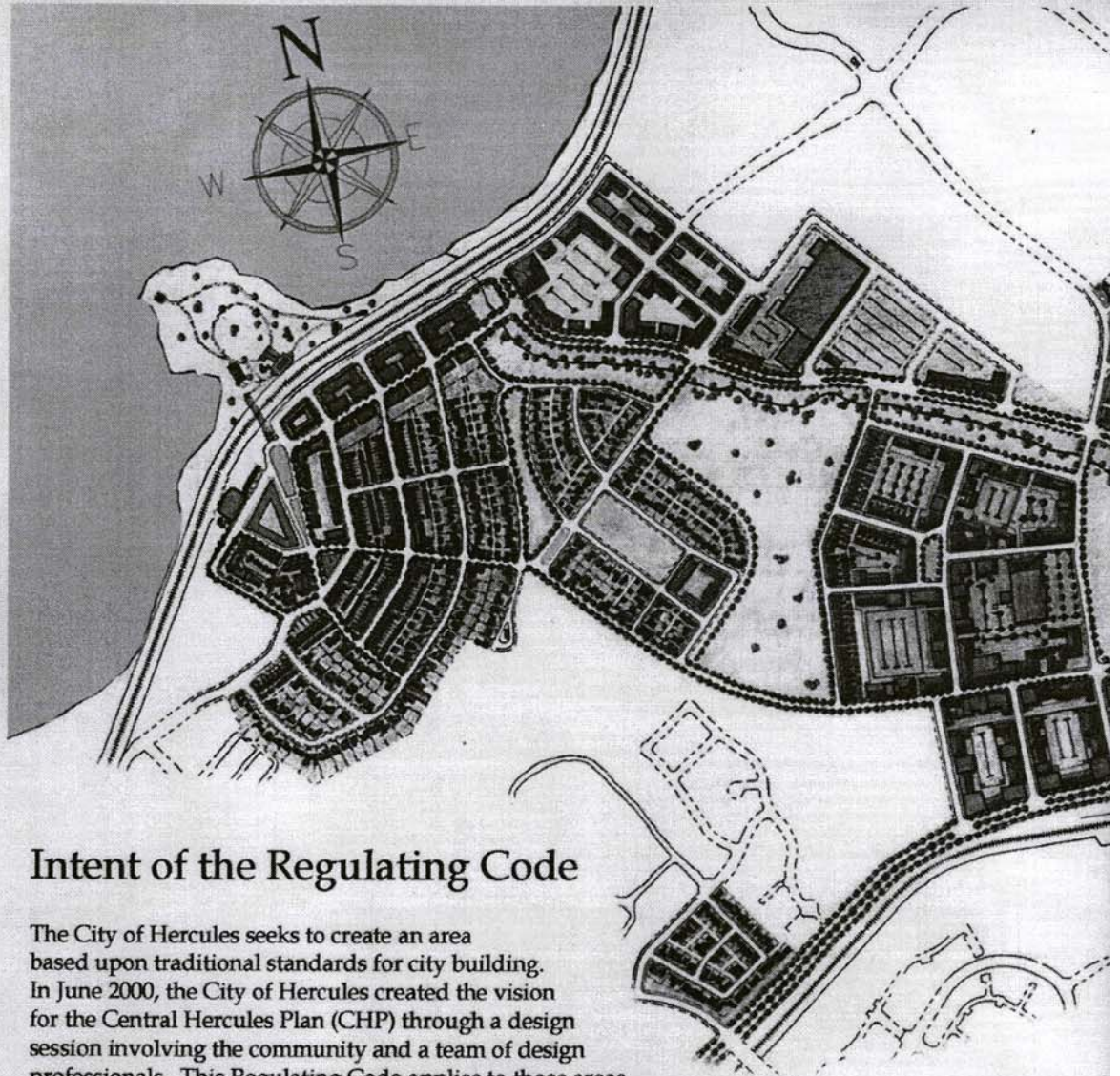
INTENT & USE *of this* CODE



Interpretation of the standards in the Regulating Code shall be the responsibility of Community Development and Public Services (CDPS) staff. The Illustrative Buildout Map shown on these pages shall serve to guide the CDPS staff with regard to the City's intent for land development in the CHP area. The images contained in this Code are meant to demonstrate the character intended for the CHP area, but are for illustrative purposes only.

How to Use the Regulating Code

1. Determine whether your use is permitted in the Central Hercules Plan area.
2. Determine whether your site falls within the Waterfront District, Central Quarter, Civic Center/Hospitality Corridor, or Hilltown.
3. Determine which Street Type your lot fronts. (If you have a corner lot, you must determine the primary space or street based on the hierarchy on page II-1). Review Chapter II for provisions about the Street Type that corresponds to the lot.
4. Review the Use Table (Chapter III) and the General Provisions (Chapter VI) which apply throughout the Central Hercules Plan area.
5. Review the Projecting Facade Elements and Architectural Regulations (Chapter IV) which contain specific rules for Buildings.



Intent of the Regulating Code

The City of Hercules seeks to create an area based upon traditional standards for city building. In June 2000, the City of Hercules created the vision for the Central Hercules Plan (CHP) through a design session involving the community and a team of design professionals. This Regulating Code applies to those areas delineated on the Central Hercules Plan as illustrated on pages I-1 & I-2. Traditional urban design conventions have been applied to create a palette of street types that form the four districts of the Central Hercules Plan area, the *Waterfront District*, the *Central Quarter*, the *Civic Center/Hospitality Corridor*, and the *Hilltown*. The Regulating Code is further divided into eight distinct street types: *Four Lane Avenue*, *Two Lane Avenue*, *Main Street*, *Town Center Street*, *Neighborhood Street*, *Neighborhood Lane*, *Two-way Edge Drive*, and *One-way Edge Drive*.

The Regulating Code shall not be pre-empted by any previously adopted local or state codes that regulate public health and safety such as the Uniform Building, Plumbing, Electrical, or Mechanical Codes. Should any conflict arise between the provisions of this Code and the City of Hercules Zoning Ordinance, the provisions of this Code shall apply. The guidelines of the Waterfront District Master Plan shall not be superseded by the Central Hercules Plan Regulating Code.

Abbreviations:

CHP: Central Hercules Plan

CHPRC: Central Hercules Plan Regulating Code

CDPS: Community Development and Public Services

CC: City Council

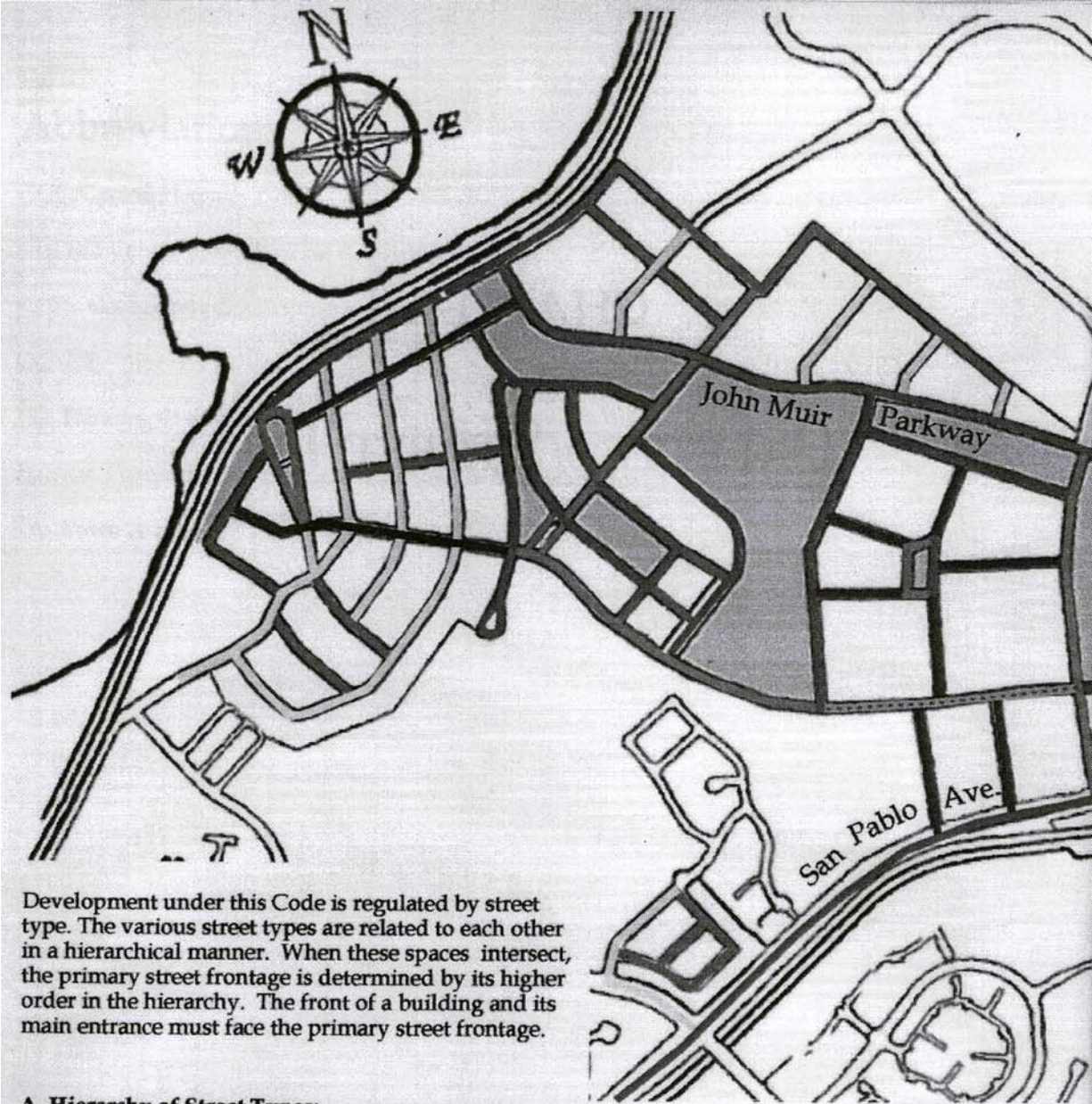
PC: Planning Commission

PCDRS: Planning Commission Design Review Subcommittee

TA: Town Architect

CHAPTER II

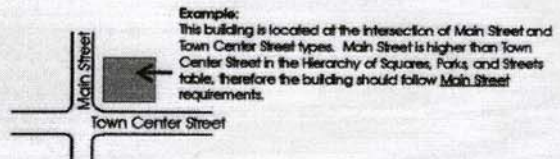
PALETTE *of* STREET TYPES



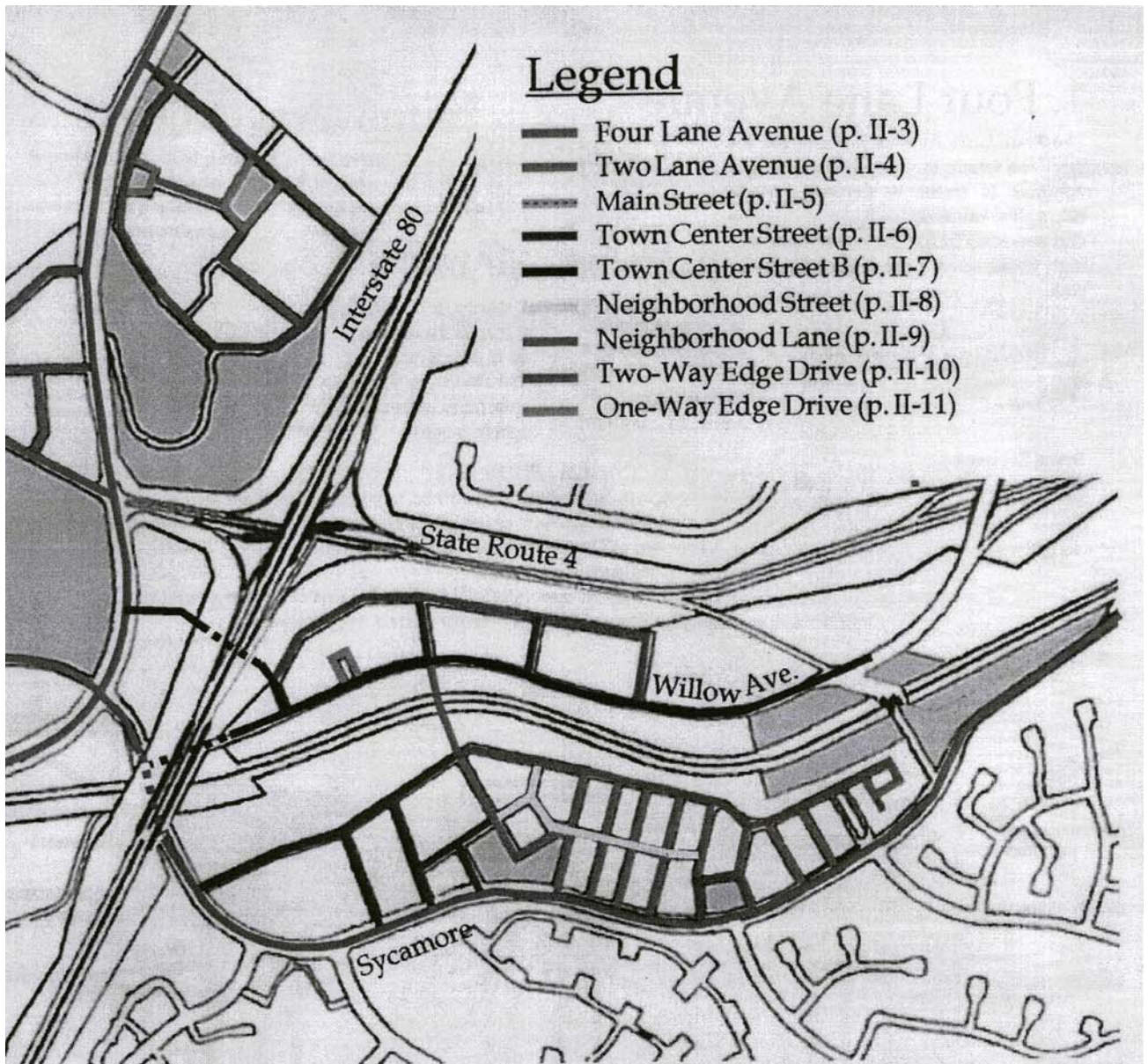
Development under this Code is regulated by street type. The various street types are related to each other in a hierarchical manner. When these spaces intersect, the primary street frontage is determined by its higher order in the hierarchy. The front of a building and its main entrance must face the primary street frontage.

A. Hierarchy of Street Types:

- highest (primary) ↑
- Four Lane Avenue
 - Two Lane Avenue
 - Main Street
 - Town Center Street
 - Town Center Street B
 - Neighborhood Street
 - Neighborhood Lane
 - Two-Way Edge Drive
 - One-Way Edge Drive
- ↓ lowest (secondary)



(Alleys are covered under General Provisions, as they are never fronted by main structures.)



This illustration depicts a district of streets suited to serve a fine-grained mix of uses. The City expects a mix of allowed uses to occur in all neighborhoods and blocks. The City will require a mix of uses within buildings along Main Street and the Four Lane Avenue. The City will not require particular uses nor a particular distribution of uses, but will require the integration of residential and commercial uses. Uses allowed by right, by permit, or that are prohibited are listed in Chapter V of this Code.

The City will require a variety of architectural styles along all street types. However, along Main Street and the Four Lane Avenue, proposals for colonnades will be scrutinized to ensure adequate sight distance for automobile drivers.

1. Four Lane Avenue

The Four Lane Avenue is designed for locations where the movement of larger volumes of traffic is desired. Wide sidewalks, on-street parking and doors and windows facing the street make this high traffic street pedestrian friendly as well.

A. Building Placement:

Build-to-line location: 0 to 10ft. From (Typical) Property line

Space Between Buildings: 0 ft. if attached
6-10 ft. if detached

B. Building Volume:

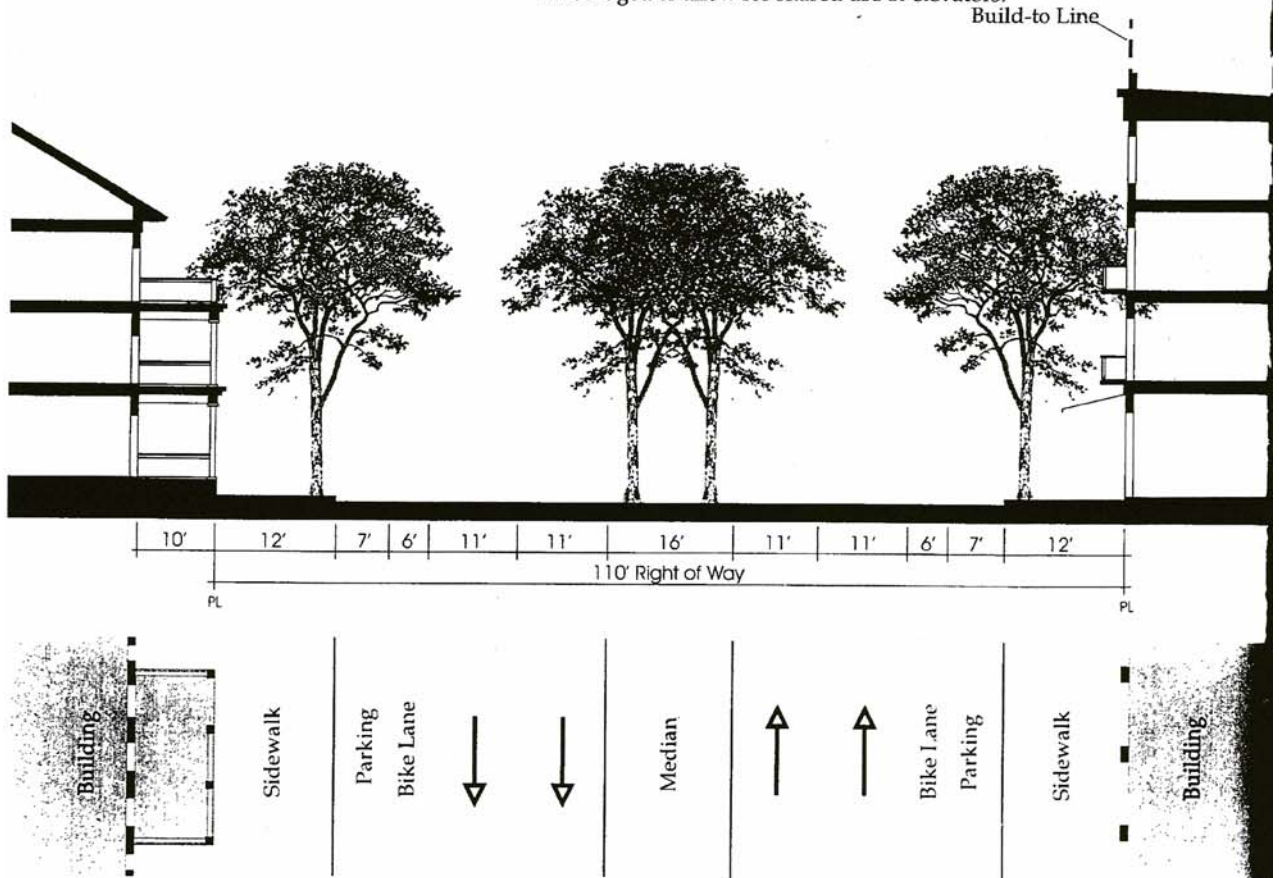
Bldg. Width: 16 ft. minimum
160 ft. maximum

Bldg. Depth: 125 ft. maximum

Bldg. Height: 2 stories minimum
4 stories maximum
55 ft. maximum
The first floor shall be a minimum of twelve (12) feet in height

C. Notes:

1. Appurtenances may extend beyond the height limit.
2. Building fronts are required to provide shelter to the sidewalk by means of at least one of the following: marquee, awning, or second floor balcony.
3. The alignment of floor-to-floor heights of abutting buildings is encouraged to allow for shared use of elevators.



2. Two Lane Avenue

A wide median and plentiful street trees make the Two Lane Avenue a quiet address especially well suited to residential and office uses.

A. Building Placement:

Build-to-line location: 0 to 10ft. from
(Typical) Property line

Space Between
Buildings: 0 ft. if attached
6-10 ft. if detached

B. Building Volume:

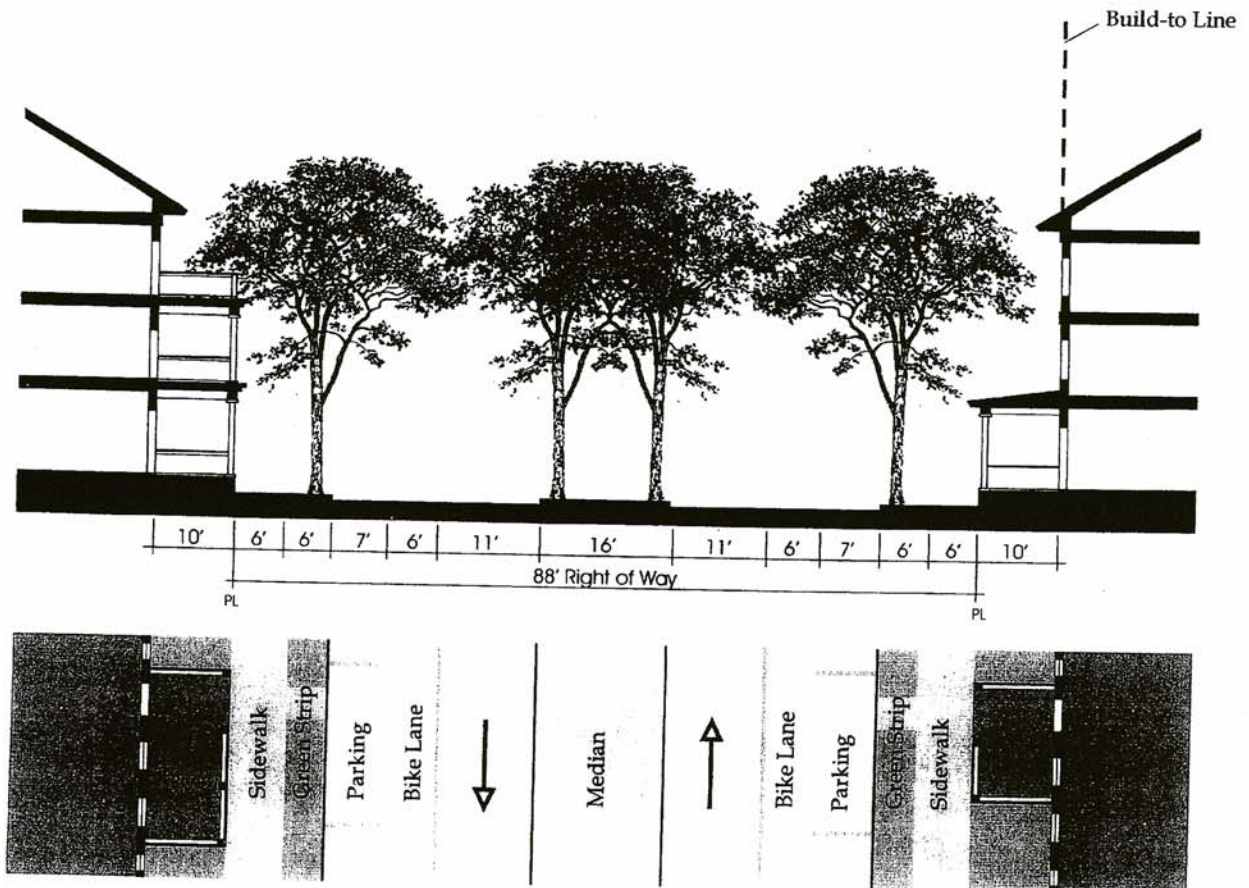
Bldg. Width: 16 ft. minimum
160 ft. maximum

Bldg. Depth: 125 ft. maximum

Bldg. Height: 2 stories minimum
4 stories maximum
55 ft. Maximum
The first floor shall be a
minimum of twelve (12)
feet in height

C. Notes:

1. Appurtenances may extend beyond the height limit.
2. Building fronts are required to provide shelter to the sidewalk by means of at least one of the following: arcade, colonnade, marquee, awning, or second floor balcony.
3. The alignment of floor-to-floor heights of abutting buildings is encouraged to allow for shared use of elevators.



3. Main Street

Main Street is lined with mixed-use shopfront buildings that are positioned at the front of each lot. It features angled parking or parallel parking and wider sidewalks. Trees in the right-of-way are optional. Colonnades are encouraged, to help give the street narrower proportions and better spatial definition.

B. Building Volume:

Bldg. Width: 16 ft. minimum
160 ft. maximum

Bldg. Depth: 125 ft. maximum

Bldg. Height: 3 stories minimum
5 stories maximum
The first floor shall be a minimum of twelve (12) feet in height

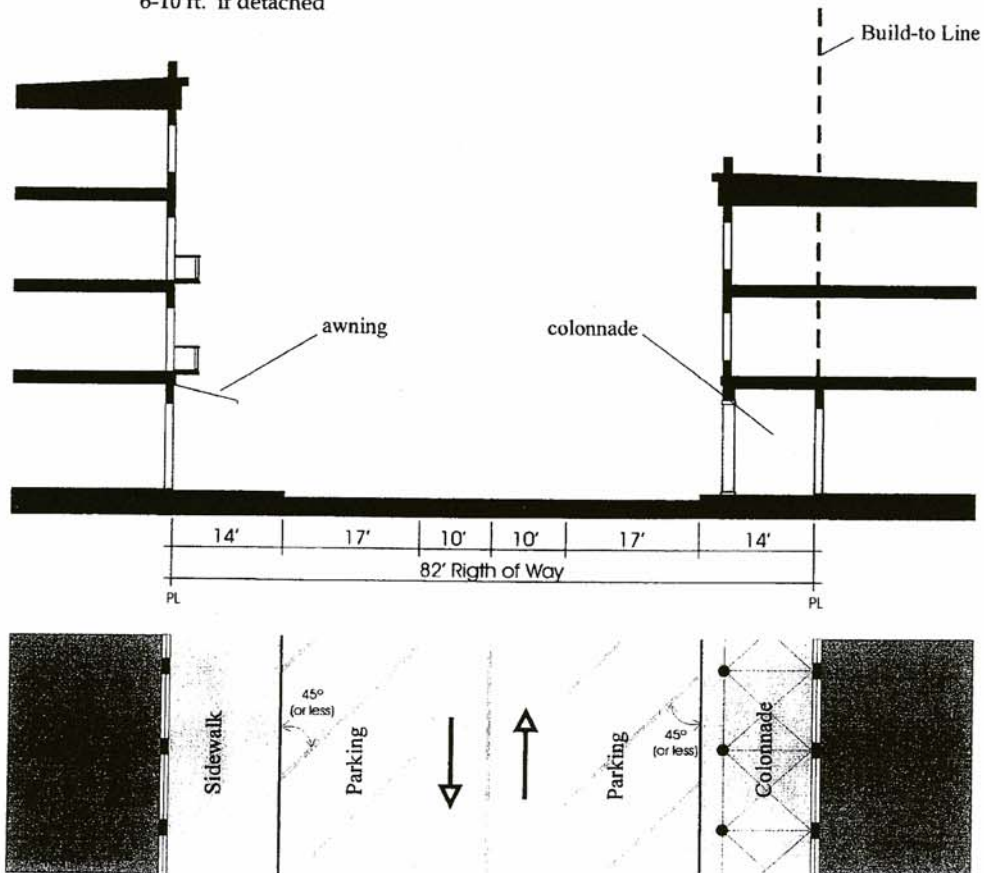
A. Building Placement:

Build-to-line location: 0 ft. from
(Typical) Property line

Space Between Buildings: 0 ft. if attached
6-10 ft. if detached

C. Notes:

1. Appurtenances may extend beyond the height limit.
2. Building fronts are required to provide shelter to the sidewalk by means of at least one of the following: arcade, colonnade, marquee, awning, or second floor balcony.
3. The alignment of floor-to-floor heights of abutting buildings is encouraged to allow for shared use of elevators.



4. Town Center Street

Parallel parking and wide sidewalks on both sides of the Town Center Street create a safe inviting place for both pedestrians and motorists. 12' wide sidewalks with tree wells are preferred, but 6' sidewalks with 6' green strips are also acceptable.

A. Building Placement:

Build-to-line location: 0 ft. from
(Typical) Property line

Space Between Buildings:
0 ft. if attached
6-10 ft. if detached

B. Building Volume:

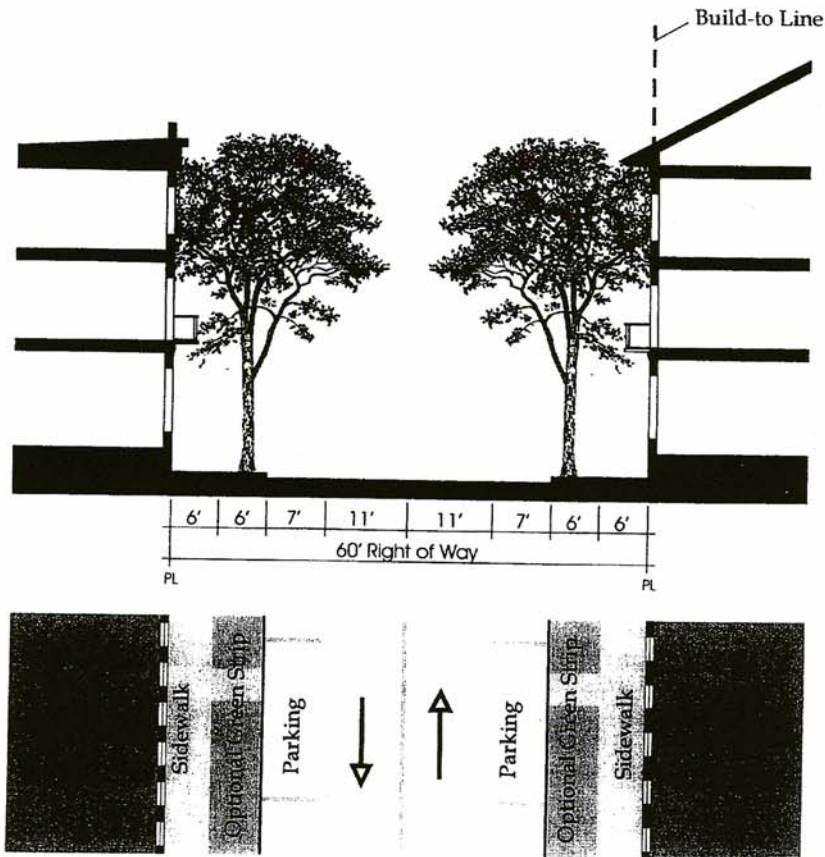
Bldg. Width: 16 ft. minimum
160 ft. maximum

Bldg. Depth: 125 ft. maximum

Bldg. Height: 2 stories minimum
4 stories maximum
55 ft. Maximum
The first floor shall be a minimum of twelve (12) feet in height

C. Notes:

1. Appurtenances may extend beyond the height limit.
2. Building fronts are required to provide shelter to the sidewalk by means of at least one of the following: arcade, colonnade, marquee, awning, or second floor balcony.
3. The alignment of floor-to-floor heights of abutting buildings is encouraged to allow for shared use of elevators.



5. Town Center Street B (with bike lanes)

Parallel parking, wide sidewalks and bike lanes on both sides of the Town Center Street B create a safe inviting place for pedestrians, cyclists and motorists. 12' wide sidewalks with tree wells are preferred, but 6' sidewalks with 6' green strips are also acceptable.

B. Building Volume:

Bldg. Width: 16 ft. minimum
160 ft. maximum

Bldg. Depth: 125 ft. maximum

Bldg. Height: 2 stories minimum
4 stories maximum
55 ft. Maximum

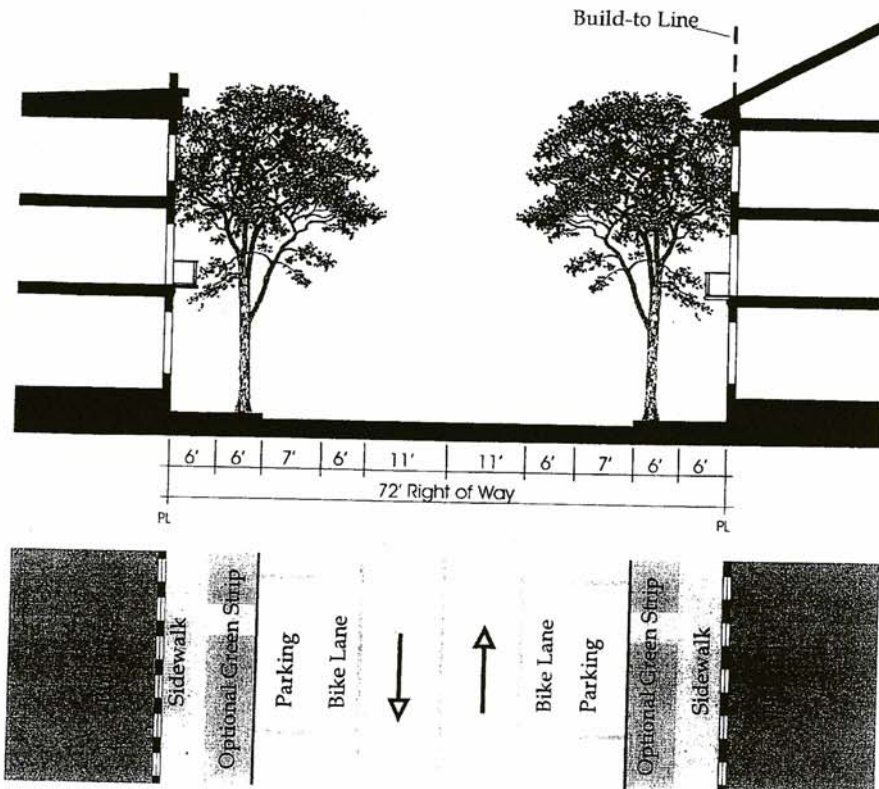
A. Building Placement:

Build-to-line location: 0 ft. from
(Typical) Property line

Space Between Buildings: 0 ft. if attached
6-10 ft. if detached

C. Notes:

1. Appurtenances may extend beyond the height limit.
2. Building fronts are required to provide shelter to the sidewalk by means of at least one of the following: arcade, colonnade, marquee, awning, Or second floor balcony.
3. The alignment of floor-to-floor heights of abutting buildings is encouraged to allow for shared use of elevators.



II-7
16 July, 2001

6. Neighborhood Street

The Neighborhood Street is a quieter, more intimate street. Build-to lines are set back and a green strip is incorporated. If needed, the Build-to location can be paved to provide a wider sidewalk for intense uses thus eliminating the door yard.

B. Building Volume:

- Bldg. Width: 16 ft. minimum
160 ft. maximum
- Bldg. Depth: 125 ft. maximum
- Bldg. Height: 2 stories minimum
4 stories maximum
55 ft. Maximum

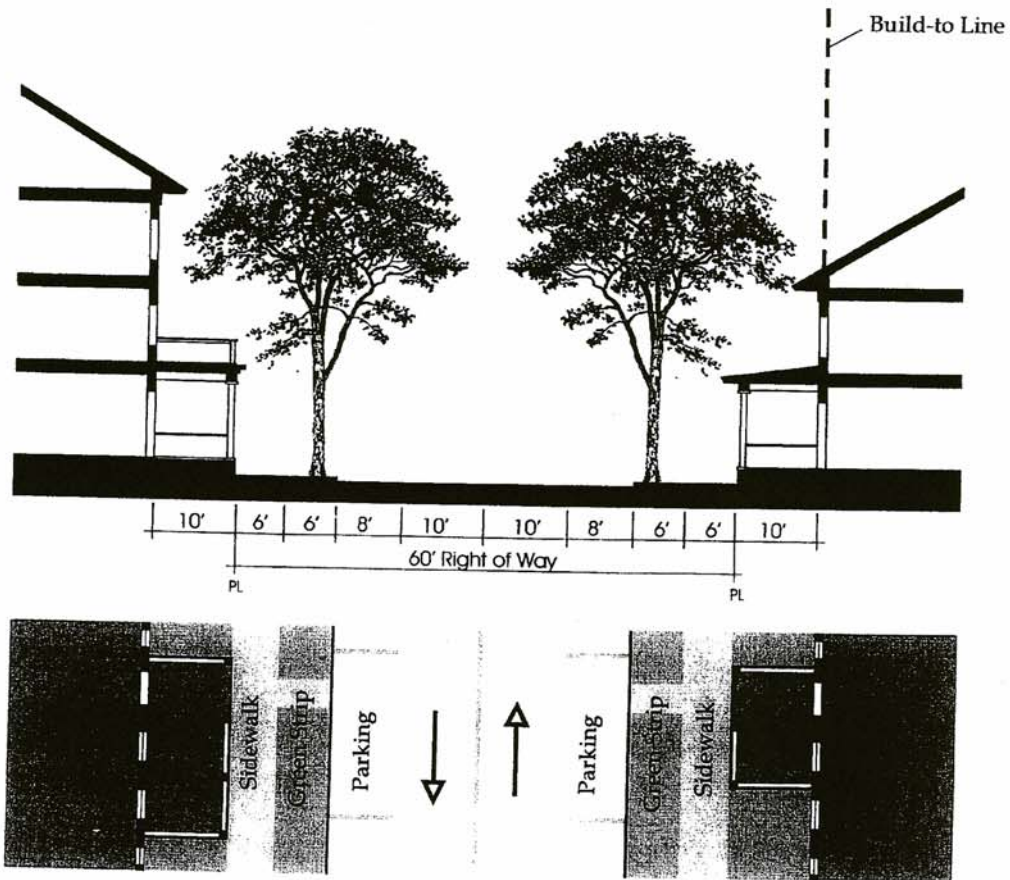
A. Building Placement:

Build-to-line location: 10 ft. from
(Typical) Property line

Space Between Buildings:
0 ft. if attached
6-15 ft. if detached

C. Notes:

1. Appurtenances may extend beyond the height limit.
2. The alignment of floor-to-floor heights of abutting buildings is encouraged to allow for shared use of elevators.



7. Neighborhood Lane

The Neighborhood Lane is designed with traffic calming in mind. This street section is used primarily in residential areas or secondary streets. On-street parking is located on one side.

B. Building Volume:

Bldg. Width: 16 ft. minimum
160 ft. maximum

Bldg. Depth: 125 ft. maximum

Bldg. Height: 2 stories minimum
4 stories maximum
55 ft. Maximum

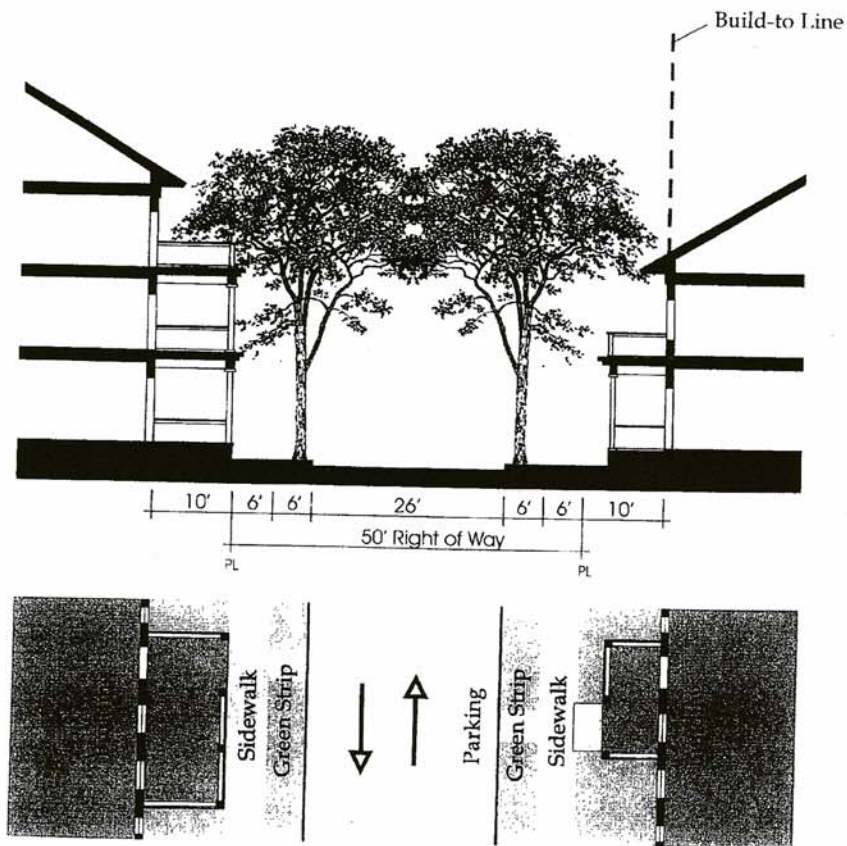
A. Building Placement:

Build-to-line location: 0 to 10 ft. from
(Typical) Property line

Space Between Buildings:
0 ft. if attached
6-15 ft. if detached

C. Notes:

1. Appurtenances may extend beyond the height limit.
2. Parallel parking permitted on both sides of the street.
3. The alignment of floor-to-floor heights of abutting buildings is encouraged to allow for shared use of elevators.
4. A minimum 20' clearance must be maintained between parked cars and traffic for Fire Department access.



8. Two-Way Edge Drive

The Two-Way Edge Drive provides public access along the natural boundaries of the Central Quarter area. This street has the front of buildings positioned to face across to scenic open spaces.

B. Building Volume:

Bldg. Width: 16 ft. minimum
160 ft. maximum

Bldg. Depth: 125 ft. maximum

Bldg. Height: 2 stories minimum
4 stories maximum
55 ft. Maximum

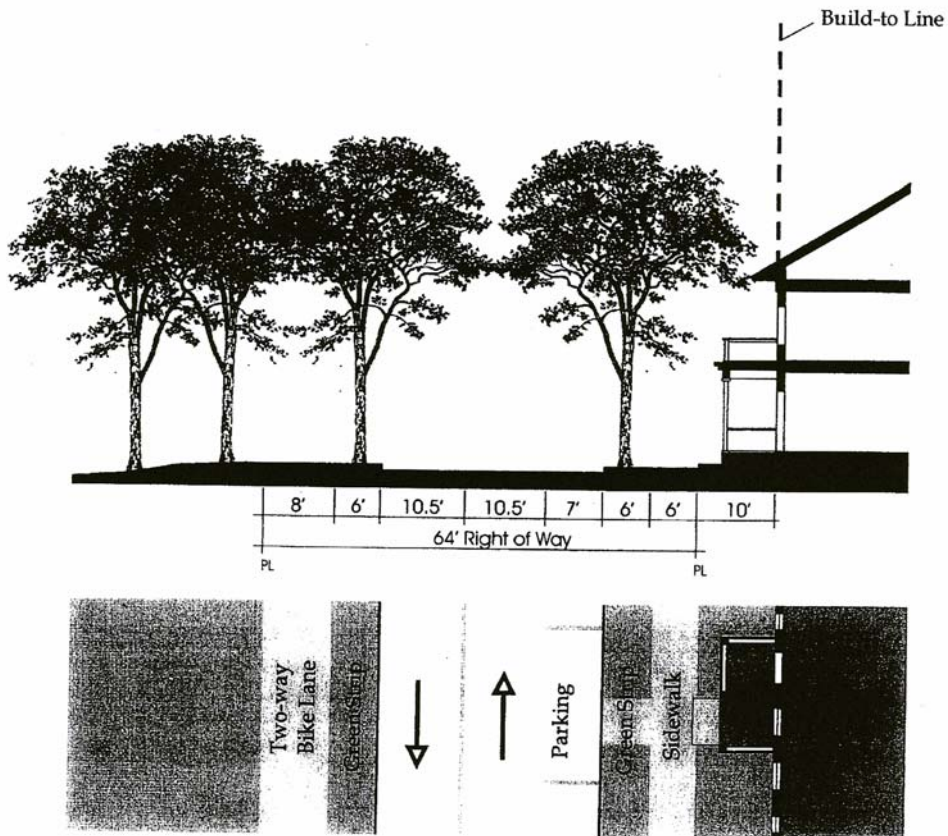
A. Building Placement:

Build-to-line location: 0 to 10 ft. from
(Typical) Property line

Space Between Buildings: 0-10 ft. if attached
6-15 ft. if detached

C. Notes:

1. Appurtenances may extend beyond the height limit.
2. The alignment of floor-to-floor heights of abutting buildings is encouraged to allow for shared use of elevators.



II-10
16 July, 2001

9. One-Way Edge Drive

The One-Way Edge Drive is a very narrow street primarily used around the edges of open spaces such as neighborhood squares and parks. It provides a layer of on-street parking to uses facing these open spaces, and is very easy for pedestrians to cross.

B. Building Volume:

Bldg. Width: 16 ft. minimum
160 ft. maximum

Bldg. Depth: 125 ft. maximum

Bldg. Height: 2 stories minimum
4 stories maximum
55 ft. Maximum

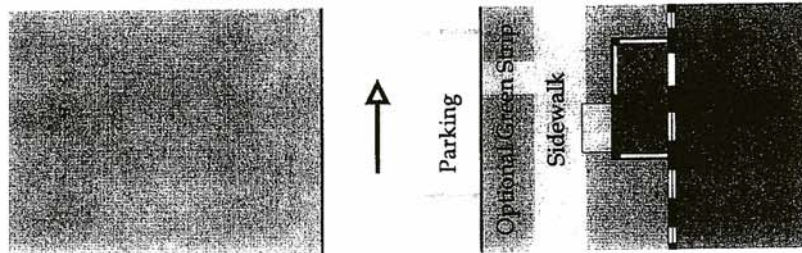
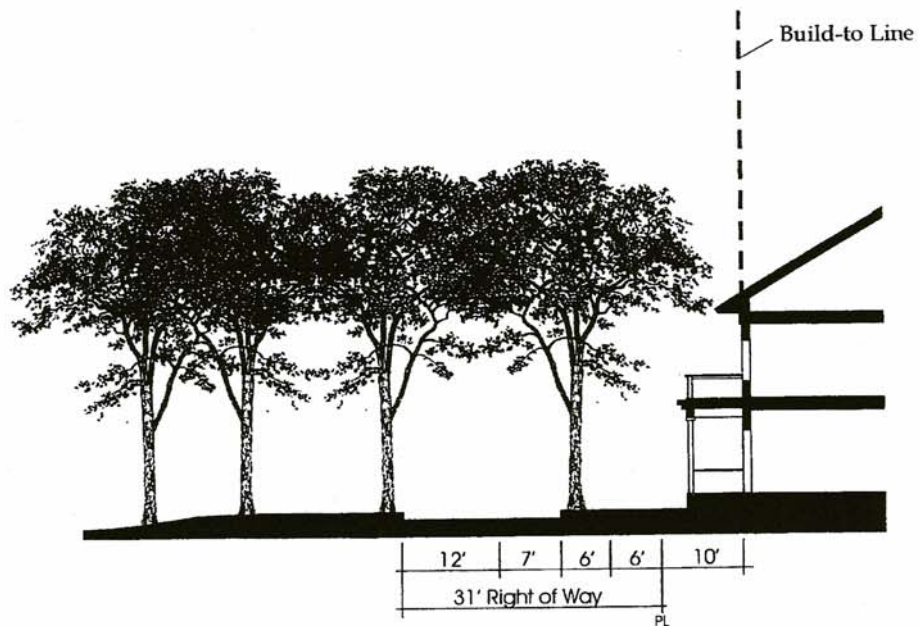
A. Building Placement:

Build-to-line location: 0 to 10 ft. from
(Typical) Property line

Space Between Buildings: 0 ft. if attached
6-15 ft. if detached

C. Notes:

1. Appurtenances may extend beyond the height limit.
2. The alignment of floor-to-floor heights of abutting buildings is encouraged to allow for shared use of elevators.

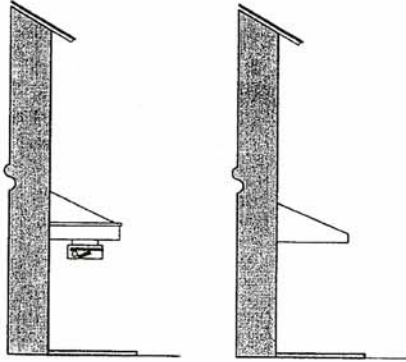


CHAPTER III

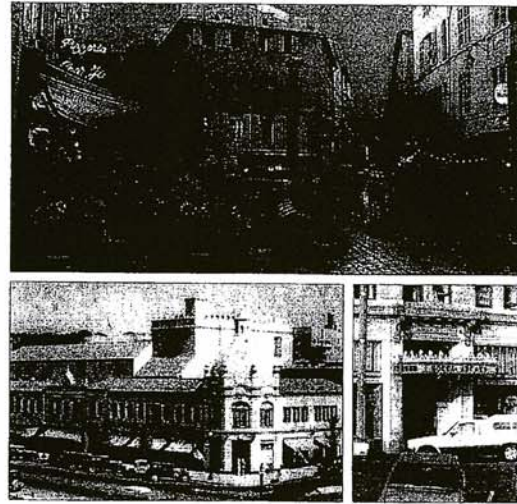
PROJECTING FACADE ELEMENTS

III
16 July, 2001

A. Awnings & Marquees:



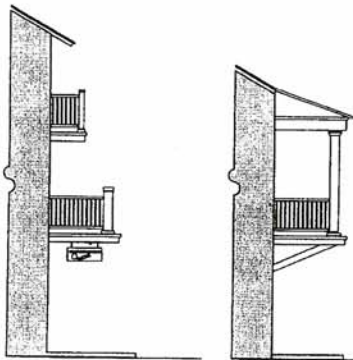
Depth = 5 ft minimum.
 Height = 10 ft minimum clear.
 Length = 25% to 100% of Building Front.



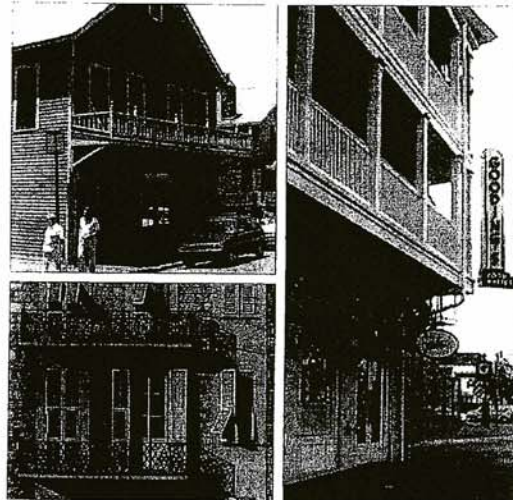
Photograph by Bernard Combs

- The above requirements apply to first-floor awnings. There are no minimum requirements for awnings above the first floor.
- Marquees and Awnings shall occur forward of the Build-to Line and may encroach within the right-of-way, but shall not extend past the curb line.
- Awnings shall be made of fabric. High-gloss or plasticized fabrics are prohibited.

B. Balconies:

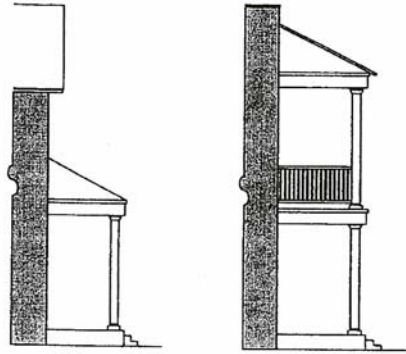


Depth = 6 ft minimum for 2nd floor balconies.
 Height = 10 ft minimum clear.
 Length = 25% to 100% of Building Front.

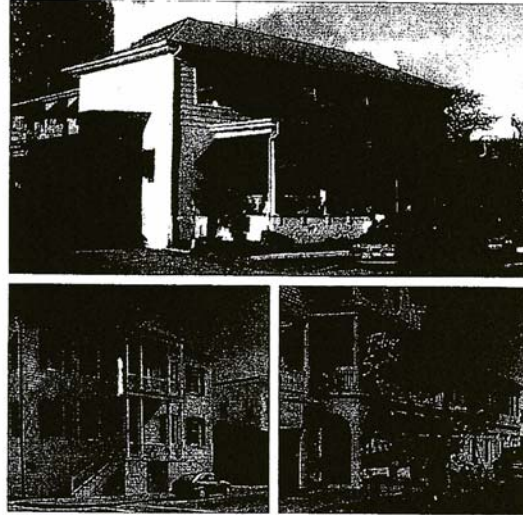


- Balconies shall occur forward of the Build-to Line and may encroach within the right-of-way, but shall not extend past the curb line.
- Balconies may have roofs, but are required to be open, un-airconditioned parts of the buildings.
- On corners, balconies may wrap around the side of the building facing the side street.

C. Front Porches:

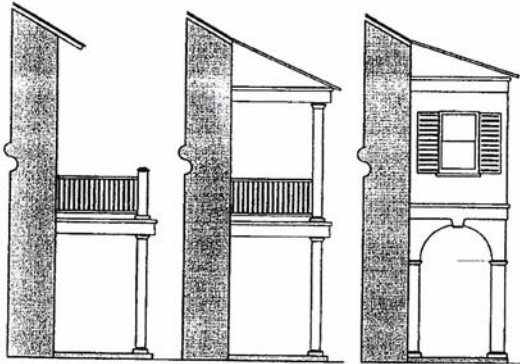


Depth = 8 ft minimum.
Length = 25% to 90% of Building Front.

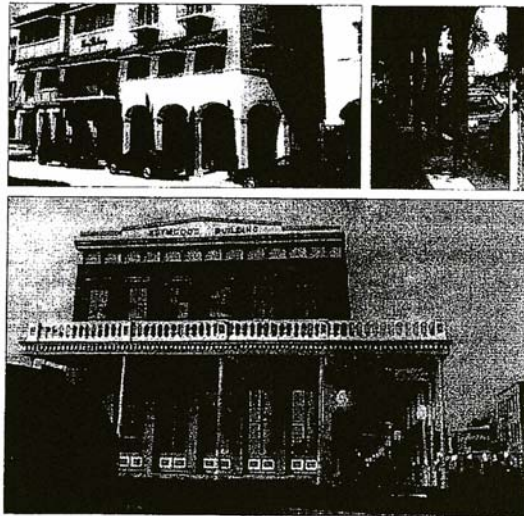


- Front Porches may have multi-story verandas and/or balconies above.
- Front Porches shall occur forward of the Build-to Line. Porches shall not extend into the right-of-way.
- Front Porches are required to be open, un-airconditioned parts of the buildings. More than 25% of the floor area of a porch shall not be screened if the porch extends forward of the Build-to Line.

D. Colonnades / Arcades:

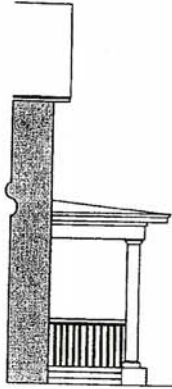


Depth = 8 ft minimum from the build-to-line to the inside column face.
Height = 10 ft minimum clear.
Length = 75-100% of Building Front.

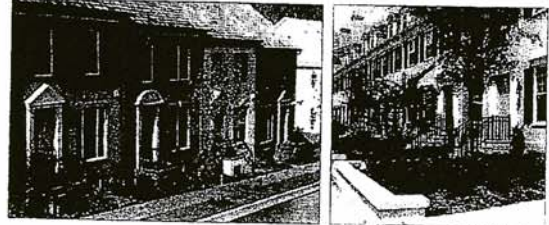
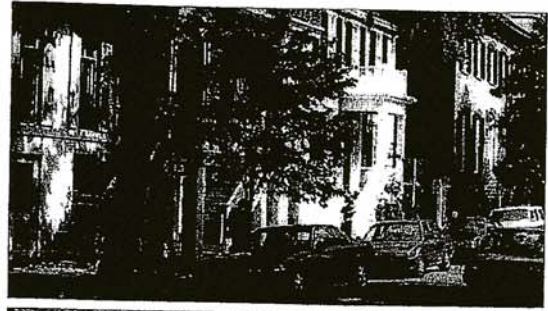


- Columns shall be a maximum of 6" in width in front of shopfront windows.
- Open multi-story verandas, awnings, balconies, and enclosed useable space shall be permitted above the colonnade.
- Colonnades shall only be constructed where the minimum depth can be obtained. Colonnades shall occur forward of the Build-to Line and may encroach within the right-of-way, but shall not extend past the curb line.
- On corners, colonnades may wrap around the side of the building facing the side street.
- Colonnades and Arcades are not permitted on the Four Lane Avenue.

E. Stoops:

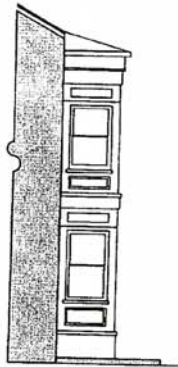


Depth = 6 ft. minimum
Length = 5 ft. minimum



- Stoops are permitted and may occur forward of the Build-to Line. Stoops may encroach within the right-of-way with approval from CDPS staff. Sidewalks shall have clear access for pedestrians. Stoops may be covered or uncovered.

F. Bay Windows:



Depth = 6 ft. maximum
Length = 8 ft. maximum



- Bay windows are permitted and may occur forward of the Build-to Line. Bay windows projecting from the second floor or higher may encroach within the right-of-way. Ground floor bay windows may encroach within the right-of-way with approval. Sidewalks shall have clear access for pedestrians.
- Bay windows shall have fenestration on both front and side surfaces.

CHAPTER IV

ARCHITECTURAL REGULATIONS

IV
16 July, 2001

The lists of permitted materials and configurations come from study of traditional buildings found in Northern California and have been selected for their appropriateness to the visual environment and climate.

The primary goal of the Architectural Guidelines is achieving authenticity of design elements that are found on the architecture style of a building. The Guidelines encourage construction which is straightforward and functional, and which draws its ornamentation and variety from the traditional use of genuine materials.

General Requirements:

The following shall be located in rear yards or side yards not facing side streets:

- Window and Wall Air Conditioners;
- Electrical Utility Meters;
- Air Conditioning Compressors; and
- Irrigation and pool pumps.

The following shall be located in the rear yards only:

- Antennas;
- Permanent Barbecues;
- Satellite dish antennas greater than 18" in diameter;

The following are prohibited:

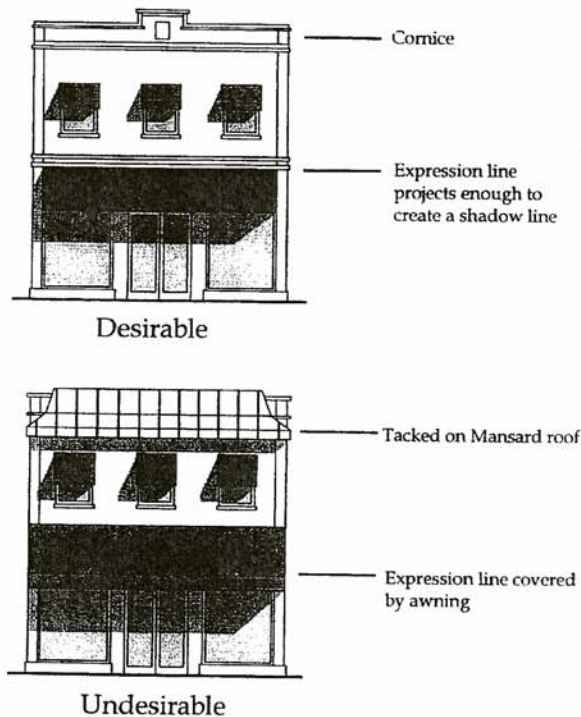
- Undersized shutters (the shutter or shutters must be sized so as to equal the width that would be required to cover the window opening.);
- Plastic or inoperable shutters;
- Clotheslines;
- Clothes Drying Yards;
- Reflective and/or bronze-tint glass;
- Plastic or PVC roof tiles;
- Backlit awnings;
- Glossy-finish awnings; and
- Fences made of chain link, barbed wire, or plain wire mesh.

A. Building Walls

1. General Requirements

Required for all buildings except single family houses:

An expression line shall delineate the division between the first story and second story. A cornice shall delineate the tops of the facades. Expression lines and cornices shall either be moldings extending a minimum of two (2) inches, or jogs in the surface plane of the building wall greater than two (2) inches.



2. Permitted Finish Materials

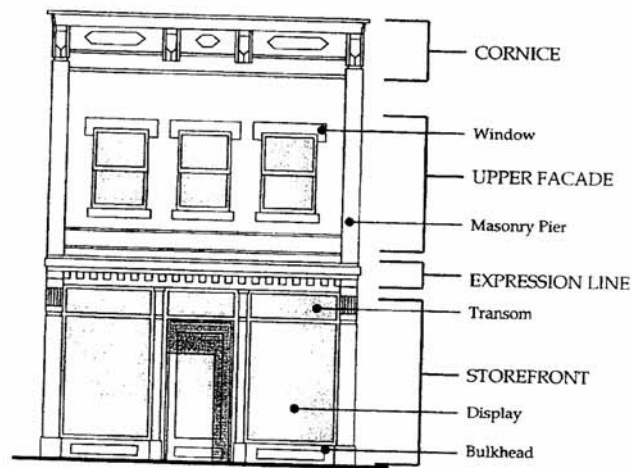
- Concrete masonry units with stucco (C.B.S.)
- Reinforced concrete with stucco
- "Hardie-Plank" siding
- Brick
- Wood (termite resistant): painted white, left natural (cypress and cedar preferred), or painted / stained with colors approved by the CDPS staff, or by CDPS in consultation with the Town Architect.
- Painted exterior building surfaces shall have a matte finish. Trim may have a glossy finish.

B. Opacity & Facades:

Each floor of any building facade facing a park, square or street shall contain transparent windows covering from 15% to 70% of the wall area.

Retail storefront areas only:

In order to provide clear views of merchandise in stores and to provide natural surveillance of exterior street spaces, the ground-floor along the building frontage shall have transparent storefront windows covering no less than 50% of the wall area. Storefronts facing Main Street, parks and squares shall remain unshuttered at night and shall utilize transparent glazing material, and shall provide view of interior spaces lit from within. Doors or entrances with public access shall be provided at intervals no greater than 50 feet, unless otherwise approved by the CDPS staff, or CDPS staff in consultation with the Town Architect.



C. Columns, Arches, Piers, Railings & Balustrades:

1. General Requirements

- Column and Pier spacing:

Columns and Piers shall be spaced no farther apart than they are tall.

2. Permitted Finish Materials

- Columns:

Wood (termite resistant), painted or natural

Cast Iron

Concrete with smooth finish

- Arches:

Concrete Masonry Units with Stucco (C.B.S.)

Reinforced Concrete with Stucco

Brick

- Piers:
 - Concrete Masonry Units with Stucco (C.B.S.)
 - Reinforced Concrete with Stucco
 - Brick
- Railings & Balustrades:
 - Wood (termite resistant), painted or natural
 - Wrought Iron

3. *Permitted Configurations*

- Columns:
 - Square, 6" minimum, with or without capitals and bases
 - Round, 6" minimum outer diameter, with or without capitals and bases
 - Classical orders
- Arches:
 - Semi-circular & Segmental
- Piers:
 - 8" minimum dimension
- Porches:
 - Railings 2-3/4" minimum diameter
 - Balustrades 4" minimum spacing, 6" maximum spacing.

D. Windows, Skylights, & Doors:

1. *General Requirements*

- Rectangular window openings facing streets shall be oriented vertically.
- The following accessories are permitted:
 - Shutters (standard or Bahama types)
 - Wooden Window Boxes
 - Muntins and Mullions
 - Fabric Awnings (no backlighting; no glossy-finish fabrics)

2. *Finish Materials*

- Windows, Skylights, & Storefronts:
 - Wood
 - Aluminum
 - Copper
 - Steel
 - Vinyl Clad Wood
- Doors:
 - Wood or Metal

3. *Permitted Configurations*

- Windows:
 - Rectangular
 - Square
 - Round (18" maximum outer diameter)
 - Semi-circular

- Octagonal
- Window Operations:
 - Casement
 - Single- and Double-Hung
 - Industrial
 - Fixed Frame (36 square feet maximum)
- Skylights:
 - Flat to the pitch of the roof
- Door Operations:
 - Casement
 - French
 - Sliding (rear only)

E. Roofs & Gutters

1. General Requirements

- Permitted Roof Types:
 - gabled, hipped, shed, barrel vaulted & domed. Shed roofs shall be concealed with parapets along the street frontage. Applied mansard roofs are not permitted.
- Downspouts are to match gutters in material and finish.

2. Permitted Finish Materials

- Metal:
 - Galvanized
 - Copper
 - Aluminum
 - Zinc-Alum
- Shingles:
 - Asphalt or Metal, "dimensional" type
 - Slate
 - Cedar shake
- Tile:
 - Clay, Terra cotta, Concrete
- Gutters:
 - Copper
 - Aluminum
 - Galvanized Steel

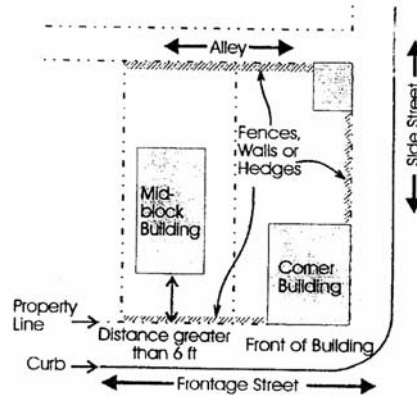
3. Permitted Configurations

- Metal:
 - Standing Seam or "Five-vee," 24" maximum spacing, panel ends exposed at overhang
- Shingles:
 - Square, Rectangular, Fishscale, Shield
- Tile:
 - Barrel, Flat, French
- Gutters:
 - Rectangular section
 - Square section
 - Half-round section

F. Garden Walls, Fences & Hedges:

1. General Requirements

Fences, garden walls, or hedges are strongly encouraged and, if built, should be constructed along all un-built rights-of-way which abut streets and alleys as shown in the diagram below. Fences, garden walls and hedges shall be minimum 25% opaque.



•Height :

Front Yard: maximum height of 30-42 inches. Pillars and posts may extend up to 6 inches more, to a height of 48 inches.

Side and Rear Yards: maximum height of 72 inches. Pillars and posts may extend up to 6 inches more, to a height of 78 inches.

2. Permitted Finish Materials

- Wood (termite resistant): painted white, left natural, or painted/ stained with colors approved by the CDPS Staff and the Town Architect.
- Concrete Masonry Units with Stucco (C.B.S.)
- Reinforced Concrete with Stucco
- Wrought Iron
- Brick

3. Permitted Configurations

- Wood:
 - Picket Fences: minimum 30% opaque, w/ corner posts
 - Other: to match building walls
- Stucco: with texture and color to match building walls
- Wrought Iron: Vertical, 5/8" minimum dimension, 4" to 6" spacing

G. Signs

1. General Requirements

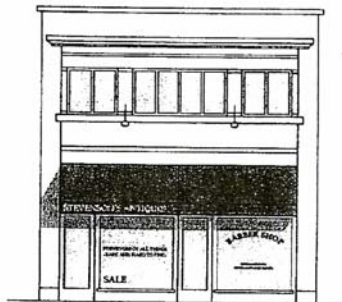
- All signs shall be subject to a review by the Community Development and Public Services (CDPS) staff in order that signs are consistent and in harmony with the Central Hercules Plan. Graphics in this section shall be used as non-binding guidelines, but CDPS staff shall make a determination of appropriateness on a case by case basis.
- Signs shall be flat against the facade, mounted projecting from the facade, or mounted above the top of the facade.
- Signs shall be externally lit. Individual letters and symbols may be internally lit or back-lit.

2. Finish Materials (material must compliment the architecture of the building)

- Wood: painted or natural
- Metal: copper, brass, galvanized steel
- Painted Canvas
- Neon
- Paint/engraved directly on facade surface

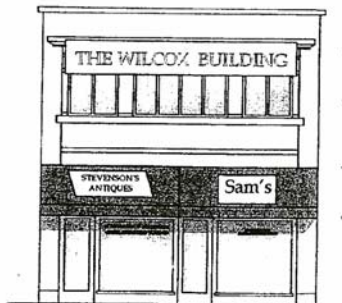
3. Configurations

- Maximum gross area of signs on a given facade shall not exceed 10% of the applicant's facade area.
- Maximum area of any single sign mounted perpendicular to a given facade shall not exceed 10 square feet.
- Protruding and hanging signs shall maintain a minimum clear height of 8' above the sidewalk.



Desirable

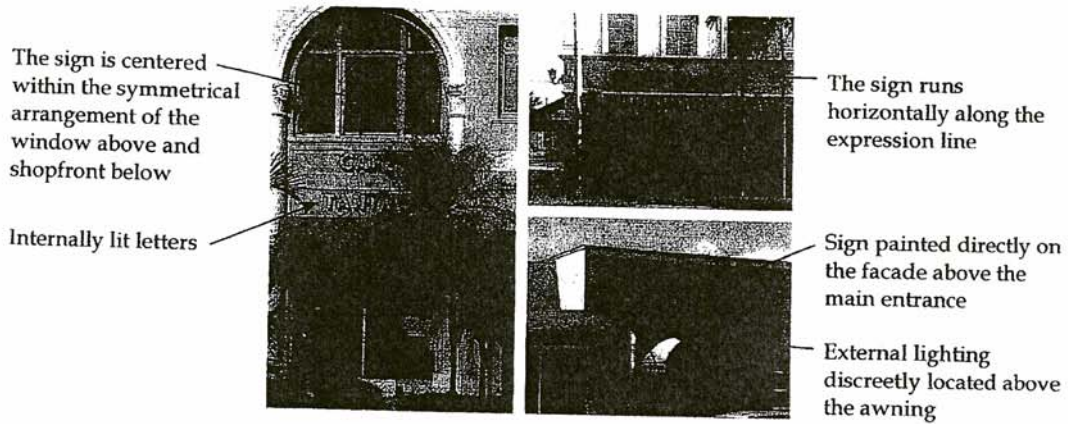
- Signs are coordinated in size and placement with the building and storefront



Undesirable

- Building sign conceals the cornice
- Over-varied sign shapes create visual confusion
- Awning sign covers the masonry piers
- Sale sign too large for storefront and poorly placed in display window

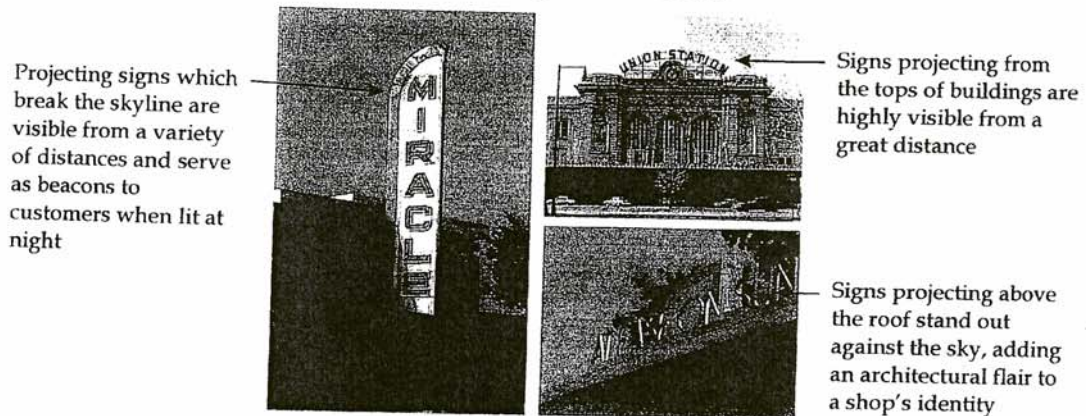
Examples of Signs Flat Against the Facade:



Examples of Signs Mounted Projecting from the Facade:



Examples of Signs Mounted Above the Top of the Facade:



CHAPTER V

USE TABLE

WF(4,6)	CQ	HT(3)	CC/HC(4)	TYPE OF USES
				Public/Civic Uses
C	A	A	C	Churches
A	A	A	A	City Hall
A	A	A	A	Convention center
A	A	A	A	Day care facilities (2)
C	A	C	C	Hospitals
A	A	A	A	Information kiosks
A	A	A	A	Library
A	A	A	A	Parks, recreation areas, local and regional trails
A	A	A	A	Parking garages
A	A	A	A	Post Office
A	A	A	A	Public Safety (police dispatch, fire substations)
C	C	C	C	Private schools, religious, K – 12
C	C	C	C	Public Restroom
A	A	A	A	Public school (1)
A	A	A	A	Public transportation (bus, train, inter-city rail)
A	A	A	A	Public utilities and service structures
A	A	C	A	Recreation Centers
				Office/Professional Uses
A	A	A	C	Advertising Agencies
A	A	A	C	Employment Agencies
A	A	A	C	Home Occupations
				Professional Offices
A	A	A	C	➤Architects, Certified Public Accountants, Lawyers, Medical and Dental Offices of less than 5,000 square feet. If less than 2,000 square feet, no off-street parking is required.
C	C	C	C	➤Architects, Certified Public Accountants, Lawyers, Medical and Dental Offices of more than 5,000 square feet.
C	C	C	P	Veterinary Clinics of more than 2,000 square feet. Board and care facilities for domesticated animals must be associated with a veterinary clinic.
P	C	P	P	Veterinary Clinics of less than 2,000 square feet. Board and care facilities for domesticated animals must be associated with a veterinary clinic.
				Commercial/Service/Retail Uses
C	C	C	C	Alcohol beverage sales establishments (stand-alone or within a grocery store)
C	A	A	P	Adult congregate care facility/nursing home
P	C	P	P	Adult novelty/Entertainment
A	A	A	C	Alterations/Tailoring

WF = Waterfront CQ = Central Quarter HT = Hilltown

CC/HC = Civic Center/Hospitality Corridor A = Allowed C = Conditional P = Prohibited

WF ^(4,6)	CQ	HT ⁽³⁾	CC/HC ⁽⁴⁾	Type of Uses
C	C	C	A	Amusement and Private Commercial Enterprises (bowling alleys, skating rinks, driving range, miniature golf, batting cages, movie theatres, etc.)
A	A	A	A	Antique and Gift Shop
A	A	C	C	Appliance, sales and service
A	A	A	A	Art galleries
A	A	A	A	Artist studios
A	A	C	C	Astrology & related practices (Hypnotists, palm readers, etc.)
A	A	C	C	Automotive accessories sales
C	C	C	C	Automotive repair shops
A	A	A	A	Banks, savings and loans
A	A	A	A	Bakery/café/coffee shop
C	C	C	C	Barber
A	A	A	A	Bed and breakfast
A	A	A	A	Bookstores, newsstands, stationary store
A	A	C	C	Butcher shop
P	P	P	C	Car sales, new or used (outdoor showrooms)
A	A	C	C	Car sales, new or used (indoor showrooms)
C	C	C	C	Cellular transmission facility: transmission apparatus (antennas, poles, panels, tower, etc.) or unmanned equipment structures
A	A	A	C	Clothing, related accessories, retail
A	A	A	C	Coin dealers
A	A	A	C	Computer sales and service
C	C	C	C	Convenience Store
A	A	C	C	Copy Centers
A	A	A	C	Dance Studios
C	C	C	C	Drug Stores
A	A	A	C	Electronics, sales and service (includes sales of cell phones)
C	A	P	A	Fast food restaurant (without drive-thru)
C	C	P	C	Fast food restaurant (with drive-thru)
A	A	C	C	Floor coverings
A	A	A	A	Florist and gift shop
A	A	C	C	Furniture, retail, new and used
C	A	P	C	Gasoline station (no convenience store, sales or car wash)
C	C	P	C	Gasoline station (with convenience store, sales or car wash)
P	C	P	P	Gun sales
C	C	C	C	Grocery store, (including alcohol sales)
A	A	A	C	Hair salon
C	C	C	C	Hardware
A	A	A	C	Health foods
A	A	A	C	Hobby and craft shop
A	A	C	C	Home furnishing store
A	A	A	A	Hotel

WF = Waterfront CQ = Central Quarter HT = Hilltown

CC/HC = Civic Center/Hospitality Corridor A = Allowed C = Conditional P = Prohibited

WF ^(4,6)	CQ	HT ⁽³⁾	CC/HC ⁽⁴⁾	Type of Uses
C	C	C	A	Amusement and Private Commercial Enterprises (bowling alleys, skating rinks, driving range, miniature golf, batting cages, movie theatres, etc.)
A	A	A	A	Antique and Gift Shop
A	A	C	C	Appliance, sales and service
A	A	A	A	Art galleries
A	A	A	A	Artist studios
A	A	C	C	Astrology & related practices (Hypnotists, palm readers, etc.)
A	A	C	C	Automotive accessories sales
C	C	C	C	Automotive repair shops
A	A	A	A	Banks, savings and loans
A	A	A	A	Bakery/café/coffee shop
C	C	C	C	Barber
A	A	A	A	Bed and breakfast
A	A	A	A	Bookstores, newsstands, stationary store
A	A	C	C	Butcher shop
P	P	P	C	Car sales, new or used (outdoor showrooms)
A	A	C	C	Car sales, new or used (indoor showrooms)
C	C	C	C	Cellular transmission facility: transmission apparatus (antennas, poles, panels, tower, etc.) or unmanned equipment structures
A	A	A	C	Clothing, related accessories, retail
A	A	A	C	Coin dealers
A	A	A	C	Computer sales and service
C	C	C	C	Convenience Store
A	A	C	C	Copy Centers
A	A	A	C	Dance Studios
C	C	C	C	Drug Stores
A	A	A	C	Electronics, sales and service (includes sales of cell phones)
C	A	P	A	Fast food restaurant (without drive-thru)
C	C	P	C	Fast food restaurant (with drive-thru)
A	A	C	C	Floor coverings
A	A	A	A	Florist and gift shop
A	A	C	C	Furniture, retail, new and used
C	A	P	C	Gasoline station (no convenience store, sales or car wash)
C	C	P	C	Gasoline station (with convenience store, sales or car wash)
P	C	P	P	Gun sales
C	C	C	C	Grocery store, (including alcohol sales)
A	A	A	C	Hair salon
C	C	C	C	Hardware
A	A	A	C	Health foods
A	A	A	C	Hobby and craft shop
A	A	C	C	Home furnishing store
A	A	A	A	Hotel

WF = Waterfront CQ = Central Quarter HT = Hilltown

CC/HC = Civic Center/Hospitality Corridor A = Allowed C = Conditional P = Prohibited

WF(4,6)	CQ	HT(3)	CC/HC(4)	Type of Uses
C	C	C	A	Amusement and Private Commercial Enterprises (bowling alleys, skating rinks, driving range, miniature golf, batting cages, movie theatres, etc.)
A	A	A	A	Antique and Gift Shop
A	A	C	C	Appliance, sales and service
A	A	A	A	Art galleries
A	A	A	A	Artist studios
A	A	C	C	Astrology & related practices (Hypnotists, palm readers, etc.)
A	A	C	C	Automotive accessories sales
C	C	C	C	Automotive repair shops
A	A	A	A	Banks, savings and loans
A	A	A	A	Bakery/café/coffee shop
C	C	C	C	Barber
A	A	A	A	Bed and breakfast
A	A	A	A	Bookstores, newsstands, stationary store
A	A	C	C	Butcher shop
P	P	P	C	Car sales, new or used (outdoor showrooms)
A	A	C	C	Car sales, new or used (indoor showrooms)
C	C	C	C	Cellular transmission facility: transmission apparatus (antennas, poles, panels, tower, etc.) or unmanned equipment structures
A	A	A	C	Clothing, related accessories, retail
A	A	A	C	Coin dealers
A	A	A	C	Computer sales and service
C	C	C	C	Convenience Store
A	A	C	C	Copy Centers
A	A	A	C	Dance Studios
C	C	C	C	Drug Stores
A	A	A	C	Electronics, sales and service (includes sales of cell phones)
C	A	P	A	Fast food restaurant (without drive-thru)
C	C	P	C	Fast food restaurant (with drive-thru)
A	A	C	C	Floor coverings
A	A	A	A	Florist and gift shop
A	A	C	C	Furniture, retail, new and used
C	A	P	C	Gasoline station (no convenience store, sales or car wash)
C	C	P	C	Gasoline station (with convenience store, sales or car wash)
P	C	P	P	Gun sales
C	C	C	C	Grocery store, (including alcohol sales)
A	A	A	C	Hair salon
C	C	C	C	Hardware
A	A	A	C	Health foods
A	A	A	C	Hobby and craft shop
A	A	C	C	Home furnishing store
A	A	A	A	Hotel

WF = Waterfront CQ = Central Quarter HT = Hilltown

CC/HC = Civic Center/Hospitality Corridor A = Allowed C = Conditional P = Prohibited

WF(4,6)	CQ	HT(3)	CC/HC(4)	Type of Uses
A	A	A	A	Ice Cream Parlor
A	A	A	C	Interior decorating
A	A	A	C	Jewelry stores
A	A	C	C	Loan/mortgage companies, realty office
A	A	A	C	Locksmiths
A	A	A	C	Luggage shops
C	C	C	C	Manufacturing and assembly
P	P	P	P	Motel
C	C	C	C	Mortuary, Columbaria, Cemetery
A	A	A	C	Nail Salon
C	C	C	C	Neighborhood market
C	C	C	C	Nightclub
C	A	C	C	Paint Store
P	C	P	P	Pawn Shop
C	A	C	C	Pet shops and grooming facilities
A	A	A	C	Photo studios
A	A	A	A	Physical fitness and health clubs
C	C	C	C	Plant nurseries, retail and wholesale
C	C	C	C	Private clubs and lodges
C	C	C	C	Public utilities and service structures
A	A	A	C	Radio and TV Broadcasting studios, excluding towers
A	A	C	C	Radio and TV sales and service
A	A	A	A	Restaurants (and on-site alcohol sales with consumption of meals)
C	C	C	C	Schools, service and vocational
A	A	A	C	Shoe repair
A	A	A	A	Sidewalk café
A	A	A	A	Snack shops
A	A	C	C	Sporting goods, retail
P	C	P	P	Storage facilities
A	A	A	C	Taxidermists
A	A	A	A	Theater, performance space
A	A	A	C	Title companies
A	A	A	C	Tobacco Shops
A	A	A	C	Toy Stores
A	A	A	C	Travel Agencies
A	A	A	C	Video, sales and rentals
				Residential Uses
A	A	A	C	Residential, single and multi-family (attached and detached)
A	A	A	C	Secondary or Carriage units (5)
A	A	A	C	Live/Work

WF = Waterfront CQ = Central Quarter HT = Hilltown

CC/HC = Civic Center/Hospitality Corridor A = Allowed C = Conditional P = Prohibited

Footnotes:

- (1) Not a desired use in the Waterfront District or Hospitality Corridor.
- (2) Refer to definitions regarding the number of children allowed pursuant to state law.
- (3) All uses listed for the Hilltown area would require a General Plan Amendment (GPA) and Rezoning (RZ) in order to apply the Regulatory Code. Until such applications to amend the General Plan land use & zoning district designations are approved, the current General Plan land use designation remains in effect.
- (4) The City Wastewater Treatment Plant is excluded from this list of uses. Additionally, the Civic Center area, BART park & ride lot, Williamson, CalTrans, PG&E, and Carone 3&4 properties are excluded from this list of uses. Until such applications to amend the General Plan land use & zoning district designations are approved, the current General Plan land use designation remains in effect.
- (5) A secondary or carriage unit shall be a maximum of 660 square feet, as stated within Chapter VI, General Provisions, and not the 800 square foot maximum in Chapter 35, Section 320, Second Residential Units of the Specific Land Use requirements of the Zoning Ordinance.
- (6) The uses and guidelines of the Waterfront District Master Plan shall not be superceded by the Central Hercules Plan Regulating Code.

Note: The Community Development and Public Services Director reserves the right to determine the best fit for a proposed use that does not appear on this list. If the applicant disagrees with this determination, they may appeal this interpretation to the Planning Commission.

CHAPTER VI

GENERAL PROVISIONS

A. Maximum Block Size:

The maximum perimeter of any block shall be no more than 1600ft. The minimum dimension of each block face shall be no more than 500ft. Pedestrian passages leading from the street to the middle of the block shall be provided at intervals no greater than 250ft.

B. Alleys:

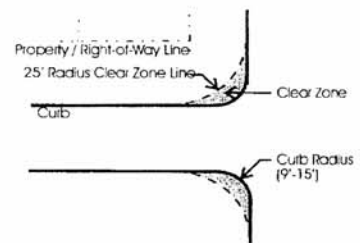
Alleys are required in the Central Hercules Plan area to minimize curb cuts and to provide access to parking and service areas behind buildings. Alley locations and dimensions are not fixed but shall be designed to accommodate the alley's purpose. Additional curb cuts shall be added only with the permission of the CDPS staff or Town Architect. Alleys may be incorporated into parking lots as drive aisles and fire lanes.

C. Fronts and Backs:

The front or side of every building must face the street. Rear facing buildings, loading docks, overhead doors and service entries are prohibited on street facades.

D. Corner Radii & Clear Zones:

Corner curb radii shall be between 4 feet and 15 feet. These fairly tight turning radii are intended to shorten pedestrian crossings and inhibit drivers from turning corners at high speeds. To allow for emergency vehicles (e.g. fire trucks) to turn corners, a 25 foot radius Clear Zone shall be established free of all vertical obstructions including but not limited to telephone poles, sign poles, fire hydrants, electrical boxes, or newspaper boxes.



E. Single vs. Double Loaded Roads:

Segments of single loaded road are designated in order to provide public access to significant natural areas and to enhance these significant natural areas by facing them with the fronts of buildings. Single loaded roads may be replaced with a double-loaded alternative upon special approval by the Planning Commission and the City Council. Converting single loaded roads to double loaded roads may be appropriate in locations where: there is no significant natural view; significant negative visual impact will not be created by having the developed properties back up to the natural area or green space; or a balanced public-private interest to incorporate double loaded roads for the use of the property.

F. Street Trees:

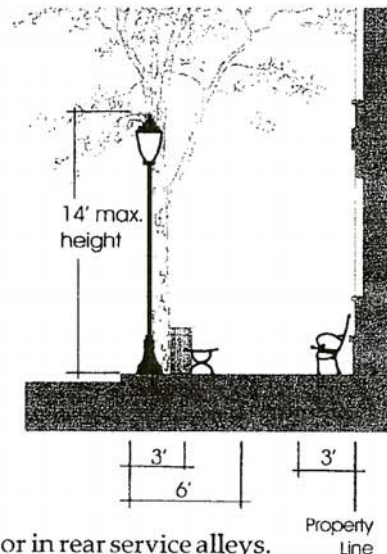
Streets shall be planted with regularly spaced shade trees. Trees shall be selected in consultation with the City of Hercules Planning Staff or Town Architect.

G. Street Lighting:

Street lighting shall be provided on all streets. Street light fixtures shall be located within 3 feet of the curb and shall be provided at intervals no greater than 50 feet. Street light fixtures shall be chosen in consultation with the CDPS staff. Street light fixtures shall be made of metal painted with a black or dark green matte finish and shall be consistent in color and style along both sides of any street. Street lighting shall be scaled to the pedestrian and shall be no taller than 14 feet.

H. Street Furniture:

Street furniture includes benches, trash receptacles, street signs, and traffic lights. Street furniture shall be chosen in consultation with the CDPS staff. Benches and trash receptacles shall be provided on all streets at intervals no greater than 200 feet. Street furniture shall be located so as to maintain a clear pedestrian path and shall be placed within 6 feet of the curb. Benches may also be placed at the rear of the sidewalk within 3 feet of the Right-of-Way line. Benches with backs shall be oriented to face the street. Street furniture shall be made of metal painted with a black or dark green matte finish, and/or wood with a natural finish. Street furniture shall be consistent in color and style along both sides of any street.



I. Placement of Utilities:

All new utilities shall be placed underground in all public streets or in rear service alleys.

J. Civic Sites:

Civic buildings are of special public importance. Civic buildings include, but are not limited to, municipal buildings, churches, libraries, schools, recreation facilities, and places of assembly. Civic buildings do not include retail buildings, residential buildings, or privately owned office buildings. In order to provide greater flexibility to create a special architectural statement, civic buildings are not subject to Build-to Line requirements or Building Frontage requirements. The design of civic buildings shall be subject to review and approval by the Planning Commission.

K. Parking:

1. Parking Requirements

The intent of these parking regulations is to encourage a balance between compact pedestrian oriented development and necessary car storage. The goal is to construct neither more nor less parking than is needed.

On-street parking is permitted throughout the district. Parking need not be contiguous with the building or the use it serves.

Minimum parking requirements in the Hercules Central District are as follows:

- 1.25 spaces / dwelling unit
- 1 space / 400 sf of retail
- 1 space / 300 sf of office

Shared parking solutions are encouraged. Required parking minimums can be reduced by up to 50% with a shared parking solution approved by the CDPS. The applicant shall provide a parking analysis justifying the proposed shared parking solution.

Minimum parking space dimensions for head-in or diagonal parking shall be 9'x17' with 10 foot drive lanes (20' for 2 way traffic) and parallel parking spaces shall be 6'x20' minimum with 10 foot drive lanes (20' for 2 way traffic).

Parking shall be provided as necessary to meet the requirements of the Americans with Disabilities Act.

2. On-Street Parking

The selection of diagonal or parallel parking along any section of road shall be determined in consultation with the Public Works Director. In the event that CDPS staff approves diagonal instead of parallel parking, dimensions should be adjusted in Chapter II.

3. Off-Street Surface Parking Lot Placement

Off-street surface parking lots shall be set back a minimum of 50 feet from the property line along all streets. CDPS shall have discretion to make this requirement applicable elsewhere on prominent frontages, such as along key pedestrian connections, within significant vistas and within important public spaces. Outbuildings serving as garages facing alleys shall be permitted within this setback. Surface parking lots may be built up to the property line on all other street frontages.

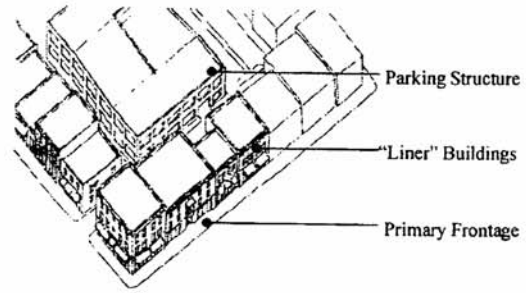
4. Structured Parking Lot Placement

Parking structures shall be set back a minimum of 50 feet from the property lines of all adjacent streets to reserve room for Liner Buildings between parking structures and the lot frontage. The Liner Building shall be no less than two stories in height. Liner Buildings may be detached from or attached to parking structures.

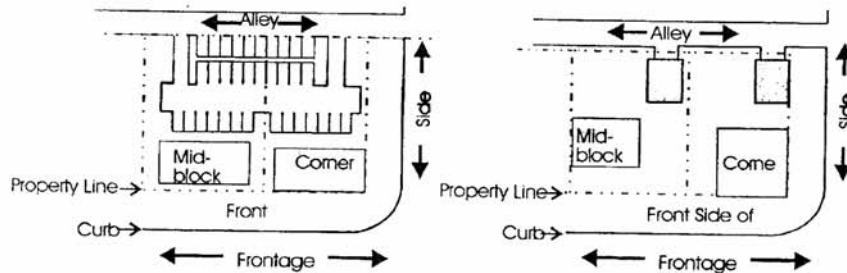
5. Access to Off-Street Parking

Alleys shall be the primary source of access to off-street parking. (Parking along alleys may be head-in, diagonal or parallel.)

Alleys may be incorporated into parking lots as standard drive aisles. Access to all properties adjacent to the alley shall be maintained. Access between parking lots across property lines is also encouraged.



Corner lots that have both rear and side access shall access parking through the rear (see diagram below).



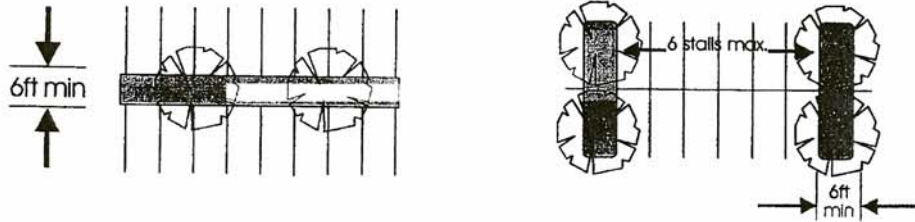
Circular drives are prohibited except for civic buildings.

Garage door(s) shall be positioned no closer to streets, squares or parks than 20 feet behind the principal plane of the building frontage. Garage doors facing streets, squares or parks shall not exceed 10 feet in width. Where space permits, garage doors shall face the side or the rear, not the front.

6. Parking Lot Landscaping Requirements:

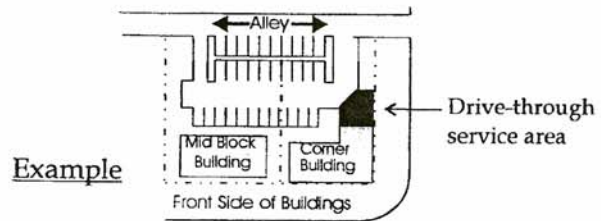
Landscape strips of at least six feet in width shall be provided between parking aisles of either head-in or diagonal parking. Tree spacing, shrubs, and groundcover in parking lots shall be determined by the CDPS staff based upon tree species and location. The objective is to create a continuous shade canopy. A diversity of tree species throughout the Central Hercules Plan area is encouraged. To minimize water consumption, the use of low-water vegetative ground cover other than turf is encouraged. Plant material and trees should be of native species that are climate and drought tolerant.

In lieu of landscape strips, landscape islands can be provided. No more than six (6) consecutive parking stalls are permitted without a landscape island of at least six (6) feet in width and extending the entire length of the parking stall. A minimum of one tree and a combination of shrubs and/or ground cover shall be planted in each landscape island. Permanent irrigation systems must be installed in each island.



L. Drive-throughs:

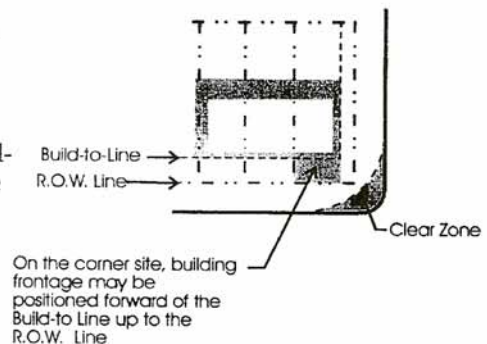
Drive-through service windows are permitted in the rear in mid-block and alley accessed locations provided they do not substantially disrupt pedestrian activity or surrounding uses.



M. Exceptions from Build-to Lines:

Exceptions from Build-to Lines may be granted by the CDPS staff to avoid trees with calipers greater than eight (8) inches.

On corner sites (within 50 feet of the corner) with Build-to Lines from the Right-of-Way Line, building frontage may be positioned forward of the Build-to Line up to the Right-of-Way Line, provided it does not encroach upon the Clear Zone.



N. Side and Rear Setbacks:

No side or rear setbacks are required by the Regulating Code. See Chapter II, Palette of Street Types, in this Code for rules regarding spacing between buildings.

O. First Floor Height for Residential:

Residential uses on the first story shall have finished floor height raised a minimum of two (2) feet above sidewalk grade.

P. Accessory Structures:

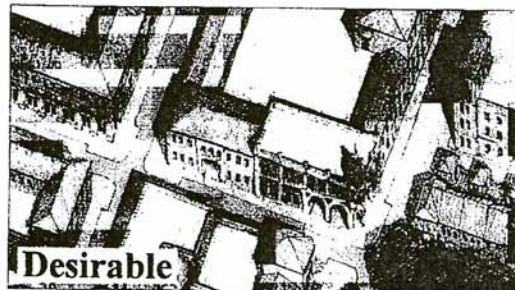
Accessory structures are permitted and may contain parking, accessory dwelling units, home occupation uses, storage space, and trash receptacles. Home occupation uses are restricted to owner plus one employee, shall not include noxious or disruptive functions, and may not disrupt parking for neighboring residents. Please refer to Section 3, Chapter 35, of the Zoning Ordinance for specific standards regarding home occupations.

Accessory structures shall not be greater than 660 square feet in footprint and shall not exceed two (2) stories in height.

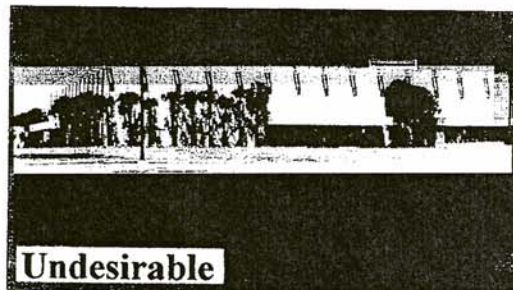
Q. Large Footprint Buildings:

Buildings with a footprint greater than 20,000 square feet may be built within the CHP area by an approved CUP only. Such buildings must abide by all rules in this Code with the following special limitations:

- a. Buildings may be only one story in height on any street frontages except Main Street. One story buildings shall be at least 24 feet in height. This may be accomplished with Liner Buildings or higher ceiling heights and/ or parapets.
- b. To encourage use by pedestrians and decrease the need for solely auto-oriented patronage, Large-Footprint Buildings must reinforce the urban character of the CHP area and shall therefore continue a connected system of walkable street frontages.
- c. Buildings are exempt from maximum lot size restrictions, however building footprints may not be larger than a single block.
- d. Loading docks, service areas and trash disposal facilities shall not face streets, parks, squares or significant pedestrian spaces.



Large Footprint Buildings are wrapped in a liner of smaller buildings with doors and windows facing the street.



Large Footprint Building has blank facades and sits behind a field of parking.

R. Additional Prohibitions:

The following are prohibited where visible from parks, squares and primary streets:

Utility boxes and machinery including but not limited to: backflow devices, electric meters and air conditioning units.

CHAPTER VII

ADMINISTRATION *of the* REGULATING CODE

Submission Requirements

Applicants shall submit the following items to The Community Development and Public Services(CDPS) Staff for review:

1. Site Survey, no more than 6 months old.
2. Tree Survey, no more than 6 months old.
3. Site Plan, drawn to scale, which shall indicate:
 - a. Lot lines;
 - b. Building locations and orientations;
 - c. Parking locations and number of spaces;
 - d. Paved surfaces, materials and location(s);
 - e. Site location diagram & legal description;
 - f. Signage; and
 - g. Landscaping.
4. Building Elevations illustrating all sides of structures.
5. Grading Plan.
6. Parking analysis justifying the proposed parking solution.
7. Digital version of the site plan and all exterior elevations of the proposed buildings and other related components of the proposed development in a format suitable for viewing on a web site. These should be at least 800x600 dpi in either a jpeg or tiff format.

Review Process

Phase I, Mandatory/Phase II, Permissive Distinction

The criterion for designating parcels in either Phase I or Phase II is based upon the consistency between the current General Plan designation and the intent of the Regulating Code.

Phase I Parcels

For some sites within the CHP area, the land uses envisioned by the Central Hercules Plan (and allowed by the Regulating Code) would be consistent with the current land use designations in the General Plan. These sites are considered "Phase I" sites, and development of those sites must conform with the proposed Regulating Code. Phase I sites include, without limitation: all of the Waterfront District (except the Wasterwater Treatment Plant), all of the Central Quarter (except the BART parking lot), and the Creekside Shopping Center, proposed Amerisuties Hotel site, Carone 1, and the K&B 125-lot residential subdivision that is under construction within the Civic Center/Hospitality Corridor (but excludes the Civic Center area, the Williamson property, PG&E, CalTrans, and Carone 3 and 4).

Phase II Parcels

For those sites on which the land uses envisioned are not consistent with the General Plan, compliance with the Regulating Code would not be required. That is, development of those "Phase II" sites could proceed, consistent with the existing General Plan and other current land use regulations. Should an applicant wish to develop a Phase II parcel according to the Central Hercules Plan and Regulating Code, the applicant would need to request amendments to the General Plan and Zoning Ordinance. Phase II sites include, without limitation: the Wastewater Treatment Plant, BART park and ride, Penterra/Albertson's sites in the Central Quarter, the entire Hilltown area, and the Civic Center, Williamson property, PG&E, CalTrans, and Carone 3 and 4 in the Civic Center/Hospitality Corridor area.

Mandatory/Permissive Discussion

The land uses allowed by the Regulating Code are consistent with the current land use designations in the General Plan on certain sites within the CHP area the "Phase I" parcels. The provision of the Regulating Code will apply to all land use applications on these parcels. However, on proposed parcels where an inconsistency occurs between the current General Plan land use designation and the uses and intensity of development allowed by the Regulating Code, the property owner may elect to develop the property based upon the proposed General Plan land use designation. Thus, application of the Regulating Code is at the permissive discretion of the applicant

Mandatory application of the Regulating Code is not meant to impose new procedures on projects that are under construction (such as, for example, the 125-lot residential development along Sycamore being constructed by K & B), or currently being reviewed (such as, for example, the warehouse proposal on two parcels along San Pablo Avenue at the North Shore Business Park, the 56-lot residential proposal at Hercules and San Pablo Avenues) or to interfere with any effective current Development Agreements (such as, for example, the Amerisuites Hotel proposal, Penterra site, or the Creekside Shopping Center).

Permissive application means that the applicant has the discretion to adhere to the uses and intensity of development allowed under the Regulating Code. The map entitled "Application of the Central Hercules Regulating Code" at the end of this section indicates that a developer could pursue a discretionary permit (such as a Conditional Use Permit, Variance, Planned Development Plan, Parcel or Subdivision Map) for the zoning designation and allowed uses of those parcels under the existing Planned Development Plan and/or Design Review process (see Application of the Central Hercules Plan Regulating Code). Table 1 illustrates the Phase I/Phase II, Mandatory/Permissive distinction.

Table 1: Phase I/II, Mandatory/Permissive Distinction		
	Phase I	Phase II
Mandatory	Waterfront District Central Quarter North Shore Business Park proposal Proposal at the corner of Hercules and San Pablo Avenues	NOT APPLICABLE
Permissive	Creekside Shopping Center K & B Hotel	Wastewater Treatment Plant Civic Center area BART parking lot Hilltown Williamson property PG&E property CalTrans Carone 3&4 Penterra - Albertson's properties

Environmental Review

As part of any development application that would be submitted for parcels in either Phase I or II, environmental review is required. For parcels in Phase I, a traffic, noise, air and photosimulation study will be required to be submitted to the CDPS staff to conduct the environmental review. Additional studies beyond those listed may be required for parcels in Phase II. CDPS staff will prepare an Initial Study checklist to determine what level of environmental review is appropriate for parcels in Phase II.

Design Review by CDPS Staff

Applications are subject to review by the Community Development & Public Services Staff (staff). The staff shall have authority for approving all aspects of site planning and exterior architecture, including aesthetic appropriateness, of a development proposal.

If the proposal adheres to the guidelines, design criteria, is an allowed use, and mix of uses as required for its specific area, the proposal will be approved over the counter within a ten (10) day work period. Applicants may, at their option, submit designs in schematic or sketch form to the CDPS staff for preliminary approval, subject to further review.

Exceptions

Exceptions may be granted by CDPS staff or the Town Architect (TA) at their sole discretion for certain requests, such as to increase building height less than or equal to ten percent of the total maximum building height. Requests for modifications that are more than 10% of the development standard shall be considered as a variance.

Town Architect Review

If staff and the Town Architect denies approval through the Administrative Review Process for design related issues, the applicant may appeal the decision to the Planning Commission Design Review Subcommittee (PCDRS).

Planning Commission Design Review Subcommittee

Appeals to decisions made by staff and the Town Architect shall be heard by the Planning Commission Design Review Subcommittee (PCDRS). The PCDRS may take into consideration the previous meetings between staff, the TA, and the developer/applicant when reviewing an appeal. The PCDRS shall be held at least seven calendar days following review by staff and the Town Architect.

Requests for design review by the PCDRS under this Code shall include each exhibit required in the Administration Review Process of this code. In addition, the PCDRS may require additional exhibits, and may defer approval of an Exception application, or schedule a public hearing or hearings to review those exhibits.

The PCDRS shall have authority to require that the applicant satisfy any additional conditions it deems necessary to fulfill goals of the Hercules General Plan, including reasonable offsite improvements directly related and proportionate to the specific impact of the request.

Appeals to decisions made by the PCDRS shall be heard in a public hearing before the Planning Commission (PC).

Planning Commission

The Planning Commission may approve an appeal for an Exception or Design Review, and may approve a Conditional Use Permit or Variance. The Planning Commission may also provide a recommendation to the City Council for an Amendment to or Policy determination on the Regulating Code.

Appeals to decisions made by the PC shall be heard in a public hearing before the City Council (CC).

City Council

The City Council may approve an appeal regarding an Exception or Design Review, Conditional Use Permit, or Variance and is the only decision making body that may approve an Amendment to or Policy determination on the Regulating Code.

Site Development Agreement Option:

The City may enter into a Site Development Agreement with the user or developer of a property, relating to development of a particular parcel or tract of land. An agreement may address such issues as impact fee credits; a specialized or negotiated concept of design or site plan development; infrastructure service credits or public-private participation in funding, design or construction; or other incentives based upon strict compliance with requirements of this code. The Agreement will be mutually acceptable to all parties. Considerations for the City in deciding whether to participate in such an agreement will include compliance with the objectives and design criteria specified in this code; demonstration of a cost benefit to City and developer and consideration of development amenities provided by the developer. Such a Site Development Agreement shall be adopted by the City Council and be in conformance with the requirements of state statutes, as to effect, duration, public hearing requirements and other issues.

Install Sign on Site if Project Approved

Should the project receive Design Review approval by the CDPS staff, and approval of the Environmental Review by the Planning Commission, at least one temporary sign of 4' by 5' shall be placed on that site in a prominent and viewable location. Perspective drawings of the approved project shall be displayed on this sign.

Findings

The Community Development and Public Services staff, Town Architect, Planning Commission, Design Review Subcommittee, Planning Commission or City Council may approve the design and/or use of a development proposal based upon the following findings:

Design Review Findings

- a. The approval of the design review plan is in conformance with all provisions of the City of Hercules Zoning Ordinance, Chapter 53, Regulating Code, pertinent provisions of the Zoning Ordinance and applicable zoning and land use regulations, including, but not limited to, the Hercules General Plan.
- b. The approval of this plan is in the best interest of the public health, safety, and general welfare.
- c. General site considerations, including site layout, open space and topography, orientation and location of buildings, vehicular access, circulation and parking, setbacks, heights, walls, fences, public safety and similar elements have been designed to provide a desirable environment for the development.
- d. General architectural considerations, including the character, scale and quality of design, the architectural relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing, and similar elements have been incorporated in order to insure the compatibility of this development with its design concept and the character of adjacent buildings.
- e. General landscape considerations, including the location, type, size, color, texture and coverage of plant materials at the time of planting and after a five (5) year growth period, provision for irrigation, maintenance and protection of landscaped areas and similar elements have been considered to insure visual relief, to complement buildings and structures and to provide an attractive environment for the enjoyment of the public.

Exception Findings

- a. That strict interpretation and application of the specific regulation would result in practical difficulty inconsistent with the purposes and intent of the General Plan and Central Hercules Plan Regulating Code while the exception allows for a site plan or development that better meets the purposes and intent of the General Plan and Central Hercules Plan Regulating Code.
- b. That the granting of an exception will not constitute a grant of special privilege inconsistent with the limitation on other properties in the vicinity and zoning district in which the property is located.
- c. That the granting of an exception will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Variance Findings

- a. That strict or literal interpretation and enforcement of the Central Hercules Plan Regulating Code would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the General Plan and the Central Hercules Plan Regulating Code. The hardship shall be specific to the property and not created by any act of the owner. Personal, family, or financial difficulties; loss of anticipated profits; and zoning violations of neighbors shall not be considered hardships justifying a variance.
- b. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use of the property including size, shape, topography, location or where the strict or literal interpretation and enforcement of the Central Hercules Plan Regulating Code would deprive the property of privileges enjoyed by other properties in the vicinity and classified in the same zoning district(s). That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation;
- c. That the granting of a variance will not constitute a grant of special privilege inconsistent with the limitation on other properties in the vicinity and zoning district in which the property is located.
- d. That the granting of a variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

General Conditional Use Permit Findings

- a. That the proposed use is consistent with the General Plan.
- b. That the proposed location of the use conforms with the purposes of the Regulating Code, and the purposes of the district in which the site is located, and will comply with the application provisions of the Regulating Code.
- c. That the location, size, design, and operating characteristics of the proposed use will be compatible in design, scale, coverage, and density with the existing and anticipated adjacent uses.
- d. There is adequate access, traffic, public service capacity for the proposed use and surrounding existing and anticipated uses.
- e. There are no potential significant adverse environmental impacts that could not be feasibly mitigated and monitored

Findings for an Amendment to the Regulating Code

- a. The proposed amendment is consistent with the General Plan.
- b. The proposed amendment would not be detrimental to the health, safety welfare, and public interest of the City.
- c. The proposed amendment is internally consistent and does not conflict with the purposes, regulations, and required findings of the Zoning Ordinance.

Specific Findings for the Following Uses:

Drive-Through Facilities

- a. That the proposed facility will not impair a generally continuous wall of building facades;
- b. That the proposed facility will not result in weakening the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of a shopping frontage;
- c. That the proposed facility will not directly result in a significant reduction in the circulation level of service of adjacent streets.
- d. Standards. A driveway serving as a vehicle stacking or queuing lane for a drive-through window shall be separated from parking areas and shall not be the only entry or exit lane on the premises. Such facility shall be so situated that any vehicle overflow from it shall not spill onto public streets or the major circulation aisles of any parking lot. Such facility shall have durable, all-weather surface; shall have reasonable disposal of surface waters by grading and drainage; and shall be permanently maintained in good condition.
- e. Dimensions. Each vehicle space comprising a stacking or queuing lane for a drive-through window shall be a minimum of ten feet in width by twenty (20) feet in length. Such a stacking or Queuing lane shall have a maximum capacity of eight vehicles.

Hotel

- a. That the proposal is located in the Waterfront District, Central Quarter, Hilltown, or Civic Center/Hospitality Corridor areas of the Central Hercules Plan area; is a use that is allowed by the Regulating Code; near the I-880 freeway and State Route 4, and/or in an area with a concentration of amenities for hotel patrons, including restaurant, retail, recreation, open space and exercise facilities, and is served by public transit;
- b. That the proposal considers the impact of the employees of the hotel or motel on the demand in the city for housing, public transit, and social services;
- c. That the proposal is consistent with the goal of attracting the highest quality hotels in the Downtown area, along the waterfront, or along the I-880 freeway which provide: (a) a full service restaurant providing three meals per day; and (b) on-site recreational amenities, which

may include an exercise room, swimming pool, and/or tennis courts;

- d. That the proposed development will be of an architectural and visual quality and character which harmonizes and enhances the surrounding area, and includes:
 - 1. Site planning that insures appropriate access and circulation, locates building entries which face the primary street, provides a consistent development pattern along the primary street, and insures a design that promotes safety for its users;
 - 2. Landscaping that creates a pleasant visual corridor along the primary streets with a variety of local species and high quality landscape materials;
 - 3. Signage that is integrated and consistent with the building design and promotes the building entry, is consistent with the desired character of the area, and does not detract from the overall streetscape;
 - 4. The majority of the parking to the rear of the site and where appropriate is provided within a structured parking facility that is consistent, compatible and integrated into the overall development;
 - 5. Appropriate design treatment for ventilation of room units as well as structured parking areas; and prominent entry features that may include attractive porte-cocheres;
 - 6. Building design that enhances the building's quality with strong architectural statements, high quality materials particularly at the pedestrian level and appropriate attention to detail;
 - 7. Lighting standards for hotel buildings, grounds and parking lots shall not be overly bright and shall direct the downward placement of light;
- e. That the proposed development provides adequately buffered loading areas and to the extent possible, are located on secondary streets.

Convenience Markets, Fast-Food Restaurants, and Alcohol Beverages Sales Establishments

- a. That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable, with consideration to be given to the area's function and character, problems of crime and loitering, and traffic problems and capacity;
- b. That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds;
- c. That the proposal will not interfere with the movement of people along an important pedestrian street;
- d. That the proposed development will be of an architectural and visual quality and character, which harmonizes with, or where appropriate enhances, the surrounding area;
- e. That the design will avoid unduly large or obtrusive signs, bleak unlandscaped parking areas, and an overall garish impression;
- F. That adequate litter receptacles will be provided where appropriate;
- g. That where the proposed use is in close proximity to residential uses, and especially to

bedroom windows, it will be limited in hours of operation, or designed or operated, so as to avoid disruption of residents' sleep between the hours of ten p.m. and seven a.m.

- h. No Alcoholic Beverage Sales Establishment shall be located closer than one thousand (1,000) feet to any other Alcoholic Beverage Sales Establishment, except if the activity is in conjunction with a Full-Service Restaurant; or
- i. A conditional use permit for an Alcoholic Beverage Sales license in an area of over concentration shall be granted and a finding of Public Convenience or Necessity made only if the proposal conforms to all of the following criteria:
 - 1. That a community need for the project is clearly demonstrated. To demonstrate community need, the applicant shall document in writing, specifically how the project would serve an unmet or undeserved need or population within the overall Hercules community or larger West County in which the project is located, and how the proposed project would enhance physical accessibility to needed goods or services that the project would provide, including, but not limited to alcohol; and
 - 2. That the overall project will have a positive influence on the quality of life for the community in which it is located, providing economic benefits that outweigh anticipated negative impacts, and that will not result in a significant increase in calls for police service; and
 - 3. That alcohol sales are typically a part of this type of business in the City of Hercules (for example and not by way of limitation, alcohol sales in a laundromat would not meet this criteria).
 - 4. Projects shall not have to meet all of the criteria to make a finding of Public Convenience or Necessity if the project that will result in twenty-five (25) or more full time equivalent (FTE) employees and will result in a total floor area of twenty thousand (20,000) square feet or more.
 - 5. The proposed project is not within one thousand (1,000) feet of another alcohol outlet (Except full service restaurants), school, licensed day care center, public park or playground, churches, senior citizen facilities, and licensed alcohol or drug treatment Facilities; and
 - 6. Police department calls for service within the "beat" where the project is located do not exceed by twenty (20) percent, the average of calls for police service in police beats citywide during the preceding twelve (12) months.

Fast-Food Restaurants

- a. Ingress and egress to Fast-Food Facilities shall be limited to commercial streets rather than residential streets. No access shall be provided to adjacent residential streets, which are less than twenty-six (26) feet in pavement width. Exceptions to either of the requirements may be obtained where the City Engineer determines that compliance would deteriorate local circulation or jeopardize the public safety. Any such determination shall be stated in writing and shall be supported with findings. Driveway locations and widths and entrances and exits

to Fast-Food Facilities shall be subject to the approval of the City Engineer.

- b. Trash and Litter. Disposable containers, wrappers and napkins utilized by Fast-Food Restaurants shall be imprinted with the restaurant name or logo.
- c. Vacated/ Abandoned Fast-Food Facilities. The project sponsor of a proposed Fast-Food Facility shall be required to obtain a performance bond, or other security acceptable to the City Attorney, to cover the cost of securing and maintaining the facility and site if it is abandoned or vacated within a prescribed high-risk period. As used in this code, the words "abandoned" or "vacated" shall mean a facility that has not been operational for a period of thirty (30) consecutive days, except where nonoperation is the result of maintenance or renovation activity pursuant to valid city permits. The defined period of coverage is four years following the obtaining of an occupancy permit. The bond may be renewed annually, and proof of renewal shall be forwarded to the Community Development and Public Services Director. The bond amount shall be determined by the City and shall be adequate to defray expenses associated with the requirements outlined below.

If a Fast-Food Facility has been vacated or abandoned for more than thirty (30) consecutive days, the project sponsor shall be required to comply with the following requirements, pursuant to the relevant cited city, county and state codes:

- a. Enclose the property with a security fence and secure the facility;
- b. Post signs indicating that vehicular parking and storage are prohibited on the site, that violators will be cited, vehicles will be towed at the owner's expense, and that it is unlawful to litter or dump waste on the site. All signs shall conform to the limitations on signs for the specific zone and shall be weatherproof and of appropriate size and standard design for the particular function;
- c. Install and maintain security lighting as appropriate if required by the Hercules Police Department;
- d. Keep the site free of handbills, posters and graffiti and clear of litter and debris.
- e. Maintain existing landscaping and keep the site free of overgrown vegetation.

Tobacco-Oriented Uses.

- a. No tobacco-oriented activity shall be located within, nor closer than one-thousand (1,000) feet to the boundary of an residential zone, school, public library, park or playground, recreation center or licensed daycare facility.

STANDARDS/CRITERIA FOR USES

Live/Work Quarters

- a. Joint living and work quarters are permitted in all zones where residential uses are permitted or conditionally permitted.
- b. Joint living and work quarters may be permitted if allowed in the district and pursuant to Chapter 13, Section 300, Performance Standards of the Industrial Residential Mixed Use

District. Upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 50, Use Permits of the Hercules Zoning Ordinance, as well as these additional findings:

1. That the workers and others living there will not interfere with, nor impair, the uses of the particular area; and
2. That the workers and others living there will not be subject to unreasonable noise, Odors, vibration, or other potentially harmful environmental conditions.

Sidewalk Cafes

- a. Sidewalk Cafes must have at least six feet of unobstructed right-of-way improved sidewalk for pedestrians. The minimum distance shall be measured from the portion of the Sidewalk Café encroachment, which is nearest to any obstruction within the sidewalk area. For purposes of the minimum clear path, parking meters, traffic signs, trees and all similar obstacles shall constitute obstruction.
- b. Operators/owners of Sidewalk Cafes shall obtain an encroachment permit from the city's Building Services Division, and shall comply with all requirements imposed by other affected departments. The encroachment permit shall include language that a waste receptacle be placed outside, all garbage/litter associated with Sidewalk Cafes must be removed within twenty-four (24) hours, and a requirement to obtain liability insurance. The city shall be named as an additional insured and the amount of the insurance shall be determined by the city's Risk Manager.
- c. The operators/owners of a sidewalk cafe agrees to hold harmless and to defend, at the sole expense of operator/owner, any action brought against the City based upon the issuance of a building or encroachment permit for this use. The operator/owner shall indemnify and reimburse the City for any judgment for damages, court costs and attorneys' fees that the City may be required to pay as a result of any such action. The City may, at its sole discretion participate in the defense of any such action, but such participation shall not relieve permittee of the obligations under this condition. Commencement of construction or operations under this permit shall be deemed to be acceptance by operator/owner of all conditions of this permit.
- d. The operator/owners of a sidewalk cafe shall continually bus tables and provide a final cleanup at the end of the business day that will include litter pickup one hundred (100) feet in each direction from the site.

Please reference Section 3, Chapter 35, Specific Land Use Requirements of the City of Hercules Zoning Ordinance for the specific standards following uses that could be established in the Central Hercules Plan area: Adult Entertainment, Antennae and Satellite Dishes, Bed and Breakfast Inns, Family Day Care Homes, Home Occupations, Mini-Storage Facilities, Second Residential/Carriage Units, and Service Stations.

It should be clarified, however, that there are no specific square footage or setback requirements for these uses in the Central Hercules Plan area. The building volume and placement criteria as indicated in the Palette of Street Types shall apply for that area.

Duration of Design Review, Exception, Variance, or Conditional Use Permit Approval

Except for Vesting Tentative Maps approved under Title 10, Chapter 2, Article 3.1 of the Hercules Municipal Code, and Development Agreements approved under Title 10, Chapter 8 of the Hercules Municipal Code, approved Design Review plans, Exceptions, Conditional Use Permits or Variances shall expire one (1) year from the date of approval unless prior to the expiration date a building permit is issued by the Building Official and construction has begun and is diligently being pursued toward completion.

A Design Review plan, Exception, Conditional Use Permit or Variance approved in conjunction with approval of a Vesting Tentative Map or Development Agreement shall expire concurrently with the expiration of the Vesting Tentative Map or according to the terms of the Development Agreement.

Approval for Design Review, Exception, Conditional Use Permits or Variances may be renewed for a maximum of one (1) additional year beyond the original date of expiration provided that a request for such renewal is submitted to the Planning Department before the date of expiration. The Planning Commission may grant or deny a request for renewal, which may be appealed to the City Council.

Specific Criteria for Conditional Use Permits

In addition to the criteria and process described above, a Conditional Use Permit shall expire one (1) year from the date of approval unless prior to the expiration, one or more of the following occurs:

1. A certificate of occupancy is issued by the Building Official for the site or the structure in which was the subject of the use permit application.
2. A longer time period, not to exceed two (2) years, is approved by the Planning Commission or City Council.

A Conditional Use Permit shall be considered abandoned, and shall no longer be valid, if the use has been discontinued or changed to another use for a continuous period of six (6) months. If the Community Development Director determines that a Use Permit has been abandoned, such determination shall be reported to the Planning Commission, the last known operator of the use, and the owner of the property for which the use permit was secured. This determination may be appealed by the property owner, provided that a written request of appeal is filed with the Community Development Director within ten (10) working days of the mailing of the notice of abandonment. The Planning Commission shall act on such an appeal after holding a public hearing on the appeal.

A temporary use permit shall expire thirty (30) days after the commencement of the activity or use for which the permit is secured, or six (6) months after the approval of the permit, whichever is sooner. A single thirty (30) day extension may be approved by the Community Development Director if unforeseen circumstances require extending the use or activity beyond the original thirty (30) day period.

WHO REVIEWS AND APPROVES DIFFERENT PROPOSALS IN THE CENTRAL HERCULES PLAN AREA

	Level of Review			
	Staff & Town Architect (TA)	Design Review Subcommittee (PCDRS)	Planning Commission	City Council
Exception	Approve	Information + Appeal	Information + Appeal	Information + Appeal
Design Review	Approve	Information + Appeal	Information + Appeal	Information + Appeal
Conditional Use Permit	Recommend		Approve	Appeal
Variance	Recommend		Approve	Appeal
Parcel Maps	Approve		Appeal	Appeal
Subdivision Maps	Recommend		Approve	Appeal
Amendment	Recommend		Recommend	Approve
Policy Determination	Recommend		Recommend	Approve

Type of Application

CHAPTER VIII

DEFINITIONS

VIII
16 July, 2001

Accessory Structure: a building or structure subordinate to the principal building and used for purposes customarily incidental to the main or principal building and located on the same lot or set of attached lots therewith.

Alley: a publicly or privately owned secondary way which affords access to the side or rear of abutting property.

Appurtenances: architectural features consisting of: spires, belfries, cupolas or dormers; silos; parapet walls, and cornices without windows; chimneys, ventilators, skylights, and antennas.

Awning: a roofed architectural projection with flexible material supported entirely from the exterior wall of a building.

Balcony: a porch connected to a building on upper stories supported by either a cantilever or brackets.

Block: an increment of land composed of an aggregate of lots, tracts and alleys circumscribed by thoroughfares.

Build-To-Line: a line parallel to the property line, along which a building shall be built.

Building Frontage: the vertical side of a building which faces the primary space or street and is built to the Build-To-Line.

Building Volume: the space displaced by the exterior walls and roof of a building; a product of building width, depth, and height. Building volume is regulated in order to shape public spaces that are human-scaled, well-ordered, and which maximize the amenity of shared public spaces.

Building Width: the distance from one side of a building frontage to the other. In conditions where buildings are attached, building width is the distinction between buildings which shall be expressed via a change in architectural expression.

Colonnade or Arcade: a covered, open-air walkway at standard sidewalk level attached to or integral with the building frontage; overhead structure is supported architecturally by columns or arches along the sidewalk.

Dwelling Area: the total internal useable space on all residential floors of a structure, excluding porches, balconies, terraces, stoops, patios, or garages.

Front Porch: a roofed area, attached at the ground floor level or first floor level, and to the front of a building, open except for railings, and support columns.

Garden Wall: a freestanding wall along the property line dividing private areas from streets, alleys, and or adjacent lots.

Height: the vertical distance from the lowest point on the tallest side of the structure to the top of the parapet, cornice or eave.

Liner Building: a building built in front of a parking garage, cinema, supermarket etc., to conceal large expanses of blank wall area and to face the street space with a facade that has doors and windows opening onto the sidewalk (see diagrams pp.8 and 9). Parking garages and their Liners may be built at different times.

Lot: a single building plot; the smallest legal increment of land which may be bought and sold.

Lot Frontage: the property line adjacent to the frontage street.

Marquee: a permanently roofed architectural projection the sides of which are vertical and are intended for the display of signs; which provides protection against the weather for the pedestrian; and which is supported entirely from an exterior wall of a building.

Primary Space or Street: the space or street that a building fronts. At squares and street intersections the space or street highest in the hierarchy is the primary street.

Stoop: a small platform and / or entrance stairway at a house door, commonly covered by a secondary roof or awning.

Storefront: building frontage for the ground floor usually associated with retail uses.

Structured Parking: layers of parking stacked vertically.

DEFINITION OF TYPES OF USES

Adult congregate care/Nursing Home: means a structure in which nursing, dietary and other personal services are rendered to convalescents, invalids or elderly persons residing thereat, and in which surgery or other medical treatment customarily given in hospitals is not performed. A convalescent home or rest home shall be deemed a nursing home. The term shall not include a so-called half-way house or rehabilitation center occupied by persons under treatment for alcoholism, drug abuse or any contagious disease. This type of use includes:

Community Care Facility, Small, a dwelling where non-medical care is provided to six or fewer persons on a twenty-four (24) hour basis and which is operated and occupied by the owners. Small Community Care Facilities shall be licensed by the State Department of Social Services; or

Community Care Facility, Large, a dwelling where non-medical care is provided to no less than seven (7) and no more than twelve (12) persons on a twenty-four (24) hour basis and which is operated and occupied by the owners. Large Community care facilities shall be licensed by the State Department of Social Services, shall permit no more than two (2) persons per bedroom and shall be designed so as to be compatible with the residential character of the neighborhood.

A nursing home is also called a Long Term Care Facility, which may be an institution or a portion of an institution that is licensed or approved to provide health care under medical supervision for twenty-four or more consecutive hours. Typical uses include Extended Care Facilities, Intermediate Care Facilities, Skilled Nursing Facilities, Hospices and other facilities licensed by the State Department of Health Services.

Adult Entertainment: The following definitions pertain to land uses involving adult entertainment:

1. "Adult arcade" means a building or portion thereof open or enclosed, wherein coin or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any time, and where a substantial portion of the images so displayed are distinguished or characterized by an emphasis on matters depicting or describing "specified sexual activities" as hereinafter defined; and which establishment restricts admission to such building or portion thereof to adults only.

2. "Adult bookstore" means a building or portion thereof used by an establishment having a substantial part of its stock in trade for sale to the public or certain members thereof, books, magazines, and other publications which are distinguished or characterized by their emphasis on matters depicting, describing, or relative to "specified sexual activities" as hereinafter defined; and which establishment restricts admission to such building or portion thereof to adults only.

3. "Adult cabaret" means a building or portion thereof or area in which a substantial portion of the total presentation time is devoted to the presentation of exhibition or featuring of any or all of the following activities for observation by patrons or customers, and which establishment restricts admission to such building, or portion thereof, or area, to adults only:

a. Male or female topless or bottomless dancers, male or female impersonators, or similar entertainers;

b. Male or female stripteasers, whether nude or partially clothed;

c. Burlesque-type entertainment, including shows or skits which include topless or bottomless dancing, male or female impersonators, striptease, or similar entertainment.

4. "Adult hotel-motel" means a substantial portion of material is presented which is distinguishable or characterized by an emphasis on depicting or describing "specified sexual activities" as hereinafter defined, and which establishment restricts admission to such building or portion thereof to adults only.

5. "Adult motion picture theater" means a building or portion thereof or area, open or enclosed, in which a substantial portion of the total presentation time is devoted to the presentation of motion pictures distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" as hereinafter defined, for observation by patrons or customers; and which establishment restricts admission to such building or portion thereof or area to adults only.

6. "Specified sexual activities" includes the following:

a. Actual or simulated intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of sexual relationship or the use of excretory functions in the context of sexual relationship, and any of the following depicted sexually oriented acts or conduct means anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or

b. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence;

or

c. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or

d. Fondling or touching of nude human genitals, pubic region, buttocks or female breasts;

or

- e. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
- f. Erotic or lewd touching, fondling or other contact with an animal by a human being; or
- g. Human excretion, urination, menstruation, vaginal or anal irrigation.

"Adult-related establishment" means a bathhouse, escort bureau, massage parlor, outcall massage service, modeling studio or sexual encounter center, as defined by this section. "Adult-related establishment" also includes any other business or establishment which has available for or offers any patron, for pecuniary compensation, consideration, hire or reward, services or entertainment or activities which involve "specified sexual activities" or the display of "specified anatomical areas." "Adult-related establishment" does not include an adult bookstore, adult cabaret, adult motion picture theater, adult arcade, or adult hotel-motel as defined in this section under "adult entertainment."

1. "Bathhouse" means an establishment whose primary business is to provide, for pecuniary compensation, consideration, hire, or reward, access to any kind of bath facility, including showers, saunas and hot tubs.

2. "Escort" means a person who, for pecuniary compensation, consideration, hire, or reward, (i) accompanies others to or about social affairs, entertainment or places of amusement, or (ii) keeps company with others about any place or public resort or within any private quarters.

3. "Escort bureau" means a business, which, for pecuniary compensation, consideration, hire or reward, furnishes or offers to furnish escorts.

4. "Figure model" means any person who, for pecuniary compensation, consideration, hire or reward, poses to be observed, sketched, painted, drawn, sculptured, photographed, or otherwise depicted.

5. **Massage Service, Outcall.** "Outcall massage service" means any business or establishment where the primary function of such business is to engage in or carry on massage for pecuniary compensation or consideration, hire, or reward not at a fixed location, but at a location designated by the customer or client.

6. "Modeling studio" means a business which provides, for pecuniary compensation, consideration, hire, or reward, figure models who, for the purpose of sexual stimulation of patrons, display, "specified anatomical areas" to be observed, sketched, photographed, painted, sculpted, or otherwise depicted by persons paying such consideration. "Modeling studio" does not include schools maintained pursuant to standards set by the State Board of Education. "Modeling studio" further does not include a studio or similar facility owned, operated, or maintained by an individual artist or group of artists, and which does not provide, permit, or make available "specified sexual activities."

7. "Sexual encounter center" means a business which provides two or more persons, for pecuniary compensation, consideration, hire or reward, with a place to assemble for the purpose of engaging in "specified sexual activities" or displaying "specified anatomical areas." "Sexual encounter center" does not include hotels or motels.

8. Specified anatomical areas includes:

a. Less than completely and opaquely covered (i) human genitals or pubic region; (ii) buttock; and (iii) female breast below a point immediately above the top of the areola; and;

b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Alcoholic beverage sales establishment means a location where alcohol, spirits, liquor, wine, beer, or any liquid or solid containing alcohol, spirits, wine, or beer, which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances is sold.

Alcoholic beverage license overconcentrated areas means a police beat with crime rates that exceed the city median by twenty (20) percent or more or a census tract in which the per capita number of on-sale or off-sale retail Alcoholic Beverage Sales licenses exceeds the Contra Costa County median.

Amusement enterprises means an entertainment or amusement complex developed as a regional visitor tourist attraction and organized around a central theme, such as amusement rides and attractions, tours or exhibitions, including all related accessory uses, buildings and structures designed and operated for patron participation and pleasure in conjunction therewith. The uses may occur within an enclosed building, or may occur in unscreened facilities as illustrated below:

Indoor Sports and Recreation, includes predominantly participant sports and health activities conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, indoor racquetball courts, soccer arenas, athletic clubs, and health clubs.

Outdoor Entertainment includes predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include outdoor amphitheaters, concert halls and sports arenas, BMX tracks, racing facilities, drive in theaters, and zoos.

Outdoor Sports and Recreation, includes predominantly participant sports conducted in open or partially enclosed or screened facilities. Typical uses include amusement parks, driving ranges, miniature golf courses, golf courses, swimming pools, and tennis courts.

Large Amusement Complexes, includes a theme park or similar complex open to the public which exceeds 100,000 square feet and which: (1) Includes outdoor amusement attractions such as mechanized or carnival-type rides or water slides; and (2) Meets any two of the following three criteria: (A) The complex has a maximum daily capacity of more than 500 users per day; (B) The complex is required to provide off-street parking for more than 200 vehicles; or (C) The complex operates during any part of the year during the hours after 6:00 p.m.

Astrology and related practices means the practice of the business or art of astrology, palmistry, phrenology, fortune telling, cartomancy, clairvoyance, clairaudience, crystal gazing, mediumship, prophecy, augury, seership, necromancy, reading of tarot cards, hypnotism, and other similar practices.

Bed and breakfast inn means a dwelling, including on-site accessory structures, containing a single-family dwelling unit in which the inn owner or manager resides; and in which, for compensation, temporary night-to-night lodging not to exceed fourteen (14) consecutive days with or without meals being is provided.

Cellular Transmission Facilities as those uses which provide commercial and private electromagnetic and photoelectric transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, cellular telephone, microwave communications and data network communications; including commercial earth stations for satellite-based communications. This use includes antennas, towers and equipment buildings, and is not limited to, the current modes of transmission and reception:

Antenna array or wireless telecommunications antenna array means one or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antennas (whip), directional antennas (panel), and parabolic antennas (disc), but excluding any support structure as defined herein.

Wireless telecommunications services or wireless communications services means any personal wireless services as defined in the federal Telecommunications Act of 1996, including federally licensed wireless telecommunications services consisting of cellular services, personal communications services (PCS), specialized mobile radio services (SMR), enhanced specialized mobile radio services (ESMR), paging, and similar services that currently exist or that may be developed in the future.

Cellular Transmission Facility requires co-location. Co-location means the use of a common wireless telecommunications antenna facility, or a common site, by two or more providers of wireless telecommunications services, or by one provider of wireless telecommunications services for more than one type of telecommunications technology.

Cellular Transmission Facilities does not include:

- a. Home television and radio receiving antennas and HAM radio antennas;
- b. Telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections;
- c. Satellite dishes; and
- d. Communications facilities for community services provided by a public agency.

Convenience market means a market whose primary activity is the retail sale of food, beverages, and small personal items, predominantly for off-premises consumption and typically found in establishments with long or late hours of operation and in relatively small buildings. Convenience market/store does not include establishments whose operation is primarily characterized by (a) the sale of alcohol, such as a liquor store; (b) on-site preparation of food, such as a delicatessen or restaurant; (c) stores which sell fresh fruits, vegetables, and/or meats, such as a food store; or (d) a gas station with a retail sales area for food and drink products of one hundred (100) square feet or less.

Day Care Centers, includes commercial or non-profit facilities that provide care, protection and supervision of thirteen (13) or more minor children or adults in need of assistance for periods of less than twenty-four (24) hours per day, typically while parents or family are working, and/or before or after daily attendance at an elementary school, and includes preschools.

Day Care Centers, On-Site, includes commercial or non-profit facilities that provide care, protection and supervision of thirteen (13) or more minor children or adults in need of assistance for periods of less than twenty-four (24) hours per day, while parents or family are working on-site, and/or before or after daily attendance at an elementary school. Includes preschools. Secondary Day Care Centers are incidental and accessory to the primary industrial use of the property and are only for on-site employees.

Drive-through service means an establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles. A drive-through service facility refers to the drive through lane, the ordering point, and pick-up window or any combination thereof. The business transaction can be conducted by an employee or an automated machine.

Family Day Care Homes, Small, includes a private single family dwelling where care, protection and supervision of six (6) or fewer minor children is provided for periods of less than twenty-four (24) hours or as otherwise provided by state law.

Family Day Care Homes, Large, includes a private single family dwelling where care, protection and supervision of seven (7) and up to, and including, twelve (12) children is provided for periods of less than twenty-four (24) hours or as otherwise provided by state law.

Full-service restaurant means a place which is regularly and in a bona fide manner used and kept open for the serving of at least lunch and dinner to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for such meals. The sale or service of sandwiches (whether prepared in a kitchen or made elsewhere and heated up on the premises) or snack foods shall not constitute a full-service restaurant.

Gas station means a retail business establishment limited to the sale of motor fuels and supplying goods and services generally required in the operation and maintenance of automotive vehicles. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication and repair. Major automotive repairs, engine, transmission and differential overhaul, painting and body and fender work are excluded except for such uses that are otherwise permitted in the district. "Service station" as used in this title does not include chain, automatic or coin-operated wash racks. A gas station use with greater than one hundred (100) square feet of retail sales, unrelated to automobile service, shall be considered to include a convenience market and must meet the regulations for a convenience market.

Hotel means a facility designed for or occupancy as the temporary place of abode for individuals who are lodged with or without meals, in which there are six or more guest rooms. Access to individual units is predominantly by means of common interior hallways. A hotel is typically larger than a motel and often includes conference and banquet facilities.

Live/work quarters means an area comprised of one (1) or more rooms that accommodates joint work activity and residential occupancy, and which includes residential occupancy and work activity, and which includes (1) working space reserved for and regularly used by one (1) or more of the persons residing therein, and (2) cooking, sleeping and sanitary facilities. All living space shall be contiguous with and made an integral part of the working space with direct access between living and working areas.

Manufacturing and Assembly includes the manufacture, assembly or packaging of products from previously prepared materials, such as cloth, plastic, paper, leather, precious or semi-precious metals or stones, but does not include such operations as saw and planing mills, or any manufacturing uses involving primary production of wood, metal or chemical products from raw materials. Typical uses include electronic equipment assembly, and computer component assembly.

Motel means a group of attached or detached buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage attached or automobile parking space conveniently located on the lot or parcel of land, and which is designed, used or intended to be used wholly or in part for the accommodation of automobile transients. Motels include auto courts, motor lodges and tourist courts.

Neighborhood market/store includes delicatessens and other specialty food shops and also establishments which have a sizeable assortment of fresh fruits and vegetables and fresh-cut meat.

Nightclub means any bar, cocktail lounge or restaurant, other than a cabaret, wherein live entertainment is provided and an occupant load of at least 200 people is established. Live Entertainment means any use of any premises, whether a principal or subsidiary use, which involves the presentation of music or voice by live entertainers to a specific audience or for the incidental enjoyment of patrons. Live entertainment includes the following activities where they occur as part of a commercial use three (3) or more times during a calendar year:

1. Bands, dance bands or disc jockeys;
2. Performances (comedy, music, theatrical, dance) by one (1) or more persons, regardless of whether performers are compensated. A single performer, such as a singer or pianist providing background music (without billing or advertisement) at a restaurant or bar is exempt from this definition.

Nurseries, Retail means the retail handling of any article, substance or commodity related to the occupation of gardening, including the sale of plants, shrubs, trees, packaged fertilizers, soils, chemical or other nursery goods and related products. This aspect of a retail nursery is typically conducted primarily outdoors. The bulk sale or bulk storage of fertilizers, soils, chemicals or other garden supplies shall be within a completely enclosed building.

Nurseries, Wholesale means all nurseries other than those defined as retail nurseries.

Pawnbroking means a commercial activity which features both the making of loans and the holding of jewelry, clothing, or other articles as security therefore and which is conducted by a pawnbroker.

Storage facility means any real property designed and used for the renting or leasing of individual storage spaces to tenants who have access to such spaces for the purpose of storing personal property. Typical uses include mini-warehouses.

Theater, performance space means an enclosed building used for public assembly and/or entertainment, including sports events, theatrical performances, concerts and recitals. Theater shall include auditorium.

Tobacco oriented activities are defined as activities either devoting twenty (20) percent or more of floor area or display area to or deriving seventy-five (75) percent or more of gross sales receipts from, the sale or exchange of tobacco-related products. **Tobacco-related products** are defined as any substance containing tobacco including but not limited to cigarettes, cigars, chewing tobacco and dipping tobacco; cigarette papers; or any other instrument or paraphernalia for the smoking or ingestion of tobacco and products prepared from tobacco.

CHAPTER IX

ADDITIONAL RESOURCES

IX
16 July, 2001

Where approvals, interpretations and judgements are left to the discretion of City officials, these officials shall use the following texts for guidance as to best practices:

Civic Art, by Hegemann and Peets;

Great Streets, by Allan B. Jacobs;

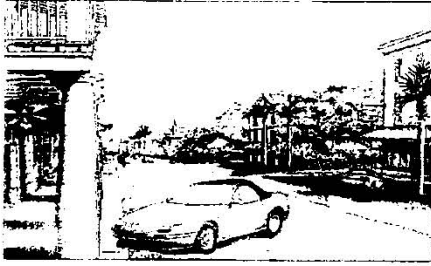
The New Urbanism: Toward an Architecture of Community, by Peter Katz;

AIA Graphic Standards, 9th Edition;

The Lexicon of the New Urbanism, by Duany et al, Congress for the New Urbanism;

Shared Parking, by Barton-Aschman Associates, The Urban Land Institute

Town of Port Royal, SC



TRADITIONAL TOWN OVERLAY DISTRICT CODE

Adopted by the Town Council of the Town of Port Royal, South Carolina, _____, 19__.

TABLE OF CONTENTS:

518.1	Intent	p. 1
518.2	District Boundary Map	p. 2
518.3	Administration	p. 2
518.4	Definitions	p. 3
518.5	General Provisions	p. 4
a)	Fences, Garden Walls & Hedges	p. 4
b)	Parking	p. 4
c)	Accessory Structures	p. 6
d)	Exceptions to Build-to-lines	p. 6
e)	Lighting	p. 6
f)	Building Elements	p. 6
	Stoops	p. 6
	Window Openings	p. 6
	Colonnades/Arcades	p. 6
	Balconies	p. 6
	Marquees / Awnings	p. 7
	Porches	p. 7
g)	Architectural Guidelines	p. 7
518.6	Building Types	p. 10
a)	Idealized Buildout Map	p. 10
b)	Building Type Elevations	p. 11
c)	Cottage	p. 13
d) & e)	House	p. 14
f)	Sideyard House	p. 16
g)	Large House or Apartment House	p. 17
h)	Duplex	p. 18
i)	Rowhouse	p. 19
j)	Main Street Shopfront Building	p. 20
k)	Corner Store	p. 21
l)	Boulevard Building	p. 22
m)	Industrial / Workshop Buildings	p. 23
n)	Civic Buildings	p. 24
o)	Exceptional Types	p. 25

518.1

INTENT:

Port Royal seeks to promote and control preservation, infill development and revitalization in its traditional town core. History demonstrates that a few traditional urban design conventions will generate building types and neighborhood forms which allow profitable, positive infill and change, which strengthen property values and appearance, and which offer a high quality of life. These conventions are derived from a number of sources in planning literature including: *Civic Art* by Hegemann and Peets, *Great Streets* by Allan B. Jacobs, *The New Urbanism* by Peter Katz and *AIA Graphic Standards*, 9th edition.

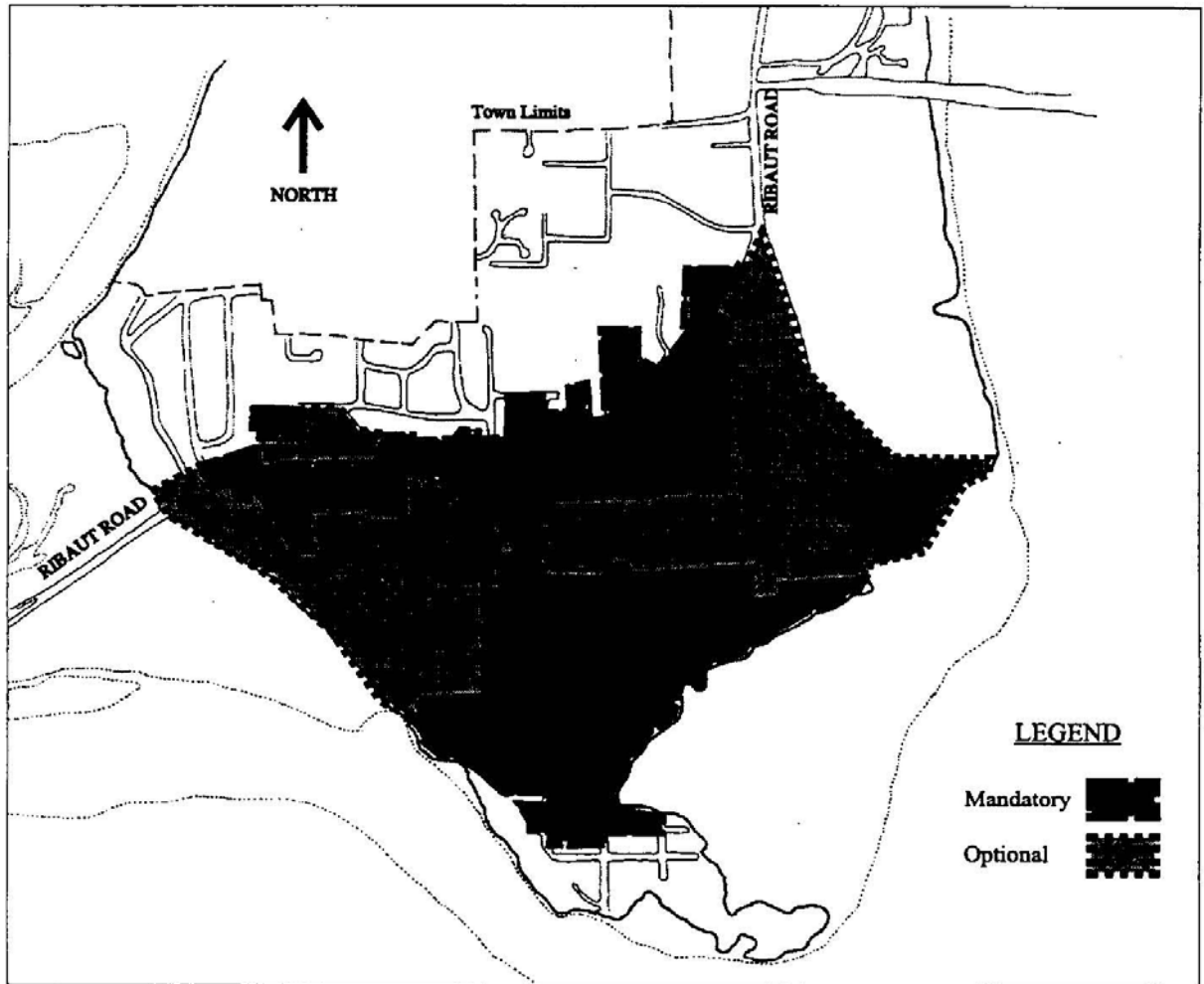
For Port Royal those conventions have been applied at the neighborhood scale in the Master Plan; this Code applies those lessons at the scale of the individual building. This Code establishes new standards for land development in order to:

1. Preserve and extend the historic neighborhood character through the design and placement of building types and public spaces.
2. Create high-quality street spaces by using buildings to form an interesting and safe environment that works for pedestrians, bicyclists and motorists.
3. Enhance the viability of local businesses and reduce travel demand by focusing growth in appropriate locations.
4. Provide a measure of predictability to property owners and occupants about what may be built on their land or that of their neighbors, yet allow for a market-driven mixture of land uses.
5. Encourage a wide range of building types and sizes that will offer a measure of self-sufficiency and sustainability, and which will adapt gracefully to change over time.

In the case of conflict between these standards and any other local land development regulation, these standards shall apply.

518.2

TRADITIONAL TOWN DISTRICT BOUNDARY MAP:



518.3

ADMINISTRATION:

Interpretation of these standards shall be the responsibility of the Town's Supervising Planning Team, as designated by the Town Manager from time to time. The Idealized Buildout Map shall serve as guidance to the Supervising Planning Team regarding the Town's intent for land development in any given area.

(a) Review Process:

1. Applications are subject to a discretionary review by the Supervising Planning Team. The Supervising Planning Team shall have approval authority for all aspects of site planning and exterior architecture, including aesthetic appropriateness, fit with historic context, environmental implications, traffic impacts, and any other site-specific matters not delineated herein. The Supervising Planning Team shall have
2. Optional-Preliminary Review: Applicants may at their option, submit designs in schematic or sketch form for preliminary approval, subject to further review.
3. Review and Final Approval: Applicants shall submit the items described below in Section 518.3(b) for final approval.

authority to waive Architectural Guidelines in specific instances where compliance would create undue hardship such as: additions in which new portions would be incompatible with the existing structure, or in the application of roofing materials that are consistent with the goals of preservation, but are not expressly permitted. The Supervising Planning Team may also grant Special Exceptions to the standards provided herein, including requirements for porches, on the basis of architectural merit.

4. Applications for building permits may be submitted to the Town of Port Royal Building Department after final approval under this code has been granted.
5. Decisions and findings made by the Supervising Planning Team pursuant to approvals, denials and dimensional requirements may be appealed to the Zoning Board of Adjustments and Appeals, which shall have final authority over matters pertaining to this Code. Appeal may be brought by the applicant, Town administration or interested citizens.

(b) Application Requirements:

The following items are required for review, unless deemed not applicable by the Building Official:

1. A current Site Survey, no more than 1 year old.
2. A current Tree Survey, no more than 1 year old.
3. A Site Plan, drawn to scale, which shall indicate:
 - A. Building locations,
 - B. Parking locations and number of spaces,
 - C. Paved surfaces, materials and location(s),
 - D. Site location diagram & Legal Description.
 - E. Any and all exposures, as defined by NFPA, within 150 ft. of the proposed building on or off site.
4. Building elevations illustrating all sides of all structures.
5. Other reasonable supporting documents to indicate intentions and/or any other items required by the Supervising Planning Team.

518.4

DEFINITIONS:

Accessory Structure: a building or structure subordinate to the principal building or lot and used for purposes customarily incidental to the main or principal building and located on the same lot therewith. Accessory structures are permitted with all building types.

Alley: a secondary way which affords access to the side or rear of abutting property.

Appurtenances: architectural features not used for human occupancy consisting of: spires, belfries, cupolas or dormers; silos; parapet walls, and cornices without windows; chimneys, ventilators, skylights, and antennas.

Awning: an architectural projection roofed with flexible material supported entirely from an exterior wall of a building.

Balcony: a porch connected to a building on upper stories supported by either a cantilever or by columns on one side.

Build-to Line: a line parallel to the property line, along which a building shall be built. Porches and Handicap Ramps shall be exempt from build-to requirements, and shall occur behind the property line. Build-to Line locations for specific sites shall be established by the Supervising Planning Team at the time of application.

Building Coverage: the horizontal area within the outer perimeter of the building walls, dividers, or columns at ground level including courts and exterior stairways, but excluding uncovered decks, porches, patios, terraces, and stairways.

Building Frontage: the side of a building which faces the frontage street.

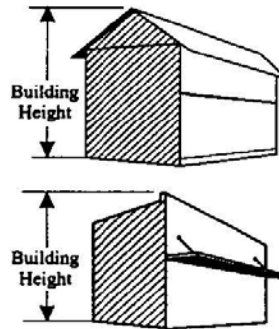
Colonnade or Arcade: a covered, open-air walkway at standard sidewalk level attached to or integral with the building frontage; structure overhead is supported architecturally by columns or arches along the sidewalk.

Front Porch: a roofed area, attached at the ground floor level or first floor level, and to the front of a building, open except for railings and support columns. Screens shall not be permitted on Front Porches.

Frontage Street: the public right-of-way which serves as primary access to a property.

Garden Wall: a freestanding wall, no higher than 72 inches, along the property line dividing private yards from streets, alleys and/ or neighboring lots.

Height: the vertical distance from the lowest point on the tallest side of the structure to the ridge of the roof.



Note: Any building features above 35 ft in height which include habitable area must incorporate sprinkler systems or fire-retardant construction as defined in the *Southern Building Code*.

Lot Frontage: the property line adjacent to the frontage street.

Marquee: a permanently roofed architectural projection: whose sides are vertical and are intended for the display of signs; which provides protection against the weather for the pedestrian; and which is supported entirely from an exterior wall of a building.

Special Exception: Approval wherein one or more of the standards set forth in this Code may be waived, on the basis of *architectural merit* only, as determined by the Supervising Planning Team. A Special Exception does not constitute a variance, and does not require proof of legal hardship.

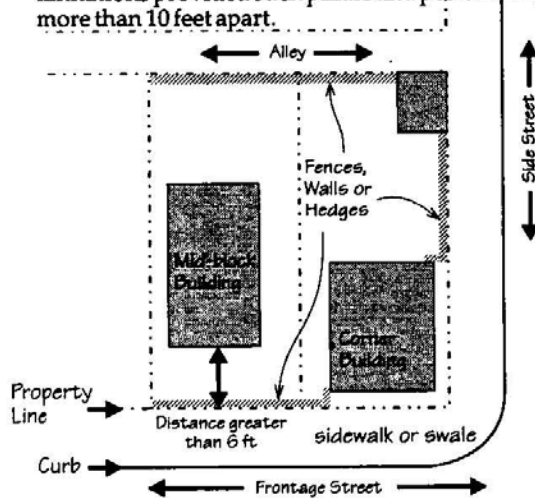
Supervising Planning Team: a standing committee consisting of the Town Manager plus four individuals appointed by the Town Manager such as, but not limited to: building official, planning consultant, Beaufort County Planning Director, or private architect. Each application shall be reviewed by no fewer than three members of the Supervising Planning Team.

**Section 518.5
GENERAL PROVISIONS:**

The following general provisions apply to all building types.

a) Fences, Garden Walls, & Hedges:

Fences, garden walls, or hedges are strongly encouraged and, if built, should be constructed along all un-built rights-of-way which abut streets and alleys as shown in the diagram below. Maximum height shall be 48 inches along front and side property lines adjacent to streets. Maximum height for rear and interior property lines shall be 72 inches. Pillars and posts may extend up to 6 inches above the height limitations provided such pillars and posts average no more than 10 feet apart.



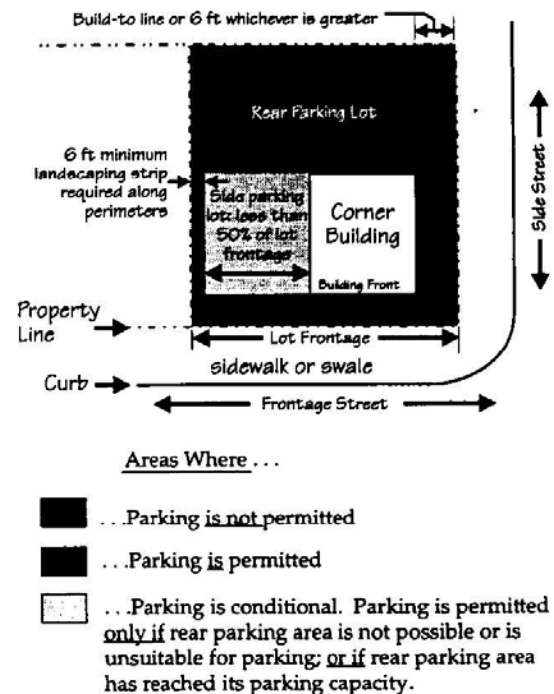
Fences and garden walls shall be a minimum of 25% opaque. Fences made of chain-link (wholly or in part) are prohibited along all right of way lines which abut streets.

b) Parking:

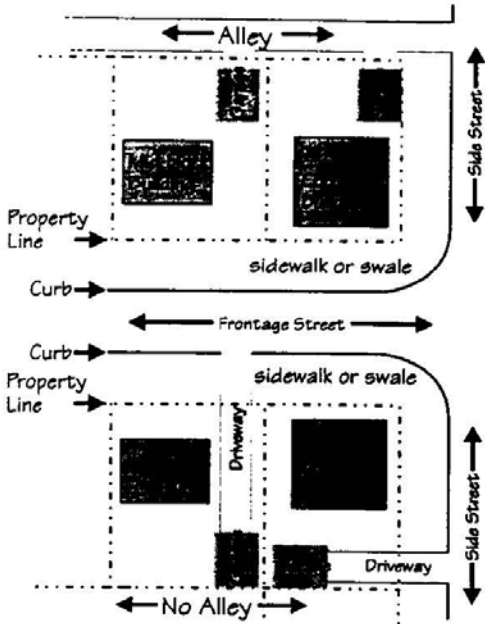
Parking shall be placed along streets and in small, strategically located on-site lots.

1) Off-Street Parking Lot Location and Design:

(A) Wherever possible, parking lots shall be located behind buildings, such that buildings separate parking areas from the street. In cases where this is not possible, parking can be located to the side of a building, but in no case shall the parking area be wider than 50% of the lot frontage and in no case shall parking be located in front of a building.

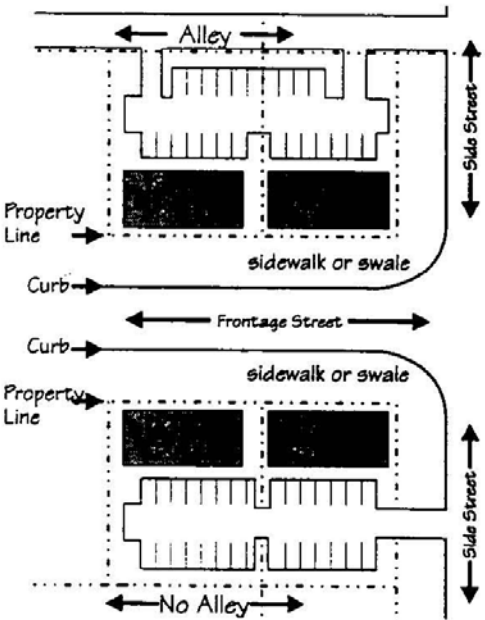


(B) Buildings that have both rear and side access shall access parking through the rear (see diagram below).



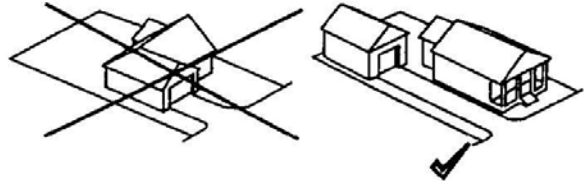
(C) Front driveways to rear parking areas are permitted only where rear or side street access is unavailable (see diagram above).

(D) Access through parking lots across property lines should be encouraged, especially when there is no alley (see diagram below).



(E) Circular drives are prohibited except for civic buildings.

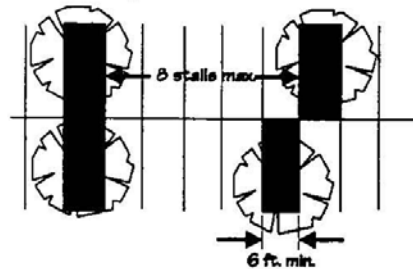
(F) Garage door(s) shall be positioned no closer than 20 feet behind the principal plane of the building front. Where space permits, garage doors shall face the side or the rear, not the front.



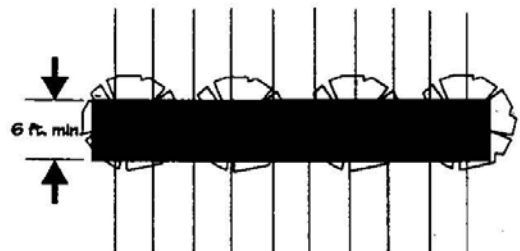
2) Interior Parking Lot Landscaping Requirements:

(A) Landscaped islands are required in parking areas at the following intervals for either head-in or diagonal parking stalls:

No more than 8 consecutive parking stalls are permitted without a landscape break of at least 6 feet in width and extending the entire length of the parking stall. Each landscape break shall have at least one tree for every 90 square feet of area, or portion thereof, and be covered with grass, shrubs, or living ground cover. To minimize water consumption, the use of low-water vegetative ground cover other than turf is encouraged.



(B) In lieu of landscaped islands, landscape strips, of at least six feet in width, can be provided between parking isles. Landscape strips shall have the same landscape requirements as landscape islands.



3) Off-street Parking Requirements:

The number of parking spaces provided for new commercial uses shall be no less than 1 space per 1000 sq. ft. of gross floor area and shall not exceed 1 space per 300 sq. ft. of gross floor area of the commercial use. Parking shall be provided as necessary to meet the requirements of the Americans with Disabilities Act.

c) Accessory Structures:

Accessory Structures are permitted and may contain parking, storage space, and/or accessory dwelling units.

Accessory dwelling units shall not be greater than 625 square feet in living area.

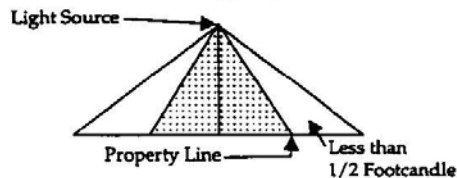
d) Exceptions from Build-to Lines:

Exceptions from Build-to Lines may be granted for avoiding trees with calipers greater than 8 inches.

Alternative Build-to Line locations may be established by the Supervising Planning Team at the time of application.

e) Lighting:

There shall be no light spillage in excess of 1/2 footcandle onto neighboring properties.



f) Building Elements:

Note: An Encroachment Authorization Letter must be obtained from the Town (or State as applicable) when building elements shown below encroach into the right-of-way.

1) Stoops:

Stoops are permitted and may occur forward of the Build-to Line. Stoops may extend into the Right-of-way with approval. Sidewalks shall have clear access for pedestrians.

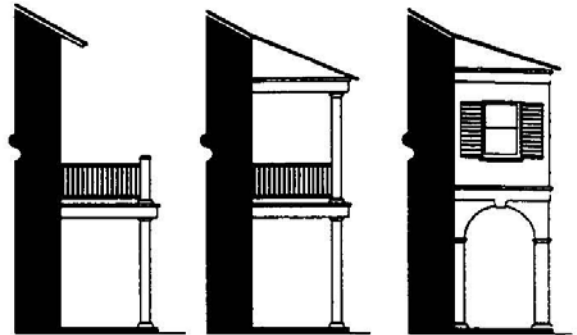
2) Door & Window Openings:

The primary entrance to the building shall be located on the exterior wall facing the frontage street.

Windows shall be rectangular, square, circular, semi-circular, or octagonal. Rectangular window openings facing streets shall be oriented vertically.

Each facade facing streets shall contain 15% to 70% of transparent materials on each story below the roof line.

3) Colonnades / Arcades:



Depth = 10 ft minimum from the build-to line to the inside column face.

Height = 10 ft minimum clear.

Length = 75-100% of Building Front.

Open multi-story verandas, awnings, balconies, and enclosed useable space shall be permitted above the colonnade.

Colonnades shall only be constructed where the minimum depth can be obtained. Colonnades shall occur forward of the Build-to Line and may encroach within the right-of-way.

On corners, colonnades may wrap around the side of the building facing the side street.

4) Balconies:



Depth = 5 ft minimum for 2nd floor balconies.

Height = 10 ft minimum clear.

Length = up to 100% of Building Front.

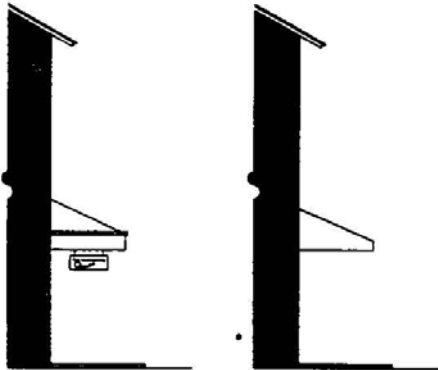
Balconies may differ in length and width.

Balconies shall occur forward of the Build-to Line and may encroach over the right-of-way.

Balconies may have roofs, but are required to be open, un-airconditioned parts of the buildings.

On corners, balconies may wrap around the side of the building facing the side street.

5) Marquees & Awnings:



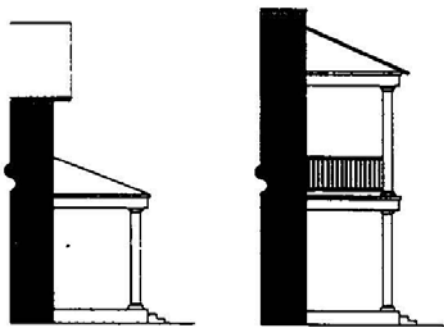
Depth = 5 ft minimum.
Height = 10 ft minimum clear.
Length = 25% to 100% of Building Front.

The above requirements apply to first-floor awnings. There are no minimum requirements for awnings above the first floor.

Marquees and Awnings shall occur forward of the Build-to Line and may encroach over the right-of-way.

Awnings shall be made of fabric. High-gloss or plasticized fabrics are prohibited.

6) Porches:



Depth = 6 ft minimum.
Length = 25% to 100% of Building Front.

Porches may have multi-story verandas and/or balconies above.

Porches may occur forward of the Build-to Line. Porches shall not extend into the right-of-way.

Porches are required to be open, un-airconditioned parts of the buildings. More than 25% of the porch

floor area forward of the Build-to Line shall not be screened. Porches may be screened behind the Build-to Line.

g) Architectural Guidelines:

The lists of permitted materials and configurations come from study of traditional buildings found in South Carolina and have been selected for their appropriateness to the visual environment and climate.

A primary goal of the Architectural Guidelines is authenticity. The Guidelines encourage construction which is straightforward and functional, and which draws its ornament and variety from the traditional assembly of genuine materials.

1) General Requirements:

The following shall be located in rear yards or sideyards not facing side streets:

- * Window and Wall Air Conditioners;
- * Air Conditioning Compressors; and
- * Irrigation and pool pumps.

The following shall be located in the rear yards only:

- * Clotheslines;
- * Clothes Drying Yards;
- * Electrical Utility Meters;
- * Antennas;
- * Permanent Barbecues.

The following are prohibited:

- * Undersized shutters (the shutter or shutters must be sized so as to equal the width that would be required to cover the window opening.)
- * Plastic shutters within 15' of the R.O.W.
- * Reflective and/or bronze-tint glass;
- * Plastic or PVC roof tiles;
- * Backlit awnings;
- * Glossy-finish awnings;
- * Styrofoam cornices; and
- * Front yard fences made of chain link, barbed wire, or plain wire mesh. Wire mesh fences may be permitted if installed in conjunction with landscaping which will provide a minimum of 25% opacity.

2) Building Walls

(A) Permitted Finish Materials

Wood siding, painted or natural (cypress and cedar preferred)
"Hardie-Plank" siding
Concrete masonry units with stucco (C.B.S.)
Reinforced concrete with stucco

(B) Permitted Configurations

Wood or "Hardie-Plank" siding:
Channel Rustic 7" to the weather
Lap Horizontal 5" to the weather
Shiplap Horizontal 4" to the weather
Concrete masonry units with stucco (C.B.S.)
Stucco: with smooth or light texture

(C) General Requirements

For Main Street Shopfront and Boulevard Buildings, finished with Masonry or Stucco:
An expression line shall delineate the division between the first story and the second story. An expression line shall either be a cornice or molding extending a minimum of 2 inches, or a jog in the surface plane of the building wall greater than 2 inches.

3) Garden Walls & Fences

(A) Permitted Finish Materials

Wood: painted white, left natural, or painted/stained with colors approved by the Supervising Planning Team.
Concrete Masonry Units with Stucco (C.B.S.)
Reinforced Concrete with Stucco
Wrought Iron
Tabby

(B) Permitted Configurations

Wood:
Picket Fences: minimum 30% opaque, w/ corner posts
Other: to match building walls
Concrete Masonry Units with Stucco (C.B.S.)
Stucco: with smooth or light texture to match building walls
Wrought Iron: Vertical, 5/8" minimum dimension, 4" to 6" spacing
Tabby: vertical or battered

(C) General Requirements

Fences, Garden Walls and Hedges shall be minimum 25% opaque.

Height along front and side property lines that abut the street: up to 48" maximum.

Height along rear property lines and side property lines not abutting the street: up to 72" maximum.

4) Columns, Arches, Piers, & Porches

(A) Permitted Finish Materials

Columns:

Wood, painted or natural (cypress and cedar preferred)
Cast Iron
Concrete with smooth finish

Arches:

Concrete Masonry Units with Stucco (C.B.S.)
Reinforced Concrete with Stucco

Piers:

Concrete Masonry Units with Stucco (C.B.S.)
Reinforced Concrete with Stucco

Porches (railings, balustrades):

Wood, painted or natural (cypress and cedar preferred)
Wrought Iron

(B) Permitted Configurations

Columns:

Square, 6" minimum, with or without capitals and bases
Round, 6" minimum outer diameter, with or without capitals and bases
Classical orders

Arches:

Semi-circular, carried on piers only

Piers:

16" minimum dimension

Porches:

Railings 2-3/4" minimum diameter
Balustrades 4" minimum spacing, 6" maximum spacing.

(C) General Requirements

Column and Pier spacing:

Columns and Piers shall be spaced no farther apart than they are tall.

5) Roofs & Gutters

(A) Permitted Finish Materials

Roofs:

Metal (strongly encouraged):

Galvanized
Copper
Aluminum
Zinc-Alum

Shingles:

Asphalt or Metal, "dimensional" type
Tile (discouraged; permitted only if approved by the Supervising Planning Team)

Gutters:

Copper
Aluminum
Galvanized Steel

(B) Configurations

Roofs:

Metal:

Standing Seam or "Five-vee," 24" maximum spacing, panel ends exposed at overhang

Shingles:

Square, Rectangular, Fishscale, Shield

Gutters:

Rectangular section
Square section
Half-round section

(C) General Requirements

Permitted Roof Types:

gabled, hipped, shed, barrel vaulted & domed.
Flat roofs are discouraged except where used as outdoor useable space. Applied mansard roofs are not permitted.

Exposed rafter ends (or tabs) at overhangs are strongly recommended.

Downspouts are to match gutters in material and finish.

6) Windows, Skylights, Storefronts, & Doors

(A) Finish Materials

Windows, Skylights, & Storefronts:

Wood
Aluminum
Copper
Steel
Vinyl Clad Wood

Doors:

Wood or Metal

(B) Configurations

Windows:

Rectangular
Square
Round (18" maximum outer diameter)

Window Operations:

Casement
Single- and Double-Hung
Industrial
Fixed Frame (36 square feet maximum)

Skylights:

Flat to the pitch of the roof

Door Operations:

Casement
Sliding (rear only)

(C) General Requirements

Rectangular windows facing streets shall have vertical orientation.

The following accessories are permitted:

Shutters (standard or Bahama types)
Wooden Window Boxes
Real Muntins and Mullions
Fabric Awnings (no backlighting; no glossy-finish fabrics)

Storefront areas only:

The ground-floor building frontage shall have storefront windows covering no less than 25% of the ground-floor building frontage wall area. Storefronts shall remain unshuttered at night and shall utilize transparent glazing material, and shall provide view of interior spaces lit from within. Where Building frontages exceed 50 feet, doors or entrances with public access shall be provided at intervals averaging no greater than 50 feet.

7) Signs

(A) Finish Materials

Wood: painted or natural
Metal: copper, brass, galvanized steel
Painted Canvas

(B) Configurations

Maximum sign height shall not exceed 36"

(C) General Requirements

Wood and metal signs shall be externally lit. Canvas signs may be internally lit.

518.6

BUILDING TYPES:

New buildings under this code are regulated by building type. They are mandatory for MU-1, MU-2 & Highway Commercial zones. They are optional otherwise. Permitted uses are all those indicated in the Town of Port Royal Zoning Ordinance for both the MU-1 and MU-2 districts.

The following Building Types are described in this code:

- Cottage
- House
- Sideyard House
- Large House or Apartment House
- Duplex
- Rowhouse
- Main Street Shopfront Building
- Corner Store
- Boulevard Building
- Industrial & Workshop Building
- Civic Building

"Exceptional Types" require special Supervising Planning Team approval for site planning and building design.

All building types described herein are permitted throughout the Traditional Town Overlay District, except:

* Boulevard Buildings are permitted on Ribaut Road only.

* Main Street Shopfront & Corner Store buildings are permitted only on:
Paris Ave.;
Ribaut Road; and
Corner locations elsewhere (first 50 ft from the corner property line only).

* Industrial, Workshop Buildings, and "Exceptional Types" require Supervising Planning Team approval for specific locations.

On the following pages, diagrammatic examples are used to illustrate example building locations, configurations, and dimensions. The accompanying numbers and text are rules; the graphics are illustrative only.

a) Idealized Buildout Map:



518.6(b) The following building types are encouraged by this code.



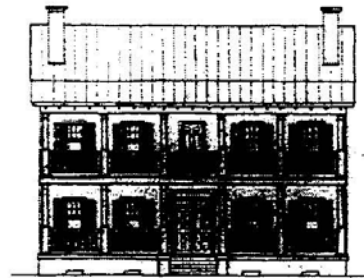
Cottage p.13



Sideyard House p.16



House p.14



Large House or Apartment House p.17



House p.15



Duplex p.18



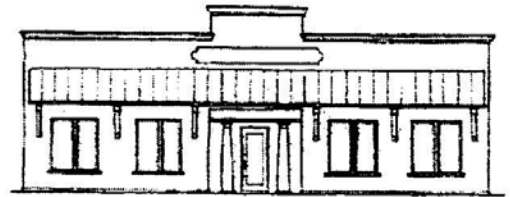
Rowhouse p.19



Corner Store p.21



Main Street Shopfront Building p.20



Industrial or Workshop Building p.23



Boulevard Building p.22

518.6(c)

COTTAGE

A cottage is a single residential unit with yard on all four sides, well suited for shallow or narrow lots.

Building Placement:

Lot Widths 25 ft minimum
50 ft maximum

Build-to-Line locations Corner lots:
5 ft - 15 ft from front Property Line
5 ft - 15 ft from side street Prop. Line
Interior Lots:
10 ft to 20 ft from front Property Line

Side Setback 5 ft for primary structure
0 ft for accessory structure

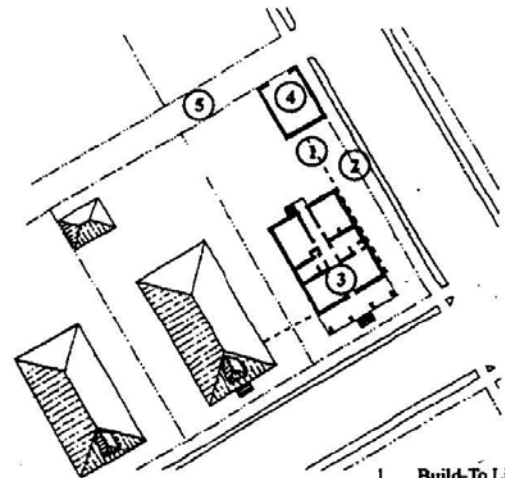
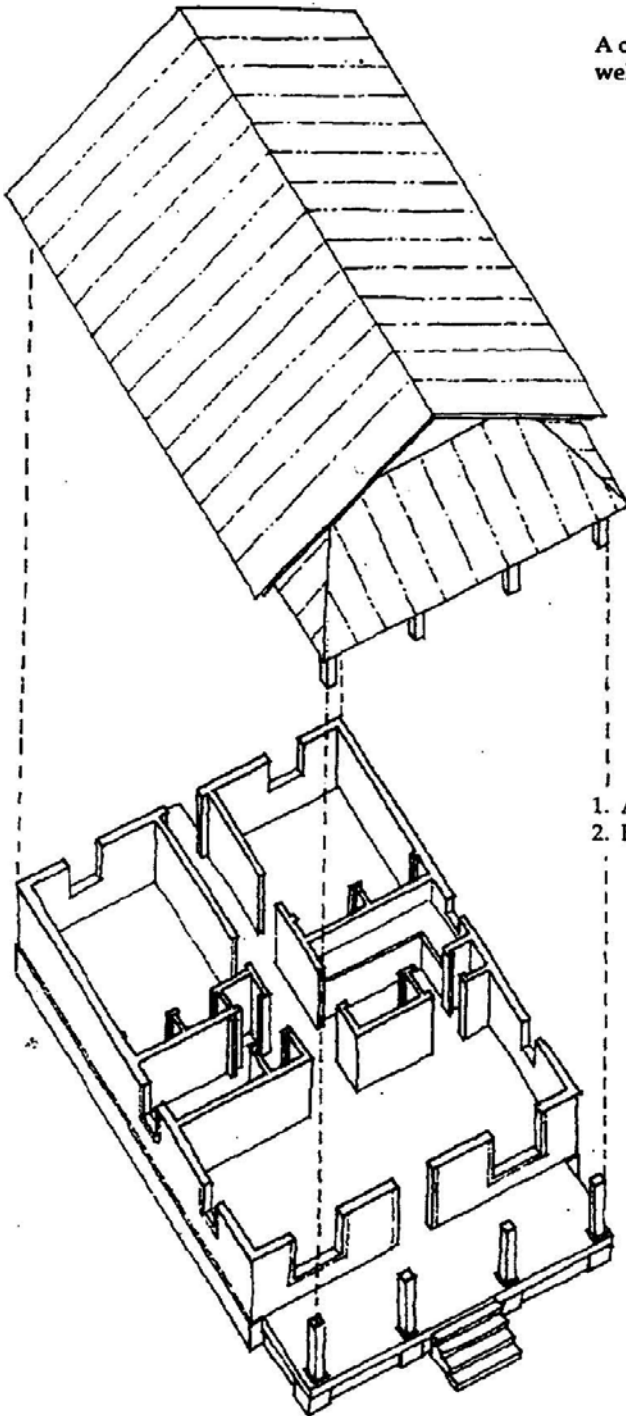
Building Frontage 30% to 80% of lot frontage
Building Coverage 75 % maximum

Height:

Maximum Height 38 ft above grade
1st Floor Elevation 2 ft above grade, minimum

Note:

1. Appurtenances may extend beyond the height limit.
2. Buildings are required to have either a front or side porch.



- 1 Build-To Line
- 2 Property Line
- 3 Primary Building
- 4 Accessory Building
- 5 Alley

518.6(d)

HOUSE

A house is a single residential unit with yard on all four sides, suited to small and medium sized lots.

Building Placement:

Lot Widths 25 ft minimum
75 ft maximum

Build-to-Line locations Corner lots:
5 ft - 15 ft from front Property Line
5 ft - 15 ft from side street Prop. Line
Interior Lots:
10 ft to 20 ft from front Property Line

Side Setback 5 ft for primary structure
0 ft for accessory structure

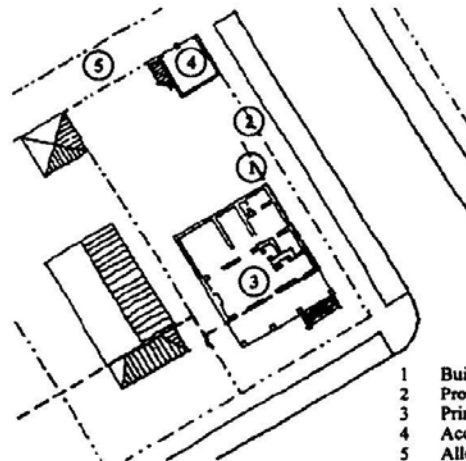
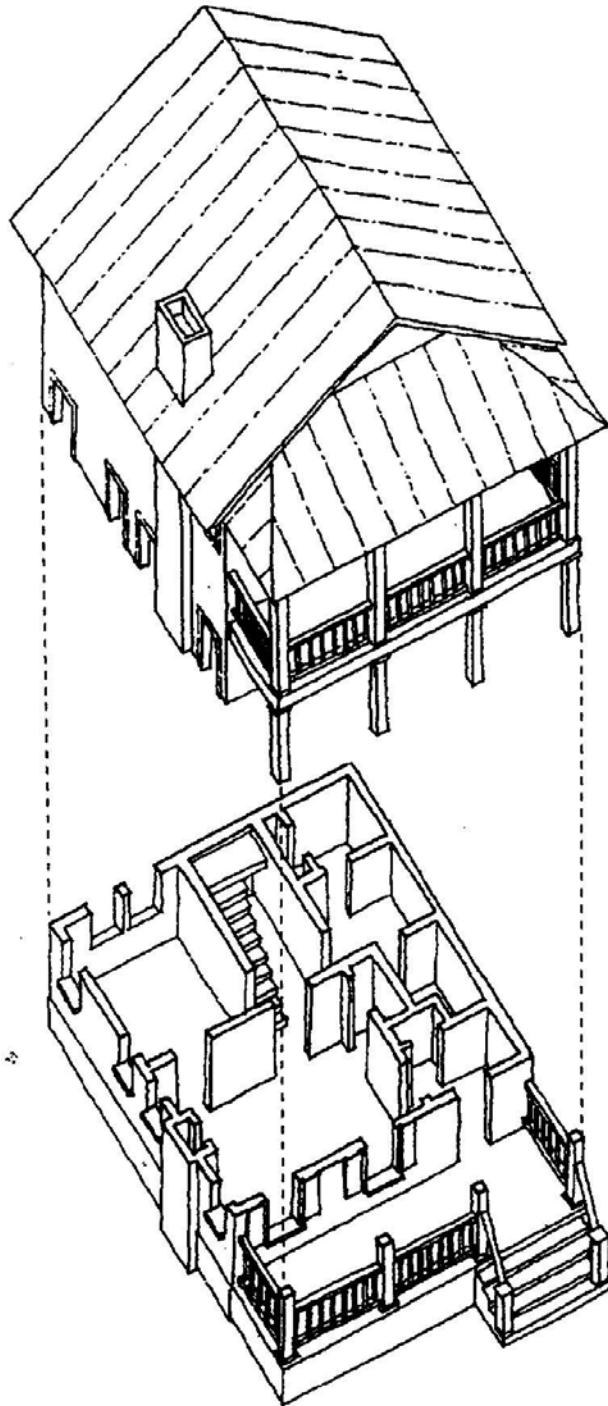
Building Frontage 30% to 80% of lot frontage
Building Coverage 50 % maximum

Height:

Maximum Height 48 ft above grade
1st Floor Elevation 2 ft above grade, minimum

Note:

1. Appurtenances may extend beyond the height limit.
2. Buildings are required to have either a front or side porch.



- 1 Build-To Line
- 2 Property Line
- 3 Primary Building
- 4 Accessory Building
- 5 Alley

518.6(e)

HOUSE

A house is a single residential unit with yard on all four sides, suited to small and medium sized lots.

Building Placement:

Lot Widths 30 ft minimum
75 ft maximum

Build-to-Line locations Corner lots:
5 ft - 15 ft from front Property Line
5 ft - 15 ft from side street Prop. Line
Interior Lots:
10 ft to 20 ft from front Property Line

Side Setback 5 ft for primary structure
0 ft for accessory structure

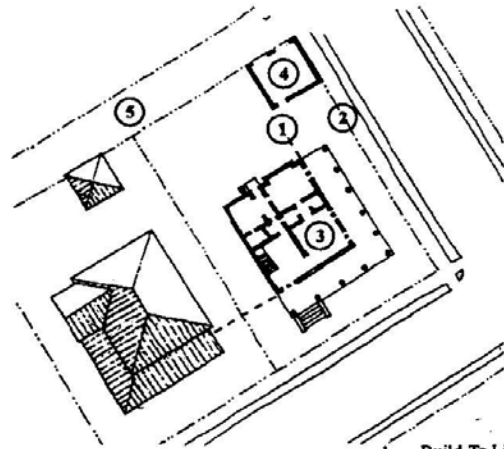
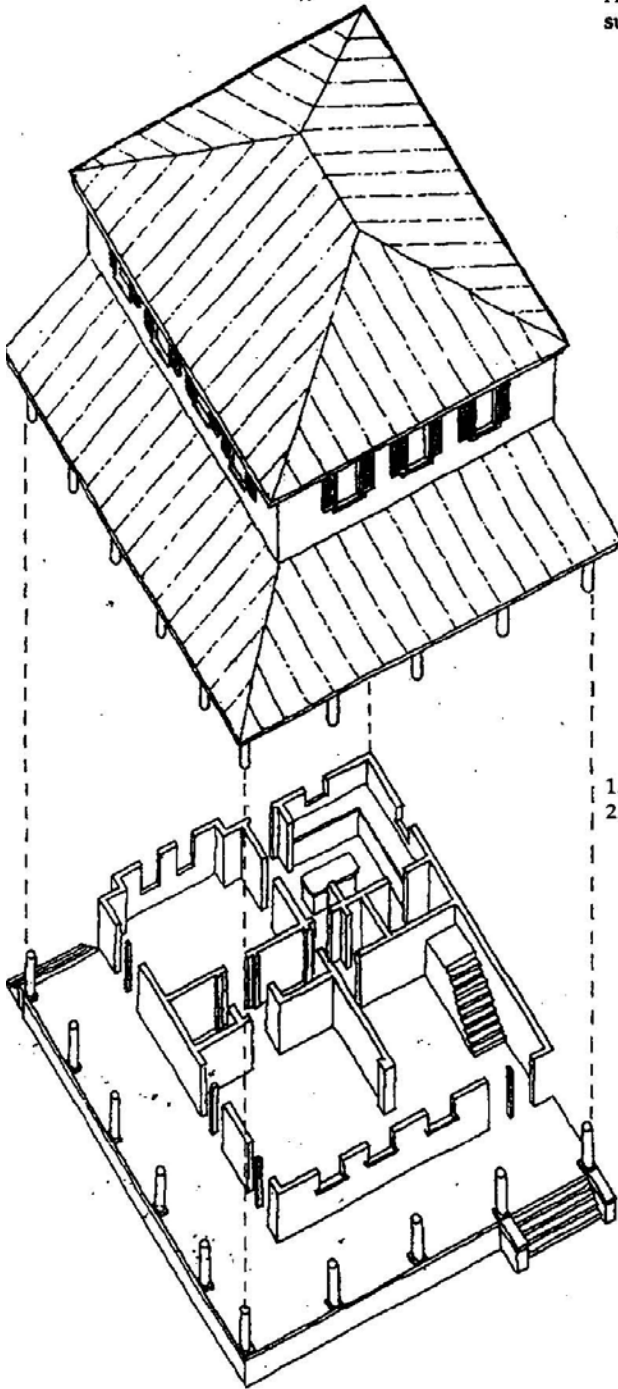
Building Frontage 30% to 70% of lot frontage
Building Coverage 50% maximum

Height

Maximum Height 48 ft above grade
1st Floor Elevation 2 ft above grade, minimum

Note:

1. Appurtenances may extend beyond the height limit.
2. Buildings are required to have either a front or side porch.



- 1 Build-To Line
- 2 Property Line
- 3 Primary Building
- 4 Accessory Building
- 5 Alley

518.6(h)

DUPLEX

A duplex has yard on all four sides. It is subdivided into two complete dwelling units with separate entrances. Typically, this type is used for corner lots, with one entrance facing the frontage street and the other entrance facing the side street.

Building Placement:

Lot Widths 30 ft minimum
100 ft maximum

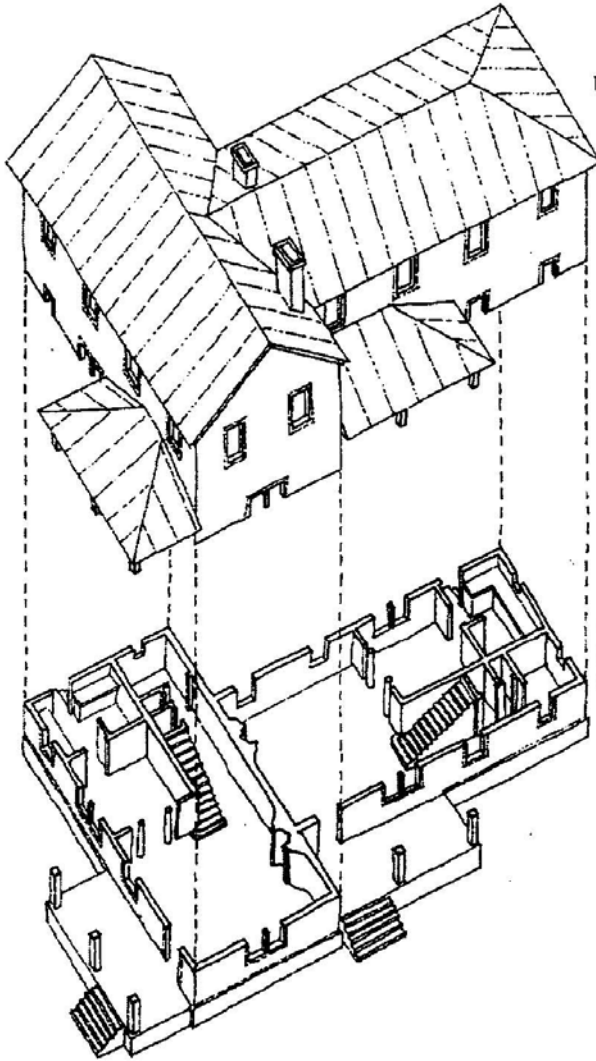
Build-to-Line locations Corner lots:
5 ft - 15 ft from front Property Line
5 ft - 15 ft from side street Prop. Line
Interior Lots:
10 ft to 20 ft from front Property Line

Side Setback 5 ft for primary structure
0 ft for accessory structure

Building Frontage 40% to 70% of lot frontage
Building Coverage 40% maximum

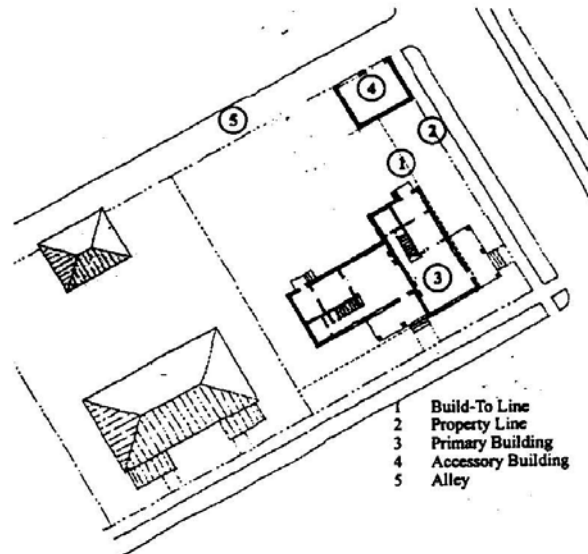
Height:

Maximum Height 48 ft above grade
1st Floor Elevation 2 ft above grade, minimum



Note:

1. Appurtenances may extend beyond the height limit.
2. Building fronts are required to have at least one front porch.
3. A front porch may be shared.



518.6(i)

ROWHOUSE

A rowhouse is pushed to the front of its narrow lot and shares one or more common walls with its neighboring units. Entry is usually through a covered stoop.

Building Placement:

Lot Widths 16 ft minimum
35 ft maximum

Build-to-Line locations Corner lots:
0 ft - 15 ft from front Property Line
0 ft - 15 ft from side street Prop. Line
Interior Lots:
10 ft to 20 ft from front Property Line

Side Setback none for primary building or
accessory structure

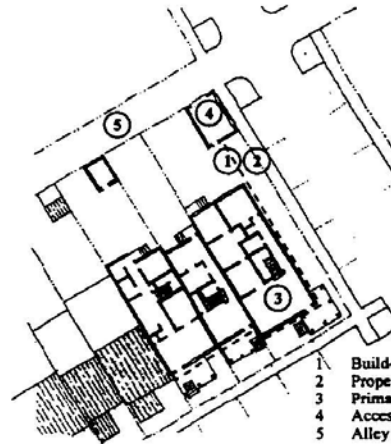
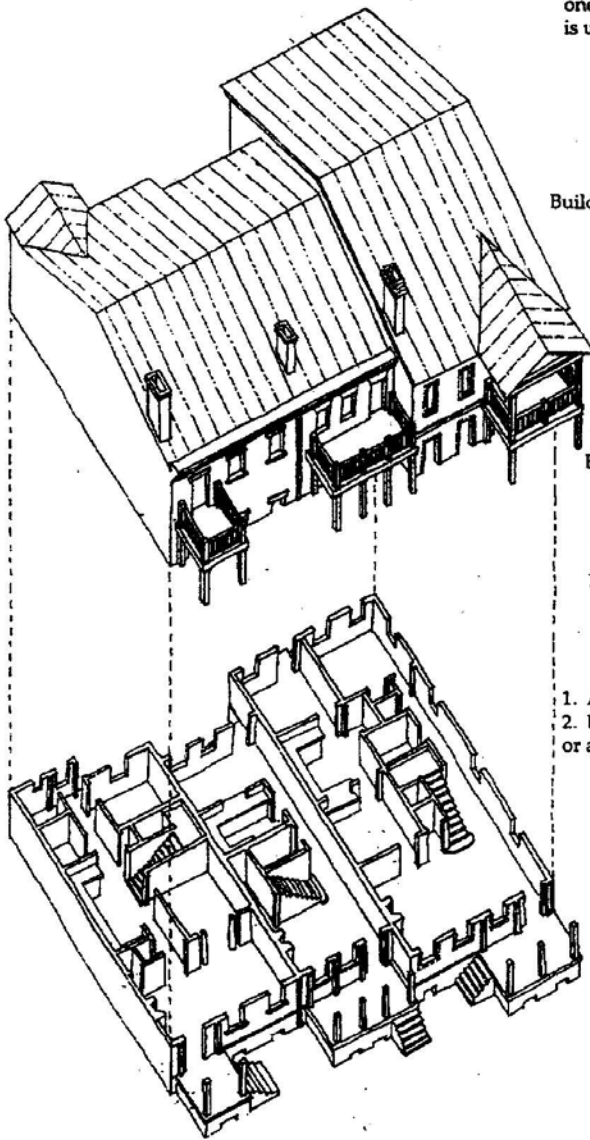
Building Frontage 75% to 100% of lot frontage
Building Coverage 85% maximum

Height:

Maximum Height 48 ft above grade
Minimum Height 2 Stories
1st Floor Elevation 2 ft above grade, minimum (4 ft
recommended)

Note:

1. Appurtenances may extend beyond the height limit.
2. Building fronts are required to have either a front porch or a stoop.



MAIN STREET SHOPFRONT BUILDING

A shopfront building is the basic unit of a traditional mixed-use street. It is pushed to the front of its lot and features a ground floor that is roughly level with the sidewalk. The ground floor facade on the street side has a substantial amount of transparent window and door openings.

Building Placement:

Lot Widths 25 ft minimum
200 ft maximum

Build-to-Line locations Corner lots:
0 ft from front Property Line
0 ft from side street Prop. Line
Interior Lots:
0 ft from front Property Line

Side Setback none

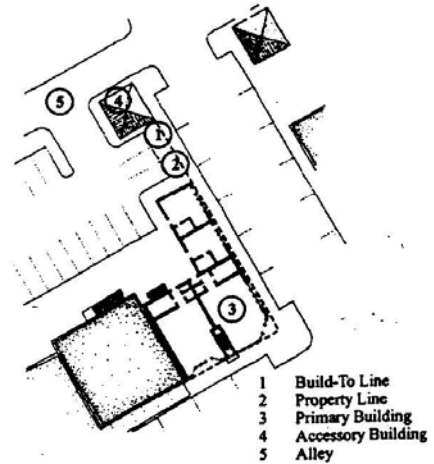
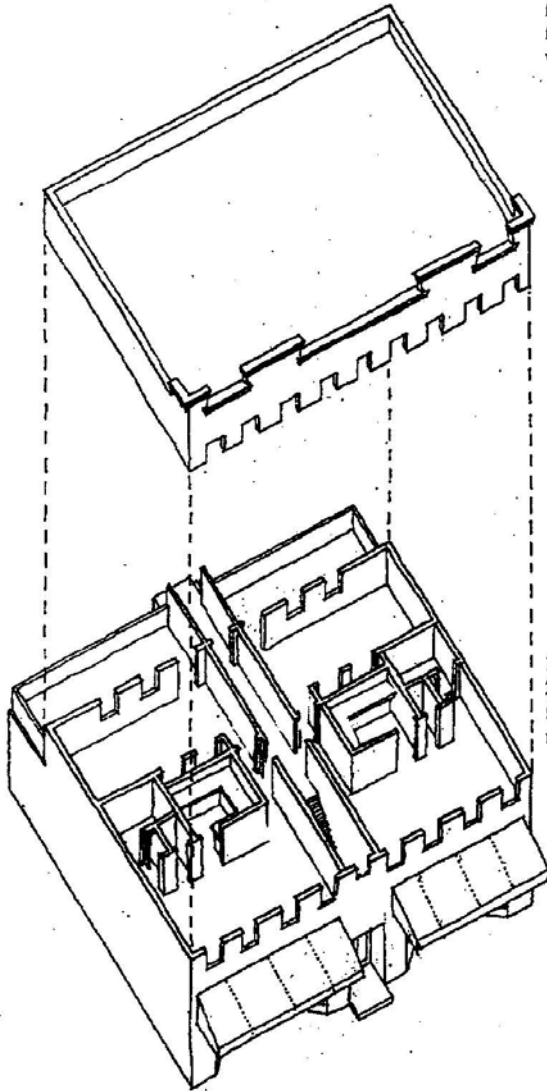
Building Frontage 70% to 100% of lot frontage
Building Coverage 80 % maximum

Height:

Maximum Height 58 ft above grade
Minimum Height 2 Stories
1st Floor Elevation none

Note:

1. Appurtenances may extend beyond the height limit.
2. Building fronts are required to have at least one of the following: front porch, arcade, colonnade, 2nd floor balcony, marquee, or awning.



518.6(k)

CORNER STORE

A corner store is well suited for intimate neighborhood center commercial applications. It is pushed to the front of its lot and features a ground floor roughly level with the sidewalk and a highly transparent ground floor facade.

Building Placement:

Lot Widths 25 ft minimum
200 ft maximum

Build-to-Line locations Corner lots:
0 ft from front Property Line
0 ft from side street Prop. Line
Interior Lots:
0 ft from front Property Line

Side Setback none

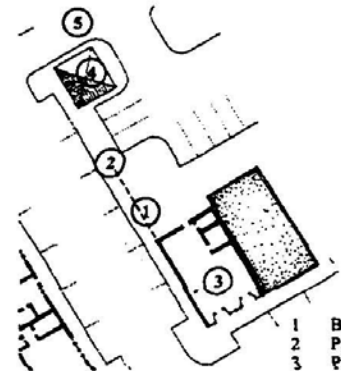
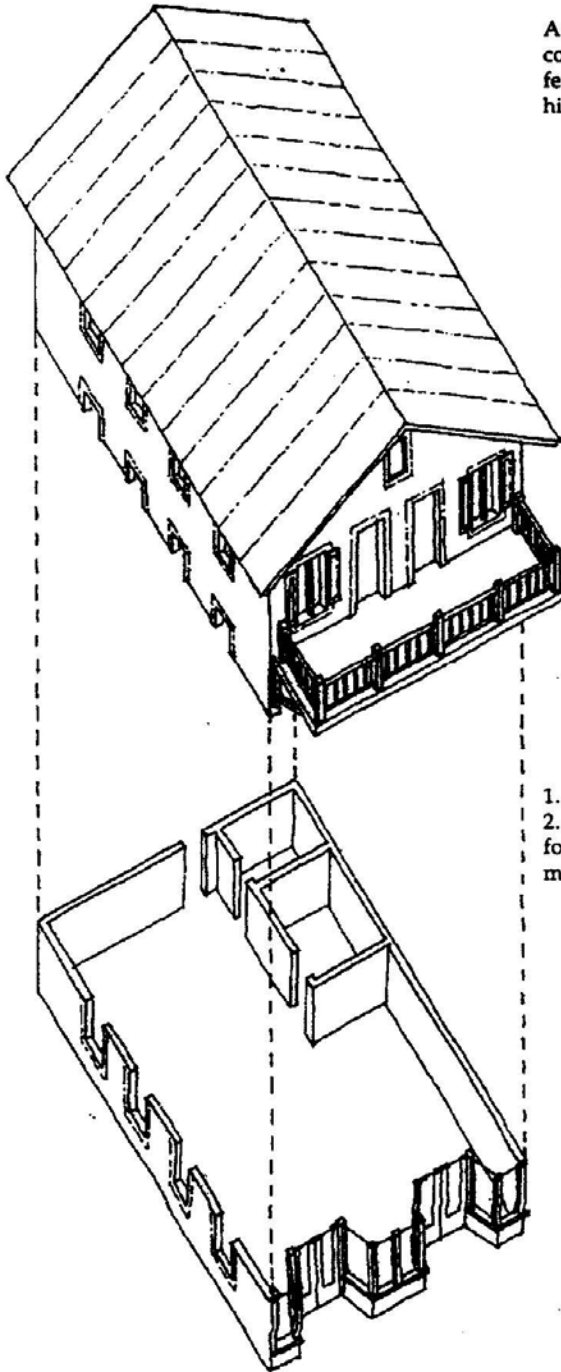
Building Frontage 70% to 100% of lot frontage
Building Coverage 80 % maximum

Height:

Maximum Height 58 ft above grade
Minimum Height 2 Stories
1st Floor Elevation none

Note:

1. Appurtenances may extend beyond the height limit.
2. Building fronts are required to have at least one of the following: front porch, arcade, colonnade, 2nd floor balcony, marquee, or awning.



- 1 Build-To Line
- 2 Property Line
- 3 Primary Building
- 4 Accessory Building
- 5 Alley

518.6(l)

BOULEVARD BUILDING

A boulevard building is configured to line wider, more heavily traveled thoroughfares. It is pushed to the front of its lot and features a ground floor roughly level with the sidewalk.

Building Placement:

Lot Widths 25 ft minimum
200 ft maximum

Build-to-Line locations Corner lots:
0 ft from front Property Line
0 ft - 5 ft from side street Prop. Line
Interior Lots:
0 ft to 5 ft from front Property Line

Side Setback 5 ft for primary structure
0 ft for accessory structure

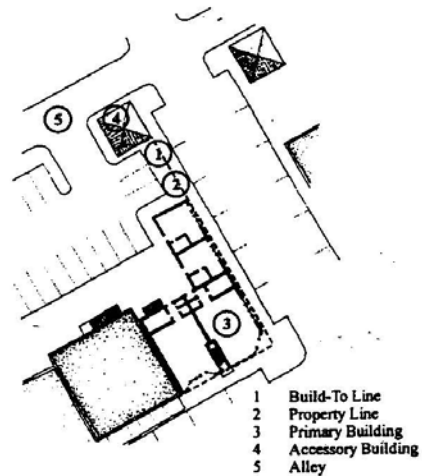
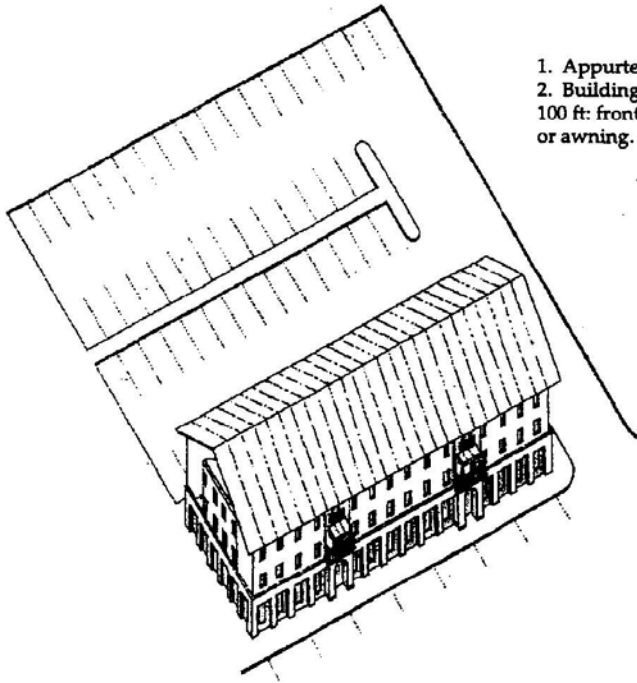
Building Frontage 70% to 100% of lot frontage
Building Coverage 60 % maximum

Height:

Maximum Height 58 ft above grade
Minimum Height 2 Stories
1st Floor Elevation none

Note:

1. Appurtenances may extend beyond the height limit.
2. Buildings are required to have at least one of the following per 100 ft: front porch, arcade, colonnade, 2nd floor balcony, marquee, or awning.



518.6(m)

INDUSTRIAL & WORKSHOP BUILDING

Industrial and workshop buildings are pushed to the front of their lots and may feature large flexible workspaces with smaller office spaces along the street edge.

Building Placement:

Lot Widths 50 ft minimum
200 ft maximum

Build-to-Line locations
Corner lots:
0 ft - 5 ft from front Property Line
0 ft - 5 ft from side street Prop. Line
Interior Lots:
0 ft to 5 ft from front Property Line

Side Setback 0 ft - 5 ft for primary structure
0 ft for accessory structure

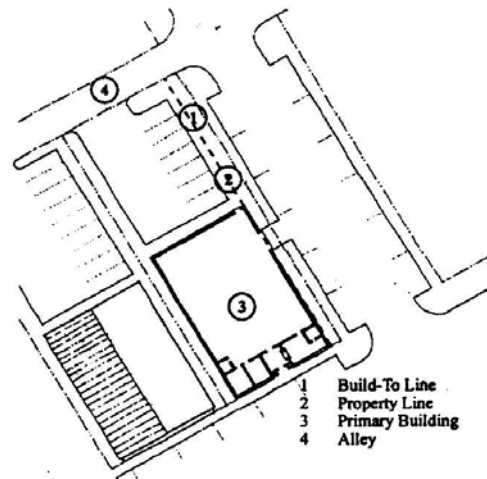
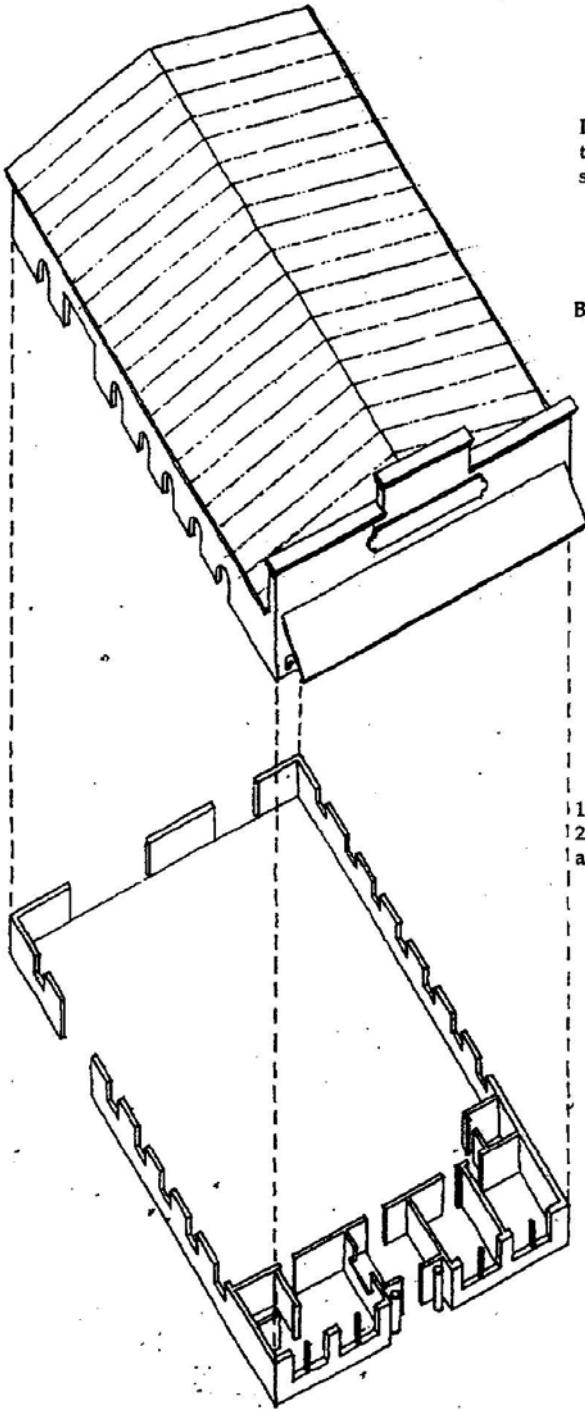
Building Frontage 50% to 100% of lot frontage
Building Coverage 50 % maximum

Height:

Maximum Height 38 ft above grade
1st Floor Elevation none

Note:

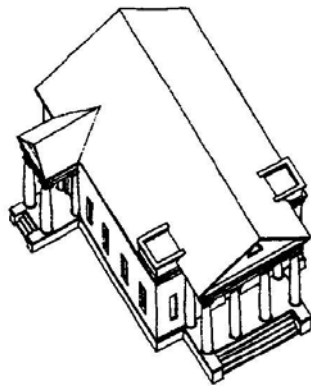
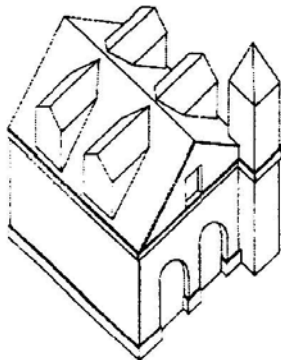
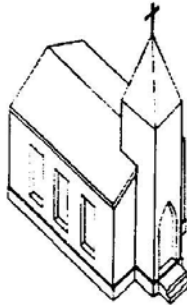
1. Appurtenances may extend beyond the height limit.
2. Arcades, colonnades, second floor balconies, marquees, and awnings are optional.



518.6(n)

CIVIC BUILDING

Civic buildings include, but are not limited to, municipal buildings, churches, libraries, schools, daycare centers, recreation facilities, and places of assembly.



Building Placement:

Lot Widths negotiated

Build-to-Line locations negotiated

Side Setback negotiated

Building Frontage negotiated

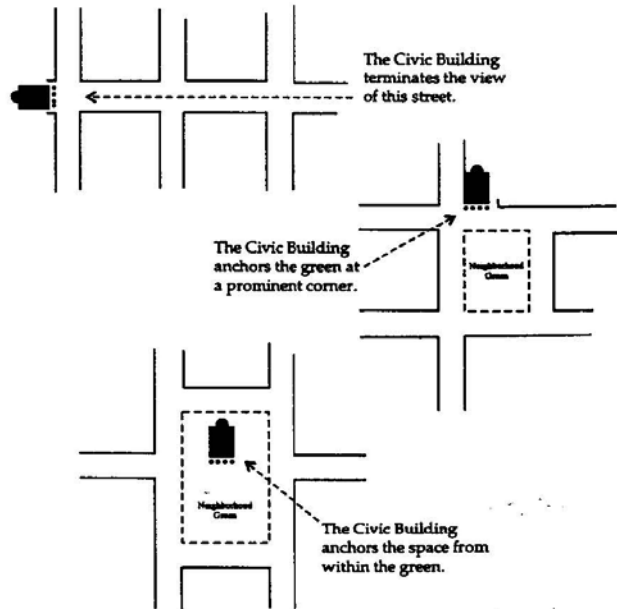
Building Coverage 75 % maximum

Height:

Maximum Height 58 ft above grade

Note:

1. Appurtenances may extend beyond the height limit
2. Building Placement requirements for Civic Buildings shall be established by the Supervising Planner at the time of application. Civic Buildings should be sited in locations of particular geometric importance, such as anchoring a major public space or green, or terminating a street vista.



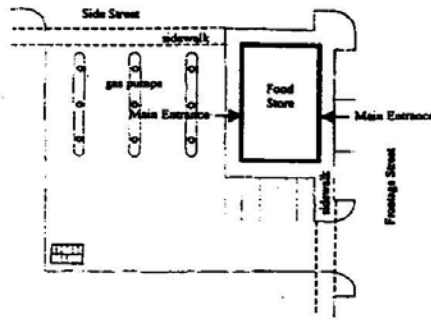
518.6(o)

EXCEPTIONAL TYPES

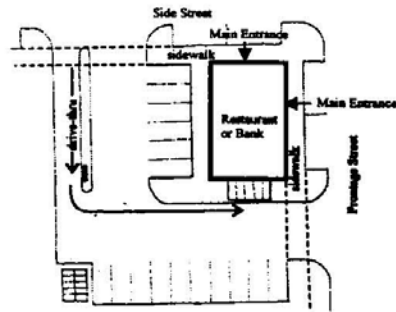
Exceptional Building Types are those which require special ZBOAA approval for location, site planning and building design. The Supervising Planning Team shall take additional guidance from P.A.S. report #452.

Exceptional Types include:

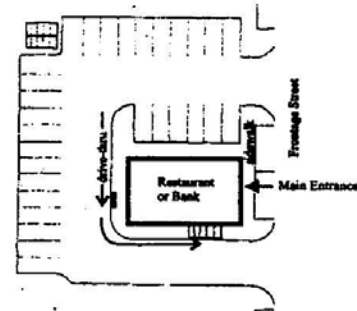
- a. Gas Stations
- b. Drive-through Restaurants and Banks
- c. Convenience Stores
- d. Anchor Stores (greater than 20,000 square ft)
- e. Parking Structures
- f. Cinemas



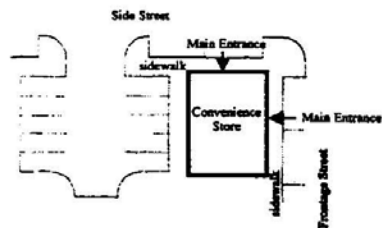
a. Gas Station, on a corner



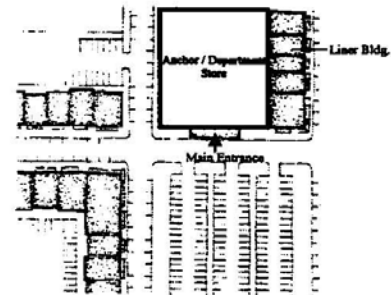
b. Drive-thru Restaurant or Bank, on a corner



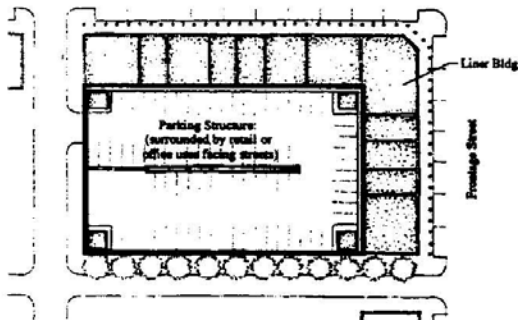
b. Drive-thru Restaurant or Bank, mid-block



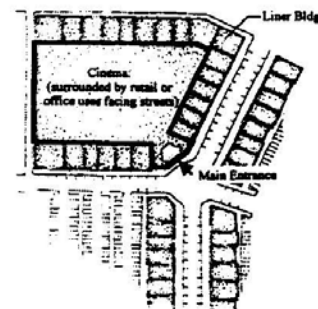
c. Convenience store, on a corner



d. Anchor store, larger than 20,000 sq. ft.



e. Parking structure, wrapped with "liner" retail and/or office uses along streets



f. Cinema

DIVISION 1. T-D-O (TRANSIT DISTRICT OVERLAY) ZONE.**SUBDIVISION 1. GENERAL.****Sec. 27-548.02. Introduction.**

The Transit District Overlay Zone is intended to insure that the development of land in the vicinity of Metro stations maximizes transit ridership, serves the economic and social goals of the area, and takes advantage of the unique development opportunities which mass transit provides. The T-D-O Zone is a mapped zone which is superimposed over other zones in a designated area around a Metro station, and which may modify certain requirements for development within those underlying zones. This designated area is called a Transit District. In this zone, a Transit District Development Plan must be approved by the District Council, and all development is subject to the approval by the Planning Board of a Detailed Site Plan. The Transit District Development Plan provides both the requirements for development within a specific Transit District and a flexible forum for joint development between the public and private sectors.

(CB-2-1984; CB-33-1985)

Sec. 27-548.03. Purposes.

- (a) The specific purposes of the Transit District Overlay Zone are:
- (1) To enhance the development opportunities in the vicinity of transit stations;
 - (2) To promote the use of transit facilities;
 - (3) To increase the return on investment in a transit system and improve local tax revenues;
 - (4) To create a process which coordinates public policy decisions, supports regional and local growth and development strategies, and creates conditions which make joint development possible;
 - (5) To create a process which overcomes deficiencies in ordinary planning processes and removes obstacles not addressed in those processes;
 - (6) To minimize the costs of extending or expanding public services and facilities, by encouraging appropriate development in the vicinity of transit stations;
 - (7) To provide mechanisms to assist in financing public and private costs associated with development;
 - (8) To provide for convenient and efficient pedestrian and vehicular access to Metro stations;
 - (9) To attract an appropriate mix of land uses;
 - (10) To encourage uses which complement and enhance the character of the area;
 - (11) To insure that developments within the Transit District possess a desirable urban design relationship with one another, the Metro station, and adjoining areas; and
 - (12) To provide flexibility in the design and layout of buildings and structures, and to promote a coordinated and integrated development scheme.
- (CB-2-1984; CB-33-1985; CB-84-1990; CB-47-1996)

Sec. 27-548.04. Relationship to other zones.

The Transit District Overlay Zone shall be placed over other zones on the Zoning Map, and shall modify specific requirements of those underlying zones. Only those requirements of the underlying zones specifically noted in this Subdivision and elsewhere in this Subtitle are modified. All other requirements of the underlying zones are unaffected by the Transit District Overlay Zone.

(CB-2-1984; CB-33-1985)

Sec. 27-548.05. Uses.

(a) The uses allowed on a lot in a Transit District Overlay Zone shall be the same as those allowed in the underlying zone in which the lot is classified, except as is modified by the Transit District Development Plan.

(b) The Transit District Development Plan may:

- (1) Restrict a lot to specific uses which are allowed in the underlying zone; or
- (2) In underlying Industrial or Commercial Zones, permit specific uses on a lot from less intensive Commercial or Industrial Zones if the uses are not permitted in the underlying zone.

(c) If a use is permitted in the underlying zone by Special Exception, approval of a Special Exception (Part 4) need not be obtained and the use may be allowed by right, if it is provided for on the Transit District Development Plan. Where a Special Exception use is not provided for on the Transit District Development Plan, amendment of the Plan shall be required to permit the use. If the underlying zone requires that specific uses or general use types be present in every development within that zone, the Transit District Development Plan shall reflect those uses and any specified mix or ratio of the uses. In the case of the M-X-T Zone, the amount of square footage devoted to each use shall be in keeping with the purposes of that zone.

(CB-2-1984; CB-33-1985; CB-92-1996)

Sec. 27-548.06. Regulations.

(a) **Density.**

(1) Development within a Transit District shall not exceed the specified maximum residential density and any floor area ratio (FAR) requirements of the underlying zones, as those requirements would normally be applied if the property were not zoned T-D-O. If an underlying zone has provisions for awarding increased density or FAR above base requirements through furnishing amenities or benefit features, those provisions shall still apply within the T-D-O Zone and shall be applied when the Transit District Development Plan is approved.

(b) **Buildings, landscaping, and other improvements.**

(1) The location, size, and lot coverage of all structural improvements, open spaces, and green areas shown on an approved Detailed Site Plan shall constitute the regulations for these improvements within the Transit District. The corresponding regulations of the underlying zones do not apply to property in the T-D-O Zone, unless so specified elsewhere in this Subtitle. Detailed Site Plan approval is not required for television receiving antennas attached to dwellings.

(2) Landscaping, screening, and buffering of development within the Transit District shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and

screening may be required to satisfy the purposes of the T-D-O Zone and to protect the unique character of the Transit District from adjoining or interior incompatible land uses.

(c) Parking and loading.

(1) The requirements of Part 11 concerning the minimum number of spaces in, and design of, off-street parking and loading areas shall not apply within a Transit District. Instead, a methodology for determining the number of off-street parking and loading spaces to be required for specific uses shall be established on the Transit District Development Plan. The Prince George's County Parking Authority shall be provided an opportunity to review any proposed parking methodology prior to transmittal of a Development Plan by the Planning Board to the District Council. The methodology shall, at least, address the following:

- (A) The nature of each use proposed, including type, size, and location;
- (B) The peak parking demand characteristics of the proposed uses;
- (C) Uses involved in multipurpose trips;
- (D) Provisions for mass transit, such as rapid rail, carpool, bus, vanpool, and developer-provided services, which would make off-street parking unnecessary;
- (E) Parking or loading spaces to be provided by public agencies; and
- (F) Existing provisions for parking established within a Parking District (see Section 27-585(a)).

(2) If the uses shown on the Transit District Development Plan are not specific enough to determine the precise parking requirements at the time of the Plan's approval by the District Council, the requirements shall be determined at the time of Detailed Site Plan review by the Planning Board, using the same methodology as established for the Development Plan.

(d) Signs.

(1) The regulations of Part 12 governing signs shall not apply to property in the T-D-O Zone. No signs shall be permitted (except signs within a building and not generally visible from outside the building), except upon a finding that a given sign is reasonably necessary. In considering a sign proposal, the Planning Board shall be guided by the design standards of Part 12 and the purpose to be served by the proposed sign. The Planning Board may restrict the location, size, and type of signs in such a manner as to provide adequate identification of a given use, while assuring compatibility with other structures and uses in the Transit District. All signs shall be approved by the Planning Board at the time it approves the Detailed Site Plan or an amendment thereof.

(e) Pedestrian open space.

(1) The pedestrian system within a Transit District shall be oriented toward serving the Metro station, as well as other development within the District.

(f) Air rights and below-ground development.

(1) Private buildings and other structures may be located within the air space above, or in the ground below, public rights-of-way.

(g) Boundaries of zone.

(1) The boundary of a Transit District Overlay Zone shall encompass an area in proximity to an existing or proposed Metro Station. The area shall be contiguous and shall follow property lines, streets, or permanent and readily identifiable natural features of the landscape. A boundary shall not split an individual property unless there is a clear and compelling reason to do so.

(CB-2-1984; CB-33-1985; CB-1-1989)

Sec. 27-548.07. Transit District Development Plan.

(a) Within every Transit District Overlay Zone, a Transit District Development Plan shall be prepared and approved, in accordance with the procedures set forth in Part 3, Division 2, Subdivision 5.

(b) All approved Transit District Development Plans shall be binding upon the property owners, their successors, assigns, and heirs. The Plan shall control the use and development of all land and structures in a Transit District, and the issuance and validity of all permits within the Transit District.

(c) The Transit District Development Plan shall include the following:

(1) A description of the area within the Transit District, including a location map showing the boundaries of the Transit District (with north arrow and scale) and a description of the existing improvements within those boundaries;

(2) Existing zoning and use of properties within and adjacent to the Transit District;

(3) Existing and proposed right-of-way widths of internal and adjoining streets;

(4) The proposed vehicular and pedestrian circulation systems;

(5) A description of the methods to be used for storm water management;

(6) The location, size, and description of known proposals for public and private improvements within the proposed Transit District;

(7) The type and location of any specific uses which are proposed, and the distribution and maximum square footage/density anticipated to be devoted to each;

(8) The methodology to be used in determining the amount, location, and arrangement of off-street parking and loading areas;

(9) Reports and analyses necessary to describe the area's public facilities' infrastructure requirements, and to prioritize them; and

(10) A landscape plan prepared pursuant to the provisions of the Landscape Manual.

(d) The Transit District Development Plan may include the following:

(1) A proposed sequence of development;

(2) Reports and analyses necessary to identify public and private funding sources to finance the area's public facilities' infrastructure improvements;

(3) Proposed changes of existing underlying zoning; and

(4) Any other pertinent information.

(e) In order to maximize the flexibility of the Transit District Overlay Zone and protect the public interest, the elements and requirements contained in the Transit District Development Plan (Subsections (c) and (d), above) may be in any of the following forms:

(1) Mandatory requirements, such as specific setbacks for structures or required street improvements, which the Detailed Site Plan shall completely reflect and be in conformance with; or

(2) Guidelines and criteria for development which the Planning Board shall use in reviewing a Detailed Site Plan.

(CB-2-1984; CB-33-1985; CB-1-1989; CB-84-1990; CB-47-1996)

Sec. 27-548.08. Site plan.

(a) **General.**

(1) Prior to the issuance of any grading, building, or use and occupancy permit for the construction on, or use of, any land in a Transit District, a Detailed Site Plan for individual development proposals shall be approved by the Planning Board in accordance with Part 3,

Division 9. A Detailed Site Plan shall be approved prior to, or concurrently with, any final plat of subdivision. A final plat of subdivision for roads only, however, may be approved prior to approval of the Detailed Site Plan. The Site Plan may include any portion of the Transit District, and may only be submitted by the owner of the property concerned (or his authorized representative).

(b) **Contents.**

(1) In addition to the information required by Part 3, Division 9, for Detailed Site Plans, the following additional information shall be included for Plans in the T-D-O Zone:

- (A) The number, floor area, and type of dwelling units;
- (B) The gross floor area devoted to commercial and industrial uses and the floor area devoted to other nonresidential uses;
- (C) The density and floor area ratios proposed, and how they were calculated;
- (D) A description of the relationship between vehicular and pedestrian circulation systems;
- (E) Provisions for sediment control and storm water management;
- (F) An exterior lighting plan, showing exterior lighting of all buildings, parking areas, driveways, and pedestrian ways, including the heights, number, and type of fixtures. The plan shall also show the amount of glare upon adjoining properties in terms of level of illumination (measured in foot-candles) and cut-off angle;
- (G) The location, design, size, lighting, and all other features of signs (except signs within, and not generally visible from outside of, buildings);
- (H) A statement of planning objectives to be achieved by the development through the particular approach proposed by the applicant. This statement shall include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant; and
- (I) A development schedule indicating the approximate dates when construction can be expected to begin and to be completed.

(c) **Required findings.**

(1) The findings required by Section 27-285(b) shall not apply to the T-D-O Zone. Instead, the following findings shall be made by the Planning Board when approving a Detailed Site Plan in the T-D-O Zone:

- (A) The Transit District Site Plan is in strict conformance with any mandatory requirements of the Transit District Development Plan;
- (B) The Transit District Site Plan is consistent with, and reflects the guidelines and criteria for development contained in, the Transit District Development Plan;
- (C) The Transit District Site Plan meets all of the requirements of the Transit District Overlay Zone, and applicable regulations of the underlying zones;
- (D) The location, size, and design of buildings, signs, other structures, open spaces, landscaping, pedestrian and vehicular circulation systems, and parking and loading areas maximize safety and efficiency, and are adequate to meet the purposes of the Transit District Overlay Zone;
- (E) Each structure and use, in the manner proposed, is compatible with other structures and uses in the Transit District, and with existing and proposed adjacent development.

(d) **Earnest Payment Fee Determination.**

(1) For any development in excess of the level of development approved for each parcel in the approved Transit District Development Plan, the Planning Board shall require an

earnest payment fee, the amount in accordance with the approved Transit District Development Plan.

(2) The earnest payment fee shall be paid to the Prince George's County Office of Finance prior to signature approval of the Detailed Site Plan.

(e) **Validity period.**

(1) Unless otherwise specified in an approved Transit District Development Plan, a Transit District Site Plan shall remain valid for a period of six (6) years following the date of its approval.

(2) If specified in an approved Transit District Development Plan, a Transit District Site Plan may remain valid for a period of less than six (6) years following the date of its approval. The Planning Board may extend the validity of an approved Detailed Site Plan for one (1) year beyond the validity period, provided the following criteria are met:

(A) The request is filed prior to the expiration of the Detailed Site Plan approval;

(B) The Detailed Site Plan remains in conformance with all the requirements of the approved Transit District Development Plan and Subtitle 27 applicable to the subject property;

(C) The developer can demonstrate to the Planning Board that the developer has proceeded in a diligent manner to move forward with physical development and has been unable, through no fault of the developer, to complete the construction which is necessary to become vested in the approved Detailed Site Plan;

(D) The developer has applied to the Department of Environmental Resources for a building permit prior to the expiration of the validity of the subject Detailed Site Plan; and

(E) The Planning Board shall find that the extension of the validity of the Detailed Site Plan is in the best interests of the Transit District, as set forth in the goals, objectives, mandatory requirements, and development guidelines of the Transit District Development Plan.

(f) **Appeal of Planning Board's decision.**

(1) For the purpose of making an appeal (in accordance with Section 27-290), a person of record shall include any person of record in the creation of the Transit District Overlay Zone and approval of the Development Plan, and any person of record in the Site Plan approval process.

(CB-2-1984; CB-33-1985; CB-84-1990; CB-31-1993; CB-47-1996)

Sec. 27-548.09. Applicability of previous actions.

Except in the Comprehensive Design and M-X-T Zones, and except for map amendments (not including conditions placed on the approval), all actions of the District Council, Zoning Hearing Examiner, Planning Board, or Board of Zoning Appeals which were taken in accordance with this Subtitle and which affected property prior to its being classified in the Transit District Overlay Zone, are null and void with respect to future development within the Transit District, except as addressed by this Subdivision and Part 3, Division 2, Subdivision 5. In the Comprehensive Design and M-X-T Zones, any plans approved prior to the property being classified in the Transit District Overlay Zone remain in full force and effect, unless the property owner indicates (in writing) that the plans may be changed and that the requirements of the Transit District Overlay Zone may be fully applied to the property. Actions with respect to a Transit District Overlay Zone shall not invalidate any approved subdivision plat.

(CB-2-1984; CB-33-1985)

SECTION 5 DESIGN REGULATIONS

Section 5 of this document, Design Regulations, contains two (2) categories that must be addressed for all proposed development located within the Town Center zones. Design Regulations which include (1) a Design Vocabulary and (2) Architectural Design Regulations have been established for each building type in the Town Center and shall include the general design qualities as well as the specific architectural standards to be used. The 2 categories of the Design Regulations can be found within this section as follows:

<u>Category</u>	<u>Page</u>
A. Architectural Regulations	5-2
1. Site Orientation	5-2
2. Building Mass and Style	5-3
3. Roofs and Roof Materials	5-4
4. Facade Treatment and Facade Materials	5-4
5. Entry and Doors	5-6
6. Windows	5-7
7. Porches, Stoops and Arcades	5-8
8. Trim, Eaves, and Decorative Building Elements	5-8
9. Cross Gables and Dormers	5-9
10. Gutters	5-9
11. Chimneys	5-9
12. Walls, Fences, and Hedges (Front Yard)	5-9
13. Walls, Fences, and Hedges (Side Yard)	5-10
14. Colors	5-10
15. Driveway	5-10

	16. Garages	5-10
	17. Pavement Materials and Textures	5-10
	18. Curb Treatment	5-11
	19. Street Lighting	5-11
t	20. Signs	5-13
.	21. Street Furniture	5-15
l	22. Park Furniture	5-17
r	23. Heating and Air Conditioning	5-23
l	24. Fire Escapes	5-19
1	25. Recycling and Trash Storage	5-19
	 B. Design Vocabulary	
	1. Village House	5-20
	2. Narrow Lot	5-22
	3. Duplex	5-24
	4. Townhouse	5-26
	5. Senior Housing	5-30
	6. Commercial Core	5-31
	7. Civic Buildings	5-34
	8. Paths and Sidewalks	5-35
	9. Street Furniture in Commercial Core	5-36

A. ARCHITECTURAL REGULATIONS

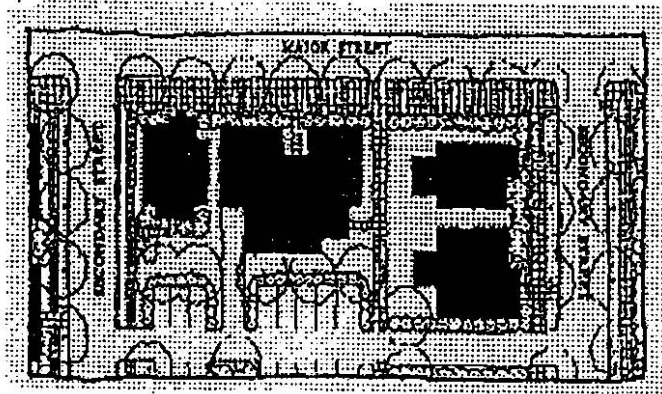
Unlike the Design Vocabulary, the Architectural Design Regulations are not specific to any particular lot type, but address the overall detailing concerns of all the buildings within the Town Center. The Architectural Design regulations (Section 5A) the Design Vocabulary (Section 5B) and the Building Regulation Plan (Section 3) are to be used collectively to guide the massing of various building types and aesthetic impacts.

1) Site Orientation

a. Spatial relationships between buildings and other structures shall be geometrically logical and/or architecturally formal. On a lot with multiple buildings, those located on the interior of the site shall front towards and relate to one another, both functionally and visually. A lot with multiple buildings may be organized around features such as courtyards, greens, or quadrangles which encourage pedestrian activity and incidental social interaction among users. Smaller, individualized groupings of buildings are encouraged. Buildings shall be located to allow for adequate fire and emergency access.



Spaces framed by buildings should be geometrically logical and/or architecturally formal.



Buildings must be located to front upon the street.

b. Buildings shall be located to front towards and relate to public streets, both functionally and visually. Buildings shall not be oriented to front toward a parking lot.

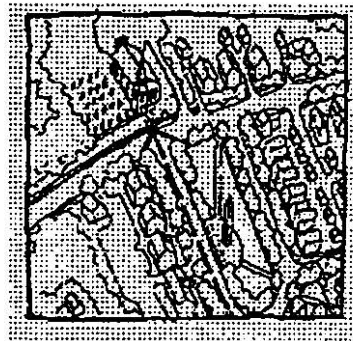


Buildings should define the streetscape through setbacks formed by the build-to line.

c. Buildings shall define the streetscape through the use of uniform setbacks along the build-to line for each block. The build-to line shall be generally continued across side yard setback areas between buildings by using landscaping. The streetscape shall also be reinforced by lines of uniformly spaced shade trees and may be further reinforced by walls, hedges, or fences which define front yards.

d. Buildings on corner lots shall be considered significant structures, since they have at least two facades visibly exposed to the street. If deemed appropriate by the Town Center Sub-Committee or Planning Board, such buildings may be designed with additional height and architectural embellishments, such as corner towers, to emphasize their location.

e. Buildings located at gateways entering the Town Center shall mark the transition into and out of the neighborhood in a distinct fashion using massing, additional height, contrasting materials, and/or architectural embellishment to obtain this effect. Buildings located at gateways to a community green area or a Main Street commercial area shall mark the transition to such areas in a distinct fashion using massing, additional height, contrasting materials, and/or architectural embellishments to obtain this effect.



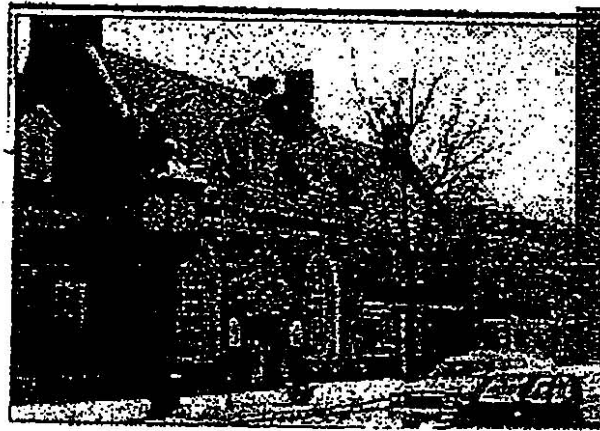
Focal point should terminate views down streets.

f. Focal points or points of visual termination shall generally be occupied by more prominent, monumental buildings and structures that employ enhanced height, massing, distinctive architectural treatments, or other distinguishing features. Areas recommended to receive special architectural treatment have been specified on the Building and Street Regulating Plans.

2) BUILDING MASS AND STYLE

a. Building massing and architectural style shall respond to the Building Regulating Plan and the Design Vocabulary.

b. Commercial buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections, recesses, and changes in floor level shall be used in order to add architectural interest and variety, and to relieve the visual effect of a simple, long wall. Similarly, roof-line offsets shall be provided, in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof. Duplexes may be designed to appear as a single building, such as large single-family detached dwelling.



This building represents an ideal way to modulate a large commercial structure.
Its mass, scale, roof pitch, and architectural detail give form to the street.



Long building walls and roof lines should be offset to provide interest and variety.

3) ROOFS AND ROOF MATERIALS

a. Roof types shall be front or side gable, gambrel, mansard, hipped, salt box, or combinations thereof. The recommended pitch for the principle roof shall be 9/12. The principal pitch may be lowered if there are overhanging eaves that are either bracketed or have exposed rafters.

b. A shed roof shall be permitted only when attached to a principal roof or parapet wall.

c. Flat roofs generally shall be discouraged, however, in residential units flat roofs may be permitted when enclosed by a continuous balustrade, with a minimum height of three (3) feet. Balusters shall have a minimum two (2) inches diameter and shall not be greater than six (6) inches on center. Flat roofs may be permitted in conjunction with commercial uses when enclosed by a continuous parapet. All flat roofs shall have an articulated cornice line that generally corresponds to a consistent cornice line on the neighboring buildings.

d. Permitted roof materials for pitched roofs:

- * Slate
- * Cedar Wood Shingles
- * Dimensioned Asphalt (four complementing colors)
- * Composite tile (slate)
- * Standing Seam copper or anodized aluminum.

e. Where hipped roofs are used, it is recommended that the minimum pitch be 6/12. Both gable and hipped roofs should provide overhanging eaves on all sides, that extend a minimum of one foot beyond the building wall. Flat roofs should be avoided on one story buildings and are recommended for use only on buildings with a minimum of two stories, provided that all visibly exposed walls have an articulated cornice that projects horizontally from the vertical building wall plane. Other roof types should be appropriate to the building's architecture. Mansard roofs are discouraged on buildings less than three stories in height. Architectural embellishments that add visual interest to roofs, such as dormers, belvederes, masonry chimneys, cupolas, clock towers, and other similar elements are

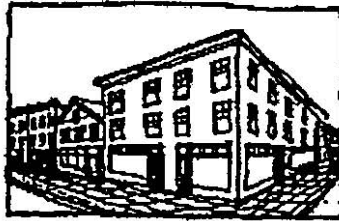
encouraged.



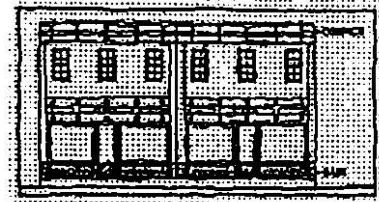
Gable roofs with a minimum 9/12 pitch should be used to the greatest extent possible. Other types of roofs should be appropriate to the architectural style of the building.

4) FACADE TREATMENT AND FACADE MATERIALS

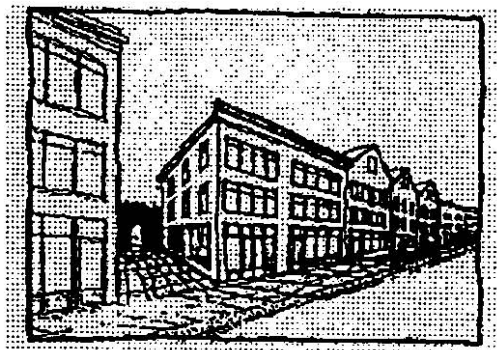
- a. The architectural treatment of the front facade shall be continued, in its major features, around all visibly exposed sides of a building. All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors, and details. Blank wall or service area treatment of side and/or rear elevations visible from the public viewshed is discouraged.
- b. All visibly exposed sides of a building shall have an articulated base course and cornice. The base course shall align with either the kickplate or sill level of the first story. A cornice which terminates or caps the top of a building wall may project horizontally from the vertical building wall plane and may be ornamented with moldings, brackets, and other details. The middle section of a building may be horizontally divided at the floor, lintel, or sill levels with belt or string courses.



All sides of a building should be architecturally consistent with the front facade.



Buildings should be designed with a base course and cornice.



Blank windowless walls should be articulated in order to reduce the negative appearance.

c. Solid, blank, windowless walls or service areas visible from the public viewshed shall be discouraged. Where the construction of a blank wall is necessitated, it is recommended that the effected facades be articulated by the provision of false windows, architecturally articulated masonry, or, if the building is occupied by a commercial use, by using recessed or projecting display window cases. Intense landscaping may also be appropriate in certain cases.

d. Facade Materials for Residential Buildings

- * Wood Clapboard
- * Simulated Clapboard
- * Brick (English, Common, Flemish Bond)
- * Wood Shingles
- * Simulated wood shingles

- * Indigenous Stone
- * Synthetic stucco (EIFS)

e. Facade Treatment and Facade Materials for Commercial and/or Mixed Use Building.

1. Mixed-use buildings shall be clad in brick, stucco, stone, or a combination thereof. The roofs shall be slate or tile, unless a single color asphalt is selected for all commercial mixed-use buildings. Buildings and all display windows shall be adequately lit at night so as to insure perpetual pedestrian attention.
2. Brick mortar joints shall not exceed one half (½) inch. Mortar joints shall be struck. Brick colors shall be in the brown and red range.
3. Brick shall be laid in English or Flemish bond.
4. Stucco shall have either a smooth or textured finish and shall approximate the color of the local stone (off-white to golden brown) in color.

d
s
e
a
e

f. All residential buildings, except for senior housing, shall be raised a minimum of two (2) feet above the residential sidewalk line. All visible facades shall have an articulated base. The above-grade foundation to sill height shall be covered with either brick, fieldstone, split face CMU, brick pattern concrete, or other masonry solution appropriate to the architecture.

g. Siding.

1. Buildings using clapboard or simulated clapboard shall have between three and one half (3.5) inches to six (6) inches exposure. German Siding shall not exceed eight (8) inches exposure.
2. Corner boards shall not be less than four (4) inches or more than eight (8) inches and shall protrude from the siding surface to create a shadow line.

- h. Wood surfaces shall be painted with colors from the Benjamin Moore Historic Color Collection or equivalent. Trim and shutters shall be painted a contrasting color (or colors) from the main body.
- i. Townhouses shall have a coherent architectural style, vocabulary, and color scheme.
- j. No more than eight (8) townhouse units may be built in a row. If there are eight units in a row within that fabric, then there should be a common pedestrian passageway to the rear alley.
- k. Townhouses shall be faced in brick, stone or stucco on primary elevations which face front and side streets. Back elevations out of primary viewsheds can be other materials. Projecting windows may also be made of materials other than masonry.
- l. In mixed-use buildings, the difference between ground floor commercial uses and entrances for upper level commercial or apartment uses shall be reflected by differences in facade treatment. Storefronts and other ground floor entrances shall be accentuated through cornice lines. Further differentiation can be achieved through distinct, but compatible, exterior materials, signs, awnings, and exterior lighting.
- m. Storefronts are an integral part of a building and shall be integrally designed with the upper floors to be compatible with the overall facade character. Ground floor retail, service, and restaurant uses shall have large pane display windows. Such windows shall be framed by the surrounding wall and shall not exceed 75 percent of the total ground level facade area. Buildings with multiple storefronts shall be unified through the use of architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures.
-



Ground floor commercial uses should be differentiated by the facade treatment.

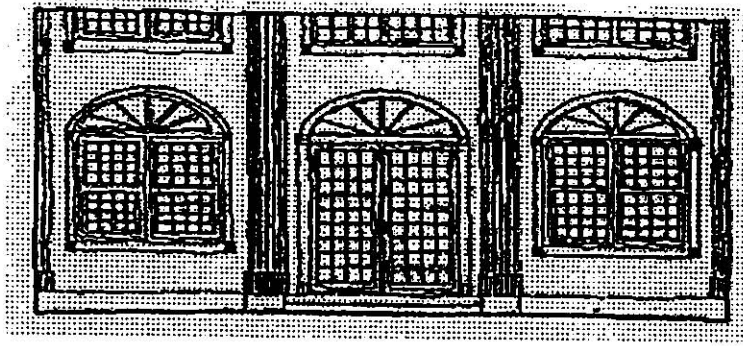
5) ENTRY AND DOORS

1. All entrances and doors to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, over-hangs, railings, balustrades, fanlights, transoms and sidelights where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors, and details of the building as a whole, as shall the doors.



Storefronts should be integrally designed as part of the entire facade.
Buildings with multiple storefronts should be architecturally compatible.

2. It is encouraged that secondary doors not be on the primary street facade. These doors shall be architecturally consistent with the building's style. Any second floor balcony door shall be a French Door. There shall be no sliding doors.



Entrances to buildings should be architecturally defined and articulated.

3.

3. Sidelights, if they exist, shall not be less than twelve (12) inches in width. Fanlights or transom windows may be placed above doors. Transoms, fanlights, and sidelights are encouraged to have true divided lights.

6) WINDOWS

1. Fenestration shall be architecturally compatible with the style, materials, colors, and details of the building. Windows shall be vertically proportioned or square. To the extent possible, upper story windows shall be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows.

2. Windows on Residential Streets

a. Glazing on the primary residential facade shall not exceed 30% of that facade. No more than three windows may be grouped together on the primary facade.

b. First and second story primary facade windows shall be proportioned vertical to square, except for gable windows which may be shaped.

c. The outer glazing of the interior window shall be setback 1" to 2" from the outer plane of the wall (actual dimension). Windows may have true divided lights. At minimum, there shall be a face frame decorative lintel and drip mold around windows.

e. Divided lights. Windows may have wood interior divided lights, or wood inserts, either interior or exterior. Casement windows and non-divided windows are permitted.

g. Shutters shall be either louvered or paneled with format to fit actual window size.

3. Windows on Commercial Mixed Use Structures

a. Storefront windows shall be between twenty-six (26) inches and thirty six (36) inches off the ground and shall be architecturally compatible to and in proportion with the facade treatment. Transom windows may be elevated above awnings. Aluminum framed plate glass "Storefronts" are prohibited.

b. Primary display windows shall occupy a minimum of 60% and a maximum of 75% of the ground floor.

c. Transoms above the ground floor display windows are recommended.

d. Primary facade windows on the second floor shall be a minimum of 24" from the corner.

e. The outer glazing of the window shall be setback a minimum of (3) inches from the outer plane of the wall. At minimum, there shall be a decorated lintel, face frame, and drip mold over the doors and windows.

f. Divided lights shall be a minimum 2 over 2 and shall have wood interior, divided lights, or wood inserts, either interior or exterior. Casement windows are permitted.

g. Solid, blank, windowless walls or service areas visible from the public viewshed shall be discouraged. Where the construction of a blank wall is necessitated, it is recommended that the effected facades be articulated by the provision of false windows, architecturally articulated masonry, or, if the building is occupied by a commercial use, by using recessed or projecting

display window cases. Intense landscaping may also be appropriate in certain cases.

ha:
inc
co:

4. Solid metal security gates or solid roll-down metal windows shall not be permitted. Link or grill type security devices shall be permitted only if installed from the inside, within the window or door frames. Security grilles shall be recessed and concealed during normal business hours. Models which provide a sense of transparency, in light colors, are encouraged.

5. Fixed or retractable awnings are permitted at ground floor level, and on upper levels where appropriate, if they complement a buildings architectural style, materials, colors, and details; do not conceal architectural features, such as cornices, columns, pilasters, or decorative details; do not impair facade composition; and are designed as an integral part of the facade. Canvas is the preferred material, although other waterproofed fabrics may be used. Metal or aluminum awnings are prohibited. In buildings with multiple storefronts, compatible awnings should be used as a means of unifying the structure.

4.
co:

7) PORCHES, STOOPS, AND ARCADES

5.
Th

1. All residential units shall have either a porch, covered portico, or decorated entrance on the street facade of the building.

ca:

2. Front porches shall be located on the facade facing the sidewalk, and may be wrapped around the side wall of a dwelling. The minimum porch size shall be six (6) feet deep from the front wall of the dwelling to the enclosing porch rail and ten (10) feet long.

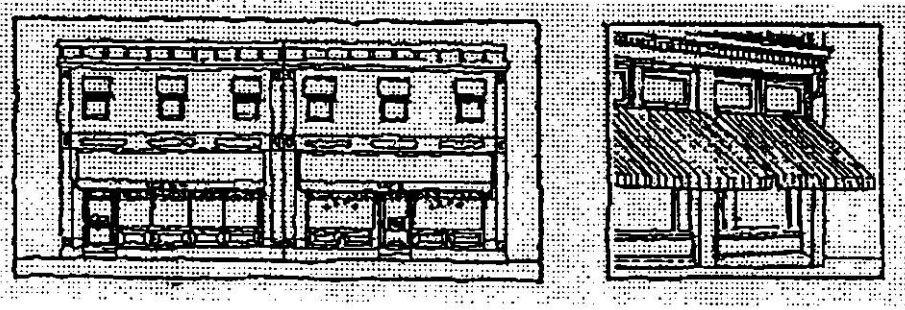
6.
all
Br
ba:
err
wi

3. Porch superstructures shall be faced with wood, rusticated or rough faced stone, stucco or brick. Porches can include chamfered posts or more complex styles with elaborate spindle work, frieze and spandrel carving. Porte cocheres are an optional extension of the porch. Porch roofs shall be supported by posts, piers or columns. Posts shall be a minimum of five (5) by five (5) inches. Columns shall be of classic proportions and correct entablature. Stone piers shall be rough faced. Balusters shall

8)

1.

in have a minimum diameter of two (2) inches and shall not be greater than six (6) inches on center. Railing shall be wood or wrought iron. All porch railing components shall be painted.



Awnings may be used to complement a building's architectural style.

4. Porches may be enclosed with screens. The screen framing shall be architecturally compatible with the style of the porch.

5. Covered porticoes are small decorated roofs on front columns over a raised stoop. This detail, albeit on a small scale, is one way of providing surface texture. These can range from a simple shed roof to an ornate Italianate portico.

6. Open or covered stoops are recommended on townhouses although porches are allowed. Stoops and steps should be faced in masonry, brick, slate, stucco or stone. Brick shall be used for walls and risers with concrete or stone treads. Railings and banisters should be painted decorative wood or wrought iron with architectural emphasis on the corners and newel posts. Steps must be a minimum of 36 inches wide and can be fronted on the front or side of the stoop platform.

8) TRIM/EAVES AND OTHER DECORATIVE BUILDING ELEMENTS

1. Building Trim

a. All dwelling units and commercial buildings shall be, at minimum, trimmed with gable and eave boards all around. Trim ornament may be elaborated to any of the following:

1. Plain or Decorated Frieze
2. Overhanging Eaves
3. Boxed Cornice
4. Denticulated Cornice
5. Ornate Italianate Bracketed Cornice

b. Tight eaves shall be finished by molding. All windows shall have decorative lintel with sill and side trim. All doors shall be trimmed with decorative lintel and side edge. All non-masonry structures shall have corner boards.

2. Decorative elements such as pergolas, cupolas, and belvederes are encouraged as elements to give architectural emphasis to structures on lots so designated for architectural embellishment on the street regulating plan.

3. Towers are recommended on buildings located in prominent positions requiring special architectural treatment. Towers shall not extend more than fifteen (15) feet above the roof ridge line. They shall be in character with the architectural style of the building. A tower's floor plan shall not exceed fifteen (15) by fifteen (15) feet.

9) CROSS GABLES, AND DORMERS

Cross gables and dormers should be used to distinguish one building from its neighbor. Dormers may be hipped, gabled, shed, pedimental or eyebrow. The architectural features shall be used to give various plans distinctive architectural quality.

10) GUTTERS

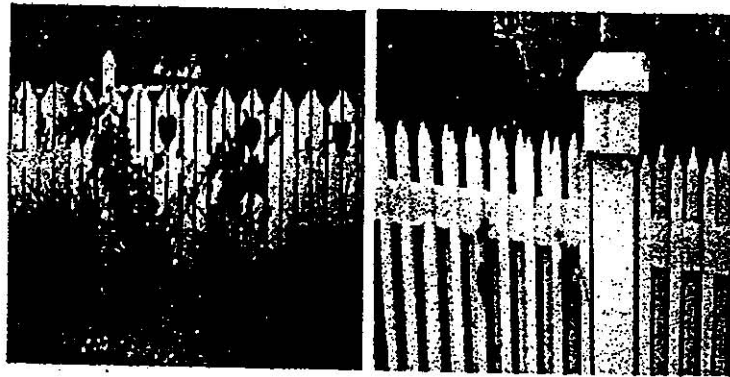
Gutters should be architecturally compatible with the style of the building. Discharge sprouts shall have splash parts or be discharged underground to the street.

11) CHIMNEYS

Fireplace chimney's shall be clad in either brick, stone, stucco or clapboard and located at gable ends or centrally. Chimney tops shall have decorative details, e.g. corbeling. Any other flues shall be painted the color of the roof.

12) WALLS, FENCES, AND HEDGES (FRONT YARD)

1. All lots shall have a front yard clearly defined by landscaping, hedging, picket fencing, or a wall that defines the transition from public to the private front yard space. Fences, hedges, and walls shall be limited to a maximum of three and a half (3½) feet in height and provide sense of semi-private space. Entrances, gates, and corners must be articulated with decorative post treatment. Specific design emphasis should be given to the pattern of the pickets and post finials. Home buyers should have a choice of patterns.
2. Walls and fences shall be architecturally compatible with the style, materials and colors of the principal building on the same lot. Front yards may have the following treatments; stone walls or brick walls with a stone or caststone cap, wood picket fences, decorative metal, or cast iron fences, masonry or stucco walls, and stone piers. Solid wooden fences are permitted in rear and side yards only. Highway-style guard rail, stockade, or contemporary security fencing such as chainlink, barbed or razor wire are prohibited. Refer to photos.



Examples of Front Fencing.

13) WALLS, FENCES, AND HEDGES (SIDE AND REAR YARD)

Side and rear yards may be defined by a masonry wall, wooden fence, trellis or lattice, vegetative hedge, garage and/or out building walls, or some combination thereof. The height of such yard or patio enclosure shall not exceed seven (7) feet and shall be suitable to provide privacy and screen views of neighboring uses, trash receptacles/containers, or recycling bins. Side and rear fences shall be opaque for a minimum of five (5) feet from ground level and 50% opaque above 5 feet. On corner lots such fences shall not be closer to the street side property line than the building setback line.

14) COLORS

1. Color combinations must be either Benjamin Moore Paint color combinations, from the Benjamin Moore pamphlet entitled "Historical Color Collection - Interior/Exterior", or other brands of paint so long as the color combinations have been matched to color combinations in said pamphlet.

2. Brick shall be in the brown and red ranges.

3. Stucco, stone and masonry veneer shall be earthtones.

4. Simulated clapboard shall match the paint colors as closely as possible.

5. Roof colors shall be compatible with the color scheme used for the other building element.

6. Detached garages and other accessory structures shall be of the same colors as the principal structure.

15) DRIVEWAYS

Front yard driveways shall be no more than ten (10) feet wide at the curb and continuing through the front yard. Driveways shall be set back a minimum of three

(3)
sh
lin
lin
asj
de
re
16
Ga
or
fr
su
ov
inc
sin
17
1.
ma
Mc
cas
sid
pla
sla
2.
bri
cor
in
fac
Sid

(3) feet from the side walls of the principal buildings. Driveways, except common or shared driveways, shall be set back a minimum of two (2) feet from the side property line; shared driveways may be located along the center line on the common side lot line. Driveways which directly access the street shall be constructed of colored asphalt (in the same tonality as roof tiles, green or red), scored concrete, or decorative stamped concrete paving blocks unless driveway has access from a residential lane.

or
on
et
sh
a
On
he

16) GARAGES

Garages shall be provided in the rear or side yards, accessed from driveways, lanes, or adjacent streets. Front loaded garages shall be set back a minimum of ten (10) feet from the principle facade. Garage doors shall not exceed (8) feet in width unless such wider door is articulated so as to reduce its scale. Garage doors may be overhead, sliding, or hinged-carriage doors. Front facade garage doors shall be individually framed. The number of individual garage doors that may be on any single lot is two (2).

17) PAVEMENT MATERIALS AND TEXTURES

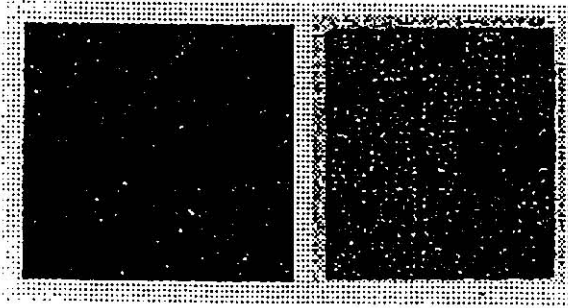
1. The acoustic, thermal, visual, and tactile properties of the proposed paving materials shall be appropriate to the proposed functions of pedestrian circulation. Modular masonry materials, such as brick, slate, and concrete pavers, or gridded cast-in-paving materials, such as exposed aggregate concrete slabs, shall be used on sidewalks, pedestrian walkways and pathways, crosswalks, public or semi-public plazas, courtyards, and open spaces. Asphalt, and non-aggregate exposed concrete slabs, should be avoided.

ig
ie

2. The parkway in front of commercial/mixed-use buildings shall be paved with brick, flagstone, exposed-pebble patterned concrete, colored code concrete, or a combination thereof. There shall be open spaces, a minimum of eighteen (18) inches in diameter, for trees. The area between the edge of the sidewalk and the building facade shall be paved with materials complementary to those used in the parkway. Sidewalk materials shall cross the streets at designated areas.

id
re

3. Sidewalk materials shall cross the streets at designated areas.



Manufacturer: Eurocobble
Michael Vandever Associates Inc.
New York Telephone: 1 212 627-5803
Type Milano Grande
Material: Quarried Stone
Color: Grey Mix 1

Accent Paving

18. CURB TREATMENT

Curbing shall be made of granite slabs, exposed six (6) inch gray concrete in a square section, or Belgian blocks.

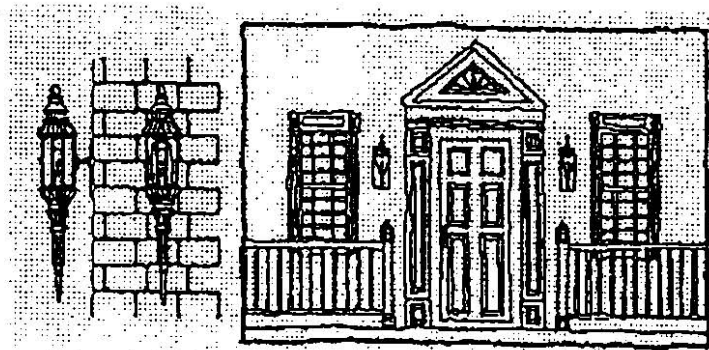
19) LIGHTING

1. Street lights shall be decorative and blend with the architectural style of the Town Center. The styles of light fixtures and poles shown on page 5-12 have been specified for the Town Center.

2. Streets and sites shall be provided with adequate lighting, while minimizing adverse impacts, such as glare and overhead sky glow, on adjacent properties. House side shields shall be provided where abutting a residential use.

3. Along all commercial or mixed use streets, parking areas, sidewalks, walkways, courtyards, community greens, and interior open spaces in Town Center, twelve (12) foot high decorative lamp posts shall be provided at regular intervals. Posts in commercial mixed use and senior citizen and townhouse streets shall be spaced at no greater than sixty (60) feet on center. Lighting on residential streets should be no greater than 150' apart per side and should be located at the intersections and corners. Lighting standards shall be consistent throughout the Town Center.

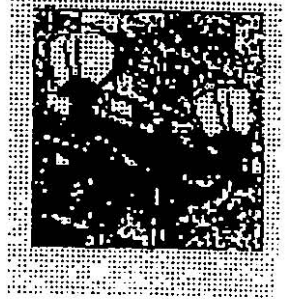
4. In parking lots, post heights may be extended to a maximum of sixteen (16) feet.
5. Use of minimum wattage ~~and~~ or color corrected sodium or mercury vapor light sources is encouraged. Non-color corrected low pressure sodium are prohibited.
6. Porch light and yard post lighting is encouraged to augment street lighting design.
7. Residential garages facing lanes shall be provided with elevated lighting on the garage facade facing the lane or a post lamp.
8. Light fixtures attached to the exterior of a building shall be architecturally compatible with the style, materials, colors, and details of the building and shall comply with the local building codes. The type of light source used on the exterior of buildings, signs, parking areas, pedestrian walkways, and other areas of a site, and the light quality produced, shall be the same or compatible. Facades shall be lit from the exterior, and, as a general rule, lights should be concealed through shielding or recessed behind architectural features. The use of low pressure sodium, fluorescent, or mercury vapor lighting, either attached to buildings or to light the exterior of buildings, shall be prohibited. Mounting brackets and associated hardware should be inconspicuous.



Lighting fixtures attached to a building should be architecturally compatible with the facade.

The Town Center Subcommittee shall determine where each style of lamp post and fixture may be used within the Town Center. The following are examples of the types of fixtures to be used:

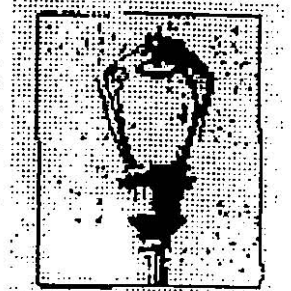
Hadco's Acorn Scroll is perfect for street lighting, parking lots, walkways and parks where a beautiful fixture is preferred. Aluminum with a refractive polycarbonate globe. Available in 100 or 150 Watt HPS and 100 or 175 Watt MH, Type IV, V with suggested mounting heights of 12', 14', 14'6", 16' and 18'. Recommended for single use with Decorative Pole 1, 3, 4, 6, 7, 8 or 9. For dual applications, use with Decorative Pole 1, 2, 5 or 9 with the B, C or D Decorative Bracket.



Also by Hadco is the Hagerstown. It's ideal for street lighting, parking, walkways and parks. Aluminum with a refractive polycarbonate globe. Available in 100 or 150 Watt HPS and 100 or 175 Watt MH, Type IV, V with suggested mounting heights of 12', 14', 14'6", and 16' and 18'. Recommended for single use with Decorative Poles 1 through 9. For dual applications, use with Decorative Pole 1, 2, 3, 4, 5 or 9 with the B, C or D Decorative Bracket.

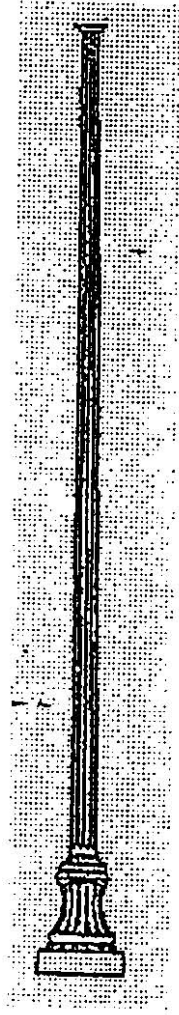


Hadco's Capitol is a classic choice for street lighting, parking, walkways and parks. Cast aluminum and refractive polycarbonate globe. Available in 100 or 150 Watt HPS and 100 or 175 Watt MH, Type IV, V with suggested mounting heights of 12', 14', 14'6", 16' and 18'. Recommended for single use with Decorative Poles 1 through 9. For dual applications, use with Decorative Pole 1, 2, 5 or 9 with the B, C or D Decorative Bracket.



Section 5

nd
he Examples of recommended styles of lamp posts are pictured below.



Colgate I Pole -
Round fluted cast aluminum.
Height: 14'6"



Montclair Pole -
Round smooth cast aluminum
Height: 12' 9"

20) SIGNS

All signs located within the Town Center shall comply with the sign regulations and receive approval from the Town Center Sub-Committee for aesthetic consistency with the surrounding uses.

1. Permitted Signs

- a. Wall-mounted or painted signs, provided the following standards are met:
 - (i) The sign shall be affixed to the front facade of the building and shall not project outward from the wall to which it is attached more than six (6) inches.
 - (ii) The area of the signboards shall not exceed five percent (5%) of the ground floor front facade area or twenty-four (24) square feet, whichever is less.
 - (iii) No part of a sign shall be higher than fifteen (15) feet above the front sidewalk elevation, and shall not extend above the base of the second floor window sill, parapet, eave, or building facade.
 - (iv) Limited to one (1) sign per business.
 - b. One wall-mounted sign, not exceeding six (6) square feet in area, shall be permitted on any side or rear entrance which is open to the public. Such wall signs may only be lighted during the operating hours of the business.
 - c. Wall-mounted building directory signs identifying the occupants of a commercial building, including upper story business uses, provided the following standards are met:
 - (i) The sign is located next to the entrance.
 - (ii) The sign shall project outward from the wall to which it is attached no more than six (6) inches.
 - (iii) The sign shall not extend above the parapet, eave, or building facade.
 - (iv) The area of the signboard shall not exceed three (3) square feet, with each tenant limited to one (1) square foot.
 - (v) The height of the lettering, numbers, or graphics shall not exceed four
-

(4) inches.

d. Applied letters may substitute for wall-mounted signs, if constructed of painted wood, painted cast metal, bronze, brass, or black anodized aluminum. Applied plastic letters shall not be permitted.

e. Projecting signs, including graphic or icon signs, mounted perpendicular to the building wall, provided the following standards are met:

(i) The signboard shall not exceed an area of six (6) square feet.

(ii) The distance from the ground to the lower edge of the signboard shall be ten (10) feet or greater.

(iii) The height of the top edge of the signboard shall not exceed the height of the wall from which the sign projects, if attached to a single story building, or the height of the sill or bottom of any second story window, if attached to a multi-story building.

(iv) The distance from the building wall to the signboard shall not exceed twelve (12) inches.

(v) The width of the signboard shall not exceed five (5) feet.

(vi) The height of the lettering or numbers, shall not exceed eight (8) inches.

(vii) Limited to one (1) sign per business. Projecting signs are not permitted in conjunction with freestanding signs.

f. Painted windows or door signs, provided the following standards are met:

(i) The total signboard shall not exceed ten percent (10%) of the total window or door area in aggregate, or six (6) square feet, whichever is less.

(ii) The sign shall be silk screened or hand painted.

(iii) Limited to one (1) window sign per business window and one door sign.

(v) May be in addition to only one (1) of the following: a wall-mounted sign, a freestanding sign, an applied letter sign, a projecting sign, or a valance awning sign.

g. Awning signs, for ground floor uses only, provided the following standards

are met:

- (i) If acting as the main business sign, it shall not exceed ten (10) square feet in area, and the height of the lettering, numbers, or graphics shall not exceed eight (8) inches.
- (ii) It shall not be in addition to a wall-mounted sign.

h. One (1) freestanding sign, provided the following standards are met:

- (i) The building, where the business to which the sign refers is located, shall be set back a minimum of five (5) feet from the street line.
- (ii) The area of the signboard shall not exceed three (3) square feet.
- (iii) The height of the lettering, numbers, or graphics shall not exceed four (4) inches.
- (iv) The height of the top of the signboard, or of any posts, brackets, or other supporting elements shall not exceed six (6) feet from the ground.
- (v) The signboard shall be architecturally compatible with the style, composition, materials, colors, and details of the building.
- (vi) The sign shall be located in proximity to the main entrance to the business and its location shall not interfere with pedestrian or vehicular circulation.
- (vii) Limited to one (1) sign per building.

i. Businesses located in corner buildings are permitted one (1) wall mounted or awning sign or painted window sign for each street frontage.

j. Businesses with service entrances may identify these with one (1) sign not exceeding two (2) square feet.

k. One (1) directional sign, facing a rear parking lot. This sign may be either wall-mounted or freestanding on the rear facade, but shall be limited to three (3) square feet in area.

2. Temporary Signs

a. Temporary civic, cultural, and public service window posters, when

re
lot

posted inside commercial establishments, provided they do not, individually or combined, occupy more than 25 percent (25%) of the total area of said window, or five (5) square feet, whichever is less. Temporary window signs are permitted on ground floor windows only. Political signs are not permitted.

d,

nd

or

e,

ie

ir

b. Temporary promotional or special sales signs, shall be permitted for a period not to exceed thirty (30) days, when erected in conjunction with a commercial establishment provided they do not, individually or combined with other window signs, exceed 25 percent (25%) of the total area of the display window or sixteen (16) square feet, whichever is less. Temporary signs advertising a business opening or change in ownership shall not exceed an area of sixteen (16) square feet, and shall require a temporary zoning permit, specifying the date of removal. All temporary signs shall have the date of removal printed clearly on the lower right hand corner, as viewed from the exterior. Temporary promotional signs are permitted on ground floor windows only.

3. Prohibited Signs

a. Signs employing mercury vapor, low pressure and high pressure sodium, and metal halide lighting, plastic panel rear-lighted signs.

n

b. Signs on roofs, dormers, and balconies.

c. Billboards.

e

d

d. Signs painted or mounted upon the exterior side or rear walls of any principal or accessory building or structure, except as otherwise permitted hereunder.

4. Design Standards for Signs

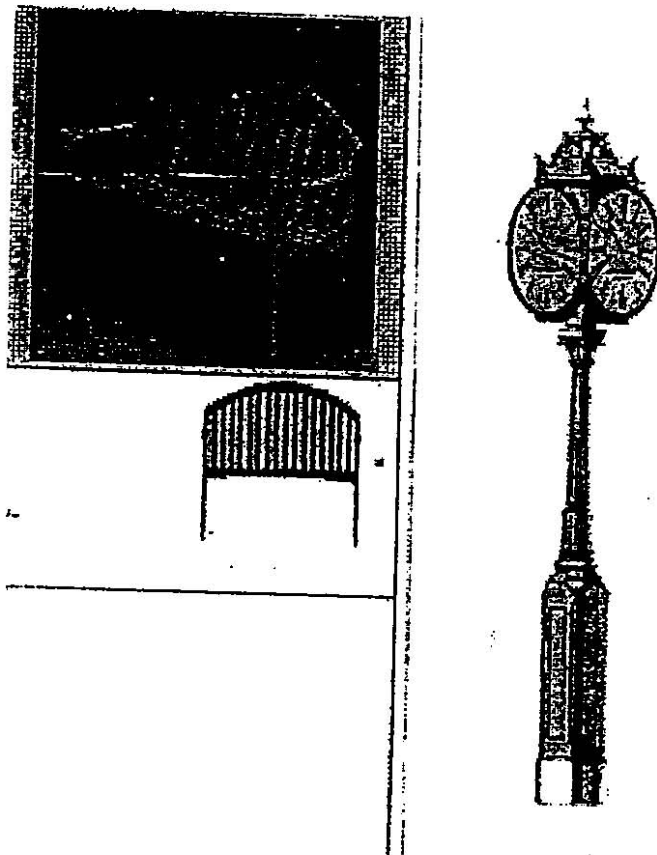
1

a. Signs affixed to the exterior of a building shall be architecturally

- compatible with the style, composition, materials, colors, and details of the building, as well as with other signs used on the building or its vicinity.
- b. Signs shall fit within the existing facade features, shall be confined to signable areas, and shall not interfere with door and window openings, conceal architectural details or obscure the composition of the facade where they are located.
 - c. Whenever possible, signs located on buildings within the same blockface shall be placed at the same height in order to create a unified sign band.
 - d. Wood and painted metal are the preferred materials for signs. Flat signs should be framed with raised edges. Wood signs shall use only high-quality exterior grade wood with suitable grade finishes.
 - e. Sign colors should be compatible with the colors of the building facade. A dull or matte finish is recommended for reduction of glare and enhancement of legibility.
 - f. Signs shall be either spot-light or backlit with a diffused light source. Spot-lighting shall require complete shielding of all light sources. Light shall not significantly spill over to other portions of the building or site. Backlighting shall illuminate the letters, characters, or graphics on the sign, but not its background. Warm fluorescent bulbs may be used to illuminate the interior of display windows. Neon signs placed inside the display windows shall insure low intensity colors.
 - g. Signs shall be mounted so that the method of installation is concealed. Signs applied to masonry surfaces should be mechanically fastened to mortar joints only and not directly into brick or stone. Drilling to provide electrical service should also follow the same rule.
-

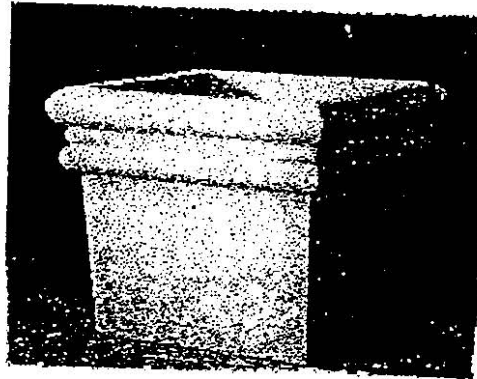
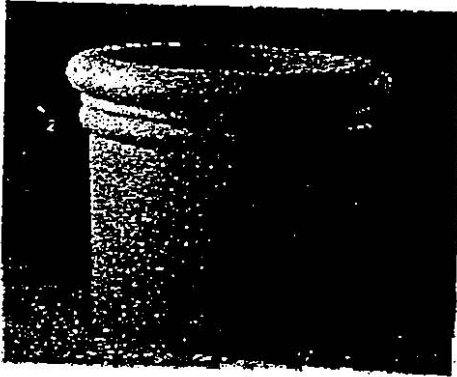
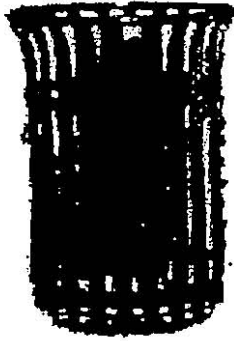
21) STREET FURNITURE

Street furniture includes benches, waste containers, planters, phone booths, bus shelters, bicycle racks, water fountains, and bollards. Street furniture must be compatible with the architecture of surrounding buildings, the character of the area, and other elements of the streetscape. Consistency in the selection and location of the various elements of street furniture is critical for maximum effect and functional usage. The following elements, shown on pages 5-15 through 5-17, are recommended for street furniture.



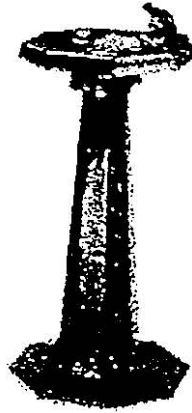
Street Furniture - Benches, Urban Clock

Street Furniture - Urban Trash Receptacle & Planters



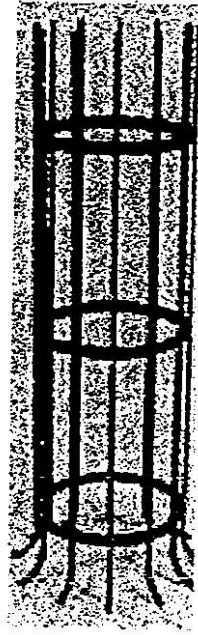
Section 5

Urban Drinking Fountain

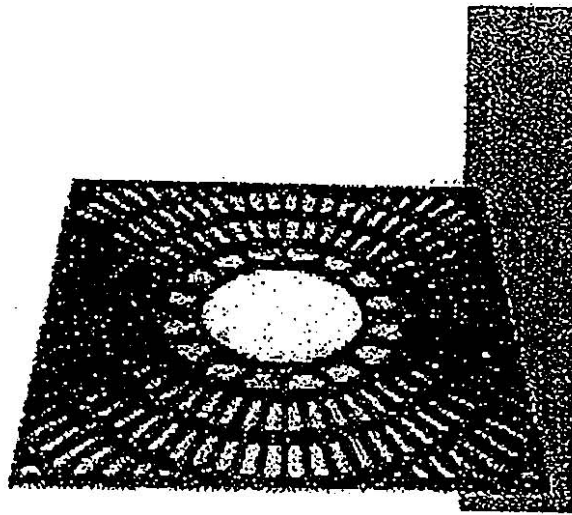


Bicycle Rack





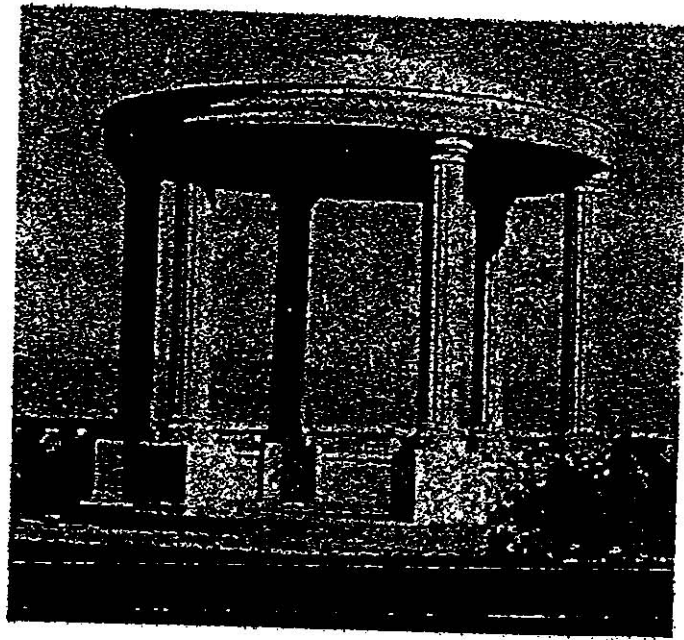
Tree Guard



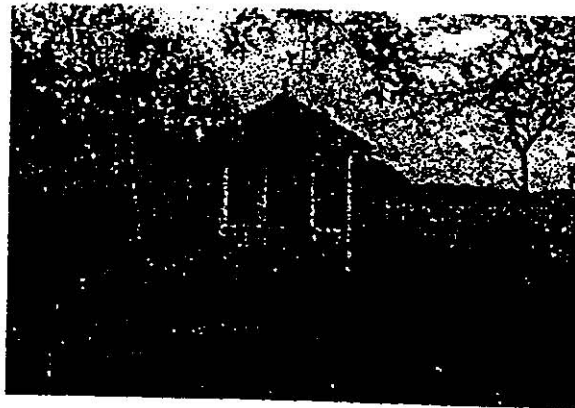
Tree Grate

22) PARK FURNITURE

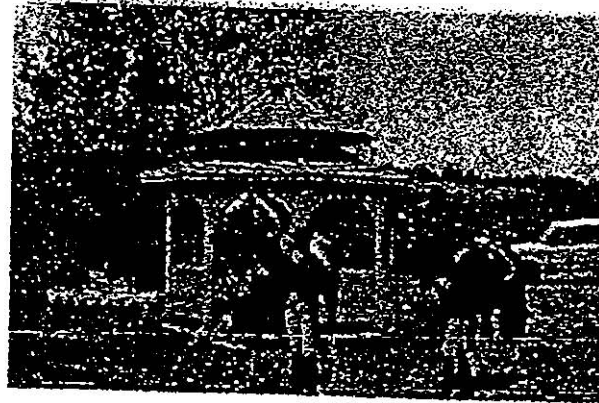
Park furniture includes benches, waste containers, picnic tables, play equipment, gazebos, bicycle racks, water fountains, and bollards. Park furniture should be selected to enhance the character of the park and the character of the area, and other elements of the streetscape. Consistency in the selection and location of the various elements of park furniture is critical for maximum effect and function usage. The following elements, shown on page 5-18, are recommended.



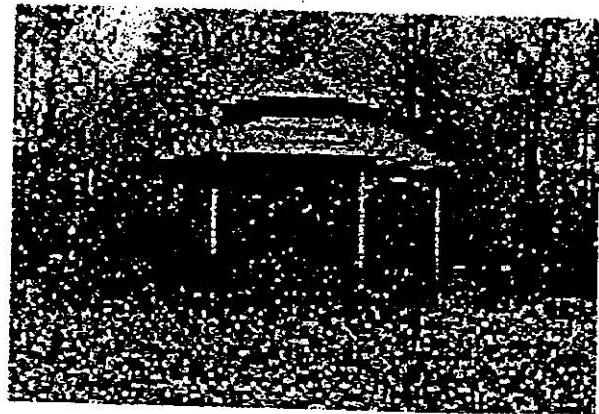
Gazebo for Main Town Green



Gazebo in Smaller Green



Gazebo in Smaller Green



Gazebos in Smaller Greens

23) HEATING AND AIR CONDITIONING

All air conditioning units, HVAC systems exhaust pipes or stacks, elevator housing, satellite dishes and other telecommunications receiving devices shall be screened from the public right-of-way view and from adjacent properties by using walls, fencing, roof elements, penthouse-type screening devices, or landscaping.

24) FIRE ESCAPES

Fire escapes shall not be permitted on a building's front facade. On buildings requiring a second means of egress pursuant to the local building codes, internal stairs, or other routes of egress, shall be used.

25) RECYCLING AND TRASH STORAGE AREAS

All non-residential recycling and trash storage areas shall be screened from public view at the ground level using masonry or wooden walls, landscaping hedging, or a combination thereof. The height of such wall/enclosure must be one and a half (1.5) feet higher than the container walls.

B. DESIGN VOCABULARY

The purpose of the Design Vocabulary is to develop unity, while encouraging and allowing diversity. This Design Vocabulary shall serve as guidelines for the architects, builders, and residents of the Washington Town Center. This written code is enhanced by a pictorial Design Vocabulary categorized by land use type, residential, commercial, and mixed-use. These photographs were selected to illustrate building and architectural designs which are reflective of the overall design intent for the Town Center.

Section 5. B -Design Vocabulary is a series of photographs of desired architecture. Unfortunately the copy that we received is not legible. We apologize that we can not provide it.

DIVISION 1. T-D-O (TRANSIT DISTRICT OVERLAY) ZONE.**SUBDIVISION 1. GENERAL.****Sec. 27-548.02. Introduction.**

The Transit District Overlay Zone is intended to insure that the development of land in the vicinity of Metro stations maximizes transit ridership, serves the economic and social goals of the area, and takes advantage of the unique development opportunities which mass transit provides. The T-D-O Zone is a mapped zone which is superimposed over other zones in a designated area around a Metro station, and which may modify certain requirements for development within those underlying zones. This designated area is called a Transit District. In this zone, a Transit District Development Plan must be approved by the District Council, and all development is subject to the approval by the Planning Board of a Detailed Site Plan. The Transit District Development Plan provides both the requirements for development within a specific Transit District and a flexible forum for joint development between the public and private sectors.

(CB-2-1984; CB-33-1985)

Sec. 27-548.03. Purposes.

- (a) The specific purposes of the Transit District Overlay Zone are:
- (1) To enhance the development opportunities in the vicinity of transit stations;
 - (2) To promote the use of transit facilities;
 - (3) To increase the return on investment in a transit system and improve local tax revenues;
 - (4) To create a process which coordinates public policy decisions, supports regional and local growth and development strategies, and creates conditions which make joint development possible;
 - (5) To create a process which overcomes deficiencies in ordinary planning processes and removes obstacles not addressed in those processes;
 - (6) To minimize the costs of extending or expanding public services and facilities, by encouraging appropriate development in the vicinity of transit stations;
 - (7) To provide mechanisms to assist in financing public and private costs associated with development;
 - (8) To provide for convenient and efficient pedestrian and vehicular access to Metro stations;
 - (9) To attract an appropriate mix of land uses;
 - (10) To encourage uses which complement and enhance the character of the area;
 - (11) To insure that developments within the Transit District possess a desirable urban design relationship with one another, the Metro station, and adjoining areas; and
 - (12) To provide flexibility in the design and layout of buildings and structures, and to promote a coordinated and integrated development scheme.

(CB-2-1984; CB-33-1985; CB-84-1990; CB-47-1996)

Sec. 27-548.04. Relationship to other zones.

The Transit District Overlay Zone shall be placed over other zones on the Zoning Map, and shall modify specific requirements of those underlying zones. Only those requirements of the underlying zones specifically noted in this Subdivision and elsewhere in this Subtitle are modified. All other requirements of the underlying zones are unaffected by the Transit District Overlay Zone.

(CB-2-1984; CB-33-1985)

Sec. 27-548.05. Uses.

(a) The uses allowed on a lot in a Transit District Overlay Zone shall be the same as those allowed in the underlying zone in which the lot is classified, except as is modified by the Transit District Development Plan.

(b) The Transit District Development Plan may:

- (1) Restrict a lot to specific uses which are allowed in the underlying zone; or
- (2) In underlying Industrial or Commercial Zones, permit specific uses on a lot from less intensive Commercial or Industrial Zones if the uses are not permitted in the underlying zone.

(c) If a use is permitted in the underlying zone by Special Exception, approval of a Special Exception (Part 4) need not be obtained and the use may be allowed by right, if it is provided for on the Transit District Development Plan. Where a Special Exception use is not provided for on the Transit District Development Plan, amendment of the Plan shall be required to permit the use. If the underlying zone requires that specific uses or general use types be present in every development within that zone, the Transit District Development Plan shall reflect those uses and any specified mix or ratio of the uses. In the case of the M-X-T Zone, the amount of square footage devoted to each use shall be in keeping with the purposes of that zone.

(CB-2-1984; CB-33-1985; CB-92-1996)

Sec. 27-548.06. Regulations.

(a) **Density.**

(1) Development within a Transit District shall not exceed the specified maximum residential density and any floor area ratio (FAR) requirements of the underlying zones, as those requirements would normally be applied if the property were not zoned T-D-O. If an underlying zone has provisions for awarding increased density or FAR above base requirements through furnishing amenities or benefit features, those provisions shall still apply within the T-D-O Zone and shall be applied when the Transit District Development Plan is approved.

(b) **Buildings, landscaping, and other improvements.**

(1) The location, size, and lot coverage of all structural improvements, open spaces, and green areas shown on an approved Detailed Site Plan shall constitute the regulations for these improvements within the Transit District. The corresponding regulations of the underlying zones do not apply to property in the T-D-O Zone, unless so specified elsewhere in this Subtitle. Detailed Site Plan approval is not required for television receiving antennas attached to dwellings.

(2) Landscaping, screening, and buffering of development within the Transit District shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and

screening may be required to satisfy the purposes of the T-D-O Zone and to protect the unique character of the Transit District from adjoining or interior incompatible land uses.

(c) Parking and loading.

(1) The requirements of Part 11 concerning the minimum number of spaces in, and design of, off-street parking and loading areas shall not apply within a Transit District. Instead, a methodology for determining the number of off-street parking and loading spaces to be required for specific uses shall be established on the Transit District Development Plan. The Prince George's County Parking Authority shall be provided an opportunity to review any proposed parking methodology prior to transmittal of a Development Plan by the Planning Board to the District Council. The methodology shall, at least, address the following:

- (A) The nature of each use proposed, including type, size, and location;
- (B) The peak parking demand characteristics of the proposed uses;
- (C) Uses involved in multipurpose trips;
- (D) Provisions for mass transit, such as rapid rail, carpool, bus, vanpool, and developer-provided services, which would make off-street parking unnecessary;
- (E) Parking or loading spaces to be provided by public agencies; and
- (F) Existing provisions for parking established within a Parking District (see Section 27-585(a)).

(2) If the uses shown on the Transit District Development Plan are not specific enough to determine the precise parking requirements at the time of the Plan's approval by the District Council, the requirements shall be determined at the time of Detailed Site Plan review by the Planning Board, using the same methodology as established for the Development Plan.

(d) Signs.

(1) The regulations of Part 12 governing signs shall not apply to property in the T-D-O Zone. No signs shall be permitted (except signs within a building and not generally visible from outside the building), except upon a finding that a given sign is reasonably necessary. In considering a sign proposal, the Planning Board shall be guided by the design standards of Part 12 and the purpose to be served by the proposed sign. The Planning Board may restrict the location, size, and type of signs in such a manner as to provide adequate identification of a given use, while assuring compatibility with other structures and uses in the Transit District. All signs shall be approved by the Planning Board at the time it approves the Detailed Site Plan or an amendment thereof.

(e) Pedestrian open space.

(1) The pedestrian system within a Transit District shall be oriented toward serving the Metro station, as well as other development within the District.

(f) Air rights and below-ground development.

(1) Private buildings and other structures may be located within the air space above, or in the ground below, public rights-of-way.

(g) Boundaries of zone.

(1) The boundary of a Transit District Overlay Zone shall encompass an area in proximity to an existing or proposed Metro Station. The area shall be contiguous and shall follow property lines, streets, or permanent and readily identifiable natural features of the landscape. A boundary shall not split an individual property unless there is a clear and compelling reason to do so.

(CB-2-1984; CB-33-1985; CB-1-1989)

Sec. 27-548.07. Transit District Development Plan.

(a) Within every Transit District Overlay Zone, a Transit District Development Plan shall be prepared and approved, in accordance with the procedures set forth in Part 3, Division 2, Subdivision 5.

(b) All approved Transit District Development Plans shall be binding upon the property owners, their successors, assigns, and heirs. The Plan shall control the use and development of all land and structures in a Transit District, and the issuance and validity of all permits within the Transit District.

(c) The Transit District Development Plan shall include the following:

(1) A description of the area within the Transit District, including a location map showing the boundaries of the Transit District (with north arrow and scale) and a description of the existing improvements within those boundaries;

(2) Existing zoning and use of properties within and adjacent to the Transit District;

(3) Existing and proposed right-of-way widths of internal and adjoining streets;

(4) The proposed vehicular and pedestrian circulation systems;

(5) A description of the methods to be used for storm water management;

(6) The location, size, and description of known proposals for public and private improvements within the proposed Transit District;

(7) The type and location of any specific uses which are proposed, and the distribution and maximum square footage/density anticipated to be devoted to each;

(8) The methodology to be used in determining the amount, location, and arrangement of off-street parking and loading areas;

(9) Reports and analyses necessary to describe the area's public facilities' infrastructure requirements, and to prioritize them; and

(10) A landscape plan prepared pursuant to the provisions of the Landscape Manual.

(d) The Transit District Development Plan may include the following:

(1) A proposed sequence of development;

(2) Reports and analyses necessary to identify public and private funding sources to finance the area's public facilities' infrastructure improvements;

(3) Proposed changes of existing underlying zoning; and

(4) Any other pertinent information.

(e) In order to maximize the flexibility of the Transit District Overlay Zone and protect the public interest, the elements and requirements contained in the Transit District Development Plan (Subsections (c) and (d), above) may be in any of the following forms:

(1) Mandatory requirements, such as specific setbacks for structures or required street improvements, which the Detailed Site Plan shall completely reflect and be in conformance with; or

(2) Guidelines and criteria for development which the Planning Board shall use in reviewing a Detailed Site Plan.

(CB-2-1984; CB-33-1985; CB-1-1989; CB-84-1990; CB-47-1996)

Sec. 27-548.08. Site plan.

(a) **General.**

(1) Prior to the issuance of any grading, building, or use and occupancy permit for the construction on, or use of, any land in a Transit District, a Detailed Site Plan for individual development proposals shall be approved by the Planning Board in accordance with Part 3,

Division 9. A Detailed Site Plan shall be approved prior to, or concurrently with, any final plat of subdivision. A final plat of subdivision for roads only, however, may be approved prior to approval of the Detailed Site Plan. The Site Plan may include any portion of the Transit District, and may only be submitted by the owner of the property concerned (or his authorized representative).

(b) Contents.

(1) In addition to the information required by Part 3, Division 9, for Detailed Site Plans, the following additional information shall be included for Plans in the T-D-O Zone:

- (A) The number, floor area, and type of dwelling units;
- (B) The gross floor area devoted to commercial and industrial uses and the floor area devoted to other nonresidential uses;
- (C) The density and floor area ratios proposed, and how they were calculated;
- (D) A description of the relationship between vehicular and pedestrian circulation systems;
- (E) Provisions for sediment control and storm water management;
- (F) An exterior lighting plan, showing exterior lighting of all buildings, parking areas, driveways, and pedestrian ways, including the heights, number, and type of fixtures. The plan shall also show the amount of glare upon adjoining properties in terms of level of illumination (measured in foot-candles) and cut-off angle;
- (G) The location, design, size, lighting, and all other features of signs (except signs within, and not generally visible from outside of, buildings);
- (H) A statement of planning objectives to be achieved by the development through the particular approach proposed by the applicant. This statement shall include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant; and
- (I) A development schedule indicating the approximate dates when construction can be expected to begin and to be completed.

(c) Required findings.

(1) The findings required by Section 27-285(b) shall not apply to the T-D-O Zone. Instead, the following findings shall be made by the Planning Board when approving a Detailed Site Plan in the T-D-O Zone:

- (A) The Transit District Site Plan is in strict conformance with any mandatory requirements of the Transit District Development Plan;
- (B) The Transit District Site Plan is consistent with, and reflects the guidelines and criteria for development contained in, the Transit District Development Plan;
- (C) The Transit District Site Plan meets all of the requirements of the Transit District Overlay Zone, and applicable regulations of the underlying zones;
- (D) The location, size, and design of buildings, signs, other structures, open spaces, landscaping, pedestrian and vehicular circulation systems, and parking and loading areas maximize safety and efficiency, and are adequate to meet the purposes of the Transit District Overlay Zone;
- (E) Each structure and use, in the manner proposed, is compatible with other structures and uses in the Transit District, and with existing and proposed adjacent development.

(d) Earnest Payment Fee Determination.

(1) For any development in excess of the level of development approved for each parcel in the approved Transit District Development Plan, the Planning Board shall require an

earnest payment fee, the amount in accordance with the approved Transit District Development Plan.

(2) The earnest payment fee shall be paid to the Prince George's County Office of Finance prior to signature approval of the Detailed Site Plan.

(e) **Validity period.**

(1) Unless otherwise specified in an approved Transit District Development Plan, a Transit District Site Plan shall remain valid for a period of six (6) years following the date of its approval.

(2) If specified in an approved Transit District Development Plan, a Transit District Site Plan may remain valid for a period of less than six (6) years following the date of its approval. The Planning Board may extend the validity of an approved Detailed Site Plan for one (1) year beyond the validity period, provided the following criteria are met:

(A) The request is filed prior to the expiration of the Detailed Site Plan approval;

(B) The Detailed Site Plan remains in conformance with all the requirements of the approved Transit District Development Plan and Subtitle 27 applicable to the subject property;

(C) The developer can demonstrate to the Planning Board that the developer has proceeded in a diligent manner to move forward with physical development and has been unable, through no fault of the developer, to complete the construction which is necessary to become vested in the approved Detailed Site Plan;

(D) The developer has applied to the Department of Environmental Resources for a building permit prior to the expiration of the validity of the subject Detailed Site Plan; and

(E) The Planning Board shall find that the extension of the validity of the Detailed Site Plan is in the best interests of the Transit District, as set forth in the goals, objectives, mandatory requirements, and development guidelines of the Transit District Development Plan.

(f) **Appeal of Planning Board's decision.**

(1) For the purpose of making an appeal (in accordance with Section 27-290), a person of record shall include any person of record in the creation of the Transit District Overlay Zone and approval of the Development Plan, and any person of record in the Site Plan approval process.

(CB-2-1984; CB-33-1985; CB-84-1990; CB-31-1993; CB-47-1996)

Sec. 27-548.09. Applicability of previous actions.

Except in the Comprehensive Design and M-X-T Zones, and except for map amendments (not including conditions placed on the approval), all actions of the District Council, Zoning Hearing Examiner, Planning Board, or Board of Zoning Appeals which were taken in accordance with this Subtitle and which affected property prior to its being classified in the Transit District Overlay Zone, are null and void with respect to future development within the Transit District, except as addressed by this Subdivision and Part 3, Division 2, Subdivision 5. In the Comprehensive Design and M-X-T Zones, any plans approved prior to the property being classified in the Transit District Overlay Zone remain in full force and effect, unless the property owner indicates (in writing) that the plans may be changed and that the requirements of the Transit District Overlay Zone may be fully applied to the property. Actions with respect to a Transit District Overlay Zone shall not invalidate any approved subdivision plat.

(CB-2-1984; CB-33-1985)

MOUNT JOY Lancaster
County PA

307.B. Height. The following *height* provisions shall apply unless specifically stated otherwise for a specific use:

1. Within the C, TN, LDR, MDR, MHDR, MHP and CO *Districts*:
 - a. the maximum *height* for structures that are *accessory* to dwellings shall have a maximum *height* of 1.5 stories (with the 1/2 story limited to non-habitable storage areas) or 25 feet, whichever is more restrictive, and
 - b. the maximum *height* for other structures shall be 3.5 stories or 40 feet, whichever is more restrictive.
2. Within the CI *District*, see Section 309.
3. Within all other *districts*, the maximum *height* for all buildings shall be 6 stories or 90 feet, whichever is more restrictive, provided that the maximum *height* shall be 40 feet within 40 feet of an existing primarily residential use within a residential *district*.
4. See also Section 802 "Height Exceptions."

308. TN—TRADITIONAL NEIGHBORHOOD DISTRICT.

308.A. Purposes. This *District* is primarily intended to:

1. encourage new development to occur in a manner that will be consistent with the traditional patterns and scale of development and mix of *uses* that occurred in Mount Joy Borough before 1946;
2. promote a mix of diverse but compatible types of neighborhood development;
3. avoid development that would be inconsistent with the character of the community, and could cause inefficient patterns of sprawled development;
4. encourage a blending of *recreation* areas, preserved natural features, compatible institutional *uses*, and a mix of housing at a medium *density*, including housing intended to be affordable to middle-income persons;
5. provide for reasonably safe and convenient pedestrian, bicycle and vehicle circulation, with an emphasis on avoiding conflicts between vehicles backing out of garages across sidewalks;
6. encourage persons to live, work, shop, attend religious services and enjoy *recreation* within Mount Joy Borough;
7. encourage the creation of a sense of place, feelings of belonging and a community spirit that promotes social interaction and volunteerism;
8. carefully limit the amount and type of business development within a *Traditional Neighborhood Development* in order to avoid competition with the Downtown of Mount Joy, and in recognition that most areas of the *Borough* are within walking distance of Main Street; and
9. encourage the location of places of worship and other *principal* non-residential *uses* with distinguished architectural features at prominent locations around a Central Commons, to serve as a focal point for the development.

308.B. Master Plan for a "Traditional Neighborhood Development."

1. If Section 308.D.2. requires that a *use* be within a *Traditional Neighborhood Development*, then before any *lot* is subdivided or zoning permit is issued, the *applicant* shall submit an Overall Master Plan for *conditional use* approval for a "Traditional Neighborhood Development." Such Master Plan shall include all land owned, equitably owned or otherwise controlled by the *applicant* within the TN *District*. If the *applicant's* land extends into an *adjacent* municipality or *district*, then it is requested that the Master Plan also show such area to plan for a coordinated road and infrastructure system.
 - a. If a *Traditional Neighborhood Development* exists, is proposed or has been approved on an *adjacent* tract, then the Master Plan shall be coordinated with that *adjacent* land.

2. The Overall Master Plan shall show proposed streets, alleys, cartway widths, lots, common open spaces, recreation areas, major pedestrian and bicycle pathways, parking areas, major detention basins and proposed types of housing and non-residential uses. The Master Plan is intended to be similar to what is commonly termed a "sketch plan." The Master Plan is not required, for the purposes of these zoning district regulations, to meet the minimum submission requirements for a preliminary or final subdivision/land development plan.
 - a. An *applicant* may voluntarily submit a preliminary *subdivision* or land development plan at the same time as a *conditional use* application, and thereby have the *conditional use* application be considered during a time period that overlaps with review and approval of the *subdivision* or land development plan.
 3. The Master Plan and application for the Traditional Neighborhood Development shall be reviewed by the Borough Planning Commission and require approval by Borough Council as a conditional use. Once conditional use approval is granted for the Traditional Neighborhood Development, then individual lots may be submitted for approval under the Subdivision and Land Development Ordinance and allowed uses may occur as permitted by right uses, provided the lots and uses comply with the approved Master Plan.
 4. If the Zoning Officer determines that a zoning or subdivision application represents a significant divergence from the approved Master Plan, then the difference in the Master Plan shall need Conditional Use approval. However, the Zoning Officer may permit minor deviations from the Master Plan, without needing a second conditional use approval, if the differences are minor changes that do not affect Zoning Ordinance matters, such as adjustments in street alignments and detention basin designs to reflect more detailed engineering.
 5. All other requirements of this Ordinance and other Borough ordinances shall apply within the Traditional Neighborhood District, except for provisions that are specifically modified by this Section 308.
- 308.C. Overall Requirements. *Conditional use* approval shall be granted for a *Traditional Neighborhood Development* only if the *applicant* proves that the following minimum requirements will be met, in addition to other applicable *Borough* requirements:
1. The existing *street* system shall be extended into the new development. *Streets* shall be interconnected through the development. The use of a traditional grid *street* system divided into blocks is encouraged, with modifications for natural features. The community should have a central focal point, such as the Central Commons. At best, *streets* or trails would lead towards this focal point. A cul-de-sac shall be permitted only where the *applicant* proves that there are no feasible alternatives. *Street* linkages shall be provided to allow connections with future phases of development or *adjacent* tracts. Where direct *street* access is not practical between two areas, then the *Borough* Council may require the provision of bicycle and pedestrian access using an easement.
 2. A minimum of 60 percent of the *principal* residential *buildings* shall include a front door accessing onto an unenclosed front porch with a minimum *floor area* of 60 square feet. Such porch shall be covered by a permanent roof. Such porch shall not be enclosed in the future.
 3. Within a *Traditional Neighborhood Development*, *dwelling units* shall not have garages or carports with entrances within 40 feet of the *street right-of-way* that face onto the front of the *lot*, and shall not have off-*street* vehicle *parking* spaces between the *street* and the *dwelling*, except within a landscaped *parking* court as provided below. No off-*street* vehicle *parking*, garage or carport shall be permitted within 5 feet from the *right-of-way* of an *alley*. (However, on-*street* parallel *parking* may be approved along an *alley* under other provisions of this Section 308.)
 - a. However, a maximum of 10 percent of the *lots* within a *subdivision* may have a front entry garage without needing a 40 feet *setback* if the *applicant* proves to the satisfaction of *Borough* Council as part of the *conditional use* approval that such front entry garage is unavoidable to make a reasonable use of the land.

- b. If the Zoning Hearing Board should grant a variance to this sub-section "3", then the minimum *lot width* should be required to be increased as a condition of the variance, to prevent the majority of the *front yard* from being covered by paving.
 - c. All *streets* and *alleys* shall have a *right-of-way*, whether public or private.
 - d. See Section 308.H. which allows *on-street parking* to be counted towards *off-street parking* requirements. To the maximum extent feasible, vehicle *parking*, carports and garages shall be placed to the rear or side of *lots*, preferably with rear or side access. For example, the following alternative methods of providing *parking* are permitted and encouraged:
 - (i) a rear landscaped shared *parking* court or shared carport structure,
 - (ii) detached rear garages or rear individual *parking* pads or side-entry garages accessed from *alleys* or side *driveways*, with such *driveways* being of minimal width within the *front yard*,
 - (iii) decks built extending over attached garage *driveways*, or
 - (iv) a landscaped shared *parking* court connected to a *street*, provided that parked vehicles do not need to back out onto a through-*street* and provided that all paving is set back a minimum of 25 feet from any *dwelling* (other than a front porch).
 - e. If *driveways* pass through the front of the *lot* (such as to reach detached rear garages), then it is encouraged to place *driveways* of *adjacent dwellings* immediately *adjacent* to each other. This would allow the *driveway* on each *lot* to be more narrow than would otherwise be possible. However, each property owner shall still be responsible for their own half of the *driveway*, and each half shall be wide enough to allow a passenger car to travel on each *lot*.
4. No *principal building* shall include a flat roof. Significant roof pitches and variations in roof lines are specifically encouraged.
 5. Sidewalks shall be provided along both sides of each *street*.
 6. A minimum of 90 percent of the *lots* within a *subdivision* shall be deeper than they are wide.
 7. See Section 308.E. concerning Park and Recreation Land.
 8. Allowed *commercial uses* shall occupy a maximum of 5 percent of the total land area of the *Traditional Neighborhood Development*.
 9. **Housing Types.** A minimum of 65 percent of the *dwelling units* shall be *single family detached dwellings*. The *dwelling units* that are not *single family detached dwellings* shall not be concentrated in a single portion of the tract.
 10. Any *alleys* shall be designed to discourage through-traffic. All *streets* and *alleys*, whether public or private, shall be constructed to the same road bed construction standards as would apply to a public *street* within the *Borough*.
 - a. *Alleys* shall have a minimum paved width of 10 feet if serving one-way traffic and 14 feet if serving two-way traffic. Additional width shall be required if any parallel *parking* is provided. The *right-of-way* for an *alley* shall be at least 4 feet wider than the *cartway*.
 - b. If the *Borough* does not agree in advance to accept dedication of *alleys*, they shall be maintained by a legally binding homeowners association.
 11. New *streets* shall be sufficient in width to allow *on-street parking* along at least one side of each *street*, and to provide room for bicycle riding, unless a separate bicycle pathway is provided.
 12. To the maximum extent feasible, one or more prominent sites *adjacent* to the Central Commons should be proposed for a *principal non-residential use*. The *conditional use* approval for the *Traditional Neighborhood Development* may specifically allow for two or more alternative *uses* for certain sites *adjacent* to the *Central Commons*, to allow a developer with reasonable flexibility to attract different *uses*.
 13. **Public Transit.** An *applicant* for a Traditional Development Neighborhood shall provide evidence that they have contacted the provider of public transit services and requested the provision of service to the development once it is significantly complete. If public transit service is intended to eventually be provided, the *applicant* shall show that provisions have been made

for convenient public transit stops and shelters. Any shelters should also be designed to be suitable for use as a school bus stop.

14. *Street Lights*. The *applicant* shall install *street lights* meeting minimum requirements of the *Borough* and the electric provider. Such *street lights* shall be of sturdy construction, decorative design, be dark in color (such as black, dark gray or dark green), and have a maximum total height of 25 feet.

308.D. Allowed Uses.

1. The following *uses* shall be *permitted by right*, regardless of whether they are within a *Traditional Neighborhood Development*:
 - a. Crop Farming or Orchards
 - b. *Christmas Tree Farm* or Plant Nursery, with retail sales limited to plants primarily grown on the premises
 - c. *Publicly Owned Recreation Uses*
 - d. Nature Preserves
 - e. *Borough Owned Uses*
 - f. Expansion of a previously existing *Public or Private Primary or Secondary School*
 - g. *Light Home Occupations*, meeting Section 403
 - h. *Emergency Services Station*
 - i. Customarily *accessory uses* to allowed *principal uses*
 - j. *Group Home* within a lawful existing *dwelling unit*
 - k. Erosion and sedimentation controls and stormwater improvements
 2. After a "Traditional Neighborhood Development" has been granted *conditional use* approval, then the following *uses* shall be *permitted by right*, provided the *uses* are consistent with the approval Overall Master Plan:
 - a. *Single family detached dwellings*
 - b. *Side-by-side twin dwellings*, with each *dwelling* on its own fee-simple or *condominium lot*
 - c. *Townhouses*, with each *dwelling* on its own fee-simple or *condominium lot*
 - d. Places of Worship*
 - e. Public transit passenger shelters
 - f. Libraries* and Museums*
 - g. *Child or Adult Day Care* as a *principal use** meeting Section 402 or as an *accessory use* meeting Section 403
 - h. Nursing Home* or Assisted Living/Personal Care Center*, which shall not exceed 20 percent of the total tract area of the development
 - i. Offices*
 - j. Meeting Facility for a *Membership Club**
 - k. Retail Store*, Art Gallery*, *Financial Institution** or Personal Service *Use**, with each establishment limited to a maximum *floor area* of 5,000 square feet, and with drive-through facilities being prohibited in all cases
 - l. Exercise Club* or *Bed and Breakfast Inn* with a maximum of 20 guest rooms*
 - m. Landscaped off-street parking serving an existing lawful *commercial use* on an *adjacent lot*.
 - n. For each approved non-residential *principal use*, there may be one *apartment dwelling unit* in the same *building*. Such *apartment dwelling units* may be in addition to the maximum number of *dwelling units* otherwise allowed.
- * These *uses* shall only be permitted *adjacent* to one single Central Commons within a *Traditional Neighborhood Development* or within 500 feet of the *right-of-way* of Main Street. *Uses adjacent* to the Central Commons shall have their main pedestrian entrance facing the Central Commons. It is encouraged that these *uses* be placed as close to Main Street as may be practical. No outdoor storage shall be permitted.

3. The following *use* shall need *special exception* approval, regardless of whether it is within a *Traditional Neighborhood Development*:
 - a. *General Home Occupation*, meeting Section 403

308.E. Park and Recreation Land

1. The regulations of the *Borough Subdivision and Land Development Ordinance* regarding park and *recreation* land shall apply. However, if a *Traditional Neighborhood Development* will eventually involve 30 or more *dwelling units*, then the majority of the park and *recreation* land requirements shall be met through dedication of park and *recreation* land, as opposed to most or all of the requirements being met through payment of fees. A landscaping plan for the Park and *Recreation* Land shall be prepared by a Registered Landscape Architect.
2. If a *Traditional Neighborhood Development* involves 60 or more *dwelling units*, then some or all of the required Park and *Recreation* Land shall be provided within at least one Central Commons.
 - a. Any required Central Commons shall have a minimum *lot area* of 0.015 acres per *dwelling unit*, up to a maximum of 1.5 acres. The majority of the Central Commons shall be planted so as to eventually result in a canopy of deciduous trees over areas of the Commons that are not planned for active *recreation*.
 - b. Any required Central Commons shall have a minimum width and minimum length of 60 feet.
 - c. The Central Commons shall include benches of durable construction and pathways. Pathways should include decorative materials, such as brick, paving block or patterned concrete.
3. Stormwater detention basins and drainage channels shall not be used to meet the minimum Park and *Recreation* Land requirements, except for areas that the *applicant* proves to the satisfaction of *Borough Council* would be able to be attractively maintained and be reasonably dry and usable for *recreation* during storms less severe than a 5 year storm.

308.F. Dimensional Requirements. The minimum *lot widths* stated below shall be measured at both the proposed *principal building setback line* and the *street right-of-way* line, except that the width at the *street right-of-way* line may be reduced by 20 percent around curves in a *street*. See bonuses permitted under subsection "9." below.

1. *Single family detached dwellings***
 - a. Minimum *lot area*—6,000 square feet
 - b. Minimum *lot width* at the minimum *building setback line*—40 feet
2. *Twin dwelling unit***
 - a. Minimum *lot area*—5,000 square feet
 - b. Minimum *lot width* at the minimum *building setback line*—30 feet
3. *Townhouse dwelling unit***
 - a. Minimum *lot area*—2,500 square feet
 - b. Minimum *dwelling unit* width at the front of the enclosed *dwelling unit*—22 feet.
4. *Principal non-residential use* (a *lot* may include more than one allowed non-residential use):
 - a. Minimum *lot area*—12,000 square feet
 - b. Minimum *lot width* at the minimum *building setback line*—70 feet
5. Maximum coverage for all *uses*** per *lot*:
 - a. Maximum *building coverage*—55 percent
 - b. Maximum *impervious coverage*—70 percent
6. *Building setbacks* for *principal buildings*** (along a *street*, minimum *yards* shall be measured from the proposed *right-of-way*):
 - a. *Front or side yard* from a local *street*—minimum 5 feet, maximum 25 feet.
 - b. *Front yard or side yard* from a collector *street*—minimum 10 feet, maximum 30 feet.

- c. Any yard from an arterial street—minimum 30 feet.
- d. The minimum setback shall apply to the front of an unenclosed front porch. The maximum setback shall apply to the front of the actual enclosed principal building.
- e. Side yards—minimum 5 feet each. For each detached principal building, the total of both side yards shall be a minimum of 15 feet. Each twin dwelling unit shall have one side yard, while a side yard shall be required for each end townhouse unit. For a detached building, it is encouraged to make one side yard wider than the other to allow wider use by the residents of the larger side yard and/or to provide for a side driveway to rear parking.
- f. Rear yards—minimum 25 feet. However, if shown as part of the approved subdivision plan creating the lot, then attached garages may have a rear yard of 15 feet.
- g. See exceptions for setbacks in Section 803.
- h. For accessory structures, the provisions of Section 306 for the MDR District shall apply.
- i. As part of the conditional use approval process, Borough Council may approve variations of up to 3 feet in minimum yards to allow for variations in architectural designs.
- j. See also the process that permits modifications in the Traditional Neighborhood Development requirements in Section 118.

** In place of individual fee-simple lots meeting these dimensional requirements, an applicant may choose to utilize a condominium form of ownership. In such case, the lots shall be laid out so that the dimensional and coverage requirements would be met. However, the actual lot lines do not need to be legally established.

- 7. Perimeter Setbacks. Around the zoning district boundary of the Traditional Neighborhood District, the following setbacks shall apply, unless a more restrictive provision in another section applies:
 - a. No townhouse shall be located within 60 feet from a contiguous lot line of an existing single family detached dwelling.
 - b. No townhouse shall be located within 30 feet from a contiguous lot line of any existing dwelling other than a single family detached dwelling.
 - c. No parking area of 5 or more spaces shall be located within 30 feet from a contiguous lot line of an existing dwelling.
- 8. Maximum Overall Density. The maximum overall density of the Traditional Neighborhood Development shall be determined as follows, as calculated in acres (and decimals):
 - a. Start with the total land area of the development tract, after deleting existing rights-of-way of existing streets.
 - b. Delete land area within lots of non-residential principal uses from "a."
 - c. Delete 50 percent of the area of lands with a slope over 15 percent from "b."
 - d. Delete 50 percent of the area of lands within the 100-year floodplain from "c."
 - e. Multiply the resulting acreage by 4 dwelling units per acre to result in the maximum number of permitted dwelling units within the development. See bonuses in subsection "9." below.

Note: This method of calculating density does not require the deletion of stormwater detention basins, shared parking areas, new streets, new common recreation areas, new alleys or similar features. Therefore, the actual density that could be achieved on a "net" piece of land would be higher than 4 dwelling units per acre.

- 9. Density Bonuses:
 - a. As an option to the applicant, Borough Council as part of the conditional use approval may approve the following increases in the maximum density provided in Section subsection "8." above.

- (1) The maximum *density* may be increased by a maximum of one additional *dwelling unit* per acre if the *applicant* establishes legally enforceable provisions controlling the styles of architecture, rooflines and the exterior materials in such a manner as to replicate the best features of pre-1946 architecture.
 - (i) Such provisions shall be prepared by a Registered Architect, and be provided to the *Borough* in writing.
 - (ii) Such provisions shall not be designed to require excessive uniformity in design, nor to restrict home purchasers to a single design, but instead to encourage high-quality design with a consistent character.
 - (2) The maximum *density* may be increased by a maximum of one additional *dwelling unit* per acre if the *applicant* commits to provide substantially greater amounts of Park and Recreation Land and/or substantial recreation improvements and landscaping, beyond the amounts of land, landscaping and improvements that would otherwise be required.
 - (3) If the bonuses described in "1." and "2." are both approved in full, then the maximum *density* described in Section "8." above may be increased from 4 to 6 *dwelling units* per acre, and the following reductions in minimum *lot areas* shall be permitted:
 - (i) From 6,000 to 4,800 square feet for each *single family detached dwelling*
 - (ii) From 5,000 to 4,000 square feet for each *twin dwelling unit*
 - (iii) From 2,500 to 2,000 square feet for each *townhouse dwelling unit*
10. Maximum Building Height. 40 feet or 3 stories, whichever is more restrictive. See exceptions in Section 802 and definition in Section 202.
- 308.G. Landscaping and Street Trees. See Section 804. A grass strip of sufficient width shall be provided to accommodate *street trees* between the curb and the sidewalk, unless an alternative location for *street trees* is specifically approved by the *Borough*. Areas that are between the *dwelling* and the *street* curb and that are not used for approved sidewalks shall be maintained in a vegetative ground cover and landscaping. A minimum of one deciduous *street tree* shall be required for an average of each 50 feet of *street* frontage. The site design of a *Traditional Neighborhood Development* shall carefully consider and maximize the preservation of existing healthy attractive trees with a trunk width of 6 inches or more at a *height* of 3.5 feet above the ground level.
- 308.H. Parking Incentive. An *applicant* may meet a maximum of 50 percent of the off-*street parking* space requirements for each *dwelling unit* by counting on-*street* spaces parallel to the curb along a local *street* or along an *alley*. This provision shall be permitted only:
1. for spaces along the same side of a *street* along curb that is directly contiguous to the set of *lots* being served, or a new *alley* within a *Traditional Neighborhood Development*, and provided the spaces are within 200 feet of each dwelling they serve; and
 2. if the *applicant* proves to the satisfaction of *Borough* Council that the *street* or *alley* would be sufficiently wide to allow the *parking*, and that there are no unusual safety hazards involved, compared to typical on-*street parking* at other locations; and
 3. if the *applicant* proves that such number of *parking* spaces could be legally accommodated along the *street*, considering the locations of *driveways*, fire hydrants and *street* corners.
- 308.I. Design Controls. The *applicant* shall submit a written statement of the proposed substance of deed restrictions or similar controls that would affect matters addressed in *this Ordinance*.
- 308.J. Association Provisions. If applicable, a draft set of homeowner association or *condominium* association provisions shall be submitted for legal acceptance by the *Borough* Solicitor prior to recording of the Final *Subdivision Plan*.

308.K. **Stormwater.** Stormwater management facilities serving the TN District may be located in any zoning district, provided the requirements of the Borough Subdivision and Land Development Ordinance are met.

309. **ADDITIONAL REQUIREMENTS WITHIN THE CI DISTRICT.** The following requirements shall apply within the CI Campus Industrial District.

309.A. **Dimensional Requirements.**

1. **Minimum Lot Area.** 2 acres, except that a minimum lot area of 1 acre shall be permitted if the requirements of Subsection 309.F. below are met.
2. **Setbacks.** The following minimum setbacks shall apply:
 - a. 40 feet front yard, except 60 feet adjacent to an arterial street.
 - b. 20 feet for each of 2 side yards, except 50 feet for a side yard contiguous to an existing or approved residential lot.
 - c. 20 feet rear yard, except 50 feet if contiguous to an existing or approved residential lot.
3. **Lot Coverage.** A maximum of 50 percent of the lot area of each lot shall be covered by buildings. A maximum total of 65 percent of the lot area of each lot shall be covered by buildings and other impervious surfaces.
 - a. The maximum impervious coverage within a subdivision or land development shall be increased to 80 percent if the applicant proves to the satisfaction of the Zoning Officer, based upon the review of the Borough Engineer, that a subdivision or land development will include substantial stormwater management improvements that will substantially reduce existing stormwater management problems on properties that are not owned or controlled by the applicant. The applicant shall have the burden to prove that:
 - (1) such improvements would be effective,
 - (2) there would be an appropriate system to ensure the long-term maintenance of the system, and
 - (3) the improvements would substantially exceed the improvements that would otherwise be required under Borough, County and State requirements.
 - b. If a lot contains a shared detention basin serving an entire subdivision, the lot area of the lot with the basin may be considered together with adjacent lots to determine the maximum impervious coverage. In such case, the maximum impervious coverage regulation (as stated above) shall be a maximum average of the adjacent lots, instead of a maximum for each lot.
 - (1) In such case, deed restrictions or other legal mechanisms acceptable to the Borough shall be used to regulate the maximum impervious coverage of each lot so that the average maximum impervious coverage is met.
 - (2) For example by deed restrictions, two lots of 2 acres each might each have a maximum impervious coverage of 75 percent, while a one acre lot with a shared detention basin might have a maximum impervious coverage of 25 percent, resulting in an average impervious coverage of 65 percent.
4. **Height.** A maximum height of 40 feet or 3.5 stories, whichever is more restrictive, shall apply. However, for portions of a building that are a minimum of 100 feet from an existing or approved residential lot, as a special exception, a maximum height of 65 feet or 5 stories, whichever is more restrictive, may be approved. The special exception decision shall be based upon fire protection issues. Customary extensions of a building that are not occupied by persons may exceed this height limit, such as elevator equipment, skylights, water towers, chimneys, smokestacks, and similar features.
5. **Lot Width.** The minimum lot width measured at the minimum building setback line shall be 100 feet, except such minimum lot width shall be increased to 300 feet if a lot approved after the effective date of this Amendment will involve one or more vehicle driveways involving left-hand turns from the lot onto Main Street/State Route 230. If vehicle access from a lot to Main