

CHAPTER 6: DEVELOPMENT AND DESIGN STANDARDS

10.6.1 GENERAL PROVISIONS

A. Purpose

The standards in this Chapter apply to the physical layout and design of development in the Town. These provisions address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment. The general intent is to implement the Town's Comprehensive Plan vision of an attractive, efficient, and livable community that features stable neighborhoods and promotes a mix of uses in well-designed community focal points. The specific purposes of this Chapter include:

1. To encourage the proper use of the land by promoting an appropriate balance between the built environment and the preservation and protection of open space and natural resources;
2. To protect public and private investment through preservation of open spaces, protection of natural resources including existing trees, providing buffers between incompatible uses and along roadways, and encouraging the planting of new trees and vegetation as deemed appropriate;
3. To promote sound management of water quality and quantity through preservation of natural areas and by encouraging the use of native plant materials;
4. To provide appropriate standards to ensure a high quality appearance for the Town and promote good design while also allowing flexibility, individuality, creativity, and artistic expression;
5. To strengthen and protect the image, identity, and unique character of the Town and thereby to enhance its business economy;
6. To encourage high quality retail commercial businesses that provide positive sustainable revenue sources to the Town;
7. To protect and enhance residential neighborhoods, commercial districts, and other areas by encouraging physical development that is of high quality and is compatible with the character, scale, and function of its surrounding area; and
8. To encourage developments that relate to adjoining public streets, open spaces, parks, trails, and neighborhoods with building orientation and physical connections that contribute to the surrounding network of streets and walkways.

B. Applicability

This Chapter shall apply to new development and expansion of existing development in the Town with the exception of individual single family residential lots existing before the adoption of this UDC. Individual single family residential lots existing before the adoption of this UDC shall be subject to the following Sections of this Chapter: Sections 10-6-4; 10-6-6; 10-6-11; and 10-6-12. Single-family lots that change use from single family to another use or lots that further subdivide to create additional lots are subject to the standards of the entire Chapter.

C. Alternative Equivalent Compliance

1. Purpose

Alternative equivalent compliance is a procedure that allows development to occur where the intent of the design-related provisions of this Chapter is met through an alternative design. It is not a general waiver of regulations. Rather, the procedure permits a site-specific plan that is equal to or better than the strict application of a design standard.

2. Applicability

The alternative equivalent compliance procedure shall be available only for the following Sections of this UDC:

- a. Section 10-6-4, *Landscaping, Screening, and Fencing*;
- b. Section 10-6-7, *Residential Use Category Design Standards and the Town of Erie Development Design Standards*;
- c. Section 10-6-8, *Commercial and Public/Institutional Use Categories and, Mixed Use Districts Design Standards*;
- d. Section 10-6-9, *Aviation, Manufacturing, and Light Industrial Use Categories Design Standards*; and
- e. Section 13.5, *Wireless Communication Facilities Design Standards*.

3. Decision-Making Responsibility

Final approval of any alternative equivalent compliance proposed under this Section shall be the responsibility of the decision-making body responsible for deciding upon the application. Use by-right projects proposing alternative equivalent compliance shall require only written approval of the alternative equivalent compliance from the Director.

4. Criteria

To grant approval for alternative equivalent compliance, the decision-making body shall find that all of the following criteria are met:

- a. The proposed alternative achieves the intent of the subject design standard to the same or better degree than the subject standard.
- b. The proposed alternative substantially achieves the goals and policies of the Town's Comprehensive Plan to the same or better degree than the subject standard.
- c. The proposed alternative result's in benefits to the community that are equivalent to or better than compliance with the subject design standard.

5. Effect of Approval

Alternative equivalent compliance shall apply only to the specific site for which it is requested and shall not establish a precedent for assured approval of other requests.

10.6.2 NATURAL AND SCENIC RESOURCE PROTECTION

A. General Site Design Requirements to Protect Natural and Scenic Features

1. Purpose

The purpose of this Section is to

protect and enhance the natural and man-made features that contribute significantly to the Town's scenic quality and small-town character, including the: varying topography and hillsides, reservoirs, stream corridors, floodplains, irrigationditches, wetlands, native and specimen trees and vegetation, wildlife habitat and corridors, dramatic view corridors to the mountains, historic or cultural sites, and other significant features.

2. Applicability

This Subsection shall apply to all new development in the Town.

3. Design Standards

- a. To the maximum extent reasonably practicable, where significant natural features or areas of historic or cultural value exist on a property or an adjacent property and have been identified on the required Existing Conditions Map, an applicant shall give priority to their preservation through required public open space dedication or as common private open space.

- b. Priority for protection shall be given to the following features which are not listed in their order of significance:
 - i. Wetlands;
 - ii. Floodplains and natural drainage ways;
 - iii. Reservoirs, stream corridors, and other bodies of water;
 - iv. Native and specimen trees and vegetation;
 - v. Slopes of greater than 20 percent;
 - vi. Irrigation ditches integrated with existing or planned trail systems;
 - vii. Historic, cultural, or archeological sites, buildings, or areas recognized by the town or other government agency as significant;
 - viii. Significant wildlife corridors and habitat;
 - ix. Sites with federally or state-recognized endangered species; and
 - x. Other significant or unique features identified in the Town's natural resources inventory plan or current Parks, Recreation, Open Space, and Trails Plan (PROST).
- c. To the maximum extent reasonably practicable, developments shall be designed in a manner that preserves the natural topography of the site and minimizes the use of cut and fill.

B. Water Courses and Ditches

1. Preservation of Existing Main Ditches

Existing irrigation ditches shall be incorporated in subdivision plats and preserved as open space areas to the maximum extent reasonably practicable. This requirement shall apply only to residential subdivision plats where a main ditch or any of its branches that receives water directly from a river or an original source of supply, not to lateral ditches leading from a main ditch. For the purpose of open space dedication, ditches shall not be considered a utility.

2. Above-ground Main Ditches

All development shall be setback a minimum of 75 feet from the centerline of a main ditch on both sides (150 feet total width) unless the applicant submits a study demonstrating to the Town's satisfaction that by the nature of the use of the ditch, safety considerations, and other factors, the ditch should be covered, piped, or otherwise treated. The 150 foot setback shall be located in a non-buildable tract.

3. Coal Creek and Boulder Creek

All development shall be setback a minimum of 150 feet from the centerline of Boulder Creek or Coal Creek on both sides (300 feet total). The 300 foot setback shall be located in a non-buildable tract.

- a. Existing platted lots within 150 feet of the centerline of Boulder or Coal Creeks shall be exempt from complying with this setback requirement.
- b. Any development on airport property that is directly related to the functioning and operations of the airport shall be exempt from this setback requirement. However, commercial and industrial development on the airport not directly related to the functioning and operations of the airport shall not be exempt.

- c. Regardless of the minimum stream setbacks set forth above, all development shall be subject to the Town's Floodplain Overlay District (FPO) regulations in Section 2.6 C.

C. Native and Specimen Tree and Vegetation Protection

1. Purpose

Protection of existing native and specimen tree and vegetation cover is intended to preserve the visual and aesthetic qualities of the Town; to encourage site design techniques that preserve the natural environment and enhance the developed environment; to control erosion, slippage, and sediment run-off into streams and creeks; and to protect and increase the value of properties within the Town.

2. Applicability

This Subsection shall apply to all new development in the Town, except for development on lots of record that were approved for single-family residential or agricultural use prior to the effective date of this UDC or development on lots in a subdivision with an approved native and specimen tree and vegetation survey and protection plan.

3. Exemptions

The following areas and activities shall be exempt from this Subsection:

- a. Property occupied by a single-family detached, single-family attached, duplex, or townhouse dwelling unit, unless nonresidential uses are proposed for such property. However, any construction, paving, or other activity on the property that may damage trees on the public right-of-way shall comply with the standards of Section 10-6-2.C.6.b.
- b. Single-family residential development on a legal lot within the Old Town area.
- c. The removal of dead or naturally fallen trees or vegetation, or trees or vegetation that are found by the Town to be a threat to the public health, safety, or welfare.
- d. The removal of invasive or noxious species of trees and vegetation.
- e. The selective and limited removal of trees or vegetation necessary to obtain clear visibility at driveways or intersections.
- f. Property zoned agricultural and being actively used for agricultural purposes, except for trees and native vegetation located within 150 of the centerline of Boulder or Coal Creek.

4. Native and Specimen Tree and Vegetation Survey and Protection Plan

a. When Required

All proposed development subject to this Section shall prepare and submit a native and specimen tree and vegetation survey and protection plan at the time of application for a Site Plan or Preliminary Plat.

b. Contents

The native and specimen tree and vegetation survey and protection plan may be combined with the landscaping plan required by Section 6.4, and any Site Plan required by this UDC, and shall contain sufficient detail to enable the Town to verify compliance with this Section. The native and specimen tree and vegetation survey and protection plan shall, at a minimum, include the following information:

- i. The range of height and caliper of the trees on the site;
- ii. The predominant species within an area;
- iii. The general appearance of the trees with regard to health;
- iv. Identification and location of individual trees that are healthy and have a diameter at breast height ("DBH") of 4 inches or greater for deciduous trees,

3 inches or greater for ornamental trees and 8 feet high or greater for evergreen trees or that are otherwise noteworthy because of species, age, size, or rarity;

v. The species, size, and health of shrubs; and

vi. Areas of native and specimen trees and vegetation.

c. Prepared by Knowledgeable Professional

Native and specimen tree and vegetation surveys and protection plans shall be prepared by persons such as arborists, foresters, or landscape architects, who have the competence and knowledge to satisfactorily develop plans required by this Section.

5. Relationship to Landscaping Requirements

Development shall meet the requirements of this Section, in addition to the requirements of Section 6.4. However, any existing trees or vegetation that are in appropriate locations, in sufficient quantities, and of acceptable quality to be utilized to fulfill landscaping or buffering requirements of this UDC shall be preserved to the maximum extent practicable and shall result in corresponding credit against any additional landscaping required.

6. Standards for Tree Protection and Replacement

a. Tree Retention Generally

All healthy trees having a diameter at breast height ("DBH") of 4 inches or greater for deciduous trees, 3 inches or greater for ornamental trees and 8 feet high or greater for evergreen trees shall be preserved to the maximum extent reasonably practicable. Healthy trees that meet the size requirement shall be replaced by trees of no less than 2 inch caliper, with the total gross caliper inches of the replacement trees being 1 1/2 times greater than the total caliper inches of those trees removed. This requirement shall not prevent the removal of unhealthy trees in conjunction with site development. Any required replacement tree shall not be planted within an area such that the mature canopy of the tree will interfere with overhead utility lines, or that the mature root zone of the tree interferes with underground public utility lines. Trees required to be added per the landscaping requirements in Section 6.4 or by virtue of deed restrictions shall not be considered as replacement trees. If a property cannot physically meet the tree replacement requirement then at the Town's discretion, a fee-in-lieu payment may be considered by the Town. Final approval shall be with the entity identified for final approval of the application. The fee-in-lieu payment will be equal to the Town's tree impact fee.

b. Tree Protection Before and During Construction

Before construction activities commence on the site, the following protection measures shall be observed in order to protect all trees that are not going to be removed. The protection measures shall be maintained until construction activities around the protected trees are complete.

i. Prior to Construction

(A) Tree Flagging

All protected trees on the subject property within 40 feet of a construction area or surface improvements such as driveway, walks, etc., shall be flagged with bright fluorescent orange vinyl tape wrapped around the main trunk at a height of 4 feet or more such that the tape is visible to workers operating construction equipment. This shall not include the flagging of all protected trees adjacent to right-of-way within approved residential subdivisions during the construction of the roadway.

(B) Open Space Flagging

All trees or groups of trees within areas intended to be saved as open space shall be enclosed with fluorescent orange tape along all

areas of possible access or intrusion by construction equipment. Tape shall be supported at a maximum of 25-foot intervals by wrapping trees or by other approved methods. Single incident access for the purposes of clearing underbrush is permitted.

(C) Protective Fencing

Protective fencing shall be located at the drip lines of all protected trees that border the limits of construction. In situations where a protected tree is located within the immediate area of intended construction, protective fencing will be located at the drip line.

ii. Permanent Construction Methods

(A) Boring

Boring of utilities under protected trees may be required in certain circumstances. When required, the length of the bore shall be the width of the critical root zone at a minimum and shall be a minimum depth of 48 inches.

(B) Trenching

All trenching where possible shall be designed to avoid trenching across the critical root zone of any protected tree. This shall not inhibit the placement of necessary underground services such as electric, telephone, or gas.

(C) Root Pruning

It is recommended that all roots 2 inches or larger in diameter which are exposed as a result of trenching or other excavation be cut off square with a sharp medium tooth saw and covered with pruning compound within 2 hours of initial exposure.

iii. Issuance of Permit; Conditions

No stormwater quality permit, public improvement permit or building permit shall be issued unless the applicant signs an application or permit request which states that all construction activities shall meet the requirements of this Subsection. The Town Engineer shall make available to the applicant a copy of this Section.

c. Prohibited Activities

The following activities shall be prohibited within the limits of the critical root zone of any protected tree:

i. Material Storage

No materials intended for use in construction or waste materials accumulated due to excavation or demolition shall be placed within the limits of the critical root zone of any protected tree.

ii. Equipment Cleaning; Liquid Disposal

No equipment shall be cleaned or other liquids deposited or permitted to flow overland within the limits of the critical root zone of a protected tree. This would include paint, oil, solvents, asphalt, concrete, mortar, or similar materials.

iii. Tree Attachments

No signs, wires, or other attachments, other than those of a protective nature, shall be attached to any protected tree.

iv. Vehicular Traffic

No vehicular or construction equipment traffic or parking shall take place within the limits of the critical root zone of any protected tree other than on an existing street pavement. This Subsection does not apply to single

incident access within a critical root zone for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine mowing operations.

v. *Grade Changes*

No grade changes (cut or fill) shall be permitted within the limits of the critical root zone of any protected tree unless adequate construction methods are approved by the Director.

vi. *Impervious Paving*

No paving with asphalt, concrete or other impervious materials in a manner which may reasonably be expected to kill a tree shall be placed within the limits of the critical root zone of a protected tree.

7. Tree Pruning

a. *Generally*

- i. Preserved trees shall be pruned to remove dead or hazardous branches to ensure the health of the tree and safety of the public.
- ii. No protected tree shall be pruned in such a manner that significantly disfigures the tree or in a manner that would reasonably lead to the death of a tree, except where such pruning is necessary for safety.

b. *Pruning Standards*

All pruning shall be in accordance with the National Arborist Association Standards for Pruning of Shade Trees.

8. Maintenance or Replacement

All trees shall be placed on a permanent irrigation system. For the construction phase of the development, the applicant may propose an alternative method of watering until the permanent irrigation system is installed.

If any of the trees required to be retained or trees planted as a part of this Section should die within a period of 2 years after completion of the activities associated with construction, the owner of the property shall replace the trees within 6 months. Trees that are removed shall be replaced by trees of no less than 2 inch caliper for deciduous, 1 1/2 for ornamental and 8 feet for evergreen, with the total gross caliper inches of the replacement trees being equal to or greater than the total caliper inches of those trees removed.

9. Incentive for Additional Tree Protection

Applicants are strongly encouraged to save as much existing vegetation and tree cover on a development site as possible. A 5 to 20 percent reduction in the number of parking spaces required on the site may be granted for preservation of additional tree cover beyond that required by this Section, so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition. The amount of reduction can be determined only after taking into consideration any unique site conditions and the impact of the reduction on parking needs for the use, and must be agreed upon by both the applicant and the Director. This reduction is discretionary and subject to the approval of the Director.

10.6.3 PARKS, OPEN SPACE, AND TRAILS

A. Purpose

This Section is intended to regulate the planning, development, construction, preservation, and maintenance of parks, open space, and trails throughout the Town, to preserve natural areas and resources, preserve scenic views, provide access to open areas and recreational opportunities, create public health benefits, and generally enhance the quality of life for residents. Particular emphasis should be placed on providing a diversity of parks, trails, and open space opportunities that serve residents of all ages and abilities and that are accessible from a variety of locations within the community.

B. Park Land Dedication, Park Construction and Neighborhood Park Land and Construction Cost Fee

1. Purpose

This Section is intended to provide lands and construction of Neighborhood parks or the Neighborhood Park Land and Construction Cost Fee for park demand generated by new residential subdivisions. In general, the dedicated lands shall be suitable for the development of Neighborhood parks. Where no suitable land is available or is required by the Town, based on Section 10-6-3.B.4, a Neighborhood Park Land and Construction Cost Fee may be substituted at the Town's discretion.

2. Applicability

Any person offering a Preliminary or Final Plat for development of any area zoned and to be used for residential purposes in the Town shall be required to dedicate: (1) a portion of land toward a community goal of 8.5 acres of park land per 1,000 residents; or (2) pay the Neighborhood Park Land and Construction Cost Fee pursuant to Section 10-6-3.B.7.

3. Amount of Park Land to be Dedicated

- a. The amount of park land dedicated shall not be less than 8.5 acres of park land per 1,000 residents of the development unless the Board of Trustees makes an individualized finding that supports an alternate dedication requirement. Any such alternate dedication requirement shall be reasonably related to the impacts upon the Town's parks and recreation system that will be generated by the residents and users of the subject development. The following formula shall be used for determining the amount of land to be dedicated:

$$\frac{8.5 \text{ acres} \times (\text{number of dwelling units}) \times (\text{persons per dwelling unit})}{1,000} = \text{area to be dedicated}$$

- b. The distribution of this land should generally be as follows:
 - i. Pocket Parks: 0.5 acres/1,000 residents
 - ii. Neighborhood Parks: 3 acres/1,000 residents
 - iii. Community Parks: 5 acres/1,000 residents

The Board of Trustees shall have discretion to re-allocate acreage within the above categories for the benefit of the community.

- c. The Director shall determine the number of persons per dwelling unit based upon data compiled by the Town, which shall be reviewed and adjusted by the Board of Trustees as necessary to reflect current figures.
- d. The developer shall submit with each subdivision plat for multi-family residential development information concerning the number of dwelling units. Should the developer fail to do so, the Director shall assume the highest density permitted in such multi-family residential district.

4. Characteristics of Park Land to be Dedicated and Constructed

a. **Standard Criteria for Pocket, Neighborhood, and Community Parks**

To the maximum extent reasonably practicable, park land to be dedicated shall be generally consistent with the standard characteristics of parks identified in the Town's Comprehensive Master Plan and the Parks, Recreation, Open Space, and Trails ("PROST") Master Plan.

i. *Pocket Parks*

Pocket parks provide opportunities for passive outdoor recreation at a sub-neighborhood scale. Pocket parks shall be located within 1/4 mile of the residences they are intended to serve and may include lawn areas, picnic shelters and tables, play equipment, artwork or other amenities that are appropriate for the demographics and types of activities that the neighborhood may desire. Pocket parks shall be:

- (A) 1/4 acre to 2 acres in size;
- (B) Centrally located within neighborhoods served;
- (C) Bordered on at least 1 side by public streets (excluding collector and arterial streets) to provide easy public access, visual surveillance, and parking;
- (D) Accessible from the surrounding neighborhoods using sidewalks or trails;
- (E) Pocket Parks shall be owned and maintained by an HOA or metropolitan district;
- (F) Pocket Parks shall be platted with a dedicated public access easement; and
- (G) Pocket Parks shall be constructed in accordance with the Town Standards and Specifications for Design and Construction of Public Improvements.

ii. *Neighborhood Parks*

Neighborhood parks shall provide places for recreation and gathering places within approximately 1/2 mile from most residences being served. Neighborhood parks may include multi-use lawn areas, picnic areas, playground equipment, small court games, community gardens and playing fields and facilities as appropriate. Neighborhood parks shall be:

- (A) Of a size determined by Section 10-6-3.B.3, but not less than a minimum size of 7 acres;
- (B) Centrally located within or adjacent to the neighborhood(s) served;
- (C) Bordered on at least 2 sides by public streets (excluding arterial streets) to provide easy public access, visual surveillance and parking;
- (D) Accessible from surrounding neighborhoods by sidewalks or trails;
- (E) At the time of Preliminary Plat approval, the developer shall provide the Town with a master design plan for the Neighborhood park, which shall include all of the park's amenities. The amenities included within the master design plan shall be selected by the developer from a list of approved amenities provided by the Town. The master design plan shall be subject to, and contingent upon, approval and acceptance by the Town. The developer shall construct the Neighborhood park in accordance with the Town approved and accepted master design plan. Construction of the

Neighborhood park shall be at the sole expense of the developer as an obligation of, and as part of, the development of the residential subdivision. The Neighborhood park shall be constructed to the UDC standards and the Town Standards and Specifications for Design and Construction of Public Improvements. The developer shall additionally be responsible for the cost of grading, grass, irrigation and water taps and raw water fees for the Neighborhood park. If the Neighborhood park is located in Weld County, the developer shall connect the park's irrigation system to the Town's reuse water system and pay the fees and costs associated therewith; and

- (F) Neighborhood parks shall be owned by the Town. Maintenance of Neighborhood parks shall be the responsibility of the applicant, developer, HOA, or metropolitan district until such time as the Board of Trustees' acceptance of the Neighborhood park improvements, following completion of the construction of the Neighborhood park improvements by the developer. A formal resolution shall be passed by the Board of Trustees to specify the effective date for transfer of maintenance responsibility to the Town unless otherwise specified in a contractual agreement.

iii. *Community Parks*

Community parks serve multiple neighborhoods and focus on the recreational needs of the whole community. They provide opportunities for organized recreational activities as well as community events and gatherings. Community parks shall be:

- (A) A minimum size of 30 acres;
- (B) Sited in an area level enough to accommodate play fields or recreational facilities as needed;
- (C) Maintain a balance between programmed sports facilities and other community activity areas, such as performance areas, festival spaces, gardens, water features, etc. that have broad appeal to the community;
- (D) Accessible from a collector or arterial street;
- (E) Integrated into the Town's trail system;
- (F) Community Parks shall be owned by the Town. Maintenance of community parks shall be the responsibility of the applicant, developer, HOA, or Metropolitan District until such time as the Board of Trustees resolves to design and construct the park or upon final construction acceptance of park improvements, if built by the developer. A formal resolution shall be passed by a majority of the Board of Trustees to specify the effective date for transfer of maintenance responsibility to the Town unless otherwise specified in a contractual agreement; and
- (G) The Town shall typically be responsible for design and construction of community parks, however, the Town may designate the applicant to design and construct the community park. The Town shall designate what amenities shall be placed in the park and the maximum cost of the park improvements. The community park shall be constructed to UDC standards and the Town "Standards and Specification for Design and Construction of Public Improvements."

b. Additional Criteria for Park Land Dedications

Except as otherwise required by the Planning Commission at the time of Preliminary Plat approval or by the Board of Trustees on acceptance of the dedication, all dedications of land under this Section shall meet the following criteria. These criteria should be considered general guidelines to ensure that dedicated land is suitable for park development.

- i. Aggregate Parcel**
The dedicated park land shall form a single parcel of land, except where the Board of Trustees determines that 2 or more parcels would be in the best interest of the public, given the type and distribution of open spaces needed to adequately serve the proposed development. In such cases, the Board of Trustees may require that such parcels be connected by a dedicated strip of land at least 30 feet in width.
- ii. Usability**
At least 75 percent of the dedicated land required by this Section shall be well-drained, level, and suitable for playing fields and recreational facilities. No part of such 75 percent shall be within any designated flood plain or floodway of the Town.
- iii. Connectivity**
All dedicated land shall, to the maximum extent reasonably feasible, be linked to parks, open space, and trails or adjacent parcels to form a connected system throughout the Town.
- iv. Environmental Considerations**
All parks should be located, designed, constructed, and maintained to minimize local, regional, and global environmental impacts as provided in the Comprehensive Plan.
- v. Water Rights**
Water rights sufficient to irrigate and serve the intended uses of the dedicated park land shall be transferred to the Town prior to the recordation of the Final Plat.
- vi. Areas Not Eligible**
Lands within the following areas shall not be accepted for park land dedication:

 - (A)** Private yards;
 - (B)** Public or private streets or rights-of-way not intended for park, open space, or trail-related purposes;
 - (C)** Open parking areas and driveways for dwelling units not intended for park, open space, or trail-related purposes;
 - (D)** Streetscape or landscape buffers and median strips;
 - (E)** Major utility easements over 30 feet wide;
 - (F)** Oil and gas well sites and setbacks;
 - (G)** Storm water detention and water quality ponds greater than 5 feet deep with slopes greater than 5:1;
 - (H)** Mine shafts and associated setbacks; and
 - (I)** Irrigation ditches and storm water channels.

5. Procedure for Dedication of Park Land

The dedication of park land shall be reviewed and approved as part of the preliminary plat. The developer shall designate on the preliminary plat and final plat the area or areas of land to be dedicated pursuant to this Section.

6. Submission of Deed and Title

Unless otherwise stipulated in a development agreement, the conveyance of dedicated land to the Town shall be by warranty deed, and the title shall be free and clear of all liens and encumbrances, including real property taxes prorated to the time of conveyance. The owner shall provide the Town with title insurance for the property. The deed shall be submitted no later than 30 days after the approval of a Final Plat, or as directed by the Town.

7. Payments of Neighborhood Park Land and Development Construction Cost Fee

a. Applicability

- i. In the event a developer of a development would not be required to dedicate and construct a Neighborhood Park pursuant to the terms of this Section, the Town in its discretion may instead require the developer to pay the Neighborhood Park Land and Construction Cost Fee.
- ii. When an area greater than 7 acres is required to be dedicated in a part of Town that already has sufficient park land (as specified in the Town of Erie Comprehensive Master Plan and the Town of Erie Parks, Recreation, Trails and Open Space Master Plan), the Planning Commission or Board of Trustees shall have the right to require payment of the Neighborhood Park Land and Construction Cost Fee rather than require a land dedication and construction of the park, in the interests of the public health, safety and welfare.
- iii. Redevelopment of properties that previously dedicated land, constructed a park, paid fees in lieu, or paid the Neighborhood Park Land and Construction Cost Fee are exempt from paying an additional Neighborhood Park Land and Construction Cost Fee or making additional land dedication.

b. Payment into Parks Capital Fund

In instances where payment of a Neighborhood Park Land and Construction Cost Fee is to be made in place of a required land dedication and park construction, the Neighborhood Park Land and Construction Cost Fee shall be paid into a Town Parks Capital Fund. The Neighborhood Park Land and Construction Cost Fee payment shall be set forth in Title 2, Chapter 10 of this Code. The Neighborhood Park Land and Construction Cost Fee payment by the developer shall be made prior to the recordation of the Final Plat.

c. Administration of Parks Capital Fund

The Parks Capital Fund will be administered by the Town to provide a demonstrable benefit to contributing developments, provided that the establishment of all public parks shall be within the discretion of the Board of Trustees. The money paid by the developer will be expended exclusively to establish and construct park land that generally benefits the proposed development. The money shall be properly expended by the Town or returned to the developer within 7 years of the date of final plat recordation, unless there is a planned use for the funds through appropriation, the Town's 5-year capital improvement plan or other long-range capital planning process. The Town shall account for all money deposited to the fund, which may be expended for such purposes as acquisition of land, construction of improvements, and purchase of equipment for the relevant park.

C. Open Space and Trail Dedications and Fees In-lieu

1. Intent

Broad views and rolling agricultural lands are abundant and contribute significantly to the Town's character; however, many of these lands are planned for future development in the Town's Comprehensive Master Plan. In addition to providing land for trails, open space can help direct growth, maintain rural character, protect sensitive environmental areas, scenic views and historic resources, and provide opportunities for education, wildlife protection and observation, hiking, and other passive and active recreation activities for existing and future the Town residents.

2. Applicability

Any person filing a Preliminary or Final Plat for development of any area zoned and to be used for single-family, duplex, or multi-family residential purposes in the Town shall be required to dedicate: (1) a portion of land toward a community goal of 17 acres of open space per 1,000 residents; or (2) pay an in-lieu fee pursuant to Section 10-6-3.C.6.

3. Amount of Open Space to be Dedicated

- a. The amount of open space to be dedicated shall not be less than 17 acres of open space land per 1,000 ultimate residents of the development unless the Board of Trustees makes an individualized finding that supports an alternate dedication requirement. Any such alternate dedication requirement shall be reasonably related to the impacts upon the Town's parks and recreation system that will be generated by the residents and users of the subject development. The following formula shall be used for determining the amount of land to be dedicated:

$$\frac{17 \text{ acres} \times (\text{number of dwelling units}) \times (\text{persons per dwelling unit})}{1,000} = \text{area to be dedicated}$$

- b. The Director shall determine the number of persons per dwelling unit based upon data compiled by the Town from time-to-time in the update of its comprehensive master plans, which shall be reviewed and adjusted by the Board of Trustees as necessary to reflect current figures.
- c. The developer shall submit with each subdivision plat for multi-family residential development information concerning the number of dwelling units. Should the developer fail to do so, the Director shall assume the highest density permitted in such multi-family residential district.

4. Characteristics of Open Space to be Dedicated

a. *Standard Criteria for Open Space*

Open space is characterized as undeveloped land that is permanently maintained in a natural or agricultural state. Open space land shall have the following characteristics:

- i. A minimum of 10 contiguous acres;
- ii. A parcel that is no less than 300 feet at the narrowest width, unless the Town approves a lesser amount for a trail;
- iii. To the maximum extent reasonably feasible, a location that is contiguous with or connected to adjacent open space or parks;
- iv. Is, generally, unencumbered by utility lines, built structures, and paved surfaces;

- v. If the Town has not approved the open space dedication for agricultural purposes, then the property shall be covered with native vegetation and generally free of weeds and other noxious plants and trees. If land being dedicated is not in a native condition acceptable to the Town, then applicant shall be responsible for restoration of the property to native vegetation before the Town accepts it for maintenance; and
- vi. Typically, open space shall be owned and maintained by the Town. The Town may consider a conservation easement as an alternative. Approval of a conservation easement shall be at the discretion of the Town approving body.

b. Permissible Functions/Use

Open space shall serve 1 or more of the following functions:

- i. Preserving rural/agricultural land;
- ii. Producing crops for revenue;
- iii. Protecting significant archeological, historic and cultural resources;
- iv. Providing aquatic, wetland and riparian habitat and buffers;
- v. Providing hedgerows, feeding, cover, breeding, foraging and nesting habitat;
- vi. Preserving native wildlife habitat and their migration and travel corridors;
- vii. Creating and preserving pastoral-scenic views to mountains, plains, and agricultural lands;
- viii. Providing corridors and natural area destinations;
- ix. Providing passive recreational experiences and trails;
- x. Providing environmental education opportunities;
- xi. Shaping growth; protecting landmark topographic features; and
- xii. Protecting the public from natural and geologic hazards; providing visual and physical linkages between community resources.

Clearing of underbrush and debris and the provision of walks, fountains, fences, and other similar features are permitted within open space.

c. Resource Preservation

To the maximum extent reasonably feasible, where significant natural and scenic resource assets exist on a property, the subdivider, developer, or owner shall give priority to their preservation as open space. In reviewing the proposed location of open space areas, the Director shall use all applicable plans, maps, and reports to determine whether significant resources exist on a proposed site that should be protected, with priority being given to the following areas (which are not listed in a particular order):

- i. Flood hazard areas;
- ii. Lakes, rivers, creeks, wetlands, stream/riparian corridors, and similar features;
- iii. Wildlife habitat and migration corridors; and
- iv. Native and specimen trees and plants.

d. Design Standards

- i. Open space shall not consist solely of undevelopable or “left- over” pieces of the site, but shall be designed as an integral part of the overall development plan, incorporating identified environmentally and historically significant components of the site.
- ii. Open space shall be organized to create continuous, integrated systems that physically and visually connect with the following features dedicated or identified in the Town of Erie Parks, Recreation, Open Space and Trails Master Plan.
 - (A) Parks or greenways;
 - (B) School sites;
 - (C) Historic, cultural, or archeological sites and features; or
 - (D) Trail and open space systems.
- iii. Open space shall be unobstructed by utility lines, built structures, or paved areas (other than trails).
- iv. To maintain strong visual and physical linkages, to the maximum extent reasonably feasible open space shall not be less than 30 feet in width at the point of connection to adjacent lands or uses as described above. Where topography or other site features would prevent the above standard from being met, the point of connection may be reduced to less than 30 feet for short distances at the discretion of the Town.
- v. Trail corridors outside of open space areas shall have a minimum corridor width of 30 feet.

e. Water Rights

Water rights sufficient to irrigate and serve the intended uses of the dedicated open space shall be transferred to the Town prior to the recordation of the Final Plat.

f. Environmental Considerations

All open space and trails should be located, designed, and maintained to minimize local, regional, and global environmental impacts as provided in the Town of Erie Comprehensive Plan.

g. Areas Not Eligible

Lands within the following areas shall not be counted towards required open space dedication:

- i. Private yards;
- ii. Public or private streets or rights-of-way not intended for open space- related purposes;
- iii. Open parking areas and driveways for dwelling units;
- iv. Pocket, neighborhood, and community parks;
- v. Land covered by structures not intended solely for recreational uses;
- vi. Streetscape or landscape buffers;
- vii. Median strips;
- viii. Oil and gas well sites and required buffers; and
- ix. Storm water channels, detention and water quality ponds greater than 5 feet deep with slopes greater than 5:1.

5. Procedure for Dedication of Open Space

- a. The dedication of open space shall be reviewed and approved as part of the Preliminary Plat. The developer shall designate on the Preliminary Plat and Final Plat the area or areas of land to be dedicated pursuant to this Section.
- b. The conveyance of dedicated land to the Town shall be by warranty deed, or conservation easement agreement and the title shall be free and clear of all liens and encumbrances, including real property taxes prorated to the time of conveyance. The owner shall pay for and provide the Town with title insurance for the property. The deed shall be submitted no later than 30 days after the approval of a Final Plat.

6. Payments of Fees In-Lieu of Land Dedication

a. *Applicability*

- i. Development of an area smaller than 5 acres for open space purposes usually is impractical from the Town's perspective. If a development would be required under this Section to dedicate less than 5 acres as open space, the Town in its discretion may require the developer to pay cash in-lieu of land pursuant to this Subsection.
- ii. When an area greater than 5 acres is required to be dedicated in a part of Town that already has sufficient open space (as specified in the Town of Erie Comprehensive Master Plan and the Town of Erie Parks, Recreation, Open Space and Trails Master Plan), the Board of Trustees shall have the right to require payment of cash in-lieu of land dedication in the interests of the public health, safety and welfare.

b. *Payment into Trails & Natural Areas Fund*

In instances where payment of fee is to be made in-lieu of land dedication, the fee-in-lieu of land shall be paid into the Trails & Natural Areas Fund. The fee-in-lieu payment shall be set forth in Title 2, Chapter 10 of this Code, and may be adjusted from time to time as necessary. The open space dedication payment by the developer shall be made prior to the recordation of the Final Plat.

c. *Administration of Trails & Natural Areas Fund*

The Trails & Natural Areas Fund shall be administered by the Town to provide a demonstrable benefit to contributing developments, provided that the establishment of all public open space or trail systems shall be within the discretion of the Board of Trustees. The money paid by the developer will be expended to establish an open space site that generally benefits the proposed development. The money shall be properly expended by the Town or returned to the developer within 7 years of the date of Final Plat recordation. The Town shall account for all money deposited to the Trails & Natural Areas Fund, which may be expended for such purposes as acquisition of land, construction of improvements, and purchase of equipment for the relevant park/open space area.

10.6.4 LANDSCAPING, SCREENING, AND FENCING

A. Purpose

This Section is intended to ensure that new landscaping and the retention of existing vegetation is an integral part of all development and that it contributes added high quality to development, retains and increases property values, conserves water, and improves the environmental and aesthetic character of the community. It is also the intent of this Section to provide flexible requirements that encourage and allow for creativity in landscape design.

B. Applicability

This Section shall apply to the following:

1. New Development

All new development unless specifically exempted in Section 10-6-4.B.5;

2. Expansion of Existing Development

Applications for building permits for construction must be approved for the following:

- a. All new development (not including additions);
- b. Any change of use from 1 primary use classification to another (for example, residential use to commercial use);
- c. An increase of the number of stories for a building on a lot;
- d. An increase of the combined gross floor area of a building of more than 10 percent or 5,000 square feet, whichever is less; and
- e. An increase in the non-permeable lot coverage by more than 2,000 square feet.

3. Change of Use

Any change of use from 1 primary use classification to another (for example, residential use to commercial use).

4. Subdivision of a Structure

Subdivision of a structure, including conversion into condominiums, into 2 or more separate dwelling units or spaces.

5. Exceptions

- a. The following development types and areas are excepted from the requirements of this Subsection, unless they make application that qualifies as applicable under Sections 10-6-4 B.2, 3, or 4:
 - i. Temporary uses approved pursuant to this UDC; and
 - ii. All landscape plans approved under prior ordinances of the Town shall remain in effect subject to fulfillment of all terms of such plans previously filed and approved.
- b. The following development types and areas shall be subject to Sections 10-6-4.E.1; 10-6-4.E.5; 10-6-4.F.2; 10-6-4.F.5; 10-6-4.F.8; 10-6-4.F.9; and 10-6-4.H and exempted from the remainder of Section 10-6-4:
 - i. Individual single-family and duplex dwelling units on separate lots, where such residential use is the primary use on the lot; and
 - ii. New single-family detached and duplex subdivisions with 4 or fewer lots and 4 or fewer dwelling units.
- c. All development shall be subject to Section 10-6-4.H.

C. Alternative Equivalent Compliance

The alternative equivalent compliance procedure in Subsection 6.1.C may be used to propose alternative means of complying with the intent of this Section.

D. Landscape Plan

All development applications shall be accompanied by a landscape plan meeting the requirements of this Section. The landscape plans shall be submitted and reviewed as part of the Site Plan process. Installation of approved landscaping shall occur prior to issuance of a Certificate of Occupancy or during the first month of the planting season, whichever is sooner. If the landscaping installation does not occur before issuance of a Certificate of Occupancy, then the Town will require a letter of credit or other guarantee for improvements not installed as detailed in Section 10-6-4.F.7.

E. Minimum Landscaping Requirements

The minimum landscaping requirements in this Chapter are cumulative.

1. Right-of-way

The property owner shall provide:

- a. 1 deciduous or ornamental street tree for every 40 linear feet of street frontage or portion thereof, with a minimum of 2 trees per lot for lots that have a minimum width of 60 feet. Street trees shall be planted within the tree lawn portion of the right-of-way with adequate spacing to allow for the mature spread of the trees. When a tree lawn is not provided, trees shall be planted within 10 feet of the back of curb.
- b. Live groundcover as appropriate to the use and function of the area described in Section 10-6-4.E.1.a, including grass, trees, flowers, or shrubs. In commercial areas, such area may be paved if it functions as pedestrian access to storefronts and is integrated into the overall design of the other improvements on the site.
- c. With the exception of the owners of single-family detached dwelling units, the property owner shall install an automatic irrigation system for all landscaping within public rights -of-ways.
- d. Highways and arterials. A minimum 30-foot landscaped buffer in an easement or tract shall be maintained on either side of the Parkway adjacent to the right-of-way. This buffer shall utilize a variety of live plant material and berming to provide year-round visual interest.
- e. Railroad rights-of-ways. A minimum 30-foot landscaped buffer in an easement or tract shall be maintained on the side of the railroad right-of-way adjacent to the subdivision.

2. Single-family and Duplex Dwelling Units

In addition to the right-of-way landscaping described in Section 10-6-4.E.1, the property owner shall:

- a. Provide permanent landscaping in the front yard of each home. There shall be a minimum of 75 percent of the gross front yard area, excluding driveways, landscaped with live plant materials. Mature tree and shrub canopies may count toward the 75 percent requirement.
- b. Install landscaping within the side and rear yard such that 50 percent of the combined (side and rear) yards is landscaped with live plant material.
- c. Maintain the landscaping within the adjacent street right-of-way.

3. Multi-Family Dwelling Units

In addition to the right-of-way landscaping described in Section 10-6-4.E.1, the property owner shall:

- a. Install trees on-site, a minimum of 1 tree per 1,000 square feet of landscaped area, distributed on the site.
- b. Install a minimum of 1 shrub per 150 square feet of landscaped area. Shrubs shall be grouped and distributed throughout the site. Trees may be substituted for up to 1/2 of the required shrubs at the rate of 1 tree for 10 shrubs and vice-versa, subject to Town approval.
- c. Install groundcover, either irrigated turf maintained to appropriate standards for active recreation in active recreation areas, or where appropriate, native grass for areas that will not function as active recreation areas. Native grass shall be weed-free and maintained at an appropriate height according to species. Use of irrigated turf is discouraged and shall be minimized to the maximum extent reasonably practicable.

- d. Install parking lot landscaping as required in Section 10-6-4.E.5.
- e. Provide a water-efficient irrigation system for all landscaped areas.
- f. Maintain the landscaping within the common open spaces and adjacent street right-of-way.
- g. Provide a minimum of 15 percent of the entire site with landscaping of live plant materials.

4. Nonresidential

- a. The property owner shall provide right-of-way landscaping pursuant to Section 10-6-4.E.1.
- b. Landscape improvements shall be designed to enhance the overall appearance of the development and integrate the project with adjacent land uses and the surrounding neighborhood. A minimum of 15 percent of the gross site area shall be landscaped area.
- c. The property owner shall provide:
 - i. A minimum of 1 tree per 1,000 square feet of landscaped area, distributed on the site.
 - ii. A minimum of 1 shrub per 150 square feet of landscaped area. Shrubs shall be grouped and distributed throughout the site. Trees may be substituted for up to 1/2 of the required shrubs at the rate of 1 tree for 10 shrubs, and vice-versa, subject to Town approval.
 - iii. All landscaped areas shall be watered by a water-efficient irrigation system.
 - iv. Parking lot landscaping as required in Section 10-6-4.E.5.
- d. The property owner shall screen industrial and commercial loading areas, including vehicle loading areas, and service and storage areas visible from public right-of-ways or adjacent property, with an extension of the building architecture. Chain link fencing with slats, tires, or building materials shall not be used as screening materials.
- e. The property owner shall maintain the landscaping within the adjacent street right-of-way.

5. Parking Lots

- a. Parking lot landscaping shall break up expanses of pavement, create shade, buffer views of parking lots from adjacent streets and development, and enhance the overall appearance of each project. All parking lots with 10 spaces or more, on a single lot shall be subject to the requirements of this Section. Parking lot landscaping requirements are in addition to any other landscaping that may be required for the site.
- b. Parking lots and drives located within 50 feet of an arterial right-of-way shall be screened using a combination of berming, walls, or fencing and landscaping. Berming, walls, or fencing shall have a minimum height of 3 feet and maximum height of 4 feet. Such berming or screening walls and fencing may be located within the landscaped buffer prescribed in this Section. Parking, internal drives or streets may not extend into the landscape buffer.
- c. Live plant material intended as a buffer shall be planted at a density so as to provide effective screening within 2 years from the date of installation.

- d. All developments shall provide:
 - i. A minimum of 1 tree per 15 parking spaces, to be placed in islands that are a minimum of 10 feet wide, and shall use the landscaping to break up large expanses of pavement and to create a tree canopy for summer shade.
 - ii. A minimum of 1 shrub per parking space, to be grouped in landscape islands or around the parking lot perimeter.
 - iii. Shrubs and ornamental grasses in planting areas less than 10 feet wide.
 - iv. In the Downtown, 1 of the following landscape options for a parking lot adjacent to the street right-of-way:
 - (A) A perimeter landscaped area less than 5 feet wide but at least 3 feet wide with ornamental fencing or masonry walls and wheel stops or curbing in the parking lot that prevent any vehicle overhang into the landscaped areas; or
 - (B) An ornamental fence or masonry wall without landscaping, provided that a planting strip exists between the sidewalk and the adjacent public streets and the planting strip is planted with trees to the minimum specifications of this Section. This option shall not be available to parking lots that are a principal or temporary use on the site.

6. Stormwater Facilities

- a. To the maximum extent reasonably feasible, stormwater facilities shall be located, designed, and managed for use as year-round neighborhood open space and passive recreation areas. Alternatively, appropriately designed stormwater facilities may be located, designed, and managed to serve as an entryway feature for a development.
- b. Stormwater facilities shall be designed to appear as an extension of the surrounding landscape, with a natural shape, natural slopes of 4:1 or less and naturalized landscape plantings. Stormwater facilities shall be designed to allow for naturalization with trees and woody plant materials.
- c. Berming to increase facility capacity shall be discouraged. If permitted, the maximum height of the berm shall be 3 feet with berming to be contoured to take on a naturalized shape.
- d. The use of concrete or other impervious materials in stormwater facilities shall be limited to areas necessary to prevent erosion that cannot be accomplished using other stormwater design or landscape techniques. Such erosion devices shall either be buried below live plant materials or designed in a naturalized manner.
- e. In commercial and industrial developments, a more structured facility that is designed to complement the architecture and site design will be considered by the Town.
- f. Credit towards minimum park or open space requirements may be available for portions of detention ponds that are outside the area required to store water quality volume, provided they are designed according to Sections 10-6-4.E.6.a and b, and are useable by residents as parks or open space. To be eligible for this credit, detention basins shall not be more than an average of 3 feet deep and shall also meet at least 1 of the use definitions of parks and open space. Average depth shall be measured from existing grade.

F. Additional Landscaping Requirements and Standards

1. Common Open Area

Landscaping shall be appropriate to the use and function of the area and include trees, shrubs, live plant groundcover, a water-efficient irrigation system for all landscaped areas, and paving.

2. Water Efficiency in Landscape Design

Landscape improvements shall be designed with water efficiency as a major goal.

Landscape plans shall use the follow design treatments to facilitate water conservation:

- a. Appropriate turf selection to minimize the use of bluegrass;
- b. Use of mulch to maintain soil moisture and reduce evaporation;
- c. Zoning of plant materials according to their microclimate needs and water requirements;
- d. Improvement of the soil with organic matter if needed;
- e. Efficient irrigation systems;
- f. Proper maintenance and irrigation schedules; and
- g. Recirculation of water for decorative water features.

3. Water Efficiency in Irrigation Design

All required landscaping shall be irrigated as required for plant establishment and maintenance. Irrigation systems shall be designed to achieve water efficiency as a major goal.

4. Landscape Materials List

Live plant materials shall be selected from the landscape materials list maintained by the Town. Materials not on the list may be approved by the Director if it is determined that they are equally suitable for local soil and water conditions and would provide the same level of visual benefits.

5. Artificial Materials Prohibited

Artificial plants, artificial grasses, and other artificial plant material are prohibited as a means of complying with these landscaping regulations. However, they may be used for athletic fields and similar uses as approved by the Town, but shall not be used in any manner to satisfy the requirements of these landscape regulations.

6. Plant Quality

Xeriscape plant materials are strongly encouraged. All landscape materials shall be in compliance with the current standards recommended by the American Association of Nurserymen. Plants shall have a habit of growth that is normal for the species and shall be of good health, vigorous growth, and free from insect pests, diseases, and injuries. All plants shall equal or exceed the measurements specified on the landscape plan. Substitutions shall not be permitted without the written approval of the Director.

7. Plant Measurements

In order to satisfy landscaping requirements of this Section, all live plant materials shall meet or exceed the Standards and Specifications for Design and Construction of Public Improvements.

8. Sight Distance Triangles

Landscaping shall comply with sight distance triangle requirements as described in the Standards.

9. Irrigation

All landscape areas shall be provided with an adequate and complete-coverage automatic water-efficient irrigation system as provided in Section 10-6-4.E.3.

10. Guarantee of Installation

Required landscape improvements shall be installed prior to issuance of a Certificate of Occupancy for all structures. However, if the landscaping is not able to be installed prior to a Certificate of Occupancy being issued due to winter weather, the property owner shall post a financial guarantee for the improvements equal to 115 percent of the cost of improvements before the Certificate of Occupancy is issued. Installation shall then occur by June 30 of the following year. This guarantee shall be released upon acceptance by the Town for the installation of the completed landscaping. This requirement is separate from those that may be found in the Development Agreement.

11. Maintenance

Every property owner and any tenants shall maintain and keep their landscaped areas in a well-maintained, safe, clean, and attractive condition at all times. Such maintenance shall include without limitation the following:

- a. Landscaped areas shall be kept free of trash, litter, weeds, and other such materials or plants not part of the landscape.
- b. All live plant material shall be maintained in a healthy and growing condition, and must be replaced with live plant material of similar variety and size (size not to be smaller than the minimum required by this UDC at the time of replacement) if diseased, damaged, destroyed, or removed within 2 years of installation.
- c. The property owner or tenants shall provide all regular and normal maintenance of landscaping including weeding, irrigation, fertilization, pruning, and mowing necessary to comply with this Section.
- d. Cleaning of abutting waterways and maintenance of landscaped areas in the public right-of-way adjacent to the property, unless such streets, waterways, or landscaped areas are expressly designed to be maintained by a designated governmental authority.
- e. The property owner shall not use live plant materials that exhibit evidence of insect, pest, or disease, and shall appropriately treat any and all damaged plants, and shall remove and replace any and all dead plant material with living plant materials.

12. Failure to Maintain Landscaping

If the required maintenance is not being performed pursuant to the terms of this Section, the owner of the property shall be notified, in writing by U.S. first-class mail of the failure to properly maintain landscaping.

- a. The notice shall give the owner not less than 5 days nor more than 10 days in which to bring the landscaping into compliance with this Section.
- b. In the event that the owner fails or neglects to comply with the notice, the Director may cause the necessary work to be performed.
- c. The actual cost of such work plus 15 percent for inspection and other associated administrative costs shall, in the event the payment is not made to the Town within 30 days after completion of said work, become a first and prior lien against the property, to be certified to the County Treasurer for collection in the same manner as general property taxes are collected.

G. Screening

1. Purpose

Screening consists of landscaping, the retention of natural vegetation, or the use of physical structures to block views of specific activities or specific parts of a property or structure. Applicants are encouraged to locate the types of features listed in this Section where they are not visible from off-site or public areas of a site, so that screening is unnecessary.

2. Applicability

Unless otherwise excepted in Section 10-6-4.B, all uses shall provide screening as specified in this Section to block the views of the specified features from any adjacent street or public open space or any adjacent property or public areas of a site. Public areas of a site include parking lots, sales areas, outside eating areas, or other areas to which customers, clients, and guests are given regular access.

3. Outdoor Refuse/Recycling Collection and Donation Bin Facilities

For purposes of this Section, the term "refuse/recycling collection receptacles" includes dumpsters, garbage cans, trash compactors, recycling receptacles, donation bins, debris piles, or grease containers, but does not include trash or recycling receptacles for pedestrians or for temporary construction sites. This Section also does not apply to refuse collection receptacles such as garbage cans and recycling receptacles that are stored indoors and brought outdoors on garbage pickup days.

In order to reduce the visual impacts of outdoor refuse/recycling collection receptacles, and to avoid problems with blown trash and pests, all outdoor refuse/recycling collection receptacles shall adhere to the following standards:

a. Location

Outdoor refuse/recycling collection receptacles shall not be located in a required front setback, and should, depending on the size of the site and need for access by refuse/recycling collection vehicles, be set back from the front plane of the principal structure. Refuse/recycling collection receptacles shall not be located in any setback area or required landscaping area which abuts an adjacent residential use. Refuse/recycling collection receptacles shall not be located within any area used to meet the minimum landscaping or parking and loading area requirements of this UDC, or be located in a manner that obstructs or interferes with any designated vehicular or pedestrian circulation routes onsite.

b. Screening Enclosure

All outdoor refuse/recycling collection receptacles, other than those used by a single-family dwelling units, shall be screened from view on all sides by a durable sight-obscuring enclosure consisting of a solid fence or wall 6 feet in height that matches the building materials of the principal building that it serves. The access shall be screened with an opaque gate 6 feet in height. Donation bins are not required to provide screening for the public access areas of the facility. The enclosure shall be maintained in working order, and remain closed except during deposits and pick-ups.

c. Maintenance of Refuse/Recycling Collection Receptacles and Screening Enclosures

Lids are required on all outdoor refuse/recycling collection receptacles in screening enclosures without roof structures. Lids shall remain closed between pick-ups, and shall be maintained in working order. Screening enclosures and gates shall be kept in good repair.

4. Service and Off-Street Loading Areas

Service and off-street loading berths shall be designed and located to reduce the visual and acoustic impacts of these functions on adjacent properties and streets. Screening materials shall be the same as, or of equal quality to, the materials used for the primary building. Landscaping shall also be incorporated to aid in screening the non- enclosed service and off-street loading areas and softening the appearance of the screening wall or fence.

5. Drive Through Service and Stacking Drives

Drive through service areas and stacking drives shall be designed and located to reduce the potential visual and acoustic impacts of these functions on adjacent residential property, public streets, and primary internal drive circulation routes in a multi-building complex.

- a. Drive through service ordering and pick-up window areas shall not be orientated toward residential property, arterial streets, and collector streets.
- b. The minimum landscape setback to drive through service areas and stacking drives from streets, and primary internal drive circulation routes in a multi-building complex shall be 10 feet.

6. Rooftop Mechanical Equipment

Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of 1 of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. The parapet or screen shall completely surround the rooftop mechanical equipment to an elevation equal to or greater than the highest portion of the rooftop mechanical equipment being screened. In the event such parapet wall does not fully screen all rooftop equipment, then the rooftop equipment shall be enclosed by a screen constructed of 1 of the primary materials used on the primary facade of the building so as to achieve complete screening.

7. Wall-Mounted Mechanical Equipment and Meters

Wall-mounted mechanical equipment shall not be placed on the front facade of a building or on a facade that faces a right-of-way to the maximum extent reasonably practicable. Wall-mounted mechanical equipment, including air conditioning or HVAC equipment and groups of multiple utility meters, that extends 6 inches or more from the outer building wall shall be screened from view from streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through the use of (a) sight-obscuring enclosures constructed of 1 of the primary materials used on the primary facade of the structure, (b) sight-obscuring fences, or (c) trees or shrubs. Wall-mounted mechanical equipment that extends 6 inches or less from the outer building wall shall be designed to blend in with the color and architectural design of the subject building.

8. Outdoor Storage

- a. Outdoor storage is an accessory use that shall meet the following design standards: Each outdoor storage area shall be incorporated into the overall site design and screening shall be complimentary in design to the primary structure on the site.
- b. Surfacing of the outdoor storage area shall be asphalt or concrete. Recycled asphalt, recycled concrete or equivalent may be considered for industrial uses, and the final approval of the alternative shall be the final decision maker for the application.
- c. If the outdoor storage area is covered, then the covering shall be designed to be complimentary to the principal structure.
- d. No materials may be stored in areas intended for required parking, vehicular or pedestrian circulation, loading zones and fire lanes.
- e. Outdoor storage shall be located behind the front façade of the principal structure.

- f. Outdoor storage areas shall be screened from view from all property lines and adjacent rights-of-ways by a solid fence or wall between 6 and 8 feet in height. The fence shall meet the following standards:
 - i. The fence shall incorporate at least 1 of the predominant materials and 1 of the predominant colors used in the primary structure. However, the fencing material shall not be metal.
 - ii. The fence may exceed 8 feet in height where the difference in grade between the right-of-way and the outdoor storage area makes a taller fence necessary to effectively screen the area. Approval for fencing that exceeds 8 feet in height shall be at the discretion of the final decision maker for the application.
 - iii. Materials may not be stored higher than the height of the fence without an approval by Special Review Use application. Vehicles may exceed the height of the fence. Trailers, semi-trailers, cargo containers, shipping containers, walk-in coolers or similar containers may exceed the height of the fence however, they shall not be stacked on top of each other in outdoor storage areas.
- g. A landscaped earth berm may be used instead of or in combination with a required fence or wall. The height of the screening with a berm shall meet the fencing requirement.
- h. A minimum 30 foot wide planting area composed of screening landscaping is required when the site is adjacent to a residentially zoned property. The 30 foot wide planting area shall be located along the exterior of the fencing on the side(s) adjacent to the residentially zoned property.
- i. A minimum 15 foot wide planting area composed of screening landscaping is required when the outdoor storage is adjacent to a right-of-way, park, trail or open space.

9. Ground-Mounted Mechanical Equipment and Utility Fixtures

In addition to the requirements and standards set forth in Section 10-5-4.J, ground-mounted above-grade mechanical equipment shall be screened by ornamental fences, screening enclosures, trees, or shrubs. Such equipment and fixtures shall not be installed:

- a. Within 100 feet of the intersection of 2 public streets to the maximum extent reasonably practicable as determined by the Town Engineer. The 100foot setback shall be measured from the edge of the street right-of-way. When this standard is deemed impracticable an alternative placement shall be reviewed and determined by the Town Engineer.
- b. In any parkway or public street medians.
- c. On any sidewalk.

10. Uses Adjacent to Auto Wrecking, Recycling and Salvage Yard/Junkyard

- a. A 30foot wide planting area composed of screening landscaping is required around the perimeter of the auto wrecking, recycling and salvage yard or junkyard when adjacent to a residentially zoned property, and 15-foot wide planting area is required when adjacent to all other property. The planting area shall not be located within a public right-of-way.
- b. An auto wrecking, recycling and salvage yard or junkyard shall be screened by ornamental walls or fences so that they cannot be seen by a person standing at ground level at any place immediately adjacent to the property on which the operation is located.

11. Cluster Mailbox Facilities

- a. Cluster mailbox facilities shall be located on a concrete pad with concrete walk access to a sidewalk.
- b. Cluster mailbox facilities shall have low landscape materials such as shrubs, perennials or annuals that enhance the facility without creating access problems for mail delivery or safety vision issues.

H. Fencing and Walls

1. Purpose

The purposes of these fencing and wall standards are:

- a. To permit the construction of appropriate fences and walls while preventing the monotonous appearance of uninterrupted walls and fences from dominating the Town's streetscapes;
- b. To establish a generally consistent landscaped buffer along major roadways and community entrance corridors, in lieu of more typical fencing and walls, that provides an element of consistency between individual developments and enhances the rolling topography and rural character of the Town; and
- c. To promote a more open character for development that visually integrates such development with the surrounding community.

2. Applicability

These fencing and wall standards shall apply to all development.

3. Fences, Hedges, and Walls Permitted as Accessory Uses

Fences, hedges (serving as fences), and walls are permitted in the various zone districts as accessory uses in accordance with the limitations provided in this Chapter.

4. Location

- a. Fences, hedges, and walls must be located within or on the property lines and maintained by the property owner.
- b. A fence, hedge, or wall located in rear yard areas that abut a side property line or rear property line of another property may be located within or on the property line; except, that if the rear property line is adjacent to a driveway, alley or street, the site distance triangle requirements shall apply.
- c. A fence, hedge, or wall located in side yard areas that abut a side property line or rear property line of another property may be located within or on the property line; except, that if the side property line is adjacent to a driveway, alley or street, the site distance triangle requirements shall apply.
- d. Fences adjacent to sidewalks must be placed at least 12 inches from the edge of the sidewalk. Gates adjacent to sidewalks shall open inward to the property.

5. Height Restrictions

- a. A solid material fence, hedge, or wall located in a front yard area shall have a maximum height of 3 feet. A limited solid fence in a front yard area shall have a maximum height of 4 feet within the front yard setback.
- b. Solid fences or walls abutting open space, parks, and trails shall be limited to 4 feet in height. Fences or walls that are not more than 50 percent opaque may be extended up to 5 feet in height at the Town's discretion. Open fencing styles may include wire mesh attached to the interior of the fence.

- c. No fence in any district shall exceed 6 feet in height; except:
 - i. Fences adjacent to State Highways may be up to 8 feet in height.
 - ii. Fences in the LI, AGH and AP districts may be up to 8 feet in height; fences in the NMU (Outside Old Town), CMU, B, CC and RC districts may be up to 8 feet in height when approved as a Special Review Use permit; fences in a PUD may be up to 8 feet in height when approved as part of the PUD zoning approval.
 - iii. Fences around a court (e.g., tennis, squash racquet, squash tennis or badminton) or around a publicly owned recreation area may exceed 6 feet in height if constructed of limited solid material.

6. Construction Standards for Solid Material Fences

a. *Compliance with Building Code*

Solid material fences must be constructed to meet the wind design criteria of the adopted uniform building code using a basic wind speed of 80 miles per hour. All wood fence materials shall be treated wood or wood with natural resistance to decay, or equivalent. All wood shall be construction Grade 2, or better.

b. *Alternative Standards*

As an alternative to a fence engineered to building code standards, fences may be built to the following minimum design standards:

- i. Solid wood fences less than 6 feet in height shall have 4inch by 4inch wood posts, or equivalent. Post spacing shall be arranged so that the surface area of the fence between posts does not exceed 36 square feet. Solid wood fences over 6 feet in height and less than 8 feet in height shall have 4inch by 4inch wood posts, or equivalent, spaced 5 feet on center; or 4inch by 6inch wood posts, or equivalent, spaced 8 feet on center.
- ii. For fences less than 5 feet in height, 2 horizontal 2 inch by 4inch wooden rails, or equivalent, are required. The lower rails shall be within 12 inches to ground level and the upper rails shall be 12 inches to the top of the posts.
- iii. For fences 5 feet to 6 feet in height, 3 horizontal 2 inch by 4inch wooden rails, or equivalent, are required, equally spaced from ground level to the top of the fence.
- iv. For fences over 6 feet in height, 4 horizontal 2 inch by 4inch wooden rails, or equivalent, are required, equally spaced from ground level to the top of the fence.
- v. All posts for fences of 4 feet to 8 feet in height shall be set in concrete at a depth of not less than 2 feet into the ground. Diameter of the concrete required under this Section shall not be less than 10 inches for a 4 inch by 4inch wood post and 12 inches for a 4 inch by 6inch wood post. The post shall extend 3 inches from the bottom of the concrete pier into gravel or sandfill to allow moisture to escape.
- vi. Vertical wood, or equivalent, fence boards or pickets shall be a minimum of 3/4 inch in thickness and shall be spaced such that a sphere 4 inches in diameter cannot pass through.

7. Restrictions Regarding Certain Materials

- a. Fences in the RC, LI, PD, AGH and AP zone districts may include up to 4 strands of barbless wire, with the lowest strand at least 6 feet above ground level. The barbless wire may be placed vertically or at a 45degree angle; provided, that it does not extend across the property line.
- b. Electric fences and barbed wire stock fences are permitted only in the AGH, AG/OS, PLI, RP1, RP2, RP3, ER, RR, and PD (when approved as part of the development guide) zone districts. Barbed wire may not be used adjacent to a residential zone.
- c. Fences constructed primarily of chicken wire, or wafer board, or particleboard, or plywood are prohibited along any property line or in any required building setback where visible from a public street.

8. Fences, Hedges and Walls in Districts Adjacent to Residential Districts

- a. In the B, CC, RC, LI, PD, AGH and AP zone districts, a solid material fence or wall or a combination of earthen berms, fences and walls shall be constructed between land uses when adjacent to a residential zone or district. Outside storage in the nonresidential and multi-family districts shall be fully screened with a solid material wall or a combination of earthen berms, fences, walls and evergreen plant materials.
- b. All fences shall be kept in good repair. Fence posts and all vertical members of a fence shall be plumb.

9. Perimeter Fencing

Where perimeter fencing or walls are provided around a subdivision or development adjacent to a highway, arterial, or major collector street, such fences shall be subject to the following standards:

- i. Fences and walls shall be constructed of durable, easily maintained materials such as, but not limited to, stone or simulated stone, metal, brick, vinyl, or treated, stained or painted wood Sections. Chain link, wire mesh, or other similar products shall be prohibited. In residential, light wire mesh may be attached to an open fence such as a wood 3 rail fence to keep pets and children from crossing through.
- ii. The "finished" side of the fence or wall shall face the adjacent street, trail, or open space.
- iii. Solid perimeter fencing shall include columns with a maximum spacing of 50 feet. Individual columns shall be a minimum of 2 feet by 2 feet, with a minimum of 1 foot projecting in front of the fence towards the street. Columns shall include a cap detail for visual interest.
- iv. A minimum 8-foot buffer shall be provided between the back of a sidewalk and a fence or wall. Landscaping, including trees, shall be incorporated within the buffer to soften the appearance of the wall or fence.
- v. 25 percent of any street frontage occupied by a solid fence or wall shall provide openings in the fence or wall frontage to serve visually link intersecting streets, view corridors into and out of the development, pedestrian entryways, and parks or open space., The following may count toward the 25 percent requirement:
 - (A) Non-fenced area, including street intersections;
 - (B) Fences or walls that have a surface area less than 50 percent opaque; or
 - (C) any wall or fence lower than 42 inches.

- vi. The maximum length of a solid fence over 42 inches in height shall be 150 feet, unless a break in the plane of a fence or wall may be achieved by one of the following:
 - (A) An offset of the wall or fence that is at least 50 feet in length and at least 8 feet in depth;
 - (B) Incorporating a planting pocket a minimum of 4 feet in depth and 50 feet long with open rail, wrought iron, or other fencing of no more than 50 percent opacity;
 - (C) A non-fenced opening a minimum of 50 feet in length.
- vii. Fences or walls shall not exceed 6 feet in height.
- viii. When a primary entrance to the structure is oriented toward a perimeter street, the perimeter fencing along the street shall be limited to fences or walls that less than 50 percent opaque and do not exceed 4 feet in height. Fences or walls required to screen parking are not subject to this requirement.
- ix. A variety of landscaping shall be provided in combination with any of the above fencing options to incorporate seasonal color, plant variety, and berming to break up the visual mass of walls and fences. Landscaped berms shall not be used in the Downtown or Old Town districts. In all other districts, landscaped berms may be used in lieu of fencing or walls, or in combination with fencing or walls shall meet the following standards:
 - (A) Berms shall incorporate the curvilinear characteristics of natural landforms and shall not exceed 4 feet in height; and
 - (B) For visual relief, berms shall incorporate a variety of plantings.

10. Nonconforming Fences, Hedges and Walls

Nonconforming fences, hedges, and walls in existence on the effective date of the ordinance codified in this Chapter may continue to exist until such time as they are removed, or damaged such that the cost of repairs is greater than 50 percent of their value, at which time the fence, hedge or wall must be brought into full compliance with this UDC.

10.6.5 TRANSPORTATION AND ACCESS

A. Purpose

The purpose of this Section is to support the creation of a highly connected transportation system within the Town to provide choices for drivers, bicyclists, and pedestrians; increase effectiveness of municipal service delivery; promote walking and bicycling; connect neighborhoods to each other and to local destinations such as employment, schools, parks, and shopping centers; reduce vehicle miles of travel and travel times; improve air quality; reduce emergency response times; mitigate the traffic impacts of new development, and free up arterial capacity to better serve regional long-distance travel needs.

B. Applicability

This Section shall apply to all new development and expansion of existing buildings except for development on a single-family detached lot in an approved subdivision.

C. Traffic Impact Mitigation

1. Applicability of Traffic Impact Analysis Requirement

The transportation system for new development shall be capable of supporting the proposed development in addition to the existing and future uses in the area. Evaluation of system capacity shall be undertaken through a Traffic Impact Analysis (TIA), which shall consider the following factors without limitation: street capacity and level of service; vehicle access and loading; on-street parking impacts; the availability of transit service and connections to transit; impacts on adjacent neighborhoods; and traffic safety including pedestrian safety. At a minimum, a TIA shall be required with applications for development review and approval when:

- a. Trip generation during any peak hour is expected to exceed 250 trips per day or more than 100 trips during any 1-hour peak period, based on traffic generation estimates of the Institute of Transportation Engineers' Trip Generation Manual (or any successor publication);
- b. A TIA is required by the Town, Planning Commission or Board of Trustees as a condition of any land use application approved pursuant to the requirements of this UDC; and
 - i. Any project that proposes access to a street with Level of Service "D" or below;
 - ii. Any application for a Rezoning, Special Review Use, or Site Plan review;
 - iii. Any case where the previous TIA for the property is more than 2 years old;
 - iv. Any case where increased land use intensity will result in increased traffic generation; and
 - v. Any case in which the Director determines that a TIA should be required because of other traffic concerns than may be affected by the proposed development.

2. Traffic Impact Analysis and Development Review Process

- a. A scoping meeting between the developer and the Town Engineer shall be required prior to the start of the TIA in order to determine its parameters.
- b. When access points are not defined or a Site Plan is not available at the time the TIA is prepared, additional studies may be required when a site plan becomes available or the access points are defined.

3. Traffic Mitigation Measures

The applicant shall, as part of the TIA, recommend measures to minimize or mitigate the anticipated impacts and determine the adequacy of the development's planned access points. Mitigation measures shall be acceptable to the Town Engineer and may include, without limitation: an access management plan; transportation demand management measures; street improvements on or off the site; placement of pedestrian, bicycle or transit facilities on or off the site; or other capital improvement projects such as traffic calming infrastructure or capacity improvements.

D. Streets and On-Site Vehicular Circulation

1. Street Standards

All streets shall meet the standards and requirements set forth in Sections 10-5-4.G and H, the Town Transportation Plan and the Standards.

2. Street Connectivity

a. Purpose

Street and block patterns shall include a clear hierarchy of well-connected streets that distribute traffic over multiple streets and avoids traffic congestion on principal routes. Within each residential development, the access and circulation system shall accommodate the safe, efficient, and convenient movement of vehicles, bicycles, and pedestrians through the development, and provide ample opportunities for linking adjacent neighborhoods, properties, and land uses. Local neighborhood street systems are intended to provide multiple direct connections to and between local destinations such as parks, schools, and shopping. These connections should knit separate developments together, rather than forming barriers between them.

b. Vehicular Access to Public Streets

Any development of more than 100 residential dwelling units or additions to existing developments such that the total number of dwelling units exceeds 100 shall provide vehicular access to at least 4 public streets unless such provision is deemed impractical by the Director due to topography, natural features, or the configuration of adjacent developments.

c. Connections to Vacant Land

Where new development is adjacent to land likely to be developed or redeveloped in the future, all streets, bicycle paths, and access ways in the development's proposed street system shall continue through to the boundary lines of the area to provide for the orderly subdivision of such adjacent land or the transportation and access needs of the community. In addition, all redevelopment and street improvement projects shall take advantage of opportunities for retrofitting existing streets to provide increased vehicular and pedestrian connectivity.

d. Access

i. All non-residential development shall be designed to allow for cross-access to adjacent properties to encourage shared parking and shared access points on public or private streets. When cross-access is deemed impractical by the Director on the basis of topography, the presence of natural features, or vehicular safety factors, this requirement may be waived provided that appropriate bicycle and pedestrian connections are provided between adjacent developments or land uses. A cross access easement shall be referenced as a note on a plat or be recorded prior to Site Plan approval for the development.

ii. Whenever feasible, there shall be no direct driveway access (ingress or egress) from any single-family residential lots to any non-residential collector street, arterial street or highway. Whenever feasible, all single-family residential lots shall have direct thoroughfare access only from residential collector and local residential streets.

e. Cul-de-Sacs and Dead-End Streets

The use of dead-end streets or cul-de-sacs shall be minimized unless their use is required by site constraints such as extreme topography or the preservation of natural features. Should they be incorporated, a view corridor, at the cul-de-sac head, a minimum of 35 feet in width shall be provided to maintain open views and pedestrian access. View corridors shall be created in a separate tract from buildable lots. View corridors shall contain a pedestrian walkway or trail connection whenever possible unless deemed unfeasible by the Town. Width of the pedestrian walkway or trail connection shall be generally consistent with the Comprehensive Plan and the Standards and Specification for Design and Construction of Public Improvements.

f. Neighborhood Circulation

Street connections shall connect neighborhoods to each other and to local destinations such as schools, parks, greenbelt trail systems, and shopping centers, while minimizing neighborhood cut-through vehicle traffic movements that are non-local in nature. Configuration of local and internal streets and traffic calming measures shall be used to discourage use of the local street system for cut-through collector or arterial vehicular traffic.

g. Gated Communities Prohibited

Gated communities that feature entry guardhouses, gates across access routes, or similar features are prohibited.

h. Multi-family Residential Connectivity

- i. Multi-family development sites greater than 5 acres shall include a minimum of 2 through-access drives. An exception may be made in the circumstance where a site is landlocked by existing development or other physical constraints, or where existing natural features on the site require the use of protective measures that would otherwise make a second access drive infeasible.
- ii. Where head-in parking is provided along a public or private street, attached sidewalks may be used in lieu of detached sidewalks.

i. Residential Streets

- i. Residential streets shall be laid out so that use by through-traffic will be discouraged. Traffic-calming techniques such as diverters, neck-downs, street gardens, curvilinear alignments, etc. are encouraged to reduce speeds and cut-through traffic. Stop signs shall not be used to regulate or calm speeds.
- ii. Should topography or other constraints require the use of straight streets that extend more than 600 feet without being punctuated by cross streets, an oblong median, traffic-calming device or similar feature shall be used to slow traffic and break-up the “runway” appearance.
- iii. To the maximum extent reasonably practicable, streets shall be arranged to follow the natural contours of the site.

3. Block Standards

a. Purpose

Block standards are designed with the following intents:

- i. To help break-down the scale and size of developments into a series of smaller, more human-scale, and walkable blocks.
- ii. To ensure that blocks are organized in terms of both their orientation and size in a manner that limits disturbance of a site’s natural features.
- iii. To ensure that residential developments incorporate a well-defined pattern of blocks that provide frequent connections and serve as a framework for a varied mix of residential uses.

b. General Design Considerations

Generally, blocks shall be designed to :

- i. Provide for adequate building sites suitable to the special needs of the type of use contemplated;
- ii. Accommodate the requirements of this UDC for lot sizes and dimensions; and
- iii. Create convenient access and control, and safety of vehicular and pedestrian traffic circulation, and emergency vehicles.

c. Maximum Block Lengths

- i. In the Downtown and Old Town Residential Districts, the maximum block length between intersecting streets shall be 600 feet. In all other districts, the maximum length of blocks between intersecting streets or tracts for landscaping, trails, open space, or parks of 50 feet or more in width shall be 1200 feet.
- ii. The average block face across each development site shall be a maximum of 600 feet. Block lengths from street to street shall be used to calculate the average, not block depths.
- iii. In cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased to meet the existing conditions having due regard for connecting streets, circulation of traffic, and public safety. Such increases or decreases are subject to the review and recommendation of the Town staff.

E. Standards for Emergency Access

1. Emergency access points, required by the Mountain View Fire Protection District, shall meet the following requirements:
 - a. The roadway must be able to support the weight of emergency apparatus.
 - b. The roadway must be a minimum of 15 feet wide and usually run in a fairly straight line.
 - c. The roadway must be comprised of an all-weather surface.
 - d. The roadway must be maintained and usable at all times during the year.
 - e. The point of entry must be signed as an "Emergency Access Point - Emergency Vehicles Only".
 - f. Any form of barricade shall be easily removed without a lot of effort, such as a barricade that can be laid down with a hydrant wrench.

F. Standards for Pedestrian Facilities

1. Sidewalks
 - a. All sidewalks shall be designed to comply with the Standards and Specifications for Design and Construction of Public Improvements.
 - b. Detached sidewalks shall be installed on both sides of all public streets.
 - c. Detached sidewalks shall be provided for all public and private streets within a multi-family development, and shall meet the following standards:
 - i. All sidewalks shall be detached from the adjacent street and comply with the Standards and Specifications for Design Construction of Public Improvements, as amended.
 - ii. Tree lawns shall be landscaped according to Section 10-6-4.E.
 - d. When deemed appropriate by the Public Works Director, pedestrian crossings shall be made safer for pedestrians by 1 of the following: by shortening crosswalk distance with curb extensions, reducing sidewalk curb radii, and eliminating free right-turn lanes. Signals that allow longer crossing times in commercial and mixed-use districts, mid-block crossings in high- pedestrian use areas (if well-marked and traffic speeds are low), and medians shall be provided as appropriate.

2. On-site Pedestrian Walkways

a. *Continuous Pedestrian Access*

Pedestrian walkways shall form an on-site circulation system that minimizes conflict between pedestrians and traffic at all points of pedestrian access to streets, on-site parking and building entrances.

b. *On-site Pedestrian Connections*

Site Plans shall orient to pedestrian access points and connections to surrounding street and trails networks, to destinations such as schools or shopping, and to pedestrian linkage points on adjacent parcels, including building entrances, transit stops, walkways, and signalized street crossings. On-site pedestrian walkways shall connect (a) building entrances to 1 another and (b) from building entrances to public sidewalk connections and existing or planned transit stops. If buildings are not placed directly adjacent to the public sidewalk, then pedestrian walkways shall link the principal pedestrian site access to building entrances. All developments that contain more than 1 building shall provide walkways between the principal entrances of the buildings.

c. *Through-Block Connections*

To the maximum extent reasonably practicable, for any block that is 900 feet or more in length, pedestrian ways, crosswalks, or multi-purpose trails no less than 5 feet in width, located within a tract a minimum of 30 feet in width, shall be constructed near the center and entirely through the blocks. These breaks do not split any block length, except as described in Section 10-6-5.D.3.c.i.

d. *Cul-de-sacs and Dead-end Streets*

Where residential developments have cul-de-sacs or dead-end streets, such streets shall be connected to the closest local or collector street or to cul-de-sacs in adjoining subdivisions via a sidewalk or multi-use path, except where deemed impractical by the Director.

3. Trails

a. Trails shall be located in general conformance with the Town's Comprehensive Plan, Parks, Recreation, Trails and Open Space Master Plan and Section 10-6-3.

b. Trails shall be constructed in conformance with the Parks, Recreation, Trails and Open Space Master Plan, the Standards and Specifications for Design and Construction of Public Improvements and American with Disabilities Act (ADA) requirements.

c. Subdivisions shall provide trail connections to future adjacent development and existing adjacent trails.

d. The minimum width for a trail corridor shall be 30 feet.

e. If a trail is located on land not dedicated to the Town, a public access easement shall be granted by identification on the plat and by plat note.

G. Standards for Bicycle Facilities

1. Bicycle Parking

All development shall provide bicycle parking areas that comply with the following standards:

a. *Location*

Bicycle parking spaces shall be conveniently located, but in no case shall such facilities be located farther than 100 linear feet from the primary building entrance.

b. Spaces Required

Bicycle parking spaces shall be provided at the following rates:

- i. A minimum of 2 bicycle parking spaces or 1 bicycle parking space per 20 off-street parking spaces for all commercial and multi-family uses, whichever is greater.
- ii. All other uses or combination of uses shall provide a minimum of 2 bicycle parking spaces per building or 1 space per 10,000 square feet of building area, whichever is greater.

c. Securing Device

A rack or other structure shall be provided to secure parked bicycles.

2. Bicycle Lanes

Bicycle lanes are required for arterial and major collector streets, and encouraged in the design of local streets where low traffic speeds and volumes allow bicyclists and motorists to safely share the street.

10.6.6 OFF-STREET PARKING AND LOADING

A. Purpose

This Section is intended to provide for the location and design of off-street parking areas to accommodate motor vehicles, while balancing the needs of pedestrians, bicyclists, and transit users. Parking areas are secondary and supportive to the primary land uses on the site and parking lot design should reduce the prominence of these areas while emphasizing the primary facade and orienting pedestrians toward the principal entranceways and walkways.

B. Applicability

1. Generally

- a. The off-street parking and loading standards of this Section shall apply to all parking lots and parking structures accessory to any new building constructed and to any new or changed use in every district.
- b. The requirements of this Section shall apply to all temporary parking lots and parking lots that are the principal use on a site.

2. Expansions and Enlargements

This Section shall apply when an existing structure or use is expanded or enlarged. Additional off-street parking and loading spaces shall be required to serve the enlarged or expanded area, provided that in all cases the number of off-street parking and loading spaces provided for the entire use (pre-existing plus expansion) must equal 100 percent of the minimum ratio established in this Section.

C. Parking Lot Layout and Design Plan (10 or More Spaces)

1. Minimum Plan Requirements

- a. The parking lot layout and design plan shall be prepared by a design professional such as a certified land use planner, landscape architect, registered engineer or registered architect. Such plans shall not be prepared by land surveyors unless they are an otherwise qualified design professional.
- b. Provisions shall be made to minimize interference with street traffic flow and assure safe interior vehicular and pedestrian circulation, transit, and parking.

D. Off-Street Parking Requirements

1. Schedule A

Unless otherwise expressly stated in this UDC, off-street parking spaces shall be provided in accordance with Table 6.6-1.

- a.** Fleet parking shall be in addition to the minimum parking calculated from Table 6.6-1. One fleet parking space shall be provided for each fleet vehicle. Parking of fleet vehicles outside of a building shall be classified as outdoor storage and shall be required to be screened in accordance with Section 10-6-4.H.8.a.
- b.** Development with zoning or development approvals that would permit a future change of use that will require additional parking to meet the standards of this Section shall provide an undeveloped area on the site that can accommodate any future parking needs. However, such area for future parking need not be paved or improved, but shall be landscaped as required by this UDC.
- c. Off-Street Parking Location**
 - i.** An off-street parking lot or area for residential uses shall be located within 200 feet of the primary building entrance of the primary building.
 - ii.** An off-street parking lot or area for non-residential uses shall be located within 600 feet of the primary building entrance of the primary building.
 - iii.** Off-street parking shall be located on the same lot or parcel of land as the structure they are intended to serve unless off-site parking is approved through the process in Section 10-6-6.E.2.
 - iv.** Off-street parking spaces for non-residential uses shall not be located in front of garage doors.
 - v.** Off-street parking spaces for non-residential uses may only be located adjacent to building doors when a pedestrian walkway is provided between the building and all parking spaces on that side of building.
 - vi.** Enclosed off-street parking spaces for non-residential uses must demonstrate that they have public access for customers.
 - vii.** Outside of OTR, NMU-Old Town, and DT zone districts no more than 70 percent of the total off-street parking provided shall be located between the front facade of the principal entranceway and the principal adjacent street.
 - viii.** In OTR, NMU-Old Town and DT zone districts all off street parking shall be located to the rear or side of all primary buildings and not along primary street frontages.
 - ix.** The following shall count toward the minimum parking requirement:
 - (A)** Surface parking;
 - (B)** Accessible parking;
 - (C)** Vanpool and carpool parking; and
 - (D)** Structured parking, underground parking and parking within, above or beneath the building(s) it serves.

TABLE 6.6-1: OFF-STREET PARKING SCHEDULE A

"du" = dwelling unit "sf" = gross square feet

USE CATEGORY	USE TYPE	OFF-STREET SPACES REQUIRED
Household Living Residential	Dwelling, Duplex	2 per du
	Dwelling, Live/Work	See Section 10-6-6.D.3
	Dwelling, Mobile Home	2 per du
	Dwelling, Multi-Family	1.5 spaces per efficiency, studio or 1-bedroom du; 2 spaces per du with 2 or more bedrooms, plus 1 guest space per 3 du's
	Dwelling, Single-Family	2 spaces per du, + 1 guest space per 3 du's

TABLE 6.6-1: OFF-STREET PARKING SCHEDULE A

"du" = dwelling unit "sf" = gross square feet

USE CATEGORY	USE TYPE	OFF-STREET SPACES REQUIRED
	Attached	
	Dwelling, Single-Family Detached	2 spaces per du
	Mobile Home Park	2 spaces per du, + 1 guest space per 4 du's
	Model Home	See Section 10-6-6.D.3
Group Living	Dormitory	1 per 1,000 sf
	Group Home, Residential	1 per 2 beds plus 1 per 100 sf of assembly area
	Group Home, Large	1 per 4 beds plus 1 per 300 sf of office area plus requirement for dwelling, if located in a du
	Group Home, Small	1 per 4 beds plus 1 per 300 sf of office area plus requirement for dwelling, if located in a du
	Retirement Home, Nursing Home, or Assisted Living Facility	See Section 10-6-6.D.3
Aviation	Airport and related uses	See Schedule B
	Heliport	See Schedule B
	Helistop	See Schedule B
Cemetery	Cemetery	See Section 6.6.D.3
Child Care	Child Care Center, Large	1 per 6 children of licensed capacity
	Child Care Center, Small	1 per 6 children of licensed capacity
Community Facilities	Community Center (Public)	1 per 800 sf of assembly area plus 1 per 300 sf of office area
	Correctional Facility	See Section 6.6.D.3
	Governmental Office	1 per 300 sf
	Neighborhood Recreation Center (Indoor/Outdoor)	1 per 300 sf

	Public Safety Station	See Section 6.6.D.3
	Transit Center	See Section 6.6.D.3
Cultural Facilities	Botanical garden	1 per 5,000 sf of land area
	Library	1 per 400 sf
	Museum	1 per 400 sf
	Zoo	1 per 2, 000 sf of land area
Educational Use	College or University	1 per 300 sf
	Commercial School	1 per 300 sf

TABLE 6.6-1: OFF-STREET PARKING SCHEDULE A

"du" = dwelling unit "sf" = gross square feet

USE CATEGORY	USE TYPE	OFF-STREET SPACES REQUIRED
	School (public or private)	1 per 50 sf of floor area in the multipurpose room (elementary); 1 per 6 seats in the main auditorium or assembly room, based on maximum capacity (middle or high school)
Human Health Services	Dental or Medical Office, Clinic, Lab	1 per 300 sf
	Laboratory	See Section 10-6-6.D.3
	Hospital	1 per 2 beds based on max capacity
	Substance Abuse Treatment Facility, Outpatient	1 per 250 sf
	Urgent Care Center	1 per 250 sf
Park and Open Space	Athletic Fields and Courts	See Section 10-6-6.D.3
	Community Garden	See Section 10-6-6.D.3
	Open Space	See Section 10-6-6.D.3
	Outdoor Amphitheater, Public	See Section 10-6-6.D.3
	Park	See Section 10-6-6.D.3 for Neighborhood and Community Parks; none for smaller parks
Religious Assembly	Religious Assembly	1 per 4 seats of principal assembly room; if no fixed seating, then based on max capacity
Telecom. Facilities	Antenna Collocation on Existing Tower	none
	Concealed Antennae and Towers	none
	Non-Concealed Building-Mounted Antennae and Towers	none
	Non-Concealed Freestanding Towers	none
Utility Facilities	Utility Facility, All types	See Section 6.6.D.3
Agricultural	Agricultural Cultivation	See Section 6.6.D.3
	Agricultural Grazing	See Section 6.6.D.3

Animal Sales and Care	Animal Hospital, Large Animals	4 spaces per doctor, plus one space per employee on the maximum shift.
	Animal Hospital, Large Animals (outdoor facilities)	1 per 600 sf
	Animal Hospital, Small Animals	1 per 600 sf
	Animal Hospital, Small Animals (outdoor facilities)	1 per 600 sf

TABLE 6.6-1: OFF-STREET PARKING SCHEDULE A

"du" = dwelling unit "sf" = gross square feet

USE CATEGORY	USE TYPE	OFF-STREET SPACES REQUIRED
	Horse Stables	1 space for each 2 stalls
	Kennel or Animal Day Care	1 per 600 sf
	Kennel or Animal Day Care (outdoor facilities)	See Section 10-6-6.D.3
	Pet store	1 space per 300 sq. ft. of gross floor area
Assembly	General Assembly Uses	1 per 4 seats of principal assembly area or if no fixed seating then based on max capacity
Financial Institution	Automated teller machine (freestanding)	2 spaces per machine
	Bank	1 space per 200 sq. ft. of gross floor area, plus 4 spaces for each teller station
	Bank, with drive-through or drive-up service	1 per 300 sf (plus vehicle stacking spaces if drive-through is provided)
	Check-cashing Facility	1 space per 200 sq. ft. of gross floor area, plus 4 spaces for each teller station
Food and Beverage Service	Bar/Tavern	1 space per 3 seats plus 1 space per employee on maximum shift
	Bar/Tavern with outdoor seating area	1 space per 3 seats plus 1 space per employee on maximum shift
	Nightclub	1 per 3 seats or if no fixed seating, then based on max capacity
	Restaurant	1 space per 3 seats plus 1 space per employee on maximum shift
	Restaurant, with drive-through or drive-up service	1 per 100 sf plus vehicle stacking space
	Restaurant, with outdoor seating area	1 space per 3 seats plus 1 space per employee on maximum shift
Office	Office, Business or Professional	1 per 300 sf
	Recording or Broadcasting Studio	1 per 300 sf
Recreation/ Entertainment, Indoor	Adult Amusement or Entertainment	1 per 300 sf
	Commercial Amusement, Indoor	1 per 300 sf
	Fitness and recreational sports center	1 per 4 persons at max capacity
	Shooting Range, Indoor	1 space per target area, plus 1 space per employee/safety marshal on maximum shift.

Recreation/ Entertainment, Outdoor	Campground	1 10' x 30' space for every campsite

TABLE 6.6-1: OFF-STREET PARKING SCHEDULE A

"du" = dwelling unit "sf" = gross square feet

USE CATEGORY	USE TYPE	OFF-STREET SPACES REQUIRED
	General Outdoor Recreation, Commercial	1 per 3 persons at max capacity
	Golf Course	4 per green
	Golf Driving Range	1.5 spaces per tee
	Racetrack	1 space for every 3 seats
	Recreational vehicle park	1 per 200 sf of site area
	Shooting Range, Outdoor	2 per target area, or 1 per 5 seats, whichever is greater
Retail Sales and Service		
	Farm Market	See Section 10-6-6.D.3
	Funeral Parlor or Mortuary	1 per 150 sf of main assembly room
	Gas Station	1 per 300 sf, plus 4 per bay and vehicle stacking
	General Retail	1 per 200 sf
	Personal Service Establishment	1 per 200 sf
	Repair Shop	1 per 200 sf
	Shopping Center	See Schedule B
Vehicles and Equipment	Car Wash, Full Service	4 per bay plus vehicle stacking spaces
	Towing and Storage Facility	See Schedule B
	Vehicle Sales and Rental	See Schedule B
	Vehicle Service and Repair, Heavy	See Schedule B
	Vehicle Service and Repair, Light	4 per bay plus stacking spaces
Visitor Accommodation	Bed and Breakfast	1 space per guest room, plus 2 spaces for the permanent residents
	Hotel or Motel	1 space per guest room, plus 1 space per employee on the maximum shift, plus 50 percent of the spaces otherwise required for accessory uses (e.g., bars and restaurants)

Industrial Service	Building Materials and Lumber Sales	See Schedule B
--------------------	-------------------------------------	----------------

TABLE 6.6-1: OFF-STREET PARKING SCHEDULE A

"du" = dwelling unit "sf" = gross square feet

USE CATEGORY	USE TYPE	OFF-STREET SPACES REQUIRED
	Contractor's Shop or Storage Yard	See Schedule B and Section 10-6-6.D.3
	Heavy Equipment Sales, Service and Rental	See Schedule B
	Industrial, Heavy	See Schedule B
	Industrial, Light	See Schedule B
	Research and Development Facility	See Schedule B
Manufacturing and Production	Heavy Manufacturing, General	See Schedule B
	Light Manufacturing, General	See Schedule B
	Mining and Mineral Extraction	See Schedule B
Warehouse and Freight Movement	Freight or Truck Yard	See Schedule B
	Mini-warehouse/Self Storage	See Schedule B
	Wholesale Distribution Center	See Schedule B
Waste-Related Uses	Auto Wrecking and Salvage Yard/Junkyard	See Section 10-6-6.D.3
	Hazardous Materials Handling and Transfer Facility	See Section 10-6-6.D.3
	Recycling Collection Point	See Section 10-6-6.D.3
	Recycling Center	See Section 10-6-6.D.3
	Sanitary Landfill	See Section 10-6-6.D.3

2. Schedule B

Uses subject to Off-Street Parking Schedule “B” shall provide the following minimum number of off-street parking spaces, as set forth in Table 6.6-2. Unless otherwise approved, lots containing more than 1 activity shall provide parking in an amount equal to the total of the requirements for each individual activity that composes the use as listed in the table. For a multi-tenant building, each individual business shall calculate their parking requirement individually, not as an aggregate.

TABLE 6.6-2: OFF-STREET PARKING SCHEDULE B	
Activity	Number of Spaces Required
Office area	1 per 300 sq. ft.
Indoor sales area	1 per 250 sq. ft.

TABLE 6.6-2: OFF-STREET PARKING SCHEDULE B	
Activity	Number of Spaces Required
Outdoor sales or display area (3,000 sq. ft. or less)	1 per 750 sq. ft.
Outdoor sales or display area (over 3,000 sq. ft.)	1 per 2,000 sq. ft.
Indoor storage/warehousing/vehicle/industrial service/manufacturing/aviation area	
1–3,000 sq. ft.	1 per 300 sq. ft.
3,001–5,000 sq. ft.	1 per 650 sq. ft.
5,001–10,000 sq. ft.	1 per 750 sq. ft.
10,001–50,000 sq. ft.	1 per 1,250 sq. ft.
50,001 sq. ft.+	1 per 1,500 sq. ft.

Any development with zoning or development approvals that permit a future change of use that will require additional parking to meet the standards of this Section shall provide an undeveloped area on the site that can accommodate any future parking needs. However, such area for future parking need not be paved or improved, but shall be landscaped as required by this UDC.

3. Parking Requirements for Miscellaneous Uses

Uses that reference this Section have widely varying parking and loading demand characteristics, making it impossible to specify a single off-street parking or loading standard. Upon receiving a development application for a use subject to this Section, the Director shall apply the off-street parking and loading standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking requirements on the basis of a parking and loading study prepared by the applicant. Such a study shall include estimates of parking demand based on recommendations of the Institute of Transportation Engineers (ITE), or other acceptable estimates as approved by the Director, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

4. Maximum Number of Spaces Permitted

a. General Maximum Requirement

Off-street vehicle parking spaces shall not be provided in an amount that is more than 125 percent of the minimum requirements established in Table 6.6-1. The maximum number of allowable parking spaces may be adjusted by the Director if the applicant provides written information documenting that the proposed use would not be economically viable without such adjustment.

b. Exceptions

- i. If application of the maximum parking standard would result in less than 6 parking spaces, the development shall be permitted 6 parking spaces.
- ii. Exceptions to the maximum parking requirement may be permitted in situations that meet the following criteria by the Director:

(A) The proposed development has unique or unusual characteristics such as high sales volume per floor area or low parking turnover, which create a parking demand that exceeds the maximum ratio and which typically does not apply to comparable uses;

(B) The parking demand cannot be accommodated by on-street parking, shared parking with nearby uses, or by increasing the supply of spaces that are excepted from the maximum ratio; and

(C) The request is the minimum necessary variation from the standards.

c. Paving of Excess Parking

Where an exception is granted to the maximum number of spaces permitted on a site pursuant to this Section, the excess parking area shall be covered with pervious paving acceptable to the Town and shall be landscaped as required by this UDC.

d. Calculation of Maximum Parking Requirements

For the purpose of calculating parking requirements, the following types of parking spaces shall not count against the maximum parking requirement, but shall count toward the minimum requirement:

- i. Accessible parking;
- ii. Vanpool and carpool parking; and
- iii. Structured parking, underground parking, and parking within, above, or beneath the building(s) it serves.

E. Parking Alternatives+

The Director may approve alternatives to providing the minimum number of off-street parking spaces in accordance with the following standards.

1. Shared Parking

The Director may approve shared parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with all of the following standards:

a. Location

Non-residential shared parking spaces shall be located within 600 feet of an entrance, and residential shared parking spaces shall be located within 200 feet of an entrance unless approved by the Director.

b. Zoning Classification

Shared parking areas shall be located on a site with the same or a more intensive zoning classification than required for the primary uses served.

c. Shared Parking Study

Applicants proposing to use shared parking as a means of satisfying off-street parking requirements shall submit a shared parking analysis that clearly demonstrates the feasibility of shared parking. The study shall be provided in a form established by the Director and shall be made available to the public. It shall address, at a minimum, the size and type of the proposed development, location of required parking, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces. The applicant shall also demonstrate that any parking reduction requested as part of the shared parking study will not result in the spillover of parking onto other properties.

d. Agreement for Shared Parking

The parties involved in the joint use of off-street parking facilities shall submit a written agreement in a form to be recorded for such joint use, approved by the Director as to form and content. The Director may impose such conditions of approval as may be necessary to ensure the adequacy of parking in areas affected by such an agreement. Recordation of the agreement shall take place before issuance of a building permit for any use to be served by the shared parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with the requirements of Off-Street Parking Schedule A.

2. Off-Site Parking

The Director may approve the location of required off-site parking spaces on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards:

a. Location

No off-site nonresidential parking space may be located more than 600 feet from an entrance and no residential parking space more than 200 feet (measured along the shortest legal pedestrian route) unless approved by the Director. Off-site parking spaces shall be connected to the use by acceptable pedestrian facilities. Off-site parking spaces may not be separated from the use served by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway, a traffic signal, a shuttle bus, or other traffic control is provided or other traffic control or remote parking shuttle bus service is provided.

b. Zoning Classification

Off-site parking areas shall have the same or a more intensive zoning classification applicable to the primary use served.

c. Control of Site

Required parking spaces for residential uses must be located on the site of the use or within a tract owned in common by all the owners of the properties that will use the tract.

d. Ineligible Activities

- i. Required parking spaces for persons with disabilities may not be located off-site.
- ii. Off-site parking may not be used to satisfy the parking requirements for single-family residential uses.

e. Agreement for Off-Site Parking

In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners shall be required. The agreement shall guarantee the use of the off-site parking area in perpetuity. An attested copy of the agreement between the owners of record shall be submitted to the Town for recordation in a form established by the Town attorney. Recordation of the agreement shall take place before issuance of a building permit

or Certificate of Occupancy for any use to be served by the off-site parking area. An off-site parking agreement may be revoked only if all required off- street parking spaces will be provided in accordance with the requirements of this UDC. No use shall be continued if the parking is removed unless substitute parking facilities are provided, and the Director shall be notified at least 60 days prior to the termination of a lease for off-site parking.

f. On-street Parking

On-street parking spaces in the right-of-way adjacent to the property may be counted to satisfy the minimum off-street parking requirements, if approved by the Director. In mixed-use districts, on-street parking meeting the above criteria shall be counted towards off-street parking requirements.

3. Downtown District, NMU (Old Town) and OTR District Parking

a. Commercial Uses

There shall be no minimum off-street parking requirements for any commercial use in the Downtown District and the NMU (Old Town) district..

b. Residential Uses

- i. Off-street parking shall be required for any residential uses in the Downtown District and the NMU (Old Town) district.
- ii. Applicants for development in the Old Town Residential district are eligible for a parking reduction of 20 percent of the minimum parking requirements of this Section.

4. Parking Reductions in Mixed-Use Districts

a. Mixed-use Districts

In the mixed-use districts, the total requirement for off-street parking facilities shall be the sum of the requirements for the various uses computed separately, subject to the modifications set forth below. The modifications are available cumulatively, but overall they may not reduce the minimum requirements by more than 20 percent.

- i. Each use within mixed-use districts is eligible for a 5 percent parking reduction to reflect the reduced automobile use associated with mixed-use developments.
- ii. A ten percent parking reduction for multi-family residential dwelling units may be permitted if the proposed use is located within 300 feet of a transit stop with midday service headways of 30 minutes or less in each direction.
- iii. For non-residential uses, the minimum parking requirement may be reduced 10 percent if the use incorporates a transit stop with midday service headways of 30 minutes or less in each direction. The transit stop design shall be compatible with the design and materials of the non- residential use of which it is associated.

5. District-Wide Parking

Minimum required off-street parking spaces may be waived or reduced for properties within the boundaries of a public parking or local improvement district that provides district-wide parking facilities, based on the projected parking demand to be addressed by the district-wide facility.

6. Stacked, Tandem, and Valet Parking

Stacked, tandem, or valet parking for nonresidential uses is permitted if an attendant is present to move vehicles. In addition, a guarantee acceptable to the Town shall be filed with the Town ensuring that a valet parking attendant shall always be on duty when the parking lot is in operation.

7. Structured Parking

a. Maximum Parking Waiver

Where 75 percent or more of the parking accessory to a use is in structured parking, there shall be no maximum cap on the number of parking spaces.

b. Floor Area Bonus for Automated and Underground Parking in the Commercial and Mixed-use Districts

A height or density bonus may be granted by the Town for underground parking structures and automated parking structures in the commercial and mixed-use districts. The bonus shall be granted at a ratio of 3 square feet of additional bonus area for each square foot of structured parking that is underground or within an automated parking structure.

8. Other Eligible Alternatives

At the Town's discretion, the Director may approve any other alternative to providing off-street parking spaces on the site of the subject development if the applicant demonstrates to the satisfaction of the Director that the proposed plan will protect surrounding neighborhoods, maintain traffic circulation patterns, and promote quality urban design to at least the same extent as would strict compliance with otherwise applicable off-street parking standards.

F. Off-Street Loading Requirements

No building or structure used for any commercial, business, industrial, or public/institutional use shall be erected, nor shall any such existing building or structure be altered so as to increase its gross floor area by 25 percent, without prior provision for off-street loading space in conformance with the following minimum requirements:

1. Types of Loading Berths

Required off-street loading space shall be provided in berths that conform to the following minimum specifications:

- a. Type A berths shall be at least 60 feet long by 10 feet wide by 14 feet 6 inches high, inside dimensions.
- b. Type B berths shall be at least 30 feet long by 10 feet wide by 14 feet 6 inches high, inside dimensions.

2. Number of Spaces

The following numbers and types of berths shall be provided for the specified uses in Table 6.6-3. The uses specified in this Subsection shall include all structures designed, intended, or arranged for such use.

TABLE 6.6-3: OFF-STREET LOADING BERTHS			
Use	Aggregate Gross Floor Area (square feet)	Berths Required	Type
Public/Institutional Uses			
Cultural facilities	7,000--24,000	1	B

TABLE 6.6-3: OFF-STREET LOADING BERTHS			
Use	Aggregate Gross Floor Area (square feet)	Berths Required	Type
	24,000--50,000	2	B
	50,000--100,000	3	B
	Each additional 50,000 or fraction thereof	1 additional	B
Educational facilities	Over 14,000	1	B
Human health care facilities	10,000--100,000	1	B
	Over 100,000	2	B
Railroad freight terminals and other transportation facilities	12,000--36,000	1	A
	36,000--60,000	2	A
	60,000--100,000	3	A
	Each additional 50,000 or fraction thereof	1 additional	A
Commercial Uses			
Assembly uses	25,000--150,000	1	A
	150,000--400,000	2	B
	Each additional 250,000 or fraction thereof	1 additional	B
All commercial establishments not otherwise specified	7,000--24,000	1	B
	24,000--50,000	2	B
	50,000--100,000	3	B
	Each additional 50,000 or fraction thereof	1 additional	B
Visitor accommodations and office uses	25,000--40,000	1	B
	40,000--100,000	2	B
	Each additional 100,000 or fraction thereof	1 additional	B
Industrial Uses			
All industrial uses	12,000--36,000	1	A
	36,000--60,000	2	A
	60,000--100,000	3	A
	Each additional 50,000 or fraction thereof	1 additional	A

3. Uses Not Specifically Mentioned

In the case of a use not specifically mentioned in this Section, the requirements for off- street loading facilities shall be the same as the use mentioned in this Section which, in the opinion of the Director, has most similar parking characteristics to the use mentioned in terms of loading classification.

4. Concurrent Different Uses

When any proposed structure will be used concurrently for different purposes, final determination of loading requirements shall be made by the Community Development Director, but in no event shall the loading requirements be less than the total requirements for each use based upon its aggregate gross floor area.

5. Location of Off-Street Loading Facilities

Off-street loading facilities required under this Section shall be in all cases on the same lot or parcel of land as the structure they are intended to serve. The required off-street loading space shall not be part of the area used to satisfy the off-street parking requirements unless approved by the Director based on the adequacy of the site to accommodate both simultaneously. To the maximum extent reasonably feasible, loading areas shall be located to the rear of a site. To the maximum extent reasonably feasible, off-street loading facilities shall not face adjacent residential areas or in an area with a residential zoning classification. To the maximum extent reasonably feasible, off- street loading facilities shall be oriented away from views from the street. Mitigation techniques, including appropriate siting and site design measures, may be required by the Director. The Downtown district shall be excepted from this requirement.

6. Manner of Using Loading Areas

No space for loading or unloading of vehicles shall be so located that a vehicle using such loading space projects into any public street. Adequate access and turnaround area shall be provided on-site so that vehicles are not impeding streets. Loading space shall be provided with access to an alley, or, if no alley adjoins the lot, with access to a street. Any required side or rear yard may be used for loading unless otherwise prohibited by this UDC. Design and location of entrances and exits for required off-street loading areas shall be subject to the approval of the Director based on consideration of the traffic flow and traffic safety. Service and off-street loading areas shall comply with the screening requirements for such areas.

G. Computation of Parking and Loading Requirements

1. Fractions

When measurements of the number of required spaces result in a fractional number, any fraction shall be rounded up to the next higher whole number.

2. Multiple Uses

Lots containing more than 1 use shall provide parking and loading in an amount equal to the total of the requirements for all uses, unless there is an agreement for off-site or shared parking.

3. Area Measurements

Unless otherwise specified, all square footage-based parking and loading standards shall be computed on the basis of gross floor area of the use in question. Structured parking within a building shall not be counted in such measurement.

4. Computation of Off-Street Parking

Required off-street loading space shall not be included as off-street parking space in computation of required off-street parking space.

5. Parking for Unlisted Uses

Parking requirements for uses not specifically listed in Table 6.6-1 shall be determined by the Director based on the requirements for the closest comparable use, as well as on the particular parking demand and trip generation characteristics of the proposed use. The Director may alternately require the submittal of a parking demand study that justifies estimates of parking demand based on the recommendations of the Institute of Transportation Engineers, and includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

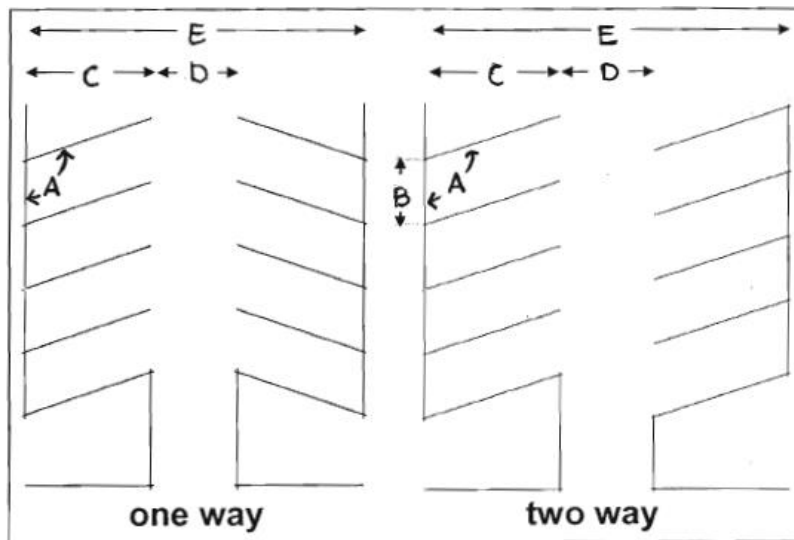
H. Dimensions of Parking Spaces

The parking configuration stated in the following Table 6.6-4 shall apply to all required off-street parking.

1. Recreational Vehicle Spaces

Parking spaces for recreational vehicles, if provided, shall be a maximum of 10 feet by 40 feet.

TABLE 6.6-4: PARKING DIMENSIONS						
Parking Angle	Curb	Stall	Aisle Width		Bay Width	
	Length	Length	One Way	Two Way	One Way	Two Way
A	B	C	D	D	E	E
90degrees	9 feet 9.5 feet 10 feet	20 feet	24 feet	24 feet	64 feet	64 feet
60degrees	10.5 feet	21 feet	18 feet	22 feet	60 feet	64 feet
45degrees	13 feet	20 feet	13 feet	20 feet	53 feet	60 feet
30degrees	18 feet	18 feet	12 feet	20 feet	46 feet	55 feet
0degrees	23 feet	8 feet	12 feet	20 feet	20 feet	36 feet



I. Parking Lot Design Standards

1. Purpose

The purpose statement for Off-Street Parking Requirements set forth in Section 10-666.A shall apply to the standards of this Section.

2. Limitations on Parking Spaces in Front Yards and Setbacks

The parking limitations set forth in Section 6.4 shall apply to the design standards of this Section.

3. Design and Location of Parking Lots/Vehicular Stacking Spaces

a. Design and Maintenance

- i.** All parking lots/vehicular stacking spaces shall be designed, constructed, and drained in accordance with Town ordinances and regulations.
- ii.** Parking lots/vehicular stacking spaces shall be continually maintained in compliance with the approved site or subdivision plan.
- iii.** Each parking lot/vehicular stacking spaces shall meet all applicable landscaping, screening, and buffering requirements in Section 6.4 of this UDC.
- iv.** Parking lots/vehicular stacking spaces designated to meet the minimum parking requirements shall be paved in concrete or asphalt. Recycled concrete, recycled asphalt or equivalent may be considered by the Director for non-public storage areas.
- v.** Two-way internal circulation drives without parking spaces shall have a minimum drive width of 24 feet. One-way internal circulation drives without parking shall have a minimum drive width of 12 feet.

b. Vehicular Circulation

- i.** All parking areas shall be located and designed so as to avoid undue interference with the use of public streets and alleys. Parking areas shall provide suitable maneuvering room so that all vehicles may enter an abutting street in a forward direction. The backing of a motor vehicle onto a public street from a parking lot shall be prohibited.
- ii.** All stacking lanes for day care centers shall be located at least 10 feet from the principal building with either an on-site turnaround or separate points for ingress and egress.
- iii.** In the Old Town districts, pedestrian pathways shall be separated from auto circulation routes in parking areas.

c. Buffering and Screening

- i.** Outside the Old Town districts, all parking areas shall be separated at least 10 feet from buildings, in order to allow room for sidewalks, landscaping, and other plantings between the building and the parking area. This separation may be eliminated in the rear of buildings in areas designed for unloading and loading of materials; this applies primarily to industrial and warehousing buildings.
- ii.** Outside of the Old Town districts, a buffer shall be provided between the street and parking areas to screen parking from the street. A minimum 30 feet landscaped setback shall be provided from highway and arterial rights-of-ways. A minimum 15 feet landscaped setback shall be provided from any other street rights-of-ways. The minimum landscaped setback to parking lots from primary internal drive circulation routes in a multi-building complex shall be 10 feet. On streets other than arterials, the setback may be reduced to 10 feet if used in combination with a 3 to 4-foot articulated masonry or stone

decorative wall with trees and shrubs on both sides of the wall to soften its appearance.

- iii. In the Old Town districts, the visual impact and presence of vehicles shall be minimized by siting parking areas to the rear or interior of the property rather than along street frontage, or by providing underground and structured parking. Parking areas shall be screened from views both interior and exterior to the site.

d. Location of Parking Structures

In Old Town districts, maximum frontage of parking structures along any 1 block shall be 200 feet.

4. Stacking Spaces for Drive-Through Uses

- a. In addition to meeting the off-street parking requirements of this Section, drive-through facilities specified in Table 6.6-5 shall comply with the following minimum stacking space standards:

TABLE 6.6-5: SCHEDULE OF VEHICULAR STACKING SPACES		
Type of Use	Minimum Vehicular Stacking Spaces	Measured From
Bank, teller lane	4	Teller window
Bank, ATM	3	Teller machine
Restaurant, with drive through	8	Order box
Pharmacy, with drive through	4	Pick-up window
Car Wash, automatic	6	Bay entrance
Car Wash, self-service	3	Bay entrance
Car Wash, full service	4	Bay entrance
Gas Station, gas pump island	30 feet from each end of island	

- b. A stacking space shall be calculated to be a minimum of 8.5 feet wide and 18 feet long.

5. Parking for Persons with Disabilities

a. Residential Uses

Parking for persons with disabilities for residential uses shall be provided at the rate of 1 space per each dwelling unit that is designed for occupancy by persons with disabilities.

b. Non-Residential Uses

Parking for persons with disabilities shall be provided for uses other than residential, at the rate shown in Table 6.6-6. At least 1 space out of every 8 parking spaces for persons with disabilities shall be designed as van accessible. A van accessible parking space is 8 feet wide with an adjacent 8foot access aisle.

TABLE 6.6-6: PARKING FOR PERSONS WITH DISABILITIES FOR NON-RESIDENTIAL USES	
Total Number of Required Parking Spaces	Number of Required Parking Spaces for Persons with Disabilities
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2 percent of total spaces
Above 1,000	20 spaces, plus 1 space for each 100 over 1,000 spaces or fraction thereof.

J. Prohibited Occupation of Parking Spaces

1. Except for infrequent, special, temporary events not to exceed 7 consecutive days, required parking spaces shall be available for the parking of operable passenger vehicles of residents, customers, patrons, and employees only, and shall not be used for the storage of vehicles or materials or for the parking of fleet vehicles used in conducting the business or use, for the purpose of displaying goods, or for the purpose of advertising.
2. Parking for which a fee or other payment is paid or received shall be a principal use, not an accessory use unless approved as part of a Special Review Use or Planned Unit Development application.

10.6.7 RESIDENTIAL USE CATEGORY DESIGN STANDARDS

A. Purpose

The standards of this Section are intended to promote high-quality residential development and construction; protect property values; encourage visual variety and architectural compatibility; and promote an integrated character for the Town’s neighborhoods. Specifically, the standards shall:

1. Promote new residential developments that are distinctive, have character, and relate and connect to established neighborhoods;
2. Provide variety and visual interest in the exterior design of residential buildings;
3. Provide for a variety of lot sizes and housing types for a range of households and age groups;
4. Enhance the residential streetscape and diminish the prominence of garages and parking areas;
5. Enhance public safety by preventing garages from obscuring main entrances or blocking views of the street from inside residences; and
6. Improve the compatibility of attached and multi-family residential development with the residential character of surrounding neighborhoods.

B. Applicability

This Section applies to development of all uses classified as residential.

C. Alternative Equivalent Compliance

The alternative equivalent compliance procedure in Section 6.1 may be used to propose alternative means of complying with the intent of this Section. The Board of Trustees shall determine alternative equivalent compliance for Mix of Housing Types in Section 10-6-7.D.1.

D. General Standards for All Residential Development

1. Mix of Housing Types

a. Intent

- i. To promote a more diverse community through the provision of a variety of housing types.
- ii. To encourage developments that are not dominated by a single type of home or dwelling unit, within a narrow range of price points and densities.
- iii. To encourage “neighborhood-oriented” multi-family developments that incorporate a variety of housing types, such as a combination of duplex, stacked tri-plex/quad-plex, manor homes, live-work units, townhomes, apartments, and single-family dwelling units in a range of sizes.

b. Diversification Standards

- i. Diversification Standards shall not apply to:
 - (A) All zone districts that do not allow residential uses.
 - (B) Residential zone districts RP1, RP2, RP3, RR, and ER.
 - (C) Mixed-Use zone districts DT, NMU and CMU.
- ii. Residential development parcels, including parcels part of a phased development, shall provide a minimum mix of housing, based on the size of the development as required in Table 6.7-1:

TABLE 6.7-1: HOUSING DIVERSITY					
Development Parcel Size	Required Mix of Housing Type				
0-40 Acres	1 housing type				
41-80 Acres	2 housing types	or	1 housing type and 1 housing type variation		
81-160 Acres	3 housing types	or	2 housing types and 1 housing type variation		
161-240 Acres	4 housing types	or	3 housing types and 1 housing type variation	or	2 housing types and 2 housing type variations
241-320 Acres	4 housing types	or	3 housing types and 1 housing type variation		
321-480 Acres	5 housing types	or	4 housing types and 1 housing type variation	or	3 housing types and 2 housing type variations
481-640 Acres	5 housing types	or	4 housing types and 1 housing type variation		
641+ Acres	6 housing types	or	5 housing types and 1 housing type variation	or	4 housing types and 2 housing type variations

iii. Housing types that apply to Table 6.7-1 include:

- (A) Duplex;
- (B) Stacked Tri-plex/Quad-plex;
- (C) Manor Home;
- (D) Townhouse (Single-Family Attached Dwelling Unit);
- (E) Apartment (Multi-family Dwelling Unit);

- (F) Live-Work units; and
- (G) Single-family Detached.

iv. Housing type variations that apply to Table 6.7-1 include:

- (A) Duplex
 - a. Front loaded
 - b. Alley loaded
- (B) Stacked Tri-plex/Quad-plex
 - a. 3 dwelling units per building
 - b. 4 dwelling units per building
- (C) Manor Home
 - a. Variation in building length of 30 percent or more
 - b. Variation in building footprint of 30 percent or more
- (D) Townhouse (Single-Family Attached Dwelling Unit)
 - a. Front loaded
 - b. Alley loaded
- (E) Apartment (Multi-family Dwelling Unit)
 - a. Variation in building length of 30 percent or more
 - b. Variation in building footprint of 30 percent or more
- (F) Live-Work units
 - a. Front loaded
 - b. Alley loaded
- (G) Single-family Detached
 - a. Front loaded
 - b. Alley loaded
 - c. Lot size under 5,000 square feet
 - d. Lot size 5,000 to 9,999 square feet
 - e. Lot size 10,000 to 39,999 square feet
 - f. Lot size 40,000 square feet or more

E. Additional Standards for Single-Family Detached and Duplex Dwelling Units

The Development Design Standards shall apply to all new single family detached and duplex dwelling units.

F. Additional Standards for Attached Dwelling Units

The Development Design Standards shall apply to all new residential development of three or more attached dwelling units.

10.6.8 COMMERCIAL AND PUBLIC/INSTITUTIONAL USE CATEGORIES, MIXED-USE DESIGN STANDARDS

A. Standards for the Downtown (DT) and Neighborhood Mixed-Use (NMU – Old Town) Districts

1. Purpose

These standards are intended to provide guidance for all mixed-use, commercial and public/institutional infill and redevelopment within the DT and NMU Old Town Districts and to ensure that new development respects the small-town scale and historic context of the area. The standards will assist investors in making design choices that will have a positive impact on both the historic and future character of the DT and NMU Old Town Districts. Development in the DT and NMU Old Town Districts shall respect the historic character and reinforce the image of the DT and NMU Old Town Districts as an attractive, pedestrian-oriented district.

2. Applicability

These standards shall apply to development in the DT and NMU Old Town Districts of any structure categorized as a commercial or public/institutional use.

3. Site Layout

a. *Parallel to Lot Lines*

New construction shall be built parallel to lot lines to reflect the historical orientation of non-residential structures. Structures shall not be oriented at an angle to lot lines.

b. *Building to Sidewalk Edge*

In the DT District, a minimum of 80 percent of the primary building facade for new buildings shall be located adjacent to the sidewalk edge, unless the Director determines an alternative percentage would be more appropriate.

c. *Orientation of Primary Facade*

The primary facade of a structure shall be oriented to the street, not to an interior court.

4. Building Front Width Pattern

a. In the Downtown District, historic commercial building front width pattern or spacing of facade bays shall be reinforced in new structures. Storefront-type development shall, to the maximum extent reasonably feasible, be differentiated every 25 feet along the block.

b. In the Neighborhood Mixed-Use District, structures wider than 25 feet shall, to the maximum extent reasonably feasible, be divided into modules that reflect the traditional building widths of the adjacent properties or the standard 25 foot storefront type development.

c. A single, large, dominant building mass on a building front shall be avoided. Buildings wider than 25 feet along a street shall design the building to appear as an aggregation of the historical design patterning for building widths found in Old Town that also integrate variation in height, texture, color and facade depth. All building facades shall have similar levels of architectural detailing.

5. Building Floor Height

The appearance of floors of new buildings shall appear to be similar in height to those of existing historic buildings. The level of the first floor shall be at or near grade-level at the entrance.

6. Building Design

a. *Historic Building Styles*

New designs shall draw upon the common elements of historic buildings in the community (without copying them). Examples of common elements include similar fenestration, cornice lines, building widths, and other exterior features. This will allow

new structures to be seen as products of their own time, yet compatible with their historic neighbors.

b. Ground-Floor Pedestrian Interest

- i. The ground floor of a new building or addition to a building shall encourage pedestrian activity by providing the following elements along primary pedestrian ways:
 - (A) A traditional storefront with large display windows, awnings, kick plates and transoms, or public art and landscaping; or decorative wall surfaces and trims for all applicable Use Categories, in Table 3-1, other than Commercial Uses of Retail Sales and Service; Food and Beverage Service; and Financial Institution.
- ii. Buildings shall avoid blank walls along streets, primary pedestrian ways, and adjacent residential.
- iii. All primary entry doors to the building shall be oriented to the adjacent street. Primary entry doors and entry ways into buildings shall feature at least 3 of the numbered elements below:
 - (A) Awnings;
 - (B) Recesses or projections;
 - (C) Arcades;
 - (D) Outdoor patios;
 - (E) Large display windows;
 - (F) Decorative moldings that are integrated with other decorative moldings on the building; or
 - (G) Accent landscaping beds.

c. Upper-Floor Distinction

New buildings shall maintain the distinction between the upper floor and the street level.

- i. The distinction between the street level and upper levels shall be expressed through detailing, changes in materials, and fenestration.
- ii. Upper floors shall be perceived as being more opaque than the lower floor.

d. Wall Articulation

- i. Structures having single wall planes exceeding 50 feet in length shall incorporate a minimum of 3 or more of the numbered choices below at least every 50 feet in length:
 - (A) Changes in color, graphical patterning, texture or material;
 - (B) Projections, recesses, and reveals, expressing structural bays or other aspects of the architecture with a minimum change of plane of 12 inches;
 - (C) Windows and fenestration;
 - (D) Awnings; or
 - (E) Gable projections or other projecting architectural features.
- ii. Buildings shall avoid blank walls along streets, primary pedestrian ways, and adjacent residential.

e. Roofs

In the DT District, the primary roof form for new buildings shall appear to be flat, as traditionally found on the Town's downtown commercial structures. Additions to structures shall have similar roof forms and pitches.

f. Building Materials

- i. No more than 25 percent of each façade of the building shall be finished with metal material. Metal materials used shall be compatible with the historic character of the DT and NMU Old Town District.
- ii. Façade building materials shall not create excessive glare. Mirrored glass shall not be permitted.

g. Awnings

Fabric awnings are encouraged.

- i. Awnings shall be canvas with a matte finish. Awnings with high-gloss finishes shall not be used.
- ii. Operable awnings are encouraged.
- iii. Illuminated, plastic awnings are prohibited.
- iv. Awning colors shall be compatible with the overall color scheme of the façade. Solid colors or subtle striped patterns shall be used.

B. Standards for the Neighborhood Mixed-Use (NMU outside of Old Town), Community Mixed-Use (CMU), Community Commercial (CC), Regional Commercial (RC), Business (B), and Public Land and Institutions (PLI)

1. Purpose

This Section is intended to promote high-quality building design, foster a more human scale and attractive street front in Commercial, Mixed-Use and Public Land and Institution Districts, project a positive image to encourage economic development in the Town, and protect property values both of the subject property and surrounding areas.

2. Applicability

These standards apply to development outside DT and NMU Old Town Districts to any use categorized as commercial, public/institutional or mixed-use.

3. Building Orientation

- a. All principal buildings shall be oriented towards a public street. If any such building is on a double frontage or corner lot, or tract with frontage on a public park or open space, it shall have equally detailed façade, constructed of equally high-quality materials, facing such park or open space.
- b. If the proposed development consists of only 1 building, such building shall be oriented toward the primary abutting street.
- c. If the proposed development consists of more than 1 building, all primary and pad site buildings shall be arranged and grouped so that their primary orientation compliments adjacent, existing development and:
 - i. Frames and encloses a pedestrian or vehicle access corridor within the development site; or
 - ii. Frames and encloses on at least 3 sides parking areas, public spaces, or other site amenities.
- d. Building functions that do not directly serve the public, such as loading berths, and blank walls, shall not be placed directly along the street. Residential garages that face streets shall be recessed behind the façade of primary buildings.

4. Building Massing and Façade

a. Building Mass

A single, large, dominant building mass shall be avoided. Buildings shall be designed to integrate variations in height, texture, color, and façade depth. All building facades shall have similar levels of architectural detailing.

b. Wall Articulation

Primary structures having single walls exceeding 40 feet in length shall incorporate 3 or more of the following features at least every 40 feet in length:

- i. Changes in color, graphical patterning, changes in texture, or changes in material;
- ii. Projections, recesses, and reveals, expressing structural bays or other aspects of the architecture with a minimum change of plane of 12 inches;
- iii. Windows and fenestrations;
- iv. Awnings; or
- v. Gable projections or other projecting architectural features.

c. Entrances

Each primary structure shall have a clearly defined main pedestrian entrance featuring at least 3 of the following elements:

- i. Canopies or porticos;
- ii. Overhangs;
- iii. Recesses or projections;
- iv. Arcades;
- v. Arches;
- vi. Peaked roof forms;
- vii. Outdoor patios;
- viii. Display windows;
- ix. Architectural tilework or moldings integrated into the building design; or
- x. Integrated planters or wing walls that incorporate landscaped areas or seating areas.

5. Roofs

- a. In the Mixed-Use Districts sloping roofs containing top-floor dwelling units or top-floor commercial spaces such as offices are encouraged.
- b. Where flat roofs are used, a parapet wall at least 18 inches in height shall be used on all sides of the structure. The design or height of the parapet shall include at least 1 change in setback or height of at least 3 feet along each 60 lineal feet of façade.
- c. On all structures exceeding 2 stories in height, roofs shall internally drain, and external scuppers and wall drains shall be prohibited.

6. Ground Floor Treatment

Buildings shall incorporate a human scale near ground level on commercial buildings and along street facades and entryways through the use of such scale elements as windows, doors, columns, and beams.

7. Building Materials

- a. No more than 25 percent of each façade of the building shall be finished with metal material.
- b. Façade building materials shall not create excessive glare when viewed from any public street or from any residential area. Mirrored glass with a reflectance greater than 20 percent shall not cover more than 10 percent of any exterior façade of a primary or accessory structure.

8. Colors

Fluorescent colors shall not be used as the predominant color on any wall or roof of any primary or accessory structure. These colors may be used as building accent colors, but shall not constitute more than 10 percent of the area of each elevation of a building. Permitted sign areas shall be excluded from this calculation.

C. Additional Standards for Neighborhood Mixed-Use (NMU outside of Old Town) and Community Mixed-Use (CMU) Districts

1. Purpose

These standards are intended to supplement the standards in Subsection 10-6-.8.B and provide guidance for mixed-use development and to promote high-quality building design, foster a more human scale and attractive street front in the Mixed-Use districts outside of Old Town.

2. Applicability

These standards apply to development outside the Old Town area for the NMU and CMU zone districts.

3. Required Mix of Uses

To ensure a balance of commercial, office, residential, and public/institutional primary use categories found in Table 3-1, the requirements of Table 6.8-1 shall apply to all development parcels greater than 5 acres in the Community Mixed-Use (CMU) and Neighborhood Mixed Use (NMU-outside Old Town) Districts. Each required principal use shall occupy a minimum of 25 percent of the gross floor area of the entire CMU or NMU District development area.

TABLE 6.8-1: REQUIRED MIX OF USES IN MIXED-USE DISTRICTS		
Parcel Size	Minimum Number of Principal Uses	Residential Use Required
5-20 Acres	2	Yes
More than 20 Acres	3	Yes
<p>Note: To meet these standards, there must be a minimum of 1 use from 2 different principal use groups included in the plan for development. The use groups that qualify as meeting the minimum number of uses in the Mixed Use Districts shall be the residential, office, commercial and public/institutional use groups.</p>		

4. Design Standards

- a. Maximum front setback for a principal building shall be:
 - i. 10 feet in NMU.
 - ii. 25 feet in CMU.
- b. A principal building shall occupy a minimum of 35 percent of a front lot line.
- c. The 3rd story front facade of a principal building shall be setback a minimum of 6 feet from the lower story front facades.

- d. In the NMU district, residential dwelling units shall not occupy ground floors of buildings; however lobbies serving the upper residential floors may be located on the ground floor.
- e. Drive-through or up facilities shall be prohibited in the NMU district.

10.6.9 AVIATION, MANUFACTURING AND LIGHT INDUSTRIAL USE CATEGORIES AND DESIGN STANDARDS

A. Purpose

To encourage high-quality design appropriate for aviation, manufacturing and light industrial uses while promoting economic development, protecting adjacent uses and fostering a positive image for the community.

B. Application

All development or any structure in aviation, manufacturing and light industrial use categories in Chapter 3.

C. Building Orientation

1. At least 1 primary entrance for each principal use building shall be oriented towards a public street. If any such building is on a lot or tract with frontage on a public park or open space, or is adjacent to a property zoned or used for residential use, it shall have equally detailed facade, constructed of equally high-quality materials, facing such park or open space.
2. If the proposed development consists of only 1 building, such building shall be oriented toward the primary abutting street.
3. If the proposed development consists of more than 1 principal use building, all principal use buildings shall be arranged and grouped so that their primary orientation addresses all adjacent streets and complements adjacent, existing development. Internal to the site the building shall:
 - a. Frame and enclose pedestrian or vehicle access corridors; or
 - b. Frames and encloses on at least 3 sides parking areas, public spaces, or other site amenities.
4. Building functions that do not directly serve the public, such as loading berths, and blank walls, shall not be placed directly along the street.

D. Wall Articulation

The standards and requirements set forth in Section 10-6-8.B.4.b, shall apply to buildings in the aviation, manufacturing and light industrial use categories.

E. Entrances

The standards and requirements set forth in Section 10-6-8.B.4.c, shall apply to buildings in the aviation, manufacturing and light industrial use categories.

F. Roofs

The standards and requirements set forth in Section 10-6-8.B.5, shall apply to buildings in the aviation, manufacturing and light industrial use categories.

G. Materials

1. No more than 25 percent of the facade(s) of any building facing a public street, trail, park, open space or any residential area shall be finished with metal material.
2. Facade building materials shall not create excessive glare when viewed from any public street or from any residential area. Mirrored glass with a reflectance greater than 20 percent shall not cover more than 10 percent of any exterior facade.

H. Colors

The standards and requirements set forth in Section 10-6-8.B.8, shall apply to buildings in the aviation, manufacturing and light industrial use categories.

I. Screening

All outdoor activity and storage shall be screened from public view. See requirements in Section 10-6-4.G.

10.6.10 EXTERIOR LIGHTING

A. Purpose

The general purpose of this Section is to require outdoor lighting that is adequate for safety and convenience; in scale with the activity to be illuminated and its surroundings; directed to the surface or activity to be illuminated; and designed to clearly render people and objects and contribute to a pleasant nighttime environment. Additional specific purposes are to:

1. Provide safety and personal security as well as convenience and utility in areas of public use or traverse, for uses where there is outdoor public activity during hours of darkness;
2. Control glare and excessive brightness to improve visual performance, allow better visibility with relatively less light, and protect residents from nuisance and discomfort;
3. Control trespass light onto neighboring properties to protect inhabitants from the consequences of stray light shining in inhabitants' eyes or onto neighboring properties;
4. Result in cost and energy savings to establishments by carefully directing light at the surface area or activity to be illuminated, using only the amount of light necessary; and
5. Control light pollution to minimize the negative effects of misdirected light and recapture views to the night sky.

B. Applicability

1. General

All exterior lighting for any type of residential or nonresidential development shall comply with the standards of this Section, unless exempted in Section 10-6-10.B.3.

2. Lighting Plan Requirement

All nonresidential developments, and all residential developments with more than 5 lots or dwelling units, shall submit a proposed exterior lighting plan. The plan must be submitted concurrently with the Site Plan or architectural review application. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.

3. Exempted Lighting

The following types of lighting are exempted from the requirements of this Section.

- a. Public street and right-of-way lighting.
- b. Temporary decorative seasonal lighting provided that individual lamps have a light output of 60 watts or less.
- c. Temporary lighting for emergency or nighttime work and construction.
- d. Temporary lighting for theatrical, television, and performance areas, or for special public events.
- e. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.
- f. Lighting required and regulated by the Federal Aviation Administration.

- g.** Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, provided that such uses comply with the following standards:
 - i.** Maximum permitted light post height: 80 feet.
 - ii.** Maximum permitted illumination at the property line: 2 foot-candles.
 - iii.** Limits on hours of illumination: Exterior lighting shall be extinguished no later than 11:00 pm.

C. General Review Standard

If installed, all exterior lighting shall meet the functional security needs of the proposed land use without adversely affecting adjacent properties or the community. For purposes of this Section, properties that comply with the design standards of Section 10-6-10.D shall be deemed to not adversely affect adjacent properties or the community.

D. Design and Illumination Standards

Exterior lighting is not required except for purposes of public safety. However, if installed, all exterior lighting shall meet the following design standards:

1. Any light source or lamp shall be concealed or shielded with an IESNA full cut-off style fixture with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property. For purposes of this standard, "cutoff angle" is defined as the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above from which no light is emitted.
2. All fixtures shall utilize 1 of the following bulb types: metal halide, induction lamp, compact fluorescent, incandescent (including tungsten-halogen), LED, or high-pressure sodium with a color rendering index above 70. The maximum height of any lighting pole serving a residential use shall be 20 feet. The maximum height serving any other type of use shall be 25 feet, except in parking lots larger than 5 acres, the maximum height shall be 35 feet if the pole is located at least 100 feet from any residential use.
3. Maximum lighting level uniformity (maximum to minimum) for residential parking lots shall be 15:1 and for nonresidential 10:1.
4. Parking lots and other background spaces shall be illuminated as unobtrusively as possible while meeting the functional needs of safe circulation and protection of people and property. Foreground spaces, such as building entrances and outside seating areas, shall utilize local lighting that defines the space without glare. Floodlights shall not be utilized to light all or any portion of a building facade between 10:00 pm and 6:00 am.
5. Lighting on gas station and other outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.
6. The style of light standards and fixtures shall be generally consistent with the style and character of architecture proposed on the site.
7. In no case shall exterior lighting add more than 1 foot-candle to illumination levels at any point off-site.
8. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.
9. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
10. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.
11. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.

10.6.11 OPERATIONAL STANDARDS

A. Purpose

The purpose of these operational standards is to prevent land or buildings within the Town from being used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable conditions that would create adverse impacts on the residents, employees, or visitors on the property itself or on nearby properties.

B. Applicability

The provisions of this Section shall apply to all land within the Town.

C. Standards

1. Vibration

No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot line.

2. Air Pollution

There shall not be discharged into the atmosphere any contaminant for which threshold limit values are listed for working atmosphere by the American Conference of Governmental Industrial Hygienists in such quantity that the concentration of the contaminant at ground level at any point beyond the boundary of the property shall at any time exceed the threshold limit. Visible emissions of any kind at ground level past the lot line of the property on which the source of the emissions is located are prohibited.

3. Odors

Any condition or operation that results in the creation of odors, vapors, or gaseous emissions of such intensity and character as to be detrimental to the health and welfare of the public or that interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor.

4. Electromagnetic Radiation

It shall be unlawful to operate, or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes that does not comply with the then-current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation.

5. Materials and Waste Handling

No person shall cause or permit any materials to be handled, transported, or stored in a manner that allows particulate matter to become airborne or liquid matter to drain onto or into the ground. All materials or wastes that might cause fumes or dust or that constitute a fire hazard or that may be edible by or otherwise be attractive to wildlife or insects shall be stored outdoors only in closed, impermeable trash containers that are screened in accordance with this UDC. Toxic and hazardous materials and chemicals shall be stored, secured and maintained so that there is no contamination of ground, air, or water sources at or adjacent to the site. Notwithstanding anything contained herein, all treatment, storage, disposal, or transportation of hazardous waste shall be in conformance with all Federal and State statutes, codes, and regulations. Provisions shall be provided so that all lubrication and fuel substances shall be prevented from leaking or draining onto the property.

10.6.12 SIGNS

A. Purpose

The intent of this Section shall be to define the types of signs that will be permitted in the various zone districts and those that will be prohibited and the manner in which sign areas and dimensions will be measured, and to except certain types of signs from this Section. It is further the intent of this Section to encourage the erection of signs that are attractive and generally compatible with the adjacent property; that will preserve and enhance property values within the community; that will provide for the public convenience, health and welfare; and that will protect the public safety.

B. General Provisions

1. This Section does not apply to the following:
 - a. Signs of a duly constituted governmental body, required to be maintained by law or governmental order, rule or regulation, including without limitation traffic or similar regulatory devices, address numerals, legal notices, warnings at railroad crossings, and other instructional or regulatory signs concerning public health, safety and welfare provided, that the copy and size of the sign do not exceed the requirements of such law, order, rule or regulation; or
 - b. Holiday decorations associated with any national, local, or religious holiday; provided, that such signs shall be displayed for not more than sixty (60) days in any given year.
2. Unless otherwise provided for in this Title, signs may only be erected, altered, and maintained on the same lot as the permitted use(s) which the sign is appurtenant to.
3. All signs shall be maintained and kept in good repair, including without limitation, the repair of glass, plastic or other sign face material that is missing, broken, damaged, or deteriorated; and the repair of any pole, frame support, or similar structure that is broken, damaged, or deteriorated.
4. Any sign located or projecting into a private easement shall require authorization of the easement holder.

C. Prohibited Signs

The following signs are prohibited in the Town of Erie unless otherwise allowed in this Section:

1. Signs attached to a tree or utility pole whether on public or private property.
2. Signs located within a public right-of-way.
3. Signs located in the vision clearance triangle or at any location where it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control sign, signal or device, or where it may interfere with, mislead or confuse traffic.
4. Signs mounted on a pitched roof or the deck of flat roof.
5. Flashing signs, signs emitting sound, rotating or moving signs, animated signs, signs with moving lights or signs that create the illusion of movement, except a sign whereon the current time or temperature is shown by intermittent lighting shall not be deemed to be a flashing sign. A sign that changes copy or color no more than once every four hours shall not be considered a flashing or moving sign.

6. Signs painted, attached to, or placed on a vehicle or the bed of a trailer, when the vehicle or trailer is parked on a public right-of-way or public property, or on private property so as to be visible from a public right-of-way, for the basic purpose of providing the advertisement of products or directing people to a business or activity on the same or nearby premises. This provision applies only where the primary purpose of a vehicle is for advertising purposes and is not intended to prohibit any form of vehicular signs, such as a sign attached to a truck or motor vehicle, which vehicle is primarily used for business purposes other than advertising.
7. Riders or attachments to signs.
8. Ground signs

D. Permit Requirements

1. **Permit Requirements.** No sign shall be painted, constructed, erected, remodeled, relocated, expanded or have the copy of the sign changed or altered (unless the sign was approved to allow such modifications) until a sign permit for such sign has been obtained from the Town; and a building permit is acquired if required by Building Code.
2. **Compliance with Provisions.** No permit shall be issued unless there is full compliance with the provisions of this Section, and all signs must conform to the regulations and design standards of the adopted building and electrical codes.
3. **Maintenance and Upkeep.** The maintenance, renovation, or repair of a sign without structural alteration and without change of sign copy shall not require a new sign permit, but may require a building permit under the Town's adopted building code.
4. **Sign Permit Fees.** A fee for a sign permit and if applicable for a building permit shall be required by Municipal Code Title 2.
5. **Exceptions from Sign Permit.** The following signs shall be excepted from the requirement of obtaining a sign permit but shall comply with all other regulations imposed by this Section:
 - a. Small signs not exceeding 4 square feet in area displayed on private property;
 - b. Scoreboards in athletic stadiums.

E. Size and Dimension Standards

1. Permitted Total Sign Area

- a. The permitted total sign area for all signs on a property in each zone district shall be as follows:
 - i. AG/OS, AGH, RP1, RP2, RP3, RR, ER, SR, LR, OTR, MR, HR Districts, and PD – Agricultural, Open Space and Residential land uses: The maximum allowable gross area is 32 square feet.
 - ii. DT and NMU (inside of Old Town) Districts: One square foot for each lineal foot of tenant frontage. The maximum allowable gross surface area for per individual sign shall be 32 square feet per face. Tenants with less than 32 linear feet of tenant frontage are permitted to have a maximum of 32 square feet of sign area. Vacant parcels shall be permitted a total sign area of 32 square feet.

- iii. NMU (outside of Old Town), CMU, PLI, LI, AP, CC, RC, B Districts, and PD – Non-Residential land uses: One square foot for each lineal foot of tenant frontage. The maximum allowable gross surface area for a principal sign shall be 100 square feet. Secondary signs shall be limited to 32 square feet per face. Tenants with less than 32 linear feet of tenant frontage are permitted to have a maximum of 32 square feet of sign area. Vacant parcels shall be permitted a total sign area of 32 square feet.

2. Measurement of Gross Surface Area

- a. The area of any sign having parts with or without backing shall be measured by determining the total area of all squares, rectangles, triangles, portions of a circle or any combination thereof constituting the smallest single continuous perimeter enclosing the extreme limits of any of the following combinations:
 - i. The display surface or face of the sign including all frames, backing, faceplates, nonstructural trim or other component parts not otherwise used for support for parts of the sign; or
 - ii. Each word, written representation (including any series of letters), emblems or figures of a similar character, and including all frames, faceplates, nonstructural trim or other component parts not otherwise used for support for parts of the sign.
 - iii. All window signs shall be included in the total allowable sign area for the premises.
 - iv. Any end panel of a wall or projecting sign shall be counted as a face of the sign and shall be included in the area of that sign if said end panel is more than 1 foot in width.

3. Each building frontage that abuts a street, highway, private drive, or alley shall be considered a separate building frontage. Sign Height

- a. Sign height shall be measured from average ground level at the base of or below the sign to the highest element of the sign. The maximum height of a sign in each zone district shall be as follows:
 - i. AG/OS, AGH, RP-1, RP-2, RP-3 PD – Agriculture, Open Space and Residential land uses, RR, ER, SR, LR, OTR, MR, HR: 6 feet.
 - ii. DT and NMU Old Town Districts: Monument signs shall not exceed 6 feet in height.
 - iii. NMU (outside of Old Town), CMU, PLI, RC, CC, B, LI, PD – Non-Residential land uses and AP Districts: Monument signs shall not exceed 10 feet in height, except that monument signs adjacent to Erie Parkway shall have a maximum height of 6 feet.

F. Number of Signs Permitted

1. The number of signs permitted per property in the each zone district shall be as follows:
 - a. AG/OS, AGH, RP-1, RP-2, RP-3, PD – Agricultural, Open Space and Residential land uses, RR, ER, SR, LR, OTR, MR, HR: 2 signs per streetfrontage.
 - b. DT and NMU (inside of Old Town): 3 signs per tenant for each tenant building frontage, or 2 signs per street frontage for vacant parcels.
 - c. NMU (outside of Old Town), CMU, CC, RC, B, LI, PLI, PD – Non-Residential land uses and AP Districts: 5 signs per tenant with a maximum of 1 principle sign and 4 secondary signs for each tenant building frontage, or 2 signs per street frontage for vacant parcels..

G. Requirements for Specific Types of Signs

1. **Illuminated Signs.** Illuminated signs shall be internally illuminated or externally illuminated by a cutoff fixture. Illuminated signs shall not cast bright light upon property in any residential district or upon any public street, park, public facility, or hospital facility.
2. **Temporary Signs.** Temporary signs in any zone district shall be displayed only in accordance with the following conditions:
 - a. Temporary signs shall not exceed 32 square feet in total surface area per use, and shall comply with the applicable height and setback regulations for the district in which they are located.
 - b. Temporary signs shall not remain in place for more than 30 days; except, that the building official may, for good cause, extend the time up to 30 days upon written application. Only one temporary sign per applicant shall be permitted to exceed the 30-day limit in any calendar year.
3. **Projecting Signs.** A projecting sign or wall sign may project over public property a maximum of two (2) feet beyond the property line when a minimum clearance of at least eight (8) feet is provided between the sign and the ground. Projecting signs shall not exceed the height of the wall or façade to which the sign is attached.
4. **Monument Signs.** Monument signs shall be constructed from similar materials as the principal building. No more than 1 (one) monument sign may be permitted on a lot.
5. **Wall Signs.** Wall signs shall not exceed the height of the wall or facade to which the sign is attached.

H. Special Provisions for Signs at Specific Locations

1. **Signs at Residential Subdivision Entry.** At each primary entrance to a residential subdivision, a maximum of two (2) freestanding signs are permitted each with a maximum height of 6 feet and a maximum gross surface area 100 square feet. These signs shall be in addition to the signs permitted on the property under Section 10-6-12(G).
2. **Signs on Development Sites.** Signs located on sites where subdivision, development, redevelopment, initial construction or other major improvement of the property is under way shall be permitted additional signage to what is allowed in that zone district under Section 10-6-12(G) of this Code, and shall comply with the following:
 - a. Such signs shall be monument, ground, wall, or window signs, shall not exceed 64 square feet in total area with a maximum of 32 square feet per face, and maximum of 8 feet in height. Signs shall be removed within 30 days from the time that 95 percent of the lots or dwelling units in the platted subdivision, or filing thereof, have been sold, or the construction project is completed, whichever occurs earlier.

- b. One such sign shall be permitted per street upon which the property either has frontage or has an entrance from a major thoroughfare; provided, that the minimum distance between signs on any single development shall be 1000 feet.
3. **Monument Signs on Erie Parkway.** Monument signs located along Erie Parkway shall not be located in an easement or a landscaped tract.

I. Legal Nonconforming Signs

1. **Termination.** A legal nonconforming sign shall immediately lose its legal nonconforming status, and therefore shall be brought into conformance with this Chapter or removed, when any of the following occur:
 - a. The size or shape of the sign is changed;
 - b. The sign structure is altered, other than by repairs or maintenance;
 - c. The primary structure on the property to which the sign is located is the subject of an application for a building permit for reconstruction, remodeling, expansion, or other improvements to the primary structure on such property, and the value of the proposed improvements total more than 25 percent of its replacement cost of such primary structure.
2. **Maintenance.** Legal nonconforming signs shall continue to be maintained in safe condition pursuant to the building regulations of the Town.
3. **Replacement.** A legal nonconforming sign shall not be replaced unless the replacement sign is in full compliance with the provisions of this Chapter.
4. **Reconstruction.** If a sign or its support structure is damaged to the extent that the repair costs exceed 50 percent of the replacement cost of the sign, the sign shall be removed or brought into compliance with this Chapter.

10-6-.13 ABANDONED MINES

A. General Provisions

All development with undermining or mine shafts shall provide the Town with Geological and Geotechnical Hazards reports prepared, signed and stamped by a professional in the field of undermining. The reports shall be referred to the Colorado Geological Survey for review and comment. Recommendations from the reports and Colorado Geological Survey shall be evaluated by the Town when considering appropriate land uses, restrictions applicable to land development, and foundation design due to undermining constraints. Undermining and mine shafts shall be noted on Sketch Plans, Preliminary Plats, Final Plats and Site Plans.

B. Mineshafts

1. All mineshafts shall be capped and monumented in accordance with State requirements, and accepted by the State before Final Plat or Site Plan approvals.
2. Mineshafts shall not be located on a residential lot.
3. Mineshafts may be located in a street right-of-way, tract, or in a non-residential lot with an easement restricted for parking, open space or landscape use. Any modifications to this provision proposed by the applicant for Town consideration shall be in compliance with recommendations from the Geological and Geotechnical Hazards reports and the Colorado Geological Survey.
4. Minimum dimensions for tracts/easements and minimum distances from abandoned mineshafts to residential lots and non-residential structures shall be determined based on recommendations from the Geological and Geotechnical Hazards reports and the Colorado Geological Survey.

C. Mine Tailings

If mine tailings are located on a property, the removal of mine tailings shall be addressed in a Development Agreement. The Town shall require submittal of a professional certification that the mine tailings and hazard associated with the tailing has been removed and completed.

10.6.14 DEVELOPMENT AND DESIGN STANDARDS TO ACCOMMODATE OIL AND GASWELLS AND PRODUCTION FACILITIES

A. Existing Oil and Gas Wells and Production Facilities

1. All development with existing oil and gas wells and associated above-ground production facilities shall provide the following setback to lots, buildings, streets, trails and parks from existing wells and associated above-ground production facilities:
 - a. Residential lots and non-residential buildings, community parks, neighborhood parks and pocket parks, shall be set back a minimum of 350 feet.
 - b. Street rights-of-ways and trails shall be set back a minimum of 150 feet.
 - c. Exceptions to A.1.a shall be as follows:
 - i. Residential lots platted prior to May 4, 2018 and residential lots designated in plats submitted to the Town pursuant to completed Preliminary Plat, Final Plat, or Minor Subdivision applications prior to May 4, 2018 shall be subject to the former minimum 150foot setback standard.
 - ii. Non-residential buildings, other than assembly buildings, shall be subject to the former minimum 150foot setback standard if at least one of the following conditions exists prior to May 4, 2018:
 - (A) The non-residential building is existing.
 - (B) The non-residential lot is existing.
 - (C) The non-residential lot is proposed in a completed Preliminary Plat, Final Plat, or Minor Subdivision application submitted to the Town.
2. In a residential subdivision the well and associated production facilities shall be placed in a non-development tract.
3. In order to minimize the impact on streets and pedestrian paths and tracking of debris onto streets and pedestrian paths, subdivision design shall provide the following Town requirements and improvements for access roads to oil and gas wells and associated production facilities:
 - a. Subdivision shall minimize the need for access roads to connect to streets with local street classifications.
 - b. An access plan for the well and production facilities shall be submitted to the Town identifying which local streets that are impacted by well access needs. The streets identified shall be designed to address the weight load requirements of the vehicles accessing the well and production facilities.
 - c. The developer shall improve the well and production facilities access road from the point of connection to a street a minimum distance of 200 feet on the access road. The access road shall be improved as a hard surface (concrete or asphalt) for the first 100 feet from the street and then improved as a crushed surface (concrete or asphalt) for 100 feet past the hard surface in the appropriate depth to support the weight load requirements of the vehicles accessing the well and production facilities.
 - d. The Town may require the developer to gate or restrict access (bollards) to the access road to minimize unauthorized use of the access.

- e. If an access road intersects with a pedestrian trail or walk, the developer shall pave, as a hard surface (concrete or asphalt), the access road 100 feet either side of the trail or walk and if necessary, replace the trail or walk to address the weight load requirements of the vehicles accessing the well and production facilities.
 - f. All proposed access road changes or restrictions shall be approved by the mineral right owner before Final Plat approval.
- 4. Developments with existing oil and gas wells and associated above-ground production facilities shall add fencing to non-fenced wells and facilities or upgrade fencing for wells and facilities in conformance with the following requirements.
 - a. Oil and gas well facilities (above-ground) within the Town shall be fenced with wrought iron fencing or Ameristar Impasses or Stronghold fencing or approved equivalent, as determined by the Director.
 - b. The fencing color shall be bronze unless the Director approves black fencing. Black fencing will only be approved by the Director if fencing or site furnishings in the adjacent developments have approved black elements.
 - c. All proposed fencing changes shall be approved by the mineral right owner before Final Plat approval or for sites already platted, before Site Plan approval.
- 5. Developments with existing oil and gas wells and associated above-ground production facilities shall paint the wells and associated above-ground production facilities a color determined by the Director. All proposed paint improvements shall be approved by the mineral right owner either before Final Plat or Site Plan approval.
- 6. Developments with existing oil and gas wells and associated above-ground production facilities shall provide screening by installing berming with landscaping when required by the Town. All proposed landscape improvements shall be approved by the mineral right owner either before Final Plat or Site Plan approval.

B. Oil and Gas Well Pipelines

- 1. Gas and oil well pipelines and their associated easements shall not be located on residential lots.
- 2. Streets shall be platted so pipelines cross at a substantially right angle to the street.
- 3. The Final Plat shall show easements for gas and oil well pipelines that are a minimum of 30 feet wide.

C. Abandoned Oil and Gas Wells and Production Facilities

- 1. Oil and gas wells and production facilities shall be abandoned and reclaimed before approval of a Final Plat. The following shall be completed before approval is granted by the Town:
 - a. A letter of confirmation from the State shall be submitted to the Town regarding the completion of the abandonment and reclamation process in accordance with State law and COGCC regulations.
 - b. Recorded documentation of abandonment of easements associated with the well shall be submitted to the Town.
- 2. Capped wellheads shall be identified by a concrete and brass monument that will be recorded and noted on the final plat.
- 3. All subdivisions with wellheads abandoned and reclaimed in accordance with state law and COGCC regulations shall use the following standards to plat lots and streets:
 - a. Streets may be platted over abandoned wellheads if conflicts do not occur with infrastructure requirements within the street.

- b. A non-residential lot may contain an abandoned wellhead. The plat shall identify a building setback of 25 feet from the monumented abandoned wellhead.
- c. Residential lots 1 acre or larger may plat over an abandoned wellhead. The plat shall identify a building setback of 25 feet from the monumented abandoned wellhead.
- d. Abandoned wellheads, and the required setback surrounding the abandoned wellhead, shall not be located in single-family lots under 1 acre in size.
- e. Abandoned wellheads, and the required setback surrounding the abandoned wellhead, shall not be located in multi-family lots.
- f. In subdivisions where an abandoned wellhead cannot be placed in a street or lot meeting the standards of this Subsection; the abandoned wellhead shall be placed in a tract. The abandoned wellhead and required setback surrounding the abandoned wellhead may not be located in a park.

D. Future Oil and Gas Wells and Production Facilities

1. All subdivisions that have oil and gas rights associated with the property that have not been executed need to take those rights into consideration when platting. The Town strongly encourages developers to either purchase the mineral rights or to negotiate the co-location of future and existing wells to minimize the impact on subdivision of the property.
2. Any agreements between the property owner and mineral right owner shall be submitted to the Town. Location and setback information agreed to in the agreement shall be reflected on the plat.
3. If co-location of facilities will affect existing or proposed Town owned sites, then the Town shall be a party to the agreement.
4. The following setbacks shall be provided to future oil and gas wells and above-ground production facilities:
 - a. Residential lots and non-residential buildings shall be set back a minimum of 350 feet. This setback may be reduced as an incentive to developers to co-locate facilities. Developers who propose to co-locate facilities shall provide the Town with a copy of a recorded surface use agreement with the mineral right owner/lessee prior to approval of a Site Plan, Final Plat, or Minor Subdivision. For applications that require a Preliminary Plat, the applicant shall provide the Town with a draft of the surface use agreement or a letter from the mineral right owner/lessee acknowledging that they are actively negotiating a surface use agreement to co-locate the facilities as represented by the applicant. Any reduction of the 350foot setback proposed by the applicant for Town consideration shall be in compliance with all COGCC regulations and requirements.
 - b. Street rights-of-ways shall be setback a minimum of 150 feet from future oil and gas wells and above-ground facilities.
5. The future oil and gas well and production facilities setbacks identified above shall be identified on the plat.
6. In a residential subdivision the future well and associated production facilities shall be placed in a tract.
7. Subdivision design shall address the following Town requirements for future access roads and pipelines to future oil and gas wells and associated production facilities:
 - a. Subdivision design shall minimize the need for future access roads to connect with local street classifications. If future access roads are designed to connect to local streets, then the local streets accessed shall be designed to address the weight load requirements of the vehicles accessing the well and production facilities.

- b.** An access plan for the future well, production facilities, and pipelines shall be submitted to the Town. The Plan shall identify which local streets that are impacted by well access needs. The streets identified shall be designed to address the weight load requirements of the vehicles accessing the well and production facilities. The Plan shall also identify routing of future pipelines so that the appropriate easements and or tracts can be created during the platting process to accommodate the pipelines.
- c.** Future gas and oil well pipelines and their associated easements on the Final Plat shall not be located on residential lots.
- d.** Streets shall be platted so future pipelines will cross at a substantially right angle to the street.
- e.** The Final Plat shall show easements for future gas and oil well pipelines that are a minimum of 30 feet wide.