

Schedule C

Title: ZONING ORDINANCE TEXT AMENDMENT AND ZONING ORDINANCE MAP AMENDMENT TO CREATE NEW COMMERCIAL GATEWAY CORRIDORS DISTRICT

Section 1. - Definitions [To be integrated alphabetically]

"Affordable housing." The term "affordable housing," "affordable rental housing" or "housing affordable to rental households" is housing that costs no more than 30 percent of household income for rent and utilities, for households earning 60% or less of area median income. Unless otherwise specified by funding sources, or other agreement made with the City of New Haven, deed restricted units shall remain affordable for a period of 40 years after following issuance of the last certificate of occupancy for the qualifying development. In multi-phased qualifying developments, the period of affordability may begin upon issuance of the last certificate of occupancy for each phase, at the discretion of the Affordable Housing Commission.

"Area Median Income." The term "area median income or "AMI" is the household income for the median household, according to the U.S. Department of Housing and Urban Development (HUD), calculated annually for the City of New Haven.

"Green Stormwater Infrastructure." Green Stormwater Infrastructure includes a range of soil-water-plant systems that intercept stormwater, infiltrate a portion of it into the ground, and transfer a portion of it into the air through evapotranspiration.

"Ecoroof." An "ecoroof" or "green roof" is an installation on the roof of a building consisting of a layer of vegetation over a growing medium or substrate on top of a synthetic, waterproof membrane. It is a lightweight system of growing media or substrate and vegetation designed to be as self-sustaining as possible. It cannot be counted toward usable open space.

"Net Zero." Net zero refers to zero net energy consumption, meaning the total amount of energy used by a building(s) on an annual basis is roughly equal to the amount of renewable energy created on the site.

"LEED" means the series of Leadership in Energy and Environmental Design (LEED) rating systems developed by the Green Building Council.

"LEED accredited professional" means any person who has passed the LEED Professional Accreditation Exam administered by the Green Building Council.

"LEED certified-level" means the lowest level of the LEED rating systems.

"LEED gold rating" means the second highest level of the LEED rating systems.

"LEED platinum rating" means the highest level of the LEED rating systems.

"LEED rating system" means the particular LEED rating system that applies to a building.

"LEED scorecard" means the checklist developed by the Green Building Council for the purpose of calculating a score on the LEED rating system.

"LEED silver rating" means the second lowest level of the LEED rating systems.

"Permeable" or "pervious" refers to surfaces which allow for the percolation of water into the underlying soil. Permeable surfaces include but are not limited to grass, mulched groundcover, planted areas, permeable paving as well as porches and decks erected on pier foundations that maintain the covered lot surface's water permeability. Pervious surfaces do not include any structure or building, any porch or deck that limits the covered lot surface from absorbing water, or any outdoor stairs, on-grade surface sports court, swimming pool, artificial turf, sidewalk or patio constructed of concrete, asphalt, brick, compacted gravel or other material that impedes the infiltration of water directly into the subsurface of the lot.

Section 41 – Description and purpose of business and industrial districts. [To be integrated into the existing Section alphabetically.

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Commercial Gateway Districts. The purpose of the Commercial Gateway District (CGD) is to encourage the development of a complementary mixture of appropriately intensive commercial and higher-density residential land uses that serve as strong gateways to Downtown. CGDs are intended to be pedestrian-friendly, livable, urban neighborhoods that link to Downtown and provide a transition to surrounding lower-density residential uses. Specifically, regulations for CGDs seek to foster the revitalization of historic commercial corridors; encourage private investment; encourage the development of safe, efficient, user-friendly pedestrian, bike and transit systems; and, improve the functional and visual quality of development.

CGDs are intended to spur innovative and sustainable development of complementary, transit-supportive residential and commercial uses. The scale and density enable housing for households with diverse incomes, and employment opportunities. New development will be designed to foster street-level activity through land use, site and building layout, and the provision of pedestrian amenities and improvements that create an inviting, safe and vibrant sense of place. Parking will be sufficient to accommodate residents and employers but will not detract from transit use or the pedestrian realm.

The following sub-districts of the CGD zone are established to enable unique design standards within distinct CGD zones.

CGD – Dixwell Ave.: This sub-district extends from the intersection of Tower Parkway and Dixwell Avenue north along Dixwell Avenue to the intersection of Munson Street and

Dixwell Avenue. It includes all parcels in the specified corridor that abut Dixwell Avenue and between Dixwell Avenue and Goffe Street as shown on the Zoning Map. It is the intent and vision of this sub-district to spur the redevelopment of this area, providing a vibrant and accessible environment for people to live, work, and play.

CGD - Grand Ave.: This sub-district extends from the intersection of Olive Street and Grand Avenue east along Grand Avenue to the intersection of Hamilton Street and Grand Avenue. It includes all parcels that abut Grand Avenue in the specified corridor. It is the intent and vision of this sub-district to encourage the development of the public realm among the narrow alleyway that characterize the current sub-district and discourage parking in the side yards of lots.

CGD – Whalley Ave.: This sub-district extends from the intersection of Howe Street and Whalley Avenue north along Whalley Avenue to the intersection of Pendleton Street and Whalley Avenue. It includes all parcels in the specified corridor that abut Whalley Avenue and those between Whalley Avenue and Goffe Street as shown on the Zoning Map. In 2019, Whalley Ave. is a wide boulevard dominated by automobiles and automobile-centric uses. It is the intent and vision of this sub-district to create a continuous building wall with diverse uses, and to improve the public realm for pedestrians, bike and transit users through redevelopment and infill.

Uses [To be integrated into Section 42.1; Table 3, Use Table, attached.]

Section 43. – Bulk, yard **and density** regulations for business and industrial districts. [To be integrated into the existing Section 43.]

(a) *Definitions.*

FLOOR AREA RATIO (FAR): The ratio of the **gross floor area** to the **principal building** or **principal buildings** on a **lot** to the total **lot area**. In calculating FAR, the **gross floor area** of a parking structure shall not be included.

(b) *Maximum FAR.*

(1) The maximum **FAR** permitted in the district(s) specified shall not exceed the following:

FAR	Zoning District
2.0	BA, BA-1, BB, BC and IM
3.0	IL, <u>CGD***</u>
4.0	IH
6.0	BD, BD-1**, BD-2*, BD-3 and BE
<p>*Where a lot in a BD-2 District abuts a residence district along a rear or side lot line, the maximum permitted FAR is 2.5.</p> <p>** Where a lot in a BD-1 District abuts an RS-1, RS-2, RM-1 or RM-2 Residence District, the maximum permitted FAR is 3.0.</p> <p><u>*** In the CGD, the maximum permitted FAR can be increased to 4.5 by utilizing strategies to improve site sustainability. See section 43(b)(2).</u></p>	

(2) *FAR Bonuses in CGD*

In the CGD, the maximum permitted FAR can be increased up to 4.5 through incorporation of strategies to improve site sustainability. The following sustainability strategies can be converted into points, with each point worth a 0.1 increase in FAR. A memo detailing what strategies are employed shall be include in the site plan submission.

<u>Sustainability Strategies</u>		<u>Points</u>
<u>1. Leadership in Energy and Environmental Design (LEED) Scorecard. Other nationally recognized rating systems may be accepted at the discretion of the Director of City Plan.</u>		
<u>1.a</u>	<u>Scorecard indicating LEED Certification rating signed by a LEED accredited professional.</u>	<u>1</u>
<u>1.b</u>	<u>Scorecard indicating LEED Silver rating signed by a LEED accredited professional.</u>	<u>2</u>
<u>1.c</u>	<u>Scorecard indicating LEED Gold rating signed by a LEED accredited professional.</u>	<u>3</u>
<u>1.d</u>	<u>Scorecard indicating LEED Platinum rating signed by a LEED accredited professional.</u>	<u>4</u>

<u>2. On-Site Energy Generation</u>		
<u>2.a</u>	<u>At least 25% of energy use is generated from on-site renewable sources.</u>	<u>1</u>
<u>2.b</u>	<u>At least 50% of energy use is generated from on-site renewable sources.</u>	<u>2</u>
<u>2.c</u>	<u>75% or more of energy use is generated from on-site renewable sources.</u>	<u>3</u>
<u>2.d</u>	<u>The site has net zero energy impact.</u>	<u>4</u>
<u>3. Rainwater</u>		
<u>All vegetation used in strategies 3a-3c must use at least 50% Native Plants.</u>		
<u>The Zoning Administrator can update payment-in-lieu options as needed to remain consistent with Green Infrastructure construction costs.</u>		
<u>3.a</u>	<u>Retention</u>	
<u>3.a-1</u>	<u>Retaining 10%-30% of anticipated runoff generated by the 10-year 24-hour storm, as defined by NOAA.</u>	<u>1</u>
<u>3.a-2</u>	<u>Retaining 30%-60% of anticipated runoff generated by 10-year 24-hour storm, as defined by NOAA.</u>	<u>2</u>
<u>3.a-3</u>	<u>Retaining more than 60% of anticipated runoff generated by the 10-year 24-hour storm, as defined by NOAA.</u>	<u>3</u>
<u>3.b</u>	<u>Green Stormwater Infrastructure</u>	
<u>3.b-1</u>	<u>Green stormwater infrastructure is used to capture 30% - 60% of runoff retained in Section 3.a</u>	<u>1</u>
<u>3.b-2</u>	<u>Green stormwater infrastructure is used to capture over 60% of runoff retained in Section 3.a</u>	<u>2</u>
<u>3.c</u>	<u>Ecoroofs</u>	
<u>3.c-1</u>	<u>30-60% of roof area is an ecoroof.</u>	<u>1</u>
<u>3.c-2</u>	<u>60% or greater of roof area is an ecoroof.</u>	<u>2</u>
<u>3.d</u>	<u>Payment-in-lieu</u>	
<u>3.d-1</u>	<u>For sites where the retention or infiltration strategies enumerated in Sections 3.a – 3.c above are not feasible, a one-time payment-in-lieu of \$6 per cubic foot of runoff generated by the proposed structure and site during a 1-year, 6-hour storm as defined by NOAA.</u>	<u>1</u>
<u>3.d-2</u>	<u>For sites where the retention or infiltration strategies enumerated in Sections 3.a – 3.c above are not feasible, a one-time payment-in-lieu of \$9 per cubic foot of runoff generated by the proposed structure and site during a 1-year, 6-hour storm as defined by NOAA.</u>	<u>2</u>
<u>3.d-3</u>	<u>For sites where the retention or infiltration strategies enumerated in Sections 3.a – 3.c above are not feasible, a one-time payment-in-lieu of \$12 per cubic foot of runoff generated by the proposed structure and site during a 1-year, 6-hour storm as defined by NOAA.</u>	<u>3</u>
<u>4. Building Reuse</u>		
<u>The following strategies are mutually exclusive. To be met to the satisfaction of the Director of City Plan.</u>		
<u>4.a</u>	<u>Exterior design of new development is compatible with adjacent neighborhood fabric, built more than 50 years ago, including the use of similar window and door sizes, cladding materials, bays, and other primary</u>	<u>1</u>

	<u>structure elements, as approved by the Director of City Plan or demonstrated by a design preservation professional.</u>	
<u>4.b</u>	<u>At least 75% of street facing building facades, from structures built more than 50 years ago, are restored and integrated into the new development, in accordance with the standards recommended by the Secretary of the Interior Standards for Treatment of Historic Properties.</u>	<u>2</u>
<u>4.c</u>	<u>Existing building shell(s) constructed more than 50 years ago is restored and retained for a redevelopment, in accordance with the standards recommended by the Secretary of the Interior Standards for Treatment of Historic Properties.</u>	<u>3</u>
5. Other		
<u>5.a</u>	<u>Outdoor space is dedicated to food production to the satisfaction of the Director of City Plan (e.g. community gardens in Privately Owned Public Space 43(l)(4)).</u>	<u>1</u>
<u>5.b</u>	<u>Construct primary structures out of Cross Laminated Timber (CLT) or mass timber or other sustainable building materials.</u>	<u>2</u>
<u>5.c</u>	<u>To continue to encourage sustainable innovation, other sustainability initiatives may be considered, and points assigned by Department staff and approved by the Commission.</u>	<u>TBD</u>

(3) *Reserved*

Section 43. - Bulk and yard regulations for business and industrial districts. [To be integrated into Section 43(c) renumbering current subsections c-k]

43(c) CGD Residential Density. The following residential density requirements apply only to CGD zones and supersede those requirements specified in Section 42.

(1) For mixed-use or residential developments, a minimum total residential density of 35 units per acre must be achieved for sites wholly or partially located within a ¼ mile radius of a designated, fixed route transit stop under the 2019 Moe New Haven Plan. For all other mixed-use developments within a CGD, a minimum residential density of 25 units per acre must be achieved.

(2) For any new residential or mixed-use development containing more than nine residential units, at least 10% of the residential units must be designated as affordable housing.

a. Unless otherwise required by low-income housing funding sources, the allocation of unit types (bedrooms/unit) for the required affordable units shall be proportional to the unit types of the whole building.

b. Affordable units shall be distributed proportionally throughout a development and phases (if applicable) and appropriately designed and integrated with market-rate units.

c. Developments providing additional affordable housing units, above and beyond the required 10% may increase the residential unit density, in accordance with the table below. If the number of units resulting from this calculation include less than a whole unit, the number of units is rounded up the nearest whole unit.

Residential Unit Density Incentives		
<u>% of Additional Total Units Designated Affordable for 50% - 60% AMI</u>	<u>% of Additional Total Units Designated Affordable for less than 50% AMI</u>	<u>Average Gross Floor Area Per Dwelling Unit</u>
<u>At least 10%</u>	<u>At least 5%</u>	<u>825 sq ft</u>
<u>At least 20%</u>	<u>At least 15%</u>	<u>750 sq ft</u>
<u>At least 30%</u>	<u>At least 25%</u>	<u>575 sq ft</u>

For example, a proposed 50,000 square foot residential building, may have up to 50 units, of which 5 must be affordable to households at 60% AMI. However, using the incentives described above, the same proposed 50,000 square foot building may have up to 66 residential units (average unit size of 750 sq ft), provided at least 20 units are affordable to households at 50% - 60% AMI, or 6 units are affordable to households at 60% AMI and another 10 are affordable to households at less than 50% AMI – for a total of 16 affordable units.

c. An affordable housing plan must be submitted to the New Haven's Affordable Housing Commission with site plan application.

(e)(d) **Maximum building height.**

- (1) Except as provided in subsections 43(d)(2), (3), (4), (5), (6), (7), (8), (9), (10) there shall be no direct limit on **building height** in any business, or industrial district (although indirect limits may be produced by **floor area ratio** and other requirements).
- (2) In the Business C zone, the maximum average **building height** shall be 35 feet.
- (3) No building in a Business D-2 District shall exceed 200 feet above average finished lot grade provided a building shall be entitled ten feet of additional height if such building is registered as a Leadership in Energy and Environmental Design (LEED)-certified building for new commercial construction and major renovation projects, as established by the United States Green Building Council, or an equivalent standard, and the owner or applicant certifies its good faith intent to achieve such standard.

- (4) In the BA-1, the maximum building height shall be 45 feet. Buildings shall also have a minimum of two stories and a minimum building height of 25 feet.
- (5) In the BA-2, buildings shall have a maximum of four stories and a maximum building height of 50 feet. Buildings shall also have a minimum of two stories and a minimum building height of 25 feet, provided that the enlargement, expansion or extension of an existing one-story structure shall not be considered an increase in non-conformity for the purposes of Section 67(d).
- (6) In the CGDs, primary buildings shall have a minimum of two stories and a minimum building height of 25 feet, provided however, that the following shall not be considered an increase in non-conformity for the purposes of Section 67(d): (a) The enlargement, expansion or extension of an existing one-story structure; and (b) Additions that are less than 25% of the existing floor area of the structure.
- ~~(6)~~ (7) In the BD-3 District, if the **average height** of a **principal building** exceeds 100 feet above **average finished lot grade** and if any portion of the **principal building** has frontage on College, Temple, Church, or Orange Streets or on Church Street South (between Columbus Avenue and South Frontage Road) Lafayette Street, Washington Avenue or Congress Avenue, then one 15-foot stepback of the upper levels of the **building** shall be required on the façade that fronts on such street, commencing no later than the point at which the **height** of the **building** is the same as the total of the width of the **street** that the **building** fronts on. The depth of the stepback need not be uniform, provided that at one point, the stepback is 15 feet from the front of the **building** façade at the floor immediately below the floor at which the stepback begins, and provided further, that the depth of the stepback area on the roof of the floor below the floor at which the stepback begins must be at least 250 square feet. If the **principal building** fronts on more than one such street, then only one stepback shall be required. (See Figure 43.1)
- ~~(7)~~ (8) Where a lot in a BD-1 District abuts property in an RS-1, RS-2, RM-1 or RM-2 Residential District, a maximum building or structure height of 70 feet is permitted.
- (9) In the CGD, the maximum **building height** shall be 75 feet. Building heights greater than 75 feet are permitted by Special Permit.
- (10) In the CGD - Grand Avenue District, if the **average height** of a **principal building abutting (or within 5 feet of) a sidewalk** exceeds 4 stories, then one 5-foot stepback of the levels above the fourth story of the **building** shall be required on the façade that fronts on the street. The depth of the stepback need not be uniform, provided that the stepback is never less than 5 feet from the front of the **building** façade, and provided further, that the area of the stepback area on the roof of the floor below the floor at which the stepback begins must be at least 100 square feet. If the **principal building** fronts on more than one such street, then only one stepback shall be required (preferably on the façade along Grand Avenue). (See Figure 43.1)

~~(10)~~ (11) On any lot located in a BD-3 District located south of South Frontage Road, Rte. 34, except for lots:

- a. directly abutting South Frontage Road. Rte. 34; or
 - b. directly abutting Church Street South between Columbus Avenue and South Frontage Road, or
 - c. directly abutting Lafayette Street, or
 - d. directly abutting Washington Avenue or Congress Avenue between Lafayette and Liberty Streets:
- a maximum **building height** of 70 feet is permitted.

(12) Exceptions. Ecoroofs, roof decks, roof gardens, roof accesses, mechanical floors, and related structures shall not be counted in building height limits.

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~~43(f)~~ (g) Yard Regulations. The following requirements shall apply in all business or industrial districts except for BD, BD-1, ~~and~~ BD-3, and CGD Districts (see subsection 43~~(f)~~(g)(4) and 43(g)(5)), the BA-1 District (see subsection 43~~(k)~~(l)), the BA-2 District (see subsection 43~~(k)~~(l)), and except where a business or industrial district abuts a residence district (see § 47). These requirements shall apply to both principal and accessory buildings.

- (1) *Front yards:* There shall be no front yard required in any business or industrial district.
- (2) *Side yards:* There shall be no **side yard** required in any business or industrial district, except that in any case where a **side yard** is actually provided such **side yard** shall be required to be not less than five feet for a **building** wall having an **average height** of 20 feet or less, and not less than one foot for each four feet of **average height** for a **building** wall having an **average height** of more than 20 feet.
- (3) *Rear yards:* There shall be a **rear yard** in all business and industrial districts of not less than ten feet for a **building** wall having an **average height** of 30 feet or less and not less than one foot for each three feet of **average height** for a **building** wall having an **average height** of more than 30 feet.
- (4) There shall be no minimum yard requirements in the BD, BD-1 or the BD-3 Districts except that in the BD-3 District there shall be a minimum of 15 feet of unobstructed land from the ground up on which no structures shall be located between the outer face of a building foundation wall at grade of a principal building that fronts on a street and the curb of such street in order to provide for sidewalks, streetlights and landscaped areas between the sidewalk and the curb. Additionally, in the BD-3 District, when a mixed use or a residential principal building which is four stories or less, contains one or more windows that face a nonresidential building on the same lot, there shall be a minimum of ten feet of unobstructed land from the ground up between the nonresidential building and the residential principal building or mixed use building. If such residential principal building or such mixed use building faces a

nonresidential building on an adjacent lot or faces an adjacent vacant lot, then there shall be a minimum ten-foot side or rear yard (as the case may be) on the lot on which such residential principal building or mixed use building is located facing the adjacent lot.

43(h) CGD Yard Regulations. The following requirements shall apply in the CGDs:

(1) In CGDs, the minimum and maximum yard requirements for frontages on the three main corridors are:

	<u>Front Yard</u> <u>Min</u>	<u>Front Yard</u> <u>Max</u>	<u>Side Yard</u> <u>Min</u>	<u>Side Yard</u> <u>Max</u>	<u>Rear Yard</u> <u>Min</u>	<u>Rear Yard</u> <u>Max</u>
<u>Grand</u>	<u>10</u>	<u>15</u>	<u>0</u>	<u>15</u>	<u>10</u>	<u>20</u>
<u>Dixwell</u>	<u>0</u>	<u>5</u>	<u>0</u>	<u>20</u>	<u>10</u>	<u>20</u>
<u>Whalley</u>	<u>0</u>	<u>5</u>	<u>0</u>	<u>40</u>	<u>10</u>	<u>20</u>

Figure 43.2

Where the parcel abuts side streets that are not Grand, Dixwell or Whalley, the front yard minimum is 0 and the front yard maximum is 20 feet. The front yard provided should be demonstrably consistent with the front yards of the relevant side street.

(2) Because larger development sites are often phased for financing and lease purposes, contiguous sites in the CGD zone that are being developed together may be considered as a single lot for purposes of setbacks and other dimensional requirements (e.g. FAR, POPS) regardless of ownership.

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~~43(h)~~(i) Usable Open Space/Common Amenity Space for the BC, BD, BD-1, BD-2, BD- 3, CGD and IL Districts.

(1) In the BD-3 District, for all nonresidential buildings in excess of 10,000 square feet of gross floor area, a minimum of 25 square feet of usable open space per 1,000 square feet of gross floor area up to a maximum of 10,000 square feet of usable open space shall be provided on the same lot on which the nonresidential building is located. In the event that any point on such lot is located within a 1,000-foot radius of publicly accessible open space, then a minimum of 13 square feet of usable open space per 1,000 square feet of gross floor area shall be required on such lot up to a maximum of 10,000 square feet of usable open space.

(2) In the BC, BD, BD-1, BD-2, BD-3, CGD and IL Districts, for all mixed use buildings and residential principal buildings both existing and proposed, a minimum of 50 square feet per dwelling unit of usable open space shall be provided on the same lot on which such building is located. In the event that any point on the lot upon which the mixed use building or the residential principal building is situated is located

within a 1,000-foot radius of publicly accessible usable open space, then a minimum of 25 square feet of usable open space per dwelling unit shall be required.

(3) In the BC, BD, BD-1, BD-2, BD-3, CGD and IL Districts, mixed use buildings and residential principal buildings both existing and proposed with six or more dwelling units shall provide 50 square feet of common amenity space per dwelling unit in addition to the usable open space required under subsection 43(i)(1)b. above.

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43~~(k)~~(m) Additional requirements for buildings in a BA-1, ~~and~~ BA-2, and CGD Districts.

(1) Yards facing the public right-of-way: In BA-1 and BA-2 Districts, building façades must abut or be located within ten feet of at least 75 percent of the property line abutting the public street (see figure 43.1 below). Building façades in CGDs must be located within the distance specified in Section 43(g)(5).

(2) Side yards: No minimum side yards are required. For CGD Districts, maximum side yards are specified in Section 43(g)(5).

(3) Rear yards: Minimum ten-foot rear yard. In CGD Districts, minimum rear yards are specified in Section 43(g)(5).

(4) Street frontage: In CGD Districts only, buildings must occupy 100% of street frontage for lots with less than 250 feet of street frontage or access driveways no greater than 20 feet wide. A special exception may be sought to devote frontage to Privately Owned Pedestrian Space.

a. Privately Owned Pedestrian Space (POPS): Up to 20% of street frontage on Grand, Dixwell or Whalley in CGD Districts can be occupied by POPS, within the constraints of the maximum permitted side yards. POPS are pedestrian friendly areas, which are owned and maintained by private property owners. POPS count toward usable open space requirements, specified in Section 43(i). POPS are intended to produce active and safe spaces. They include human-scale elements such as lighting, windows, art, and landscaping. Commercial activities, including food service and sales may occupy POPS. To the extent possible, it is strongly encouraged for POPS to be plazas, community gardens, or pedestrian arcades providing safe opportunities for the public to walk, sit, recreate, and congregate.

b. For lots with 250 feet or more of street frontage, at least 75% of the street frontage not occupied by building façade or access driveway no greater than 20 feet wide, shall be occupied by POPS, as described in subsection (a) above.

c. An exterior lighting plan must be included with site plans for POPS.

~~(4)~~(5) Corner lots: Are exempt from rear yard requirements for the first 50 feet from the street.

~~(5)~~(6) Doors and Entrances: Buildings must have a primary entrance facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

~~(6)~~(7) Transparency: In new buildings, except for buildings or portions of buildings containing residential or religious uses or health care facilities on the first floor, a minimum of 75 percent of the street-facing first floor building façade between two feet and eight feet in height must comprise clear windows that allow views of indoor space or product display areas. The bottom of any window or product display window used to satisfy this standard may not be more than three feet above the adjacent sidewalk.

~~(7)~~(8) Security bars and Gates: Solid metal security gates, bars, or solid roll-down metal windows shall not be permitted. Link or grill type security devices shall be permitted. If installed on the outside, the coil boss shall be recessed and concealed behind the building wall.

~~(8)~~(9) Landscaping: All parts of the property visible from the public right-of-way or from residential units contained on the property or adjoining properties shall be adequately landscaped to maximize recreational utility and aesthetic views. Landscape improvements may include pavers or paved surfaces, gravel, trees, shrubs, ground cover, and wherever possible, the retention of existing landscape features.

~~(9)~~(10) Fencing: Rear yard property lines ~~should~~must be fenced where they abut residential zones as practicable. Alleyways should have decoratively designed gates or fences. Fences in front or side yards should not obscure sight lines to increase public safety. Chain link fences are prohibited except for temporary fences for construction.

~~(10)~~(11) Screening: All trash receptacles, dumpsters, or bins placed outside the building must be screened from view from the public right-of-way and constructed and maintained so as to prevent noxious sights, odors, vermin, or other nuisances.

~~(11)~~(12) Design guidelines: The following design guidelines apply to all buildings in a BA-1 or CGD District only. They should to the greatest extent possible, be incorporated into the design of new buildings and the renovation of existing structures. Compliance with these guidelines shall apply when (1) there are proposed modifications to a building façade to include replacement of windows, replacement of façade materials, or additions to or extensions of a façade; (2) there is an addition or modification to an existing structure that is subject to site plan review under Section 64(f); and (3) for all new construction.

a. General design principles: Emphasis ~~should be on a~~is placed on the pedestrian-scaled environment. Buildings should harmoniously blend with the existing neighborhood ~~character~~fabric. All materials, ~~colors~~, and architectural details used on the exterior of a building should be compatible with the building style, and with each other. A building designed of an architectural style that normally includes certain integral materials, ~~colors~~, and/or details should incorporate

such into its design. Plans should reflect an attention to detail, the use of quality materials, and good craftsmanship.

b. Scale, mass and continuity: Buildings should generally relate in scale and design to the surrounding buildings where such buildings represent quality construction and design associated with historical development of the area. Buildings should reflect a continuity of treatment in the following ways:

1. Maintain, when appropriate, the building mass and scale of adjacent buildings.
2. Maintain front yard build-to lines.
3. Maintain cornice and transition lines in buildings of the same height.
4. Primary horizontal and vertical lines in the architectural composition should remain visible or be incorporated into the design.

c. Building entrances: All entrances to a building should be defined and articulated by architectural elements of the building. Any such element utilized should be architecturally compatible with the style, materials, ~~colors~~, and details of the building as a whole.

d. Fenestration: The arrangement and design of windows and doors in a building should be architecturally compatible with the style, materials, ~~colors~~ and details of the building. Windows should be vertically proportioned wherever possible. To the extent possible, upper story windows should be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows. All windows should be stylistically consistent with the building and energy efficient.

e. Roofs: Roof types should be appropriate to a building's architectural type. ~~Embellishments such as dormers, belvederes, masonry chimneys, cupolas, clock towers and other such embellishments are encouraged if appropriate to the building vernacular.~~ Repairs to existing construction should conform to the building vernacular.

f. Buildings on corner lots: Buildings on corner lots should be considered important structures because they contain more than one façade that is exposed to the street. These buildings should be enhanced with appropriate architectural embellishments.

g. Façades: The architectural treatment of the front façade should be continued, in its major features, around all visibly exposed sides of a building. All sides of a building should be architecturally designed to be consistent with regard to style, materials, ~~colors~~, and details. Deteriorated materials should be restored to actual function if possible, and if not possible, should be replaced with similar materials that have the same form and surface characteristics without visually changing the façade's character. New buildings should, at street level, have clear glass windows sufficiently transparent to provide views into the interior of the building.

h. Storefront façades: Storefronts should be integrally designed as part of the entire façade. Buildings with multiple storefronts should be architecturally uniform throughout through the use of architecturally compatible materials, ~~colors~~, details, awnings, canopies and marquees.

i. Signage and lighting fixtures: Attachments and/or fixtures should complement the architectural design of the façade and should be appropriate in scale to the ornamentation and the design elements of the building. Fixtures and attachments should not obscure historically significant materials, architectural features or decorative details.

j. Signage: Signage should be architecturally compatible with style, materials, ~~color~~ and details of the building and neighborhood.

k. Awnings, canopies and marquees: Awnings, canopies and marquees are permitted at ground level. Such treatments should be designed to complement the building and should be compatible with the materials, ~~colors~~, and details of the building and neighborhood. In buildings with multiple storefronts compatible awnings, canopies and marquees should be used as a means to unify the building. Solid, lighted awnings and canopies are not permitted. Vinyl awnings are not permitted.

~~(12)~~(13) Special permit: All proposed uses of greater than 5,000 net square feet, whether located in new or existing structures, shall require a Special Permit in order to ensure that such relatively large proposals are compatible with and meet the general criteria and standards of the Business A-1 and Business A-2 Districts as described and defined in Section 41. Uses within CGDs are exempt from this provision.

Section 45. - Regulations for parking, loading, automotive and drive-in establishments. [To be integrated into Section 45]

(a) Parking and loading.

...

[Table 45(a)(1)a.]

1. Exceptions

A. BA-1 and BA-2 Exceptions. In the business A-1 and A-2 zone the following parking standards shall apply to all properties and buildings:

...

B. BD, BD-1, BD-2, and BD-3 Exceptions. In the Business D, D-1, D-2 and BD-3 Districts subsection 45(a)(1)a. shall not apply to any except the following uses:

...

C. CGD Exceptions. In the CGD zones, the following parking standards shall apply:

(1) All off-street parking spaces must be located to the rear of principle buildings.

(2) Parking requirements are as follows:

<u>Use</u>	<u>Parking Maximum¹</u>
<u>Residential</u>	<u>1 per unit</u>
<u>Childcare</u>	<u>5 off-street loading spaces, 7 parking spaces per classroom.</u>
<u>Restaurant</u>	<u>0.5 per seat</u>
<u>Medical</u>	<u>4 spaces for every 4 beds/ treatment spaces (excluding bassinets)</u>
<u>All Other Commercial</u>	<u>1 per 1,000 s.f.</u>

¹ See subsection 3 below. This supersedes all other parking requirements. For uses not listed here, there is no minimum or maximum parking requirement.

a. Shared parking arrangements are encouraged, see section 45(a)(6). Designation of spaces for electric vehicles and/or shared vehicles is strongly encouraged.

(3) For any development proposing more than the maximum off-street, car parking spaces, a travel demand management study must be submitted. When more than the maximum spaces are proposed, at least one space per every 25 spaces provided must be designated for electric vehicle charging; and one space must be designated for shared vehicles, or a shared vehicle passenger loading space must be provided within 50 feet of a public entrance to the building.

(4) New buildings larger than 50,000 sq. ft. or exceeding 50 residential units, that are further than 1,000 feet from a transit stop, are required to provide at least one space for passenger loading for shared and/or autonomous vehicles within 100 feet of a public entrance to the building.

(5) Secure (covered and enclosed) bicycle parking is required for residential uses. 1 bicycle parking space per 10 car parking spaces or 0.25 bicycle parking spaces per residential unit, whichever is greater.

(6) Temporary bicycle parking is required and shall be provided in publicly accessible areas. Temporary bicycle parking requirements are as follows:

<u>Use</u>	<u>Minimum Required Temporary Bicycle Parking</u>
<u>Residential</u>	<u>0.2 spaces per residential unit</u>
<u>Childcare</u>	<u>5% of the number of children/ students</u>
<u>Restaurant</u>	<u>7% of the number of seats</u>
<u>Medical</u>	<u>2% of the number of beds/ treatment spaces (excluding bassinets)</u>
<u>All Other Commercial</u>	<u>1 per 10 car parking spaces or 1 per 2,500 s.f., whichever is greater</u>

Section 59. Whalley Overlay Zone. [Deleted in its entirety; marked *Reserved*.]

[This amendment includes the deletion of the BB zone and all references thereto.]