

ARTICLE III. DISTRICT STANDARDS

DIVISION 28. MIXED USE DEVELOPMENT DISTRICT

Sec. 3300. Purpose.

The purposes of the Mixed Use Development (MXD) District are as follows:

- (a) Providing a flexible tool for developing a mix of land uses that are consistent with the Town's Comprehensive Plan, while protecting adjacent residentially zoned property from adverse impacts.*
- (b) Facilitating and promoting mixed-use developments that are transit-oriented as well as pedestrian friendly.*
- (c) Promoting investment -- consistent with the Comprehensive Plan and compatible with the character and quality of adjacent parcels -- in locations where investment is otherwise impeded due to small lot sizes, inefficient shape of the property, the shallow depth of the property on the primary street frontage, existing underutilized development, or development that exhibits functional obsolescence.*
- (d) Facilitating a diversity of housing types.*
- (e) Creating vibrant public spaces through the use of pedestrian-oriented design principles and enhanced aesthetic design of buildings and structures.*

Sec. 3301. Permitted Uses.

- (a) The following uses and structures are permitted by right, subject to all other applicable requirements contained in the Zoning Ordinance:*

*Residential
Multi-family Dwelling
Single-family, Attached
Townhouse
Two-family Dwelling
Home Occupation*

Civic *

Administrative Services
Community Recreation
Cultural Services
Day Care Center
Home for Adults
Life Care Facility
Nursing Home
Open Space
Post Office
Public Parks and Recreational Areas
Public Recreation Assembly
Religious Assembly
Safety Services
Shelter
Utility Services, Minor

Office *

Financial Institutions (without drive-through)
General Office
Medical Office

Commercial*

Automobile Renting/Leasing
Automobile Parts/Supply
Brewpub
Clinic
Commercial Indoor Entertainment
Communication Services
Consumer Repair Services
Hotel/Motel
Neighborhood Convenience Store
Outdoor Display (pursuant to sub-section 3302)
Parking Facility
Personal Improvement Services
Personal Services
Restaurant, Fast Food
Restaurant, General
Restaurant, Small
Retail Sales
Specialty Shop
Studio, Fine Arts
Veterinary Hospital/Clinic

Miscellaneous
Accessory Structures

**Without external speakers only. Any use that incorporates an external speaker may be permitted only with a special use permit.*

(b) *The following uses may be allowed with a Special Use Permit:*

Residential
Single-family, detached

Civic
Club
Educational Facilities, Primary/Secondary
Educational Facilities, College/University
Lighting, public park and recreation area field
Public Assembly
Utility Services, Major

Office
Outpatient Substance Abuse Treatment Center
Financial Institutions (with drive-through)

Commercial
Automobile Repair
Bed & Breakfast
Business Support Services
Car Wash
Commercial Indoor Sports and Recreation
Funeral Home
Gasoline Station
Grocery Store
Itinerant Vendor
Pawn Shop
Restaurant, Drive-in
Retail Sales, Large Format

Miscellaneous
Broadcasting and Communication Facility
Laboratory
Research & Development

Sec. 3302. Site Development Standards.

(a) *Minimum lot size: None.*

- (b) *Minimum street frontage: 30 feet.*
- (c) *No setbacks are required for structures with elevations facing inward to another use or common area within the same MXD Development. Setbacks for structures with elevations facing an abutting public road (excluding alleys) shall be as follows:*

(1) *Existing or Designated Local Street*

- a. *Front: None*
b. *Side: None*
c. *Rear: None*

(2) *Existing or Designated Collector Street*

- a. *Front: 10 feet*
b. *Side: None; provided that with corner lots, a side yard facing the street shall be 5 feet*
c. *Rear: None*

(3) *Existing or Designated Arterial Street*

- a. *Front: 10 feet*
b. *Side: None; provided that with corner lots, a side yard facing the street shall be 5 feet*
c. *Rear: None*

(d) *Maximum Residential Density: 48 bedrooms per acre in the MXD Development. This density shall be calculated by multiplying the total MXD Development area (encompassed by the project boundaries exclusive of any public rights-of-way existing at the time the site development plan is submitted) by the number of bedrooms permitted per acre.*

(e) *Maximum Lot Coverage: None.*

(f) *Maximum MXD Development Coverage: Eighty-five percent (85%) of the total MXD Development area.*

(g) *Maximum Structure Height: 60 feet; provided that when a building abuts a RR-1, RR-2, R-4, R-5, OTR, RM-27, RM-48 or a PR zoning district boundary, its height shall not exceed the base maximum height permitted in the abutted zoning district by more than ten (10) feet for any part of a structure within 100 feet of the abutted district. When a public right-of-way abuts a MXD Development area, one half of the width of this right-of-way shall be included in the 100 foot dimension when calculating maximum building height for the area abutting the right-of-way.*

(h) Automobile/vehicle entrances shall be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on the surrounding area. A maximum of two curb cuts shall be allowed per street frontage of any lot. Factors including the number of existing curb cuts in the area, the potential for increased traffic hazards and congestion, and the number of travel lanes of the street that serves the site shall be used to determine the number of curb cuts permitted.

(i) All utility lines (electric, telephone, cable television lines, etc.) shall be placed underground.

(j) The gross residential floor area in any MXD Development shall be no less than a minimum of ten percent (10%) and no greater than a maximum of seventy-five percent (75%) of gross floor area within the MXD Development.

(k) The maximum dwelling unit occupancy shall be a family, plus two persons unrelated to the family; or no more than four unrelated persons.

(l) If the MXD Development is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management, utilities, and other public improvements to serve that phase of development. Each phase shall be provided with temporary and/or permanent transitional features, buffers, or protective areas to prevent adverse impact on completed phases, future phases, and adjoining property. Open space areas shall be reasonably proportioned in each phase of the project. Provision of recreational area and construction of any recreation facilities shall be required to meet the residential component of each phase. Each site plan or subdivision phase shall incorporate a statistical record of requirements of the overall MXD Development, as provided in prior approved phases, and provided within the subject phase. Such statistical information shall address the following:

- (1) Open space;
- (2) Parking;
- (3) Recreation space;
- (4) Landscaping; and
- (5) Lot coverage

Sec. 3303. Additional Site Development Standards.

(a) A minimum of ten percent (10%) of the MXD Development gross land area shall be reserved as open space. Land devoted to extensions/connections to greenways and pocket parks or pedestrian plazas that are at least 300 sq. ft. in area shall count towards open space.

(b) A specific recreational activity area or areas shall be developed and maintained for the residents of the MXD Development that may be part of the required open space, site facility or interior to buildings. This recreational activity area shall be a minimum of five percent (5%) of the residential gross floor area in the MXD Development. Such recreational area shall be

provided within one thousand (1,000) feet of the residences served. This distance shall be measured from the closest point of the building housing the residential dwelling units to the recreational activity area via the shortest, straight-line distance. The recreational area shall be developed and maintained as follows:

(1) The location, shape, slope, and condition of land shall be suitable for a specific recreational activity;

(2) The amount of land devoted to recreation shall be a function of the population to be served. Consideration shall be given to the size of the development, number and characteristics of expected residents, proximity to other available recreational facilities, topography, and natural features on the site; and

(3) An indoor recreational area may be used as a specific recreational activity area, but shall not be considered as part of the open space required.

(c) Street Connectivity and Circulation. In MXD Developments, street connectivity and circulation shall be provided as follows:

(1) Adjacent commercial uses that generate 100 trips or more per day according to the Institute of Transportation Engineer's Trip Generation Manual shall provide a cross access drive(s) to allow circulation within the Mixed Use Development and between the Mixed Use Development and adjacent non-residential or Mixed Use Development sites. The administrator may modify or waive the requirements of this sub-section where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical.

(2) A system of joint use driveways and cross access easements shall be established along all streets designated as "collector" or greater and the building site shall incorporate one or more of the following:

a. Service drive connections or cross access corridors between Mixed Use Developments and adjacent sites preferably visible from the street; a design speed of 10 mph and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles;

b. Stub-outs and other design features to show that the abutting properties may be tied in to provide cross-access via a service drive; and

c. A unified access and circulation system plan that includes coordinated or shared parking areas is required where practicable.

(3) To implement this sub-section, applicants for a building permit or site plan shall do the following:

a. Record an easement allowing cross access between properties served by the joint use driveways and cross access or service drive; and

b. Pedestrian paths and sidewalks shall be connected with all building entrances, with each other and with public rights-of-way in a manner that is direct and convenient for the pedestrian. Pedestrian and bike paths for a MXD Development shall allow for residents of surrounding residential neighborhoods to access the Development without requiring travel along a major thoroughfare.

(d) Pedestrian Amenities and Transit Facilities.

(1) General Pedestrian Amenities. Each new structure and every expansion to an existing building shall provide pedestrian amenities located to serve the subject structure, as specified herein. The number of general pedestrian amenities provided shall comply with the following schedule:

Size of Structure in Gross Floor Area	Number of Amenities
<5,000 sq. ft	1
5,000 – 10,000 sq. ft	2
10,000 – 50,000 sq. ft.	3
>50,000 sq. ft.	4

Acceptable pedestrian amenities include the following:

- a. A public outdoor seating plaza adjacent to or visible and accessible from the street (minimum useable area of 300 square feet);
- b. Installation of street trees that exceed the minimum caliper requirement or minimum height requirement by twenty-five percent (25%);
- c. Public art including but not limited to sculptures, fountains, or clocks with a value equal to or greater than one percent (1%) of construction value of the structure;
- d. Pocket parks with a minimum usable area of 300 square feet;
- e. Transit facilities; or
- f. Similar pedestrian amenities as determined by the administrator in considering the characteristics of the proposed development.

(2) Transit Facilities. In addition to general pedestrian amenities, any MXD Development with gross floor area in excess of 75,000 square feet shall provide a transit shelter immediately served by either a publicly dedicated bus pull-in lane in the adjacent right of way or an internal road with a turn-around area meeting the minimum dimensional requirements of Section 5-309 of the Subdivision Ordinance. At least one such transit facility shall be located so that no occupiable structure's main entrance is more than 1,250 feet away as measured along an improved walking path. If transit

shelters already exist in conformity with these requirements at the time of site plan approval, new shelters shall not be required. If transit stops already exist in conformity with these requirements but no shelter exists, a shelter shall be provided at the existing stop.

Sec. 3304. Outdoor Display.

The outdoor display of merchandise for sale shall comply with the following requirements:

(a) Outdoor display of merchandise for sale shall be accessory and limited to products that are customarily associated with the operation of the principal business located on the premises and conducted by employees of such principal business. There shall be no outdoor display of merchandise for sale by any person or entity operating or conducting a business that is different or distinct from the principal business;

(b) The outdoor display area shall not be located in areas intended for traffic and pedestrian circulation or parking as identified on the approved site development plan; and,

(c) Any proposed outdoor display area(s) shall be approved by the administrator as part of a Site Development Plan Review.

Sec. 3305. Building Design Standards.

In addition to the other regulations set forth in this Division, the building design standards set forth in this Section shall apply to the exterior appearance and design of all new construction and exterior building renovations in the MXD District.

(a) To the extent possible, new buildings in a MXD Development should be oriented toward both adjacent and internal streets in a manner that addresses both streets and pedestrian areas along those streets.

(b) Each principal structure shall have at least one street or major access oriented entrance which serves as a major entrance for the structure. For the purposes of this section, loading docks, service entries and similar entries shall not be considered to be major entries.

(1) If any public road-facing elevation of a principal structure does not contain a major entrance as described above, a minimum 20 foot perimeter landscaping bed shall be provided immediately adjacent to the public road.

(2) Specifications for the perimeter landscaping bed are as follows:

a. Plantings within this area shall include trees located no more than 18 feet on center and vegetative ground cover.

b. Berms may be used in addition to, but not instead of plantings.

c. If the structure is 100 feet or less from the public street, the planting bed shall be at least as long as and centered (as much as practical) on an orthographic projection of the structure perpendicular to the subject right-of-way.

d. If the structure is more than 100 feet from the public street, the planting bed shall be at least twice as long as and centered (as much as practical) on an orthographic projection of the structure perpendicular to the subject right-of-way.

e. Drives serving the Mixed Use Development may be placed through the planting bed only when impractical to avoid the planting bed.

(c) It is the intent of this section to avoid MXD Developments with long or tall monotonous façade designs including, but not limited to, those characterized by unrelieved repetition of shape or form or by unbroken extension of line. Each façade, other than that area regulated by sub-sections below, shall have no more than 30 feet of contiguous horizontal wall length devoid of transparent windows on any floor, unless that length of wall includes architectural features such as piers, columns, defined bays, or other planer change of the building, so that scale, rhythm, and visual interest are created. However, compliance with this requirement is not required for walls that meet the following criteria:

(1) Two walls face one another, are separated by not more than thirty (30) feet and the space between the two walls is used for servicing the buildings; or,

(2) The wall faces an area devoted solely to loading and delivery and is screened from view from all public rights-of-way, parking areas and abutting residential areas.

(d) Building entrances, not including service entrances, shall be clearly defined by a building projection or recess, or accented by a sheltering element such as an awning, overhang, arcade, or portico.

(e) All roof-top equipment shall be screened in building materials that match the structure or which are visually compatible with the structure.

ARTICLE IV. USE AND DESIGN STANDARDS

Sec. 4216. Multi-family dwelling.

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- (6) Except in the Downtown Commercial District *and the MXD District*, for any development of twenty or more bedrooms, a minimum of twenty percent of the gross land area shall be reserved as open space. A specific recreational activity area or areas shall be developed and maintained for the residents of the development as part of this open space, as follows:

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Sec. 4231. Townhouse.

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- (11) *Except in the MXD District*, for any development of five or more townhouses a minimum of twenty percent of the gross land area shall be reserved as open space for community recreation use. A specific recreational activity area or areas shall be developed and maintained for the residents of the development as part of this open space, as follows:

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Sec. 4241. Two-family dwellings.

- (a) General standards:

- (1) *Except in the MXD District*, the principal orientation of each residential unit shall be parallel to the street it faces. The street elevation of each residential unit shall have at least one (1) street oriented entrance, and contain the principal windows of the unit.

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- (3) *Except in the MXD District*, for any development of five (5) or more two (2) family attached dwellings, a minimum of twenty (20) percent of the gross land area shall be reserved as open space for community recreation use.

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- (6) A subdivision plat shall be submitted with the site development plan or with the Special Use Permit application, where individual attached units are to be

constructed on individual lots. The subdivision plat shall meet the standards of the subdivision ordinance, except the dedication of park land shall not be required *in the MXD District or when twenty (20) percent of the area is reserved as open space per subsection (3), above.*

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Sec. 4308. Community recreation.

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(2) Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4309. Cultural services.

(c) Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4310. Day care center.

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(e) Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4313. Education facilities.

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(d) Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4319. Home for adults.

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(d) Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4321. Life care facility.

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(d) Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4326. Nursing home.

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(c) Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4331. Post office.

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(c) Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4331.1. Public assembly.

(1) Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4338. Religious assembly.

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(d) Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4339. Safety services.

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(c) Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4341. Shelter.

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(d) Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4350. Utility services, major.

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(h) Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4410. Financial institutions.

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(f) Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4420. General office.

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(d) Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4430. Medical office.

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(e) Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4510. Automobile rental/leasing.

(a) The exterior display or storage of new or used automobile parts is prohibited.

(b) Additional standards in the GC and *MXD* zoning districts: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning

Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances

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Sec. 4511. Automobile parts/supply, retail.

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(c) Additional standards in the GC and MXD zoning districts: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4512. Bed and breakfast.

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(c) Additional standards in the MXD, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The planning commission or the zoning administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Section 4514. Business support services.

Standards in the GC and MXD zoning districts: Parking shall be located behind the front line of the principal building. The planning commission or the zoning administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4521. Clinic.

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(e) Additional standards in the MXD, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4521.1. Commercial indoor entertainment.

Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4521.3 Commercial indoor sports and recreation.

Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4521.4. Communication services.

Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4528.1. Grocery store.

Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4528.2. Hotel/motel.

Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4542. Neighborhood convenience store.

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(c) Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4546. Personal services.

Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4552. Restaurant, drive-in.

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(b) Additional standards in the GC and *MXD* zoning districts: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4552.1. Restaurant, fast food.

Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

Sec. 4553. Restaurant, general.

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(b) Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

Sec. 4555. Restaurant, small.

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(d) Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

Sec. 4559. Retail sales.

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(c) Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4561. Specialty shop.

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(c) Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

Sec. 4564. Studio, fine arts.

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(d) Additional standards in the *MXD*, DC and GC zoning district: Parking shall be located behind the front line of the principal building. The Planning Commission or the Zoning Administrator may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.

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Sec. 4703. Accessory uses & structures.

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(c) Additional standards in the DC, GC, PC, RD, IN, *MXD*, and O districts:

(1) Accessory structures shall be allowed only on the same lot as the principal use or structure, or adjacent lot under common ownership, provided that access is from the lot on which the principal use or structure is located.

(2) Setbacks for accessory structures shall meet the setbacks of the underlying zoning district.

(3) Accessory structures shall have the same roof pitch and exterior materials as the primary structure.

Sec. 5310. Buffer yards--General standards.

(i) Buffer yard dimensions and screening requirements shall be provided as detailed in the chart below:

TABLE INSET:

Abutting District (Higher intensity; where buffer is to be located)	<i>Abutted District (Lower intensity to be protected)</i>					
	RR1, RR2, R-4, R-5, OTR, PR	RM-27, RM-48, PMH	O	DC, GC, PC, RD	I, PIN	<i>MXD</i>
RR1, RR2, R-4, R-5, OTR, PR	N/A	N/A	N/A	N/A	N/A	N/A
RM-27, RM-48, PMH	B	N/A	N/A	N/A	N/A	N/A
O	B	A	N/A	N/A	N/A	N/A
DC, GC, PC, RD	C	B	N/A	N/A	N/A	C
I, PIN	D	C	C	C	N/A	D
<i>MXD</i>	<i>C when abutting RR1, RR2, or R-4. B when abutting R-5, OTR or PR.</i>	B	A	<i>A when abutting RD</i>	N/A	N/A

TABLE INSET:

Buffer Yards	Architectural	Vegetative
A	4' screen 10' buffer yard small evergreen trees	20' buffer yard, Small evergreen trees and one row small evergreen shrubs
B	6' screen 15' buffer yard Small evergreen trees	30' buffer yard, small evergreen trees, and one row evergreen shrub
C	6' screen 25' buffer yard Large and small evergreen trees	50' buffer yard, large evergreen trees, small evergreen trees, and one row of evergreen shrub
D	8' screen 30' buffer yard Large deciduous and large evergreen trees	60' buffer yard, large evergreen trees, small evergreen trees, and one row of evergreen shrubs

Sec. 5426. Canopy coverage requirements.

(a) Trees shall be provided within the limits of construction to the extent that at twenty years from the date of planting, tree canopies or covers will provide at least the following minimums:

TABLE INSET:

<u>Zoning District</u>	<u>Tree Canopy</u>
RR-1	20%
R-4, R-5	20%
OTR	20%
RM-27, RM-48	10%
GC, O, IN, R&D, <i>MXD</i>	10%
Planned Districts	Per Uses Above

Sec. 5537. Mixed Use District

(a) A maximum of three signs plus three directional signs per lot is permitted in the MXD District.

(b) Notwithstanding the foregoing, a maximum of two signs is permitted per establishment in a multi-establishment building, and a maximum of two signs is permitted per single-establishment building on a multi-building lot.

(c) Of the maximum number of signs permitted in subparagraph (a) above, a maximum of one sign may be a freestanding monument sign, provided the lot contains a minimum of 75 feet of frontage on a public street.

(d) In the total MXD Development, one freestanding identification sign shall be allowed announcing the name of the MXD Development and may include a listing of the tenants. The size of this sign shall be limited to 50 square feet.

(e) The following regulations apply in the MXD Zoning District:

TABLE INSET:

Type of Sign	Business	Directional	Identification (When Allowed)
Maximum size of Signage in Square Feet	8% of each building facade, up to a maximum 120 square feet on each facade. Of the total business square footage allowed, the following square footage may be a freestanding monument sign: 0 to 75 foot frontage = 0; 75 to 150 foot frontage = 35 square feet; greater than 150 foot frontage = 40 square feet	3 square feet	50 square feet (not deducted from business signage allowance)
Maximum Height of Freestanding monument signs	8 feet	4 feet	8 feet

Sec. 5601. Standards.

* * *

(d) Poles supporting lights shall be no taller than twenty feet in a residential district, twenty five feet in a commercial or office district or a commercial part of a planned development residential district, *twenty five feet in a MXD Development district (regardless of use)*, and thirty feet in any industrial district.

* * *

Sec. 5719. Alleys.

(a) Use of alleys for ingress and egress to other than single unit residential use shall require a special use permit in all zoning districts; *provided, however, that the use of alleys internal to a MXD district for ingress and egress shall be by right.*

* * *

BE IT FURTHER ORDAINED that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance.

Mayor

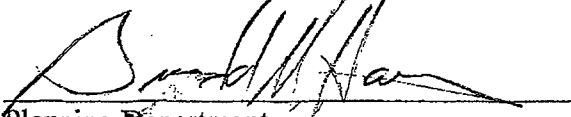
ATTEST:

Town Clerk

1st Reading: _____

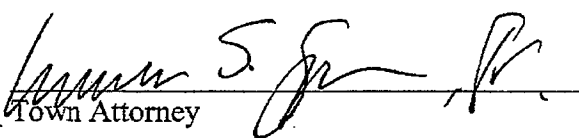
2nd Reading & Adoption: _____

APPROVED AS TO CONTENT



Planning Department

APPROVED AS TO LEGAL SUFFICIENCY



Town Attorney