Malta Downtown Master Plan Implementation

Downtown Form-Based Code

February 2013

Prepared by Code Studio in association with Third Coast Design Study, Fuss & O’Neill and Howard/Stein-Hudson

For the Town of Malta, NY and the Capital District Transportation Committee
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Disclaimer
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The Downtown Malta Form-Based Code is designed to help the Town of Malta implement its Downtown Master Plan. A considerable amount of work on the part of the Town remains to be undertaken as the Form-Based zoning code enters the implementation process. The streets plan that is part of the Downtown Malta Form-Based Code is conceptual in nature and additional design work will need to be undertaken before any of the recommended transportation improvements can be constructed. The Downtown Malta Form-Based Code does not commit the Town of Malta, CDTC, CDTA, NYSDOT, or Saratoga County to funding any of the proposed improvements. Undertaking additional engineering or other follow up work will be based upon funding availability.
Article XVI
Downtown Malta
Form-Based Code

prepared by

CODE STUDIO

for

the Town of Malta, New York

ADOPTED February 4, 2013
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Section 1. General

1.1. Purpose
This Article comprises the Downtown Malta Form-Based Code and all references in this Article to the “Code” refer to this Form-Based Code unless otherwise stated.
A. The purpose of this Code is to implement the adopted Town of Malta Downtown Plan by amending the Malta Zoning Ordinance.
B. More specifically, this Code provides the means to guide implementation of the citizen-endorsed vision for property within the Downtown Malta area.
C. Rather than relying upon conventional zoning principles, this Code fosters predictable results and a high-quality public realm by prescribing the physical form of buildings and other elements and addressing the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks.

1.2. Intent
It is the intent of this Code to:
A. Enhance the quality of construction of new development;
B. Reduce the bulk and mass of buildings, especially along Route 9.
C. Ensure adequate distribution of height and mass throughout the Downtown area, with larger buildings located closer to the Northway;
D. Allow for a mix of uses at a variety of scales with auto-oriented uses located closer to the Northway;
E. Promote additional housing types and housing opportunities;
F. Make the Downtown area more walkable and pedestrian-friendly;
G. Enhance bicycle and pedestrian connections;
H. Calm traffic and improve vehicular circulation;
I. Reestablish the historic Parade Grounds;
J. Support existing businesses; and
K. Ensure adequate transitions from the Downtown area to the adjacent residential neighborhoods.

1.3. Applicability
A. Territorial Application
This Code applies to all property as designated in Sec. 2.3 (also referred to as “the Downtown area”).
B. Conflicting Provisions
1. Whenever any provision of County, State or Federal law imposes a greater requirement or a higher standard than required by this Code, the provision of the County, State or Federal law shall supersede and apply.
2. Notwithstanding any other provision of the Malta Town Code, specifically including but not limited to § 167-36 of the Town Zoning Law, in the event that any provision of this Code conflicts with any other Town Code provision, the provision of this Code shall supersede and apply.

1.4. Transitional Provisions
A. New Development
1. Except as provided in Sec. 1.4.C, upon the effective date of this Code or any subsequent amendment, any new building or other structure or any use of land in the designated Downtown area shall be constructed or developed in accordance with all applicable provisions of this Code.
2. No excavation or filling of land or construction of any public or private improvements may take place or commence except in conformity with this Code.
B. Existing Development
Except as provided in Sec. 1.4.C, any existing use, lot, building or other structure legally established prior to the effective date of this Code that does not comply with any provision of the Code shall be subject to the provisions of Sec. 7.2.
C. Previously Issued Approvals and Pending Applications

1. Any Building Permit issued before the effective date of this Code or subsequent amendment shall remain in effect.

2. The provisions of this Code shall not apply to subdivision, special use and site plan applications that are complete and pending on the effective date of this Code. Such pending applications shall be processed in accordance with and decided pursuant to the law existing on the date the application was filed.

3. The provisions of this Code shall not apply to any project for which site plan approval from the Town Planning Board has already been issued prior to the effective date of this Code, subject to the requirements of § 167-24(F)(4) of the Town Zoning Law regarding completion of construction and issuance of a Certificate of Occupancy for the project that was previously approved.

4. Any Project Site Review approval issued pursuant to this Code expires if a Building Permit is not issued for such project within 3 years of the date of approval.

5. Any applicant entitled to proceed without complying with the provisions of this Code as a result of the above provisions may nonetheless choose to comply.

6. Subject to the provision immediately following, any Planned Development Districts which are not “grandfathered” pursuant to the provisions of subsections 1, 2 or 3 of this Sec. 1.4.C shall be and hereby are extinguished. However, the “public benefit” aspects of any such Planned Development Districts shall survive as enforceable requirements of any subsequent development so long as they are not otherwise inconsistent with the provisions of this Article. Such surviving public benefits include but are not limited to those provisions contained in Appendix A to this Article.

7. The Malta Crossings project is “grandfathered” and will be allowed to pursue completion of the project as previously approved for a period of 5 years after adoption of this Article, with the requirement that building design comply with this Article.
Section 2. Districts

2.1. Districts Established

The following Downtown Districts are established below and mapped on the Downtown Malta Zoning Map.

DN-4 Downtown Northway
DC-4 Downtown Civic
DX-3 Downtown Mixed Use
GC-3 Green Corridor
RA-3 Downtown Residential Attached
DA-3 Downtown Auto-Oriented
DP-2 Downtown Parade Grounds
RA-2 Downtown Residential Attached
RD-2 Downtown Residential Detached
OS Open Space

2.2. Intent

A. DN-4: Downtown Northway
   The DN-4 District is intended to accommodate a mix of uses in a variety of building types in a pedestrian-friendly and walkable environment where buildings do not exceed 4 stories in height.

B. DC-4: Downtown Civic
   The DC-4 District is intended to accommodate a mix of compatible community-serving and office-related uses in a pedestrian-friendly and walkable environment where buildings do not exceed 4 stories in height, centered around a community green space.

C. DX-3: Downtown Mixed Use
   The DX-3 District is intended to accommodate a mix of compatible uses in a variety of building types in a pedestrian-friendly and walkable environment where buildings do not exceed 3 stories in height.

D. GC-3: Green Corridor
   The GC-3 District is intended to provide for a large building setback and generous landscaping between the roadway and adjacent development to ensure a continuous green corridor along the street edge.

E. RA-3: Downtown Residential Attached
   The RA-3 District is intended to accommodate a mix of detached and attached residential building types in a pedestrian-friendly and walkable environment where buildings do not exceed 3 stories in height.

F. DA-2: Downtown Auto-Oriented
   The DA-2 District is intended to balance the need for safe, active, and pedestrian-scaled areas with the need for convenient automobile access where buildings do not exceed 2 stories in height. Building type standards allow flexibility in building, circulation, and parking lot layout. A maximum of 2 bays of parking (with one drive aisle) is allowed to be located between the building and the street.

G. DP-2: Downtown Parade Grounds
   The DP-2 District is intended to accommodate a mix of compatible uses in a pedestrian-friendly and walkable environment where buildings do not exceed 2 stories in height. The district is intended to preserve the historic character of the Parade Grounds. New structures and additions to existing structures are intended to evoke and complement the historic character of buildings along Dunning Street.

H. RA-2: Downtown Residential Attached
   The RA-2 District is intended to accommodate a mix of detached and attached residential building types in a pedestrian-friendly and walkable environment where buildings do not exceed 2 stories in height.

I. RD-2: Downtown Residential Detached
   The RD-2 District is intended to accommodate a mix of detached residential building types in a pedestrian-friendly and walkable environment where buildings do not exceed 2 stories in height.

J. OS: Open Space
   The OS District is intended to accommodate open air outdoor activity such as a civic green, plaza, park or cemetery. The district is also intended to accommodate a variety of temporary outdoor uses such as a farmer’s market or festival subject to the issuance of a temporary use permit.
2.3. Downtown Malta Zoning Map

The following map is established and made a part of the City of Malta Official Zoning Map.
2.4. DN-4: Downtown Northway

The DN-4 District is intended to accommodate a mix of uses in a variety of building types in a pedestrian-friendly and walkable environment where buildings do not exceed 4 stories in height.

A. Permitted Building Types

- Mixed Use Shopfront
- Traditional Shopfront
- Single-Story Shopfront
- General Building
- Civic Building
- Apartment
- Townhouse
- Cottage Court
- Detached House

B. Maximum Building Heights

- 4 stories: Mixed Use Shopfront, General Building, Apartment
- 3 stories: Civic Building, Townhouse
- 2 stories: Traditional Shopfront
- 1 story: Single-Story Shopfront
2.5. DC-4: Downtown Civic

The DC-4 District is intended to accommodate a mix of compatible community-serving and office-related uses in a pedestrian-friendly and walkable environment where buildings do not exceed 4 stories in height, centered around a community green space.

A. Permitted Building Types

- Mixed Use Shopfront
- Traditional Shopfront
- Single-Story Shopfront
- General Building
- Civic Building
- Apartment
- Townhouse
- Cottage Court
- Detached House

B. Maximum Building Heights

- 4 stories: General Building, Civic Building
- 3 stories: --
- 2 stories: --
- 1 story: --
2.6. DX-3: Downtown Mixed Use

The DX-3 District is intended to accommodate a mix of compatible uses in a variety of building types in a pedestrian-friendly and walkable environment where buildings do not exceed 3 stories in height.

### A. Permitted Building Types
- Mixed Use Shopfront
- Traditional Shopfront
- Single-Story Shopfront
- General Building
- Civic Building
- Apartment
- Townhouse
- Cottage Court
- Detached House

### B. Maximum Building Heights
- **3 stories**: Mixed Use Shopfront, General Building, Apartment, Townhouse, Civic Building
- **2 stories**: Traditional Shopfront, Cottage Court, Detached House
- **1 story**: Single-Story Shopfront
## 2.7. GC-3: Green Commercial

The GC-3 District is intended to provide for a large building setback and generous landscaping between the roadway and adjacent development to ensure a continuous green corridor along the street edge.

---

### A. Permitted Building Types

The GC-3 District is not regulated by building types (see Sec. 3.13 for the district dimensional standards).

### B. Maximum Building Heights

The maximum building height in the GC-3 District is 3 stories or 40 feet.
2.8. RA-3: Downtown Residential Attached

The RA-3 District is intended to accommodate a mix of detached and attached residential building types in a pedestrian-friendly and walkable environment where buildings do not exceed 3 stories in height.

A. Permitted Building Types

- Mixed Use Shopfront
- Traditional Shopfront
- Single-Story Shopfront
- General Building
- Civic Building

B. Maximum Building Heights

- 3 stories: Apartment, Civic Building, Townhouse
- 2 stories: Cottage Court, Detached House
- 1 story: --
2.9. DA-2: Downtown Auto-Oriented

The DA-2 District is intended to balance the need for safe, active, and pedestrian-scaled areas with the need for convenient automobile access where buildings do not exceed 2 stories in height. Building type standards allow flexibility in building, circulation, and parking lot layout. A maximum of 2 bays of parking (with one drive aisle) is allowed to be located between the building and the street.

A. Permitted Building Types

- Mixed Use Shopfront
- Traditional Shopfront
- Single-Story Shopfront
- General Building
- Civic Building
- Apartment
- Townhouse
- Cottage Court
- Detached House

B. Maximum Building Heights

- 2 stories: Mixed Use Shopfront, Traditional Shopfront, General Building, Civic Building
- 1 story: Single-Story Shopfront
2.10. DP-2: Downtown Parade Grounds

The DP-2 District is intended to accommodate a mix of compatible uses in a pedestrian-friendly and walkable environment where buildings do not exceed 2 stories in height. The district is intended to preserve the historic character of the Parade Grounds. New structures and additions to existing structures are intended to evoke and complement the historic character of buildings along Dunning Street.

### A. Permitted Building Types

- Mixed Use Shopfront
- Traditional Shopfront
- Single-Story Shopfront
- General Building
- Civic Building
- Apartment
- Townhouse
- Cottage Court
- Detached House

### B. Maximum Building Heights

- 2 stories: Traditional Shopfront, Civic Building
- 1 story: ---
2.11. RA-2: Downtown Residential Attached

The RA-2 District is intended to accommodate a mix of detached and attached residential building types in a pedestrian-friendly and walkable environment where buildings do not exceed 2 stories in height.

A. Permitted Building Types

- Mixed Use Shopfront
- Traditional Shopfront
- Single-Story Shopfront
- General Building
- Civic Building
- Apartment
- Townhouse
- Cottage Court
- Detached House

B. Maximum Building Heights

2 stories: Townhouse, Cottage Court, Detached House, Civic Building
1 story: ---
2.12. RD-2: Downtown Residential Detached

The RD-2 District is intended to accommodate a mix of detached residential building types in a pedestrian-friendly and walkable environment where buildings do not exceed 2 stories in height.

A. Permitted Building Types

- Mixed Use Shopfront
- Traditional Shopfront
- Single-Story Shopfront
- General Building
- Civic Building
- Apartment
- Townhouse
- Cottage Court
- Detached House

B. Maximum Building Heights

- 2 stories: Civic Building, Cottage Court, Detached House
- 1 story: --
2.13. OS: Open Space

The OS District is intended to accommodate open air outdoor activity such as a civic green, plaza, park or cemetery. The district is also intended to accommodate a variety of temporary outdoor uses such as a farmer’s market or festival subject to the issuance of a temporary use permit.

A. Permitted Building Types
The OS District is not regulated by building types (see below for the district dimensional standards).

B. District Standards
1. 95% of the land area is required to be permanent outdoor amenity space.
2. All structures must be set back at least 10 feet from a property line.
3. No on-site parking is allowed.
4. The maximum structure height is 20 feet.
Section 3. Buildings

3.1. Building Types

Section 3 establishes and defines a set of building types to ensure that proposed development is consistent with the Downtown goals for building form, physical character, land use and quality.

A. Mixed Use Shopfront
A building type that typically accommodates ground floor retail, office or commercial uses with upper-story residential or office uses. Not intended for ground floor residential uses.

B. Traditional Shopfront
A building type that typically accommodates ground floor retail, office or commercial uses with upper-story residential or office uses at a scale that complements the historic character along Dunning. Not intended for ground floor residential uses.

C. Single-Story Shopfront
A single-story building type that typically accommodates retail or commercial uses. Not intended for residential uses.

D. General Building
A building type that typically accommodates commercial or office uses. Not intended for retail or residential uses.

E. Civic Building
A building type that accommodates public or civic uses. Not intended for commercial, retail, office or residential uses.

F. Apartment
A building type that accommodates 3 or more dwelling units vertically and horizontally integrated. Not intended for nonresidential uses.

G. Townhouse
A building type that accommodates 3 or more dwelling units where each unit is separated vertically by a common side wall. Units cannot be vertically mixed. Not intended for nonresidential uses.

H. Cottage Court
5 to 9 detached houses organized around an internal shared courtyard. Not intended for nonresidential uses.

I. Detached House
A building type that accommodates one dwelling unit on an individual lot with yards on all sides. Not intended for nonresidential uses.
### 3.2. Building Types Allowed by District

Building types are allowed by district as shown below.

<table>
<thead>
<tr>
<th>BUILDING TYPE</th>
<th>DN-4</th>
<th>DC-4</th>
<th>DX-3</th>
<th>RA-3</th>
<th>DA-2</th>
<th>DP-2</th>
<th>RA-2</th>
<th>RD-2</th>
</tr>
</thead>
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<tr>
<td>Mixed Use Shopfront (Sec. 3.4)</td>
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<td>●</td>
<td>●</td>
<td>●</td>
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<tr>
<td>Single-Story Shopfront (Sec. 3.6)</td>
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<tr>
<td>General Building (Sec. 3.7)</td>
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<tr>
<td>Civic Building (Sec. 3.8)</td>
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<td>●</td>
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<tr>
<td>Apartment (Sec. 3.9)</td>
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<td></td>
<td></td>
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<tr>
<td>Townhouse (Sec. 3.10)</td>
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<td>Cottage Court (Sec. 3.11)</td>
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<td>●</td>
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<td></td>
<td>●</td>
</tr>
<tr>
<td>Detached House (Sec. 3.12)</td>
<td>●</td>
<td>●</td>
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<td>●</td>
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<td></td>
<td>●</td>
</tr>
</tbody>
</table>
3.3. Rules Applicable to All Buildings

The following apply to all buildings and districts unless expressly stated otherwise.

A. Site

1. Defined

A site is any lot or group of contiguous lots owned or controlled by the same person or entity, assembled for the purpose of a single development.

2. Site Area

Site area is the cumulative area of all contiguous lots that the site is composed of. Does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.

3. Site Width

Site width is the cumulative width of all contiguous lots that the site is composed of.

B. Lot

1. Defined

A parcel of land either vacant or occupied intended as a unit for the purpose, whether immediate or for the future, of transfer of ownership, or possession, or for development.

2. Lot Area

Lot area is the area included within the rear, side and front lot lines. Lot area does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.

3. Lot Width

Lot width is the distance between the two side lot lines measured at the primary street property line along a straight line or along the chord of the property line on a curvilinear lot.

4. Lot Depth

Lot depth is the distance between the front and rear property lines measured along a line midway between the side property lines.

5. Lot Frontage

Every lot must have frontage upon a public street, specified courtyard for a cottage court or a designated open space parcel.

C. Outdoor Amenity Space

1. Generally

Where required, outdoor amenity space must be provided on the lot and must be available as unenclosed, improved active or passive recreational space for use by the occupants of the development. The outdoor amenity area must be designed to meet the standards of this Section, as determined by the Building and Planning Coordinator.

2. Standards

a. Outdoor amenity space may be met in one contiguous open area or in multiple open areas on the lot; however, to receive credit the area must be at least 10 feet in width and length.
b. Examples of active outdoor amenities include a playground, athletic court, pool deck, spray deck or plaza, promenade or dog park.

c. Passive park areas must include improvements such as trails, paths and seating areas. Formal or informal gardens, as well as greenbelts, are considered acceptable outdoor amenity areas.

d. Outdoor amenity space may be located at or above grade, except in GC-3 and OS where it must be located at grade. Above-grade examples include a rooftop deck or terrace, rooftop patio or fitness station.

e. Outdoor amenity space may be roofed but cannot be enclosed. Examples include a pavilion, gazebo or conservatory.

f. Outdoor amenity space may include structures such as kiosks, bicycle racks, benches or other seating, sculpture, fountains and similar amenities. Such areas must not include signs unrelated to the amenities, utility areas, dumpsters or similar structures.

g. Outdoor amenity space cannot be parked or driven upon, except for emergency access and permitted temporary events.

h. Amenities must be designed as permanent uses (not temporary). Amenities that are seasonal or variable in nature, but designed to recur permanently, are deemed to meet the standards of this section in direct correlation to the percentage of time such amenity is functionally available each year. For example, an outdoor dining area used 6 months of the year would meet only half of the required standard.

D. Building Setbacks

1. Generally
   There are 4 types of setbacks – primary street, side street, side interior and rear. Building setbacks apply to both principal and accessory buildings or structures except where it explicitly states otherwise.

2. Measurement of Building Setbacks
   a. Primary and side street setbacks are measured from the edge of the right-of-way except in the DP-2 District where the primary street setback is measured from the edge of the designated open space.

   b. Side interior setbacks are measured from the side property line.

c. Rear setbacks are measured from the rear property line or the edge of the right-of-way where there is an alley.

d. When the side interior or rear setback is 0 or 5 feet, the building or structure must be placed on the property line or be placed a minimum of 5 feet from the property line.

e. When the rear setback is 4 or 20 feet, the building or structure must be placed exactly 4 feet from the property line or be placed a minimum of 20 feet from the property line.

3. Primary and Side Street Designation
   a. Where only one street abuts a lot, that street is considered a primary street.

   b. A multiple street frontage lot must designate at least one primary street. A lot may have more than one primary street. The Building and Planning Coordinator will determine which streets are primary streets based on:

      i. The street or streets with the highest classification;

      ii. The established orientation of the block;

      iii. The streets or streets abutting the longest face of the block;

      iv. The street or streets parallel to an alley within the block; and

      v. The street that the lot takes its address from.
E. Build-to Zone

1. Defined
   a. The build-to zone is the area on the lot where a certain percentage of the front building facade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way.
   b. The required percentage specifies the amount of the front building facade that must be located in the build-to zone, measured based on the width of the building divided by the width of the lot.

2. Corner Lots
   On a corner lot, a building facade must be placed within the build-to zone for the first 30 feet along the street extending from the block corner, measured from the intersection of the two right-of-way lines.

3. Uses Allowed
   With the exception of parking spaces, all structures and uses allowed on the lot are allowed in the build-to zone.

F. Setback Encroachments

All buildings and structures must be located at or behind the required setbacks except as listed below. Unless specifically stated no building or structure can extend into a required easement or public right-of-way.

1. Building Features
   a. Porches, stoops, balconies, galleries and awnings/canopies can extend into a required setback as stated in Sec. 3.14.
   b. Chimneys or flues may encroach up to 4 feet, provided that such extension is at least 2 feet from the vertical plane of any lot line.
   c. Building eaves, roof overhangs and light shelves may encroach up to 4 feet, provided that such extension is at least 2 feet from the vertical plane of any lot line.
   d. Bay windows, oriels and vestibules that are less than 10 feet wide may encroach up to 4 feet, provided that such extension is at least 2 feet from the vertical plane of any lot line.
   e. Unenclosed fire escapes or stairways may encroach up to 4 feet into a required side or rear setback, provided that such extension is at least 5 feet from the vertical plane of any lot line.
   f. Unenclosed patios, decks or terraces may encroach up to 4 feet into a required side setback, or up to 8 feet into a required rear setback, provided that such extension is at least 3 feet from the vertical plane of any lot line.
   g. Outdoor seating and dining areas may extend into a primary or side street setback.
   h. Cornices, belt courses, sills, buttresses or other similar architectural features may encroach up to 2 feet.
   i. Handicap ramps may encroach to the extent necessary to perform their proper function.
   j. Structures below and covered by the ground may encroach into a required setback.

2. Mechanical Equipment and Utility Lines
   a. Mechanical equipment associated with residential uses, such as HVAC units and security lighting, may encroach into a required rear or side setback, provided that such extension is at least 3 feet from the vertical plane of any lot line.
b. Solar panels, wind turbines and rainwater collection or harvesting systems less than 10 feet in height may encroach into a required rear or side setback, provided that such extension is at least 5 feet from the vertical plane of any lot line.

c. Minor structures accessory to utilities (such as hydrants, manholes, and transformers and other cabinet structures) may encroach into a required rear or side setback.

3. Other Setback Encroachments
   a. Fences and walls under Sec. 5.2.D.
   b. Signs under Sec. 5.3.
   c. Transitional buffers under Sec. 5.2.B.

G. Parking Setbacks
   1. If applicable, on-site surface and structured parking must be located behind the parking setback line. This requirement is not intended to restrict on-street parking.
   2. Parking setbacks apply only to the first floor of a parking structure.
   3. Primary and side street parking setbacks are measured from the edge of the right-of-way.

H. Building Height
   1. Building height is regulated in both number of stories and feet and is measured from the average grade to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface of a flat roof, not including a maximum 4-foot high parapet wall encroachment.
   2. Average grade is determined by calculating the average of the highest and lowest elevation along natural or improved grade (whichever is more restrictive) along the front of the building parallel to the primary street setback line.
   3. Where a lot slopes downward from the front property line, one story that is additional to the specified maximum number of stories may be built on the lower, rear portion of the lot.
   4. An attic does not count as a story where 50% or more of the attic floor area has a clear height of less than 7½ feet, measured from the finished floor to the finished ceiling.
   5. A basement with 50% or more of its perimeter wall area surrounded by natural grade is not considered a story.
I. Height Encroachments

Any height encroachment not specifically listed is expressly prohibited except where the Building and Planning Coordinator determines that the encroachment is similar to a permitted encroachment listed below.

1. The maximum height limits of the district do not apply to spires, belfries, cupolas, domes not intended for human occupancy; monuments, water tanks, water towers or other similar structures which, by design or function, must exceed the established height limits.

2. The following accessory structures may exceed the established height limit of the district provided they do not exceed the maximum height by more than 6 feet:
   a. Chimney, flue or vent stack;
   b. Deck, patio, shade structure;
   c. Flagpole;
   d. Garden, landscaping;
   e. Parapet wall (limited to a height of 4 feet);
   f. Solar panels, wind turbines and rainwater collection or harvesting systems.

3. The following accessory structures may exceed the established height limits provided they do not exceed the maximum building height by more than 10 feet, do not occupy more than 25% of the roof area, and are set back at least 10 feet from the edge of the roof:
   a. Amateur communications tower;
   b. Cooling tower;
   c. Elevator penthouse or bulkhead;
   d. Greenhouse;
   e. Mechanical equipment;
   f. Skylights; and
   g. Elevator or stairway access to roof.

4. Any of the elements listed in paragraphs 2. and 3. above are considered accessory uses to the primary structure and must not be used for any purpose other than as uses incidental to the principal structures.

J. Ground Floor Elevation

1. Ground floor elevation is measured from top of the adjacent curb, or from the crown of the road where no curb exists, to the top of the finished ground floor.

2. Minimum ground floor elevation applies to the first 30 feet of the lot measured from the right-of-way line.

K. Story Height

1. Story height is measured from the top of the finished floor to the ceiling above.

2. Minimum ground story height applies to the first 30 feet of the building measured inward from the street-facing facade. At least 50% of the ground story must meet the minimum height provisions.

3. At least 80% of each upper story must meet the minimum upper story height provisions.
L. Transparency

1. The minimum percentage of windows and doors that must cover a ground story facade is measured between 2 and 12 feet above the adjacent sidewalk.

2. The minimum percentage of windows and doors that must cover an upper story facade is measured from top of the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate.

3. Transparency applies to primary and side street-facing facades only.

4. Glass is considered transparent where it has a transparency higher than 80% and external reflectance of less than 15%.

5. In a mixed use shopfront, traditional shopfront or single-story shopfront, a minimum of 60% of the street-fronting, street-level window pane surface area must allow views into the ground story use for a depth of at least 8 feet. Windows cannot be made opaque by window treatments (except operable sunscreen devices within the conditioned space).

M. Blank Wall Area

1. Blank wall area means a portion of the exterior facade of the building that does not include: windows or doors; columns, pilasters or other articulation greater than 12 inches in depth; or a substantial material change (paint color is not considered a substantial change).

2. Blank wall area applies in both a vertical and horizontal direction.

3. Blank wall area applies to ground and upper story primary and side street-facing facades.

N. Pedestrian Access

1. An entrance providing both ingress and egress, operable to residents or customers at all times, is required to meet the street-facing entrance requirements. Additional entrances off another street, pedestrian area or internal parking area are permitted.

2. The entrance spacing requirements must be met for each building, but are not applicable to adjacent buildings.

3. An angled entrance may be provided at either corner of a building along the street to meet the street-facing entrance requirements.
O. Neighborhood Compatibility

1. Applicability
   Any protected district triggers the application of neighborhood compatibility standards. A protected district is defined as the following:
   a. R-1 Residential District; and
   b. Equivalent residential component of any PDD.

2. Bulk Plane
   A bulk plane is required where a Downtown Form-Based Code District abuts a protected district. When abutting a protected district, a building must not extend into a 45-degree angular plane projecting over the subject property measured from a height of 35 feet at the side interior or rear setback line.

3. Transitional Buffer
   A transitional buffer meeting the standards of Sec. 5.2.B is required where a Downtown Form-Based Code District abuts a protected district.

P. Building Materials

1. Applicability
   The following requirements apply to all street-facing facades of a building.

2. Primary Materials
   The following materials are required for not less than 75% of the building wall surface area on each facade:
   a. Brick and tile masonry;
   b. Cementitious siding;
   c. Glass curtain wall;
   d. Native stone (or synthetic equivalent);
   e. Stucco (cementitious finish); and
   f. Wood – clapboard or shingles.

3. Accent Materials
   The following materials may make up 25% of the building wall surface area on each facade:
   a. External Insulation Finishing System - EIFS (for trim and cornice elements only);
   b. Glass block;
   c. Gypsum Reinforced Fiber Concrete (GFRC— for trim elements only);
   d. Metal (for beams, lintels, trim elements and ornamentation);
   e. Pre-cast masonry (for trim and cornice elements only); and
   f. Split-faced block (for piers, foundation walls and chimneys only).

4. Use of Materials
   a. Primary material changes must occur only at inside corners.
   b. When using more than one primary material in a facade, one is required as the main theme, with the others acting only to complement and accentuate the design.
   c. Openings in masonry facades should express a structural lintel or arch to show how they are carrying the weight above.

5. Color
   All colors on a building must be of a natural, muted shade.

6. Alternate Materials
   Alternate building materials may be approved by the Building and Planning Coordinator. New materials must be considered equivalent or better than the materials listed above, and regionally-available materials are preferred.

Q. Underground Utilities
   All utility lines installed on private property after the effective date of this Code must be installed underground.
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3.4. Mixed Use Shopfront

1. Lot

<table>
<thead>
<tr>
<th>Lot Dimensions</th>
<th>Lot Parameters</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong> Lot area (min)</td>
<td><strong>C</strong> % of outdoor amenity space (min)</td>
</tr>
<tr>
<td>5,000 SF</td>
<td>20%</td>
</tr>
<tr>
<td><strong>B</strong> Lot width (min)</td>
<td></td>
</tr>
<tr>
<td>50'</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong> Primary street (min/max)</td>
</tr>
<tr>
<td>5'/10'</td>
</tr>
<tr>
<td><strong>B</strong> Side street (min/max)</td>
</tr>
<tr>
<td>5'/15'</td>
</tr>
<tr>
<td><strong>C</strong> Side interior (min)</td>
</tr>
<tr>
<td>0' or 5'</td>
</tr>
<tr>
<td><strong>D</strong> Side interior, abutting protected district</td>
</tr>
<tr>
<td>15'</td>
</tr>
<tr>
<td><strong>E</strong> Rear (min)</td>
</tr>
<tr>
<td>0' or 5'</td>
</tr>
<tr>
<td><strong>F</strong> Rear, abutting protected district (min)</td>
</tr>
<tr>
<td>15'</td>
</tr>
<tr>
<td><strong>G</strong> Alley (min)</td>
</tr>
<tr>
<td>5'</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Build-to Zone (BTZ)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong> Building in primary street BTZ (min % of lot width)</td>
</tr>
<tr>
<td>70%</td>
</tr>
<tr>
<td><strong>B</strong> Building in side street BTZ (min % of lot width)</td>
</tr>
<tr>
<td>35%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong> Primary street (min)</td>
</tr>
<tr>
<td>30'</td>
</tr>
<tr>
<td><strong>B</strong> DA-2 exception</td>
</tr>
<tr>
<td>10'</td>
</tr>
<tr>
<td><strong>C</strong> Side street (min)</td>
</tr>
<tr>
<td>10'</td>
</tr>
</tbody>
</table>
## 3. Height and Mass

<table>
<thead>
<tr>
<th>Building Height</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A Building height (max)</td>
<td>DA-2 2 stories / 30'</td>
<td>DX-3 3 stories / 40'</td>
<td>DN-4 4 stories / 50'</td>
<td>Reduced height may be required when abutting a protected district (see Sec. 3.3.D)</td>
</tr>
<tr>
<td>B Building height (min)</td>
<td>2 stories</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Story Height</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A Ground floor elevation (min/max)</td>
<td>0'/2'</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B Ground story height, floor to ceiling (min)</td>
<td>13'</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C Upper story height, floor to ceiling (min)</td>
<td>9'</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Mass</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A Upper-story street-facing wall length without offset (max)</td>
<td>100'</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B Upper-story street-facing wall offset depth (min)</td>
<td>4'</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C Upper-story street-facing wall offset length (min)</td>
<td>8'</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D Building length, street-facing facade (max)</td>
<td>175'</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## 4. Activation

<table>
<thead>
<tr>
<th>Transparency</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A Ground story, primary/side street (min)</td>
<td>60%/30%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B Upper story, street-facing facade (min)</td>
<td>20%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C Blank wall area, primary/side street (max)</td>
<td>30'/40'</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pedestrian Access</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A Entrance facing primary street</td>
<td>Required</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B Entrance spacing along primary street (max)</td>
<td>75'</td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Permitted Building Elements</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Porch</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stoop</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Balcony</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gallery</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Awning/Canopy</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forecourt</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
3.5. Traditional Shopfront

1. Lot

<table>
<thead>
<tr>
<th>Lot Dimensions</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area (min)</td>
<td>5,000 SF</td>
</tr>
<tr>
<td>Lot width (min)</td>
<td>50'</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lot Parameters</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>% of outdoor amenity space (min)</td>
<td>20%</td>
</tr>
<tr>
<td>DP-2 exception</td>
<td>0%</td>
</tr>
</tbody>
</table>

2. Placement

<table>
<thead>
<tr>
<th>Building Setbacks</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street (min/max)</td>
<td>5’/10’</td>
</tr>
<tr>
<td>DA-2 exception</td>
<td>5’/85’</td>
</tr>
<tr>
<td>Side street (min/max)</td>
<td>5’/15’</td>
</tr>
<tr>
<td>Side interior (min)</td>
<td>0’ or 5’</td>
</tr>
<tr>
<td>Side interior, abutting protected district (min)</td>
<td>15’</td>
</tr>
<tr>
<td>Rear (min)</td>
<td>0’ or 5’</td>
</tr>
<tr>
<td>Rear, abutting protected district (min)</td>
<td>15’</td>
</tr>
<tr>
<td>Alley (min)</td>
<td>5’</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Build-to Zone (BTZ)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Building in primary street BTZ (min % of lot width)</td>
<td>70%</td>
</tr>
<tr>
<td>Building in side street BTZ (min % of lot width)</td>
<td>35%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking Setbacks</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street (min)</td>
<td>30’</td>
</tr>
<tr>
<td>DA-2 exception</td>
<td>10’</td>
</tr>
<tr>
<td>Side street (min)</td>
<td>10’</td>
</tr>
</tbody>
</table>
3. Height and Mass

| Building Height |  |
|-----------------|--|---|
| A Building height (max) | 2 stories / 35' |

| Story Height |  |
|--------------|--|---|
| B Ground floor elevation (min/max) | 0’/2' |
| C Ground story height, floor to ceiling (min) | 13' |
| D Upper story height, floor to ceiling (min) | 9' |

| Building Mass |  |
|---------------|--|---|
| E Roof pitch (min/max) | 5:12 / 12:12 |
| F Street-facing wall length without offset (max) | 50' |
| G Street-facing wall offset depth (min) | 5' |
| H Street-facing wall offset length (min) | 20' |
| I Building length, street-facing facade (max) | 175' |

4. Activation

| Transparency |  |
|--------------|--|---|
| A Ground story, street-facing facade (min) | 40% |
| B Upper story, street-facing facade (min) | 20% |
| C Blank wall area, street-facing facade (max) | 20' |

| Pedestrian Access |  |
|-------------------|--|---|
| D Entrance facing primary street | Required |
| E Entrance spacing along primary street (max) | 50' |

| Allowed Building Elements |  |
|---------------------------|--|---|
| Stoop | No |
| Balcony | Yes |
| Porch, Gallery or Awning/Canopy | Required |
| Forecourt | Yes |
3.6. Single-Story Shopfront

1. Lot

<table>
<thead>
<tr>
<th>Lot Dimensions</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A Lot area (min)</td>
<td>5,000 SF</td>
</tr>
<tr>
<td>B Lot width (min)</td>
<td>50'</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lot Parameters</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>C % of outdoor amenity space (min)</td>
<td>20%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Setbacks</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A Primary street (min/max)</td>
<td>5'/20'</td>
</tr>
<tr>
<td>B Side street (min/max)</td>
<td>5'/20'</td>
</tr>
<tr>
<td>C Side interior (min)</td>
<td>0' or 5'</td>
</tr>
<tr>
<td>D Side interior, abutting protected district (min)</td>
<td>15'</td>
</tr>
<tr>
<td>E Rear (min)</td>
<td>0' or 5'</td>
</tr>
<tr>
<td>F Rear, abutting protected district (min)</td>
<td>15'</td>
</tr>
<tr>
<td>G Alley (min)</td>
<td>5'</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building-to-Zone (BTZ)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A Building in primary street BTZ (min % of lot width)</td>
<td>70%</td>
</tr>
<tr>
<td>B Building in side street BTZ (min % of lot width)</td>
<td>35%</td>
</tr>
</tbody>
</table>

2. Placement

<table>
<thead>
<tr>
<th>Parking Setbacks</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A Primary street (min)</td>
<td>10'</td>
</tr>
<tr>
<td>B Side street (min)</td>
<td>10'</td>
</tr>
</tbody>
</table>

   On-site parking not allowed between the building & the street.
3. Height and Mass

<table>
<thead>
<tr>
<th>Building Height</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Building height (max)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Story Height</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>Ground floor elevation (min/max)</td>
</tr>
<tr>
<td>C</td>
<td>Ground story height, floor to ceiling (min)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Mass</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>D</td>
<td>Building footprint (max)</td>
</tr>
<tr>
<td></td>
<td>DN-4 south of Highway 67 exception</td>
</tr>
<tr>
<td>E</td>
<td>Street-facing wall length without offset (max)</td>
</tr>
<tr>
<td>F</td>
<td>Street-facing wall offset length and depth (min)</td>
</tr>
<tr>
<td>G</td>
<td>Building length, street-facing facade (max)</td>
</tr>
<tr>
<td></td>
<td>DN-4 south of Highway 67 exception</td>
</tr>
</tbody>
</table>

4. Activation

<table>
<thead>
<tr>
<th>Transparency</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Ground story, primary/side street (min)</td>
</tr>
<tr>
<td></td>
<td>Building over 20,000 SF exception</td>
</tr>
<tr>
<td>B</td>
<td>Blank wall area, street-facing facade (max)</td>
</tr>
<tr>
<td></td>
<td>Building over 20,000 SF exception</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pedestrian Access</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>C</td>
<td>Entrance facing primary street</td>
</tr>
<tr>
<td>D</td>
<td>Entrance spacing along primary street (max)</td>
</tr>
<tr>
<td></td>
<td>Building over 20,000 SF exception</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Allowed Building Elements</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Porch</td>
<td>No</td>
</tr>
<tr>
<td>Stoop</td>
<td>No</td>
</tr>
<tr>
<td>Balcony</td>
<td>No</td>
</tr>
<tr>
<td>Gallery</td>
<td>Yes</td>
</tr>
<tr>
<td>Awning/Canopy</td>
<td>Yes</td>
</tr>
<tr>
<td>Forecourt</td>
<td>Yes</td>
</tr>
</tbody>
</table>
3.7. General Building

1. Lot

<table>
<thead>
<tr>
<th>Lot Dimensions</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A Lot area (min)</td>
<td>5,000 SF</td>
</tr>
<tr>
<td>B Lot width (min)</td>
<td>50'</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lot Parameters</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>C % of outdoor amenity space (min)</td>
<td>20%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Setbacks</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A Primary street (min/max)</td>
<td>5'/20'</td>
</tr>
<tr>
<td>DA-2 exception</td>
<td>5'/85'</td>
</tr>
<tr>
<td>B Side street (min/max)</td>
<td>5'/20'</td>
</tr>
<tr>
<td>C Side interior (min)</td>
<td>0' or 5'</td>
</tr>
<tr>
<td>D Side interior, abutting protected district (min)</td>
<td>15'</td>
</tr>
<tr>
<td>E Rear (min)</td>
<td>0' or 5'</td>
</tr>
<tr>
<td>F Rear, abutting protected district (min)</td>
<td>15'</td>
</tr>
<tr>
<td>G Alley (min)</td>
<td>5'</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Build-to Zone (BTZ)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Building in primary street BTZ (min % of lot width)</td>
<td>70%</td>
</tr>
<tr>
<td>Building in side street BTZ (min % of lot width)</td>
<td>35%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking Setbacks</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>G Primary street (min)</td>
<td>30'</td>
</tr>
<tr>
<td>DA-2 exception</td>
<td>10'</td>
</tr>
<tr>
<td>H Side street (min)</td>
<td>10'</td>
</tr>
</tbody>
</table>
### 3. Height and Mass

**Building Height**
- **A** Building height (max)
  - DA-2 2 stories / 30’
  - DX-3 3 stories / 40’
  - DN-4, DC-4 4 stories / 50’
  - Reduced height may be required when abutting a protected district (see Sec. 3.3.O)

**Story Height**
- **B** Ground floor elevation (min/max) 0'/2'
- **C** Ground story height, floor to ceiling (min) 10'
- **D** Upper story height, floor to ceiling (min) 9'

**Building Mass**
- **E** Upper-story street-facing wall length without offset (max) 100’
- **F** Upper-story street-facing wall offset depth (min) 4’
- **G** Upper-story street-facing wall offset length (min) 8’
- **H** Building length, street-facing facade (max) 175’

### 4. Activation

**Transparency**
- **A** Ground story, primary/side street (min) 40%/20%
- **B** Upper story, street-facing facade (min) 20%
- **C** Blank wall area, primary/side street (max) 35'/45'

**Pedestrian Access**
- **D** Entrance facing primary street Required
- **E** Entrance spacing along primary street (max) 100’

**Allowed Building Elements**
- Porch No
- Stoop No
- Balcony Yes
- Gallery No
- Awning/Canopy Yes
- Forecourt Yes
### 3.8. Civic Building

#### 1. Lot

<table>
<thead>
<tr>
<th>Lot Dimensions</th>
<th>Lot Parameters</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Lot area (min)</td>
<td>(C) % of outdoor amenity space (min)</td>
</tr>
<tr>
<td>(B) Lot width (min)</td>
<td>5,000 SF</td>
</tr>
<tr>
<td>50'</td>
<td></td>
</tr>
</tbody>
</table>

#### Building Setbacks

<table>
<thead>
<tr>
<th>Building Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Primary street (min/max)</td>
</tr>
<tr>
<td>(B) Side street (min/max)</td>
</tr>
<tr>
<td>(C) Side interior (min)</td>
</tr>
<tr>
<td>(D) Side interior, abutting protected district (min)</td>
</tr>
<tr>
<td>(E) Rear (min)</td>
</tr>
<tr>
<td>(F) Rear, abutting protected district (min)</td>
</tr>
<tr>
<td>(G) Alley (min)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lot Parameters</th>
</tr>
</thead>
<tbody>
<tr>
<td>(C) % of outdoor amenity space (min)</td>
</tr>
<tr>
<td>20%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Primary street (min/max)</td>
</tr>
<tr>
<td>(B) Side street (min/max)</td>
</tr>
<tr>
<td>(C) Side interior (min)</td>
</tr>
<tr>
<td>(D) Side interior, abutting protected district (min)</td>
</tr>
<tr>
<td>(E) Rear (min)</td>
</tr>
<tr>
<td>(F) Rear, abutting protected district (min)</td>
</tr>
<tr>
<td>(G) Alley (min)</td>
</tr>
</tbody>
</table>

#### Build-to Zone (BTZ)

<table>
<thead>
<tr>
<th>Build-to Zone (BTZ)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(E) Building in primary street BTZ (min % of lot width)</td>
</tr>
<tr>
<td>40%</td>
</tr>
<tr>
<td>(F) Building in side street BTZ (min % of lot width)</td>
</tr>
<tr>
<td>20%</td>
</tr>
</tbody>
</table>

#### Parking Setbacks

<table>
<thead>
<tr>
<th>Parking Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>(G) Primary street (min)</td>
</tr>
<tr>
<td>10'</td>
</tr>
<tr>
<td>(H) Side street (min)</td>
</tr>
<tr>
<td>10'</td>
</tr>
</tbody>
</table>

On-site parking not allowed between the building & the street.
3. Height and Mass

<table>
<thead>
<tr>
<th>Building Height</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>DA-2, DP-2, RA-2, RD-2</td>
<td>2 stories / 35’</td>
<td></td>
</tr>
<tr>
<td>DX-3, RA-3</td>
<td>3 stories / 40’</td>
<td></td>
</tr>
<tr>
<td>DN-4, DC-4</td>
<td>4 stories / 50’</td>
<td></td>
</tr>
<tr>
<td>Reduced height may be required when abutting a protected district (see Sec. 3.3.O)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. Activation

<table>
<thead>
<tr>
<th>Pedestrian Access</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Entrance facing primary street</td>
<td>Required</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Allowed Building Elements</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Porch</td>
<td></td>
</tr>
<tr>
<td>Stoop</td>
<td></td>
</tr>
<tr>
<td>Balcony</td>
<td></td>
</tr>
<tr>
<td>Gallery</td>
<td></td>
</tr>
<tr>
<td>Awning/Canopy</td>
<td></td>
</tr>
<tr>
<td>Forecourt</td>
<td></td>
</tr>
</tbody>
</table>
3.9. Apartment

1. Lot

<table>
<thead>
<tr>
<th>Lot Dimensions</th>
<th>12,500 SF</th>
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</thead>
<tbody>
<tr>
<td>Lot area (min)</td>
<td>Lot width (min)</td>
</tr>
<tr>
<td>12,500 SF</td>
<td>100'</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lot Parameters</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>% of outdoor amenity space (min)</td>
<td>20%</td>
</tr>
</tbody>
</table>

2. Placement

<table>
<thead>
<tr>
<th>Building Setbacks</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street (min/max)</td>
<td>10'/20'</td>
</tr>
<tr>
<td>Side street (min/max)</td>
<td>10'/20'</td>
</tr>
<tr>
<td>Side interior (min)</td>
<td>0' or 5'</td>
</tr>
<tr>
<td>Side interior, abating protected district (min)</td>
<td>15'</td>
</tr>
<tr>
<td>Rear (min)</td>
<td>0' or 5'</td>
</tr>
<tr>
<td>Rear, abutting protected district (min)</td>
<td>15'</td>
</tr>
<tr>
<td>Alley (min)</td>
<td>5'</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Build-to Zone (BTZ)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Building in primary street BTZ (min % of lot width)</td>
<td>70%</td>
</tr>
<tr>
<td>Building in side street BTZ (min % of lot width)</td>
<td>35%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking Setbacks</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street (min)</td>
<td>30'</td>
</tr>
<tr>
<td>Side street (min)</td>
<td>10'</td>
</tr>
</tbody>
</table>
3. Height and Mass

**Building Height**

- Building height (max)
  - DX-3, RA-3: 3 stories / 40'
  - DN-4: 4 stories / 50'
- Reduced height may be required when abutting a protected district (see Sec. 3.3.O)

**Story Height**

- Ground floor elevation (min/max): 2'/4'
- Ground story height, floor to ceiling (min): 9'
- Upper story height, floor to ceiling (min): 9'

**Building Mass**

- Street-facing wall length without offset (max): 100'
- Street-facing wall offset depth (min): 4'
- Street-facing wall offset length (min): 8'
- Building length, street-facing facade (max): 225'

**Transparency**

- Ground story, street-facing facade (min): 20%
- Upper story, street-facing facade (min): 20%
- Blank wall area, street-facing facade (min): 35'

**Pedestrian Access**

- Entrance facing primary street: Required
- Entrance spacing along primary street (max): 100'

**Building Elements**

- Porch: Allowed
- Stoop: Allowed
- Balcony: Allowed
- Gallery: Not allowed
- Awning/Canopy: Allowed
- Forecourt: Allowed
### 3.10. Townhouse

#### 1. Lot

<table>
<thead>
<tr>
<th>Site Dimensions</th>
<th>Lot Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong> Site area (min)</td>
<td><strong>C</strong> Lot area (min)</td>
</tr>
<tr>
<td>10,000 SF</td>
<td>1,300 sf</td>
</tr>
<tr>
<td><strong>B</strong> Site width (min)</td>
<td><strong>D</strong> Unit width (min/max)</td>
</tr>
<tr>
<td>100’</td>
<td>20’/30’</td>
</tr>
</tbody>
</table>

#### 2. Placement

<table>
<thead>
<tr>
<th>Building Setbacks</th>
<th>Build-to Zone (BTZ)</th>
<th>Parking Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong> Primary street: principal building (min/max)</td>
<td>Building in primary street BTZ (min % of lot width)</td>
<td>On-site parking not allowed between the building &amp; the street. Rear-loaded vehicular access required.</td>
</tr>
<tr>
<td><strong>B</strong> Primary street: accessory structure (min)</td>
<td>70%</td>
<td></td>
</tr>
<tr>
<td><strong>C</strong> Side street (min)</td>
<td>4’ or 20’ min</td>
<td></td>
</tr>
<tr>
<td><strong>D</strong> Side interior, end unit only (min)</td>
<td>15’</td>
<td></td>
</tr>
<tr>
<td><strong>E</strong> Rear (min)</td>
<td>5’</td>
<td></td>
</tr>
<tr>
<td><strong>F</strong> Alley (min)</td>
<td>10’</td>
<td></td>
</tr>
</tbody>
</table>

Building Setbacks
- **A** Primary street: principal building (min/max)
- **B** Primary street: accessory structure (min)
- **C** Side street (min)
- **D** Side interior, end unit only (min)
- **E** Rear (min)
- **F** Alley (min)

Parking Setbacks
- On-site parking not allowed between the building & the street. Rear-loaded vehicular access required.
### 3. Height and Mass

#### Building Height

|   | Description                                                                 | Max Height  
|---|----------------------------------------------------------------------------|-------------
| A | Principal building (max)                                                  | RA-2: 2 stories / 35'  
|   |                                                                             | DN-4, DX-3, RA-3: 3 stories / 40'  
|   |                                                                             | Reduced height may be required when abutting a protected district (see Sec. 3.3.O)  
| B | Accessory structure (max)                                                  | 25'  

#### Story Height

|   | Description                                                                 | Min/Max Height  
|---|----------------------------------------------------------------------------|-------------
| C | Ground floor elevation (min/max)                                           | 2'/4'  
| D | Ground story height, floor to ceiling (min)                                | 9'  
| E | Upper story height, floor to ceiling (min)                                 | 9'  

#### Building Mass

|   | Description                                                                 | Max Units  
|---|----------------------------------------------------------------------------|-------------
| F | Number of units permitted in any one row                                   | 10  

### 4. Activation

#### Transparency

|   | Description                                                                 | Min/Max Transparency  
|---|----------------------------------------------------------------------------|-------------
| A | Ground story, street-facing facade (min)                                   | 20%  
| B | Upper story, street-facing facade (min)                                    | 20%  
| C | Blank wall area, street-facing facade (max)                                | 35'  

#### Pedestrian Access

|   | Description                                                                 | Accessibility  
|---|----------------------------------------------------------------------------|-------------
| D | Entrance facing primary street (each ground floor unit)                    | Required  

#### Building Elements

|   | Description                                                                 | Permitted/Allowed  
|---|----------------------------------------------------------------------------|-------------
|   | Porch                                                                       | Allowed  
|   | Stoop                                                                       | Allowed  
|   | Balcony                                                                     | Allowed  
|   | Gallery                                                                     | Not allowed  
|   | Awning/Canopy                                                               | Not allowed  
|   | Forecourt                                                                   | Not allowed  

---

*ADOPTED Form-Based Code Downtown Malta: February 4, 2013*
3.11. Cottage Court

1. Lot

<table>
<thead>
<tr>
<th>Site Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Site area (min)</td>
</tr>
<tr>
<td>B Site area per detached house (min)</td>
</tr>
<tr>
<td>C Detached houses per site (max)</td>
</tr>
<tr>
<td>D Site width (min)</td>
</tr>
<tr>
<td>E Site depth (min)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lot Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>F Lot area (min)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Courtyard</th>
</tr>
</thead>
<tbody>
<tr>
<td>G Area (min)</td>
</tr>
<tr>
<td>H Courtyard area per detached house (min)</td>
</tr>
<tr>
<td>I Width (min)</td>
</tr>
</tbody>
</table>

The courtyard must be one contiguous open area and must be provided at grade and cannot be built, parked or driven upon, except for emergency access and permitted temporary events.

2. Placement

<table>
<thead>
<tr>
<th>Building Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Primary street: principal building (min)</td>
</tr>
<tr>
<td>B Primary street: accessory structure (min)</td>
</tr>
<tr>
<td>C Side street (min)</td>
</tr>
<tr>
<td>D Side interior (min)</td>
</tr>
<tr>
<td>E Rear (min)</td>
</tr>
<tr>
<td>F Rear, alley</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Courtyard Encroachment</th>
</tr>
</thead>
<tbody>
<tr>
<td>G Porch including steps (max)</td>
</tr>
<tr>
<td>H Balcony (max)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Placement Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>G Building separation (min)</td>
</tr>
<tr>
<td>H Principal building footprint (max)</td>
</tr>
<tr>
<td>I Accessory structure footprint (max)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>On-site parking not allowed between the building &amp; the street</td>
</tr>
</tbody>
</table>
3. Height and Mass

Building Height

A Principal building (max) 1 story / 25’
B Accessory structure (max) 18’

Story Height
C Ground floor elevation (min/max) 2’/4’

4. Activation

Pedestrian Access

A Entrance facing primary street Required for end units

Building Elements

<table>
<thead>
<tr>
<th>Porch</th>
<th>Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stoop</td>
<td>Allowed</td>
</tr>
<tr>
<td>Balcony</td>
<td>Allowed</td>
</tr>
<tr>
<td>Gallery</td>
<td>Not allowed</td>
</tr>
<tr>
<td>Awning/Canopy</td>
<td>Not allowed</td>
</tr>
<tr>
<td>Forecourt</td>
<td>Not allowed</td>
</tr>
</tbody>
</table>
## BUILDINGS | Sec. 3.12. Detached House

### 3.12. Detached House

1. **Lot**

   - Lot area (min): 7,500 SF
   - Lot area - rear loaded (min): 5,000 SF
   - Lot width (min): 50'
   - Lot width - rear loaded (min): 40'

2. **Placement**

<table>
<thead>
<tr>
<th>Table Title</th>
<th>Description</th>
<th>Minimum/Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Dimensions</td>
<td>Lot area (min)</td>
<td>7,500 SF</td>
</tr>
<tr>
<td></td>
<td>Lot area - rear loaded (min)</td>
<td>5,000 SF</td>
</tr>
<tr>
<td></td>
<td>Lot width (min)</td>
<td>50'</td>
</tr>
<tr>
<td></td>
<td>Lot width - rear loaded (min)</td>
<td>40'</td>
</tr>
<tr>
<td>Lot Parameters</td>
<td>Dwelling units per lot (max)</td>
<td>1</td>
</tr>
<tr>
<td>Principal Building Setbacks</td>
<td>Primary street (min)</td>
<td>15'</td>
</tr>
<tr>
<td></td>
<td>Side street (min)</td>
<td>10'</td>
</tr>
<tr>
<td></td>
<td>Side interior (min)</td>
<td>5'</td>
</tr>
<tr>
<td></td>
<td>Rear (min)</td>
<td>20'</td>
</tr>
<tr>
<td></td>
<td>Alley</td>
<td>4' or 20' min</td>
</tr>
<tr>
<td>Accessory Structure Setbacks</td>
<td>Primary street (min)</td>
<td>50'</td>
</tr>
<tr>
<td></td>
<td>Side street (min)</td>
<td>10'</td>
</tr>
<tr>
<td></td>
<td>Side interior (min)</td>
<td>5'</td>
</tr>
<tr>
<td></td>
<td>Rear (min)</td>
<td>5'</td>
</tr>
<tr>
<td></td>
<td>Alley</td>
<td>4' or 20' min</td>
</tr>
<tr>
<td>Accessory Structure Limitations</td>
<td>Building separation (min)</td>
<td>10'</td>
</tr>
<tr>
<td></td>
<td>Building footprint (max)</td>
<td>450 SF</td>
</tr>
</tbody>
</table>

**Parking Location**

On-site parking not allowed between the building & the street.
3. Height and Mass

**Building Height**

- **A** Principal building (max) 2 stories / 35’
- **B** Accessory structure (max) 25’

**Story Height**

- **C** Ground floor elevation (min/max) 2’4’

---

**4. Activation**

**Pedestrian Access**

- **A** Entrance facing primary street Required

**Building Elements**

- Porch Allowed
- Stoop Allowed
- Balcony Allowed
- Gallery Not allowed
- Awning/Canopy Not allowed
- Forecourt Not allowed
3.13. Special Rules for the GC-3 District

1. Lot

<table>
<thead>
<tr>
<th>Lot Dimensions</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Lot area (min)</td>
<td>5,000 SF</td>
</tr>
<tr>
<td>B</td>
<td>Lot width (min)</td>
<td>50’</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lot Parameters</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>C</td>
<td>% of outdoor amenity space (min)</td>
<td>35%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Setbacks</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Primary street (min)</td>
<td>50’</td>
</tr>
<tr>
<td>B</td>
<td>Side street (min)</td>
<td>25’</td>
</tr>
<tr>
<td>C</td>
<td>Side interior (min)</td>
<td>15’</td>
</tr>
<tr>
<td>D</td>
<td>Rear (min)</td>
<td>15’</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking Setbacks</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>E</td>
<td>Primary street (min)</td>
<td>10’</td>
</tr>
<tr>
<td>F</td>
<td>Side street (min)</td>
<td>10’</td>
</tr>
</tbody>
</table>

On-site parking not allowed between the building & the street
### 3. Height and Mass

<table>
<thead>
<tr>
<th>Building Height</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Building height (max)</td>
<td>3 stories / 40'</td>
</tr>
<tr>
<td>Reduced height may be required when abutting a protected district (see Sec. 3.3.O)</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Story Height</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Ground floor elevation (min/max)</td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td>2'/4'</td>
</tr>
<tr>
<td>Nonresidential</td>
<td>0'/2'</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ground story height, floor to ceiling (min)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>9'</td>
</tr>
<tr>
<td>Nonresidential</td>
<td>11'</td>
</tr>
</tbody>
</table>

| Upper story height, floor to ceiling (min) | 9' |

<table>
<thead>
<tr>
<th>Building Mass</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Street-facing wall length without offset (max)</td>
<td>100'</td>
</tr>
<tr>
<td>Street-facing wall offset depth (min)</td>
<td>4'</td>
</tr>
<tr>
<td>Street-facing wall offset length (min)</td>
<td>8'</td>
</tr>
<tr>
<td>Building length, street-facing facade (max)</td>
<td>120'</td>
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<tr>
<td>Building separation</td>
<td>30'</td>
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### 4. Activation

<table>
<thead>
<tr>
<th>Transparency</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground story, primary/side street (min)</td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td>20%/20%</td>
</tr>
<tr>
<td>Nonresidential</td>
<td>40%/20%</td>
</tr>
<tr>
<td>Upper story, street-facing facade (min)</td>
<td>20%</td>
</tr>
<tr>
<td>Blank wall area, primary/side street (max)</td>
<td>35'/45'</td>
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<table>
<thead>
<tr>
<th>Pedestrian Access</th>
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<tr>
<td>Entrance facing primary street</td>
<td>Required</td>
</tr>
<tr>
<td>Entrance spacing along primary street (max)</td>
<td>100'</td>
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<table>
<thead>
<tr>
<th>Allowed Building Elements</th>
<th></th>
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<tbody>
<tr>
<td>Porch</td>
<td>Yes</td>
</tr>
<tr>
<td>Stoop</td>
<td>Yes</td>
</tr>
<tr>
<td>Balcony</td>
<td>Yes</td>
</tr>
<tr>
<td>Gallery</td>
<td>Yes</td>
</tr>
<tr>
<td>Awning/Canopy</td>
<td>Yes</td>
</tr>
<tr>
<td>Forecourt</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Individual building elements are allowed for each building type or district (see Sec. 3.4 to Sec. 3.13).

A. Porch

1. Defined
   A raised structure attached to a building, forming a covered entrance to a doorway.

2. Standards
   a. A front porch must be at least 6 feet deep (not including the steps).
   b. A front porch must be contiguous, with a width not less than 50% of the building facade from which it projects.
   c. A front porch must be roofed and may be screened, but cannot be fully enclosed.
   d. A front porch may extend up to 9 feet, including the steps, into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
   e. A front porch may not encroach into the public right-of-way.

B. Stoop

1. Defined
   A small raised platform that serves as an entrance to a building.

2. Standards
   a. A stoop must be no more than 6 feet deep (not including the steps).
   b. A stoop may be covered but cannot be fully enclosed.
   c. A stoop may extend up to 6 feet, including the steps, into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
   d. A stoop may not encroach into the public right-of-way.
C. Balcony

1. Defined
   A platform projecting from the wall of an upper-story of a building with a railing along its outer edge, often with access from a door or window.

2. Standards
   a. A balcony must be at least 4 feet deep and may extend up to 6 feet into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
   b. A balcony must have a clear height above the sidewalk of at least 10 feet.
   c. A balcony may be covered and screened, but cannot be fully enclosed.
   d. A balcony may encroach into the public right-of-way but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater.

D. Gallery

1. Defined
   A covered passage extending along the outside wall of a building supported by arches or columns that is open on 3 sides.

2. Standards
   a. A gallery must have a clear depth from the support columns to the building's facade of at least 8 feet and a clear height above the sidewalk of at least 10 feet.
   b. A gallery must be contiguous and extend over at least 50% of the width of the building facade from which it projects.
   c. A gallery may extend into a required setback.
   d. A gallery may encroach into the public right-of-way but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater.
E. Awning/Canopy

1. Defined
   A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk.

2. Standards
   a. An awning/canopy must be a minimum of 10 feet clear height above the sidewalk and must have a minimum depth of 6 feet.
   b. An awning/canopy may extend into a required setback.
   c. An awning/canopy may encroach into the public right-of-way but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater.

F. Forecourt

1. Defined
   An open area at grade, or within 30 inches of grade, that serves as an open space, plaza or outdoor dining area.

2. Standards
   a. A forecourt must be no more than one-third of the length of the building face, and in no case longer than 35 feet in width.
   b. A forecourt may be no more than 35 feet in depth.
   c. A maximum of one forecourt is permitted per lot.
   d. A forecourt meeting the above requirements is considered part of the building for the purpose of measuring the build-to zone.
   e. The area of a forecourt may be included in the calculation of required amenity space.
Section 4. Land Use

4.1. Permitted Uses
A. Section 4 establishes the principal and accessory uses allowed in each district. A lot or building must be occupied with only the principal uses allowed on the permitted use table in Sec. 4.4. Accessory uses and structures are allowed in conjunction with an allowed principal use under Sec. 4.2.

B. Any one or more uses allowed in a district may be established on any lot within that district, subject to the permitted use table, and in compliance with all applicable requirements of this Code.

4.2. Accessory Uses
A. Accessory uses and structures must be accessory and clearly incidental and subordinate to a permitted principal use or building.

B. No accessory use or structure may be established prior to the establishment of a permitted principal use or building.

C. The Building and Planning Coordinator is authorized to determine when a use or structure is accessory. In order to classify a use or structure as accessory, the Building and Planning Coordinator must determine that the use or structure:
   1. Is subordinate to the principal use or building in terms of area, extent and purpose;
   2. Contributes to the comfort, convenience or necessity of occupants of the principal use or building served;
   3. Is located on the same lot as the principal use or building, or on a contiguous lot in the same ownership;
   4. Does not involve operations not in keeping with the character of the principal use or building served; and
   5. Is not of a nature likely to attract visitors in larger numbers than would normally be expected for the principal use or building.

D. All accessory structures must meet the setback and height requirements of Section 3, Buildings.

4.3. Use Limitations
A. Uses Allowed in a Civic Building Type
   Only the specifically identified public/civic uses listed in Sec. 4.4 are allowed in a civic building type.

B. Drive-Through Service Establishment
   1. Adequate space must be made available on-site for the stacking, storage and queuing of all vehicles.
   2. Vehicles using drive-through facilities may not encroach on or interfere with the public use of streets and sidewalks by vehicles or pedestrians.
   3. All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-through, must be located to the side or rear of the building. Drive-through windows and lanes may not be placed between the street and the associated building.
   4. No drive-through window or lane is permitted on the side or rear of a building facing a protected district.

C. Parking Garage
   1. The ground story of a parking garage must have active uses (such as, but not limited to, residential, commercial, office or civic space) located between the parking garage and the street (not including an alley).
   2. Where upper stories of parking garage are located at the perimeter of a building, they must be screened so that cars are not visible from ground level view from adjacent property or adjacent public street right-of-way (not including an alley).
   3. All floors fronting a public street right-of-way (not including an alley) must be level (not inclined).
   4. Sloped ramps cannot be discernible along the perimeter of the parking structure.
   5. Ground floor facade treatment (building materials, windows, and architectural detailing) must be continued on upper stories.

D. Auto Service/Fueling Station, Gasoline Service
   Vehicle fueling is permitted, provided that all fuel pumps and fuel canopies are located to the side or rear of a structure meeting the build-to zone requirements for the specific building type. No more than 4 pump stations are permitted, except where additional pump stations are approved by special use permit. A fuel canopy does not meet the build-to zone requirements.
4.4. Permitted Use Table

Uses are allowed by district as shown below.

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Sec. 4.4. Permitted Use Table</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Residential Uses</th>
<th>DN-4</th>
<th>DC-4</th>
<th>DX-3</th>
<th>GC-3</th>
<th>RA-3</th>
<th>DA-2</th>
<th>DR-2</th>
<th>DP-2</th>
<th>RA-2</th>
<th>RD-2</th>
<th>OS</th>
<th>Use Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling, one family</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td>●</td>
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</table>

<table>
<thead>
<tr>
<th>Public/Civic Uses</th>
<th>DN-4</th>
<th>DC-4</th>
<th>DX-3</th>
<th>GC-3</th>
<th>RA-3</th>
<th>DA-2</th>
<th>DR-2</th>
<th>DP-2</th>
<th>RA-2</th>
<th>RD-2</th>
<th>OS</th>
<th>Use Limitations</th>
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</thead>
<tbody>
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<tr>
<td>Park, playground</td>
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<td>School (K-12)</td>
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<tr>
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<tr>
<td>Utility structures/lines, major</td>
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<table>
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<tr>
<th>Commercial Uses</th>
<th>DN-4</th>
<th>DC-4</th>
<th>DX-3</th>
<th>GC-3</th>
<th>RA-3</th>
<th>DA-2</th>
<th>DR-2</th>
<th>DP-2</th>
<th>RA-2</th>
<th>RD-2</th>
<th>OS</th>
<th>Use Limitations</th>
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<tr>
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<tr>
<td>Convenience store, no gas</td>
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<tr>
<td>Drive-through service establishment</td>
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</tr>
</tbody>
</table>

KEY: ● = Permitted Use ● = Special Use Permit Blank Cell = Use not Permitted
### Permitted Use Table

<table>
<thead>
<tr>
<th>Use Limitations</th>
<th>DN-4</th>
<th>DC-4</th>
<th>DX-3</th>
<th>GC-3</th>
<th>RA-3</th>
<th>DA-2</th>
<th>DR-2</th>
<th>DP-2</th>
<th>RA-2</th>
<th>RD-2</th>
<th>OS</th>
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<tbody>
<tr>
<td>Grocery store</td>
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</tr>
<tr>
<td>Hotel</td>
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</tr>
<tr>
<td>Indoor recreation</td>
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<td>Restaurant</td>
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#### Heavy Commercial Uses

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<td>Research and development</td>
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<td></td>
</tr>
</tbody>
</table>

**KEY:** ● = Permitted Use, ○ = Special Use Permit, Blank Cell = Use not Permitted
Section 5. Sites

5.1. Parking

A. Applicability

1. General

No permit for the construction, reconstruction, extension, or alteration of any building, structure, or use of land, and no building or land, or any part of any building or land, may be occupied or used until parking has been provided in accordance with the requirements of this Code.

2. Additions

a. A building or site may be renovated or repaired without providing additional parking, provided there is no increase in gross floor area or improved site area.

b. When a building, use or site is increased in gross floor area or improved site area, parking is required for the additional floor or site area only.

c. When the gross floor area or improved site area is increased by more than 50% cumulatively, both the existing use and the additional floor or site area must conform to the parking requirements of this Code.

3. Change in Use

a. A change in use must comply with the parking requirements unless the use has the same or a lesser parking demand than the previous use.

b. Where required parking spaces for the new use exceed the required parking spaces for the existing use, additional parking is only required for the difference between the current parking spaces required and the parking spaces required for the new use.

B. Vehicle Parking

1. The following minimum parking spaces are required unless an alternative is approved by the Town Engineer.

<table>
<thead>
<tr>
<th>Use</th>
<th>Required Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Uses</td>
<td></td>
</tr>
<tr>
<td>Dwelling, one family</td>
<td>2 per unit</td>
</tr>
<tr>
<td>Cottage court</td>
<td>1 per unit + 1 per 5 units for visitors</td>
</tr>
<tr>
<td>Dwelling, multifamily: 0-1 bedroom</td>
<td>1 per unit + 1 per 5 units for visitors</td>
</tr>
<tr>
<td>Dwelling, multifamily: 2+ bedrooms</td>
<td>2 per unit + 1 per 5 units for visitors</td>
</tr>
<tr>
<td>Nursing or convalescent home, senior housing</td>
<td>0.5 per unit + 1 per 5 units for visitors</td>
</tr>
<tr>
<td>Public/Civic Uses</td>
<td></td>
</tr>
<tr>
<td>Area of public assembly, Church, rectory (place of worship)</td>
<td>1 per 4 seats in principal assembly room</td>
</tr>
<tr>
<td>Day-care center, adult/ child, Nursery school</td>
<td>1 per 2 employees</td>
</tr>
<tr>
<td>All other uses</td>
<td>1 per 400 square feet of gross floor area</td>
</tr>
<tr>
<td>Commercial Uses</td>
<td></td>
</tr>
<tr>
<td>Hotel, bed and breakfast</td>
<td>1 per guest room - excluding restaurant or conference/meeting rooms, which must be computed separately</td>
</tr>
<tr>
<td>Restaurant</td>
<td>1 per 200 square feet of gross floor area</td>
</tr>
<tr>
<td>All other uses</td>
<td>1 per 400 square feet of gross floor area</td>
</tr>
<tr>
<td>Heavy Commercial Uses</td>
<td></td>
</tr>
<tr>
<td>All uses</td>
<td>1 per 500 square feet of gross floor area</td>
</tr>
</tbody>
</table>

2. Outdoor dining located in the build-to zone or a forecourt allowed under Sec. 3.14.F are exempt from the calculation of required vehicle parking spaces.

3. In each parking lot or garage containing over 100 parking spaces, at least 2 spaces within the 10 spaces closest to the primary entrance to the building must be reserved for a hybrid or electric vehicle, and must have a sign indicating that reservation.
C. Location of Parking

Required vehicle parking must be located on the same lot as the use they are intended to serve, except as listed below.

1. On-Street Parking
   a. One on-street parking space may be substituted for every required parking space provided the on-street space is located on a public right-of-way immediately abutting the subject property.
   b. Each on-street parking space may only be counted for one property. Where a space straddles an extension of a property line, the space may only be counted by the owner whose property abuts 50% or more of the on-street parking space.

2. Remote Parking
   a. All required parking spaces may be located off-site, if the parking area is located within 660 feet from the primary entrance of the use served.
   b. Up to 50% of the required parking spaces may be located more than 660 feet off-site, if the parking area is located within 1,320 feet from the primary entrance of the use served.
   c. Specifically designated parking spaces for employees may be located off-site up to 2,640 feet from the primary entrance of the use served.
   d. All remote parking spaces used to meet an on-site parking requirement must be located within the boundaries of the Downtown Form-Based Code.
   e. The off-site parking area is measured in walking distance from the nearest point of the remote parking area to the primary entrance of the use served.

D. Bicycle Parking

1. Multifamily
   All developments with 10 or more multifamily units must provide at least one indoor covered bicycle parking space for every 5 dwelling units unless an alternative is approved by the Town Engineer.

2. Nonresidential
   a. All nonresidential uses must provide the following minimum bicycle parking spaces unless an alternative is approved by the Town Engineer.

<table>
<thead>
<tr>
<th>Size of Use</th>
<th>Required Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 5,000 square feet of gross floor area</td>
<td>2</td>
</tr>
<tr>
<td>5,001 to 10,000 square feet of gross floor area</td>
<td>3</td>
</tr>
<tr>
<td>10,001 to 30,000 square feet of gross floor area</td>
<td>4</td>
</tr>
<tr>
<td>30,001 square feet or more of gross floor area</td>
<td>6</td>
</tr>
</tbody>
</table>

b. Required bicycle parking spaces must be publicly accessible and be located no more than 100 feet from the building entrance the bicycle parking space is intended to serve.

c. Required bicycle parking spaces may be placed on private property or within the public right-of-way. Facilities in the right-of-way must be approved by the Town Engineer, County Engineer or NYSDOT, as applicable.

3. Bicycle Parking Facilities

Bicycle parking may be provided through various types of facilities, provided the facility meets the following:

a. Each required bicycle parking space is at least 2 feet by 6 feet.

b. Bicycle racks are securely anchored, are easily usable with both U-locks and cable locks and support a bicycle at two points of contact to prevent damage to the bicycle wheels and frame.

b. Where a bike can be locked on both sides without conflict, each side can be counted as a required space.

d. Spacing of the racks provides clear and maneuverable access.

E. Drive-Through Vehicle Stacking

1. A restaurant with a drive-through must provide at least 4 queuing spaces, measured from the first pick up window.

2. A bank with a drive-through must provide at least 3 queuing spaces per drive-through lane, measured from the teller box or window.

3. All other uses will be determined by the Town Engineer.
F. Stall Size and Drive Aisle Dimensions

1. Parking spaces and drive aisles must meet the following dimensions. Parking spaces and drive aisles using dimensions other than those specified may be used if approved by the Town Engineer.

   - Parallel Parking
     - 20' x 22'
     - 8'
     - 12'

   - 90° Parking
     - 8.5'
     - 18'
     - 22'

   - 60° Parking
     - 9.8'
     - 54.1'
     - 19.8'

2. Within a structured parking garage, up to 30% of the total parking spaces provided may be compact spaces. No more than 2 compact parking spaces may abut each other. Compact spaces may be reduced to 7.5 feet in width. All compact parking spaces must be clearly and visibly striped and labeled for compact car use only.

G. Parking Lot Landscaping

1. Applicability
   a. This Section applies to all on-site surface parking lots with more than 10 spaces created after the effective date of this Code, except as provided under paragraph b. below. For purposes of this Section, multiple platted lots contained on a single site plan and any separate parking areas connected with drive aisles are considered a single parking area.
   b. An existing parking lot may be renovated or repaired without providing additional landscaping, provided there is no increase in the size of the parking lot.
   c. When an existing parking lot is increased in size landscaping is required for the additional parking area only.
   d. When an existing parking lot is increased in size by more than 50% cumulatively, landscaping is required for both the existing parking lot and the new parking area.

2. Perimeter Screening
   All surface parking lots with frontage on any portion of a street right-of-way (not including an alley) must be screened with the following:
   a. A minimum 10-foot wide, landscaped area with a continuous row of shrubs must be provided between the street and parking lot.
   b. Shrubs must be a minimum of 18 inches in height when planted and must reach a minimum size of 36 inches in height within 3 years of planting.
   c. A 36-inch wall in a minimum 5-foot planting strip may be substituted for the continuous row of shrubs.
   d. Breaks for pedestrian and vehicle access are allowed.
3. **Interior Islands**
   a. A landscaped interior island must be provided every 10 parking spaces. Interior islands must be distributed evenly throughout the parking area. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.
   b. An interior island abutting a double row of parking spaces must be a minimum of 8.5 feet in width and 300 square feet in area.
   c. An interior island abutting a single row of parking spaces must be a minimum of 8.5 feet in width and 150 square feet in area.
   d. Interior islands must be installed below the level of the parking lot surface to allow for runoff capture.

4. **Median Islands**
   a. A landscape median island must be provided between every 6 single parking rows.
   b. A landscape median island must be a minimum of 5 feet wide.
   c. A median island may also serve as the location for a sidewalk. In such case, the sidewalk must be a minimum of 6 feet wide, and the remaining planting area must be no less than 5 feet wide.
   d. Median islands may be consolidated or intervals may be expanded in order to preserve existing trees.
   e. Median islands must be installed below the level of the parking lot surface to allow for runoff capture.

5. **Tree Coverage**
   a. Each interior island must include at least one shade tree per 150 square feet.
   b. In no case can there be less than one shade tree for every 2,000 square feet of parking area including driving aisles.

6. **Maintenance and Installation**
   All required parking lot landscaping must meet the maintenance and installation requirements of Sec. 5.2.E and Sec. 5.2.F.
H. Surfacing

1. Impervious Materials
   Where on-site facilities are provided for parking or any other vehicular use areas, they must be surfaced with asphalt bituminous, concrete or other type of dustless material approved by the Town Engineer, and maintained in a smooth, well-graded condition.

2. Pervious Materials
   Pervious or semi-pervious parking area surfacing materials may be approved by the Town Engineer. Permitted materials may include, but are not limited to grass, grasscrete, ring and grid systems used in porous or grid pavers, or recycled materials such as glass, rubber, used asphalt, brick, block and concrete and other impervious material.

3. Curbs and Drainage
   a. All surface parking areas must be graded and drained to collect, retain, and infiltrate surface water accumulation on-site to the greatest extent practicable.
   b. Curbs or parking blocks are required at the edges of perimeter and interior landscaped areas. Curbing must have openings to allow drainage to enter and percolate through the landscaped area.

I. Vehicle Loading Areas

1. Loading Not Required
   If determined necessary by the Town Engineer, adequate space must be made available on-site for the unloading and loading of goods, materials, items or stock for delivery and shipping.

2. Location
   If a loading area is provided it must meet the following standards.
   a. The loading area must be located on the same lot occupied by the use served and must be accessible from a public street or alley.
   b. The loading area must be located to the side or rear of buildings. Loading areas may not be placed between the street and the associated building.
   c. With the exception of areas specifically designated by the Town, loading and unloading activities are not permitted in the public right-of-way.
   d. Loading and unloading activities may not encroach on or interfere with the use of sidewalks, drive aisles, queuing areas and parking areas by vehicles or pedestrians.

J. Cross-Access

Applications for Project Site Review must comply with the following cross-access standards:

1. Cross-access for vehicles is required between abutting lots along Route 9 and Highway 67.

2. A stub for future vehicular cross-access must be provided to all abutting vacant land.

3. When vehicular cross-access is deemed impractical by the Town Engineer on the basis of topography, the presence of natural features, or vehicular safety factors, the requirement for cross-access may be waived.

4. Property owners who establish cross-access easements must:
   a. Record an easement allowing cross-access to and from properties served by the cross-access easement.
   b. Record a joint maintenance agreement defining the maintenance responsibilities of each property owner.
5.2. Landscaping and Screening

A. Applicability

1. General

No permit for the construction, reconstruction, extension, or alteration of any building, structure, or use of land, and no building or land, or any part of any building or land, may be occupied or used until landscaping and screening has been provided in accordance with the requirements of this Code.

2. Additions

a. A building or site may be renovated or repaired without providing additional landscaping and screening, provided there is no increase in gross floor area or improved site area.

b. When the gross floor area or improved site area is increased, landscaping and screening is required for the additional floor or site area only.

c. When the gross floor area or improved site area is increased by more than 50% cumulatively, both the existing use and the additional floor or site area must conform to the landscaping requirements of this Code.

3. Change in Use

Screening may be required for a change in use under paragraph B. below. Otherwise, a change in use does not trigger application of this Section except when there is a specific use standard requiring landscaping or screening for the new use.

B. Transitional Buffer

1. Applicability

The following transitional buffer requirements apply along a perimeter lot line that abuts a protected district.

2. Required Buffer

The following transitional buffer is required along a perimeter lot line that abuts a protected district.

| Depth (min) | 20’ |
| Wall Height (min) | 6’ |
| Shade Trees (min per 100’) | 5 |
| Understory Trees (min per 100’) | 4 |
| Shrub Height (min) | 4’ |


a. A required transitional buffer must be located within the outer perimeter of the lot, parallel to and extending to the property boundary line and must be provided along the entire frontage immediately abutting the property line.

b. The width of the buffer strip is determined exclusive of any required setback; however, the required buffer may be located wholly or partially within a required setback.

c. The parking of vehicles and the placement of buildings is not allowed in a required buffer. All required setbacks apply.
d. No building may be located closer than 10 feet to a required buffer.

e. Breaks for pedestrian and vehicle access are allowed subject to approval by the Building and Planning Coordinator.

4. Walls
Walls in a transitional buffer must meet the following standards.

a. Walls must be constructed of high quality materials including one or a combination of the following: decorative blocks; brick; stone; cast-stone; split-faced block; stucco over standard concrete masonry blocks; glass block; or other material approved by the Building and Planning Coordinator.

b. No walls containing more than 50% exposed standard concrete masonry blocks are allowed, whether painted or not.

c. No wall can be located within any required drainage or utility easement.

5. Landscaping

a. In the transitional buffer, 50% of required trees must be locally adapted evergreen species.

b. Shrubs must be evergreen and be of a species that under typical conditions can be expected to reach a height and spread of 4 feet within 3 years of planting. All shrubs must be a minimum of 18 inches tall when planted.

C. Screening

1. Service Areas

a. Trash collection, trash compaction, recycling collection and other similar service areas must be located to the side or rear of buildings and must be screened from view from adjacent property or public street right-of-way (not including an alley).

b. Service areas that are fully integrated into a building must be screened with a roll down door or other opaque screen.

c. Service areas that are not integrated into a building must be screened on 3 sides by a wall at least 6 feet in height and on the 4th side by a solid gate at least 6 feet in height.

d. The gate and wall must be maintained in good working order and must remain closed except when trash pick-ups occur.

2. Roof-Mounted Equipment

a. Roof-mounted equipment must be screened from ground level view from adjacent property or adjacent public street right-of-way (not including an alley).

b. New buildings must provide a parapet wall or other architectural element that screens roof-mounted equipment from ground level view.

3. Wall-Mounted Equipment

a. Wall-mounted equipment cannot be located on any surface that directly faces a public right-of-way (not including an alley).

b. Wall-mounted equipment located on any surface that is visible from a public right-of-way (not including an alley) must be fully screened by landscaping or an opaque screen.

4. Ground-Mounted Equipment

Ground-mounted mechanical equipment that is visible from a public right-of-way (not including an alley) must be screened from view by landscaping or a fence or wall. The screening must be of a height equal to or greater than the height of the mechanical equipment being screened.

D. Fences and Walls
Walls and fences located outside of a required buffer must meet the following standards.

1. Fences and walls may be placed up to the property line, and any posts or supporting rails must face inward toward the property being fenced.

2. A wall or fence located in a primary or side street setback cannot be more than 6 feet height. The opacity of the wall or fence above 4 feet in height must not exceed 50%.

3. A wall or fence located in a side or rear setback cannot be more than 8 feet in height.

4. Walls must be constructed of high quality materials including one or a combination of the following: decorative blocks; brick; stone; cast-
stone; split-faced block; stucco over standard concrete masonry blocks; glass block; or other material approved by the Building and Planning Coordinator.

5. No wall containing more than 50% exposed standard concrete masonry block is allowed, whether painted or not.

6. Fences must be closed and be constructed of high quality materials including one or a combination of the following: wood, composite fencing; wrought iron, PVC vinyl; or other material approved by the Building and Planning Coordinator.

7. No wall or fence may be located within any required drainage or utility easement.

8. Barbed wire or concertina wire is not allowed.

9. Chain-link fences are not allowed in any primary or side street setback.

E. Plant Installation

   a. Plant materials must be hardy to zone 5 in accordance with the U.S. Department of Agriculture’s Plant Hardiness Zone Map.
   b. Plant materials must be able to survive on natural rainfall once established with no loss of health.
   c. Tree height is measured from the top of the root ball to the tip of the main stem.

2. Shade Trees
   a. All shade trees planted to meet the landscaping requirements must be a locally adapted species with an expected mature height of 35 feet or greater and an expected mature crown spread of at least 30 feet or greater unless subject to an overhead power line in which case the mature height may be less.
   b. All shade trees planted to meet the landscaping requirements must have a minimum caliper of 3 inches and be at least 10 feet tall at time of planting.

3. Understory Trees
   a. Understory trees planted to meet the landscaping requirements must be a locally adapted species with an expected mature height of at least 15 feet and an expected mature crown spread of at least 15 feet.
   b. Single-stem understory trees planted to meet the landscaping requirements must have a minimum caliper of 1½ inches and be at least 6 feet tall at time of planting.
   c. Multi-stem understory trees planted to meet the landscaping requirements must be at least 6 feet tall at time of planting.

F. Maintenance

The owner or tenant is responsible for maintaining all required landscaping in good health or condition. Any dead, unhealthy, deteriorating, broken or missing landscaping must be replaced with landscaping that conforms to this Code within 30 days (or within 180 days where weather concerns would jeopardize the health of plant materials).
5.3. Signs

A. Applicability

1. No sign may be erected, altered, refurbished or otherwise modified after the effective date of this Code except in accordance with the requirements of this Section.

2. All signs must be located on the same lot as the permitted use and be clearly incidental, customary and commonly associated with the operation of the permitted use.

3. In addition to the following sign standards, the requirements of § 167-27. Signs apply, except for the following sections:
   a. § 167-27D. Signs in Shopping Centers/Malls; and
   b. § 167-27E2. Sandwich Board Signs;

B. Signs in the Right-of-Way

1. Ground signs, bracket signs and sidewalk signs cannot encroach over the public right-of-way.

2. Wall signs, awning signs, canopy signs, projecting signs and shingle signs may encroach over the public sidewalk but cannot encroach on or over any streets or alleys, except public sidewalks. All signs must be a minimum of 18 inches inside the curb line or edge of pavement, whichever is greater.

C. Common Sign Plan

A common sign plan must be filed with the Building and Planning Coordinator for all sites occupied by more than one tenant. After the filing of a common sign plan, all tenant signs must meet the requirements of the common sign plan. The applicant must indicate the standards of consistency of all signs on the subject property with regard to:

1. Colors;

2. Letter/graphics style;

3. Location of each sign;

4. Materials used in sign construction; and

5. Maximum dimensions and proportion.
D. Sign Types Allowed by District

Signs are allowed by district as set forth below. Specific requirements for each sign are shown on the following pages.

<table>
<thead>
<tr>
<th></th>
<th>DN-4</th>
<th>DC-4</th>
<th>DX-3</th>
<th>GC-3</th>
<th>RA-3</th>
<th>DA-2</th>
<th>DP-2</th>
<th>RA-2</th>
<th>RD-2</th>
<th>OS</th>
</tr>
</thead>
<tbody>
<tr>
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<td>●</td>
<td></td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monument Sign</td>
<td>●</td>
<td>●</td>
<td></td>
<td>●</td>
<td>▲</td>
<td>●</td>
<td></td>
<td>▲</td>
<td></td>
<td>▲</td>
</tr>
<tr>
<td>Bracket Sign</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>▲</td>
<td>●</td>
<td>▲</td>
<td>▲</td>
<td></td>
<td>●</td>
</tr>
<tr>
<td>Sidewalk Sign</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td>●</td>
<td></td>
<td>●</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

KEY: ● = Sign type allowed ▲ = Allowed sign type for nonresidential uses only Blank Cell = Sign type not allowed

E. Allocation of Overall Sign Area

The maximum sign area allocation for each sign type is determined by the district and is established below. For each cell, there is a maximum sign area allocation that may be utilized with any combination and any number of signs associated with that cell.

<table>
<thead>
<tr>
<th></th>
<th>DN-4</th>
<th>DC-4</th>
<th>DX-3</th>
<th>GC-3</th>
<th>RA-3</th>
<th>DA-2</th>
<th>DP-2</th>
<th>RA-2</th>
<th>RD-2</th>
<th>OS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wall Sign</td>
<td>1 sf/ft of building length(1)</td>
<td>1 sf/ft of building length(1)</td>
<td>1 sf/ft of building length(1)</td>
<td>.5 sf/ft of building length(1)</td>
<td>1 sf/ft of building length(1)</td>
<td>75 sf/ft of building length(1)</td>
<td>5 sf/ft of building length(1)</td>
<td>5 sf/ft of building length(1)</td>
<td>--</td>
<td></td>
</tr>
<tr>
<td>Awning Sign</td>
<td>9 sf</td>
<td>9 sf</td>
<td>9 sf</td>
<td>9 sf</td>
<td>--</td>
<td>9 sf</td>
<td>9 sf</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Canopy Sign</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
<td>--</td>
<td>30%</td>
<td>30%</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Projecting Sign</td>
<td>36 sf</td>
<td>--</td>
<td>--</td>
<td>36 sf</td>
<td>16 sf</td>
<td>36 sf</td>
<td>--</td>
<td>16 sf</td>
<td>16 sf</td>
<td>--</td>
</tr>
<tr>
<td>Shingle Sign</td>
<td>9 sf</td>
<td>9 sf</td>
<td>9 sf</td>
<td>--</td>
<td>9 sf</td>
<td>9 sf</td>
<td>--</td>
<td>9 sf</td>
<td>9 sf</td>
<td>9 sf</td>
</tr>
<tr>
<td>Window Sign</td>
<td>6 sf</td>
<td>6 sf</td>
<td>6 sf</td>
<td>--</td>
<td>6 sf</td>
<td>6 sf</td>
<td>--</td>
<td>6 sf</td>
<td>--</td>
<td>6 sf</td>
</tr>
</tbody>
</table>

NOTES: (1) Sign area allocation applies to each side of a building. Sign area allocation cannot be transferred from one side of building to another.
F. Computation of Sign Type Area

The area of a sign type is determined as follows.

1. For signs consisting of freestanding letters or logos, sign area is calculated as the total area of the rectangle, circle or square that fully encloses each word or logo.

2. For cabinet signs and signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign face and the background used to differentiate the sign from the structure against which it is mounted. Sign area does not include any supports or bracing.

3. The sign area of a three-dimensional sign is calculated as total area of the smallest rectangle, circle or square that fully encloses the largest profile of the three-dimensional sign.

4. The area for a sign with more than one face is computed by adding together the area of all sign faces, except where the angle at which the two sign faces are placed does not exceed 45 degrees.

G. Measurement of Sign Height

The total height of a ground or bracket sign is measured from the highest point of the sign or supporting structure to the top of the adjacent curb, or to the crown of the road where no curb exists.
H. Wall Sign

Description
A sign placed painted against a building and attached to the exterior front, rear or side wall, extending no more than 12 inches, so that the display surface is parallel to the plane of the wall.

General Provisions
1. No portion of a wall sign may extend above the roof line or above a parapet wall of a building with a flat roof.
2. No portion of a wall sign may extend above the lower eave line of a building with a pitched roof.
3. A wall sign cannot cover windows or architectural details.
4. A wall sign can be externally or internally illuminated in accordance with Sec. 5.3.Q.

Standards

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Overall area allocation (max)</td>
</tr>
<tr>
<td>B</td>
<td>Projection - measured from building facade (max)</td>
</tr>
<tr>
<td>C</td>
<td>Raceway (max % of letter height)</td>
</tr>
</tbody>
</table>

Multi-tenant Sign

1. A development designed to accommodate at least 3 nonresidential tenants is allowed one additional square foot of sign area per linear foot of building facade, to be used exclusively as wall signage to display the name of the development or center.
2. The allocation of sign area cannot be transferred from one side of building to another.
3. No more than two such signs are allowed per building and no more than one sign per facade is allowed.
I. Awning Sign

Description
A sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning material as an integrated part of the awning itself.

General Provisions
1. An awning sign cannot extend outside the awning.
2. Only awnings over ground story doors or windows may contain signs.
3. A maximum of one sign is allowed per awning face.
4. An awning sign may only be externally illuminated in accordance with Sec. 5.3.Q.

<table>
<thead>
<tr>
<th>Standards</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Overall area allocation (max)</td>
</tr>
<tr>
<td>B</td>
<td>Width (max % of awning width/depth)</td>
</tr>
<tr>
<td>C</td>
<td>Height of text and graphics on valance (max)</td>
</tr>
<tr>
<td>D</td>
<td>Area of sloping plane covered by sign (max)</td>
</tr>
</tbody>
</table>
J. Canopy Sign

Description
A sign placed on a canopy so that the display surface is parallel to the plane of the wall.

General Provisions
1. A canopy sign cannot extend outside the overall length or width of the canopy. However, a canopy sign may extend above or below the canopy.
2. A maximum of one sign is allowed per canopy.
3. Raceways are permitted for signs extending below or above the canopy. Otherwise, raceways are not permitted and the sign must be flush with the canopy face.
4. A canopy sign can be externally or internally illuminated in accordance with Sec. 5.3.G.

Standards

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Overall area allocation (max)</td>
</tr>
<tr>
<td>B</td>
<td>Width (max % of canopy width)</td>
</tr>
<tr>
<td>C</td>
<td>Height of text and graphics (max)</td>
</tr>
<tr>
<td>D</td>
<td>Depth (max)</td>
</tr>
<tr>
<td>E</td>
<td>Raceway (max % of letter height)</td>
</tr>
<tr>
<td>F</td>
<td>Clear height above sidewalk (min)</td>
</tr>
</tbody>
</table>
K. Projecting Sign

Description
A sign attached to the building facade at a 90-degree angle, extending more than 12 inches. A projecting sign may be two or three-dimensional.

General Provisions
1. A projecting sign must be located at least 25 feet from any other projecting sign.
2. A projecting sign may be erected on a building corner when the building corner adjoins the intersection of two streets. Allocation of sign area from both streets may be used, however, in no case can the sign exceed the maximum height and width standards.
3. The top of a projecting sign can be no higher than the top of the building. However, on one story buildings, the top of a projecting sign may have a maximum of 20% of the sign height above the top of the building.
4. Buildings 4 stories and higher, a projecting sign must be located below the window sills of the 4th story.
5. A projecting sign can be externally or internally illuminated in accordance with Sec. 5.3.Q.

<table>
<thead>
<tr>
<th>Standards</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Overall area allocation (max)</td>
<td>See Sec. 5.3.E</td>
</tr>
<tr>
<td>B Height(1) (max)</td>
<td></td>
</tr>
<tr>
<td>Mounted below 2nd floor</td>
<td>4'</td>
</tr>
<tr>
<td>Mounted between 2nd and 3rd floor</td>
<td>8'</td>
</tr>
<tr>
<td>Mounted above 3rd floor</td>
<td>12'</td>
</tr>
<tr>
<td>C Spacing from building facade (min/max)</td>
<td>1'/2'</td>
</tr>
<tr>
<td>D Projection width (max)</td>
<td>6'</td>
</tr>
<tr>
<td>E Depth (max)</td>
<td>1'</td>
</tr>
<tr>
<td>F Clear height above sidewalk (min)</td>
<td>10'</td>
</tr>
</tbody>
</table>

(1) If a sign is mounted across two floors then the maximum height is the average of the maximum heights for each respective floor.
L. Shingle Sign

Description
A small projecting sign that hangs from a bracket or support and is located over or near a building entrance.

General Provisions
1. A shingle sign must be located within 5 feet of an accessible building entrance.
2. The hanging bracket must be an integral part of the sign design.
3. A shingle sign must be located below the window sills of the second story on a multi-story building or below the roof line on a single-story building.
4. A shingle sign cannot be illuminated.

<table>
<thead>
<tr>
<th>Standards</th>
<th>A</th>
<th>Sign area (max per sign)</th>
<th>9 SF</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>Height (max)</td>
<td>3’</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>Spacing from building facade (min/max)</td>
<td>6’/12”</td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>Projection width (max)</td>
<td>3.5’</td>
<td></td>
</tr>
<tr>
<td>E</td>
<td>Depth (max)</td>
<td>6’</td>
<td></td>
</tr>
<tr>
<td>F</td>
<td>Clear height above sidewalk (min)</td>
<td>10’</td>
<td></td>
</tr>
</tbody>
</table>
M. Window Sign

**Description**
A sign affixed to the inside of a window or door, or a sign placed within a building so as to be plainly visible and legible through a window or door.

**General Provisions**

1. Windows signs are only allowed on ground story windows and doors.
2. A window sign can only be internally illuminated in accordance with Sec. 5.3.O.

**Standards**

| Area of all ground story windows and doors covered by signs (max combination of all windows and door covered by window signs) | 30% |

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N. Monument Sign

Description
A sign attached to the ground along its entire length to a continuous pedestal that is no higher than 6 feet. A monument sign is horizontally oriented or is square.

General Provisions
1. One monument sign is allowed per street frontage, except that one additional monument sign is allowed for properties with 200 feet or more of street frontage. Where more than one monument sign is permitted, signs along the same street frontage must be spaced a minimum of 150 feet apart.
2. A monument sign must be set back at least 5 feet from the front property line and 10 feet from a side property line.
3. A sign erected on a retaining wall is required to meet the standards for a monument sign. The height of the wall is included in the overall height calculation.
4. A monument sign can be externally or internally illuminated in accordance with Sec. 5.3.Q.

Standards

<table>
<thead>
<tr>
<th></th>
<th>Sign area (max per sign)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>DN-4, GC-3, DA-2</td>
</tr>
<tr>
<td></td>
<td>RA-3, RA-2, RD-2</td>
</tr>
<tr>
<td>B</td>
<td>Height (max)</td>
</tr>
<tr>
<td>C</td>
<td>Depth (max)</td>
</tr>
</tbody>
</table>
O. Bracket Sign

Description
A freestanding sign attached to the ground by one or more support structures that is not higher than 5 feet and hangs from a bracket or support.

General Provisions
1. Only one bracket sign is allowed per building.
2. A bracket sign must be located at least 25 feet from any other bracket sign.
3. The hanging bracket must be an integral part of the sign design.
4. A bracket sign can only be externally illuminated in accordance with Sec. 5.3.Q.

Standards

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong></td>
<td>Sign area (max per sign)</td>
<td>9 SF</td>
</tr>
<tr>
<td><strong>B</strong></td>
<td>Sign structure height (max)</td>
<td>5'</td>
</tr>
<tr>
<td><strong>C</strong></td>
<td>Sign area height (max)</td>
<td>3'</td>
</tr>
<tr>
<td><strong>D</strong></td>
<td>Sign area width (max)</td>
<td>3'</td>
</tr>
<tr>
<td><strong>E</strong></td>
<td>Sign structure/area depth (max)</td>
<td>6'</td>
</tr>
</tbody>
</table>
P. Sidewalk Sign

**Description**
A moveable sign not secured or attached to the ground or surface upon which it is located.

**General Provisions**

1. Each ground floor tenant can have one sidewalk sign that must be located adjacent to the primary facade with the principal customer entrance, but cannot be placed more than 8 feet from that facade.
2. A sidewalk sign must be located at least 25 feet from any other sidewalk sign.
3. Sidewalk signs must be removed and placed indoors at the close of business each day.
4. Sidewalk signs cannot obstruct vehicular, bicycle or pedestrian traffic and must comply with ADA clearance and accessibility.
5. A sidewalk sign cannot be illuminated.

<table>
<thead>
<tr>
<th>Standards</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong> Sign area (max per sign)</td>
<td>6 SF</td>
</tr>
<tr>
<td><strong>B</strong> Height (max)</td>
<td>3’</td>
</tr>
<tr>
<td><strong>C</strong> Width (max)</td>
<td>2’</td>
</tr>
</tbody>
</table>
Q. Sign illumination

Illumination of signs must be in accordance with the following requirements.

1. External Illumination
   a. Lighting directed toward a sign must be shielded so that it illuminates only the face of the sign and does not shine directly onto public right-of-way or adjacent properties.
   b. Projecting light fixtures used for externally illuminated signs must be simple and unobtrusive in appearance, and not obscure the sign.

2. Internal Illumination
   a. Channel letters may be internally lit or back-lit.
   b. For cabinet signs, the background must be opaque or a darker color than the message of the sign.
   c. Exposed neon may be used for lettering or as an accent.

3. Prohibited Light Sources
   The following light sources are not allowed:
   a. Blinking, flashing and chasing; and
   b. Bare bulb illumination.

4. Raceways and Transformers
   a. If a raceway is necessary, it cannot extend in width or height beyond the area of the sign.
   b. A raceway must be finished to match the background wall or canopy, or integrated into the overall design of the sign.
   c. Visible transformers are not allowed.
R. Nonconforming Signs

1. An existing sign may change the face or panel of the sign that does not meet the area or height standards of this Code. However, in no instance can there be an increase in the degree of nonconformity. All new panels must conform to all illumination standards of Sec. 5.3.Q.

2. A sign must be brought into compliance with this Code if at any time the sign is altered, repaired, restored or rebuilt to the extent that the cost exceeds 50% of the estimated replacement cost of the sign (in current dollar value). All sign permits within any 6 consecutive calendar months will be aggregated for purposes of measuring the 50% standard.

3. If the repair is caused by involuntary damage or casualty, the sign may be repaired to any extent.
5.4. Site Lighting

A. Applicability

1. General
   a. No permit for the construction, reconstruction, extension, or alteration of any building, structure, or use of land, and no building or land, or any part of any building or land, may be occupied or used until lighting has been provided in accordance with the requirements of this Code.
   b. The installation of site lighting, replacement of site lighting, and changes to existing light fixture wattage, type of fixture, mounting, or fixture location must be made in compliance with this Code. Routine maintenance, including changing the lamp, ballast, starter, photo control, fixture housing, lens and other required components, is allowed for all existing fixtures.
   c. This section does not apply to lighting installed in the public right-of-way.

2. Additions
   a. When a building or site is renovated, any new or replaced outdoor light or lighting fixture must conform to the requirements of this Code.
   b. When the gross floor area or improved site area is increased, the additional floor or site area must conform to the lighting requirements of this Code.
   c. When the gross floor area or improved site area is increased by more than 50% cumulatively, both the existing use and the additional floor or site area must conform to the lighting requirements of this Code.

3. Change in Use
   A change in use does not trigger application of this section except when there is a specific use standard requiring lighting for a new use.

B. Light Level Measuring

1. Light levels are specified, calculated and measured in footcandles. All footcandle values are maintained footcandles.

2. Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up.

C. Prohibited Sources
   The following light fixtures and sources cannot be used:
   1. Cobra-head-type fixtures having dished or drop lenses or refractors;
   2. Temporary searchlights and other high-intensity narrow-beam fixtures; and
   3. Light sources that lack color correction or do not allow for uniform site lighting.

D. Design and Installation Requirements

1. The maximum light level of any light fixture cannot exceed 0.5 footcandles measured at the property line of any protected district and 2.0 footcandles measured at the right-of-way line of a street.

2. Lighting must not be oriented onto adjacent properties, streets or sidewalks.

3. Service connections for all freestanding lighting fixtures must be installed underground.

E. Parking and Pedestrian Areas

1. Light fixtures within parking areas may be no higher than 30 feet.

2. Light fixtures within pedestrian areas may be no higher than 15 feet.

3. Light fixtures located within 50 feet of the property line of a protected district may be no higher than 15 feet.

4. All light fixtures must be full cutoff, except as listed in paragraph 5. below.
5. Non-cutoff (unshielded) fixtures can be used when the maximum initial lumens generated by each fixture is less than 9500 initial lamp lumens. These fixtures must feature globes or vertical glass planes and must be coated with an internal white frosting to diffuse light.

F. Flood Lights and Flood Lamps

1. Flood light fixtures must either be aimed down at least 45 degrees from vertical, or the front of the fixture shielded so that no portion of the light bulb extends below the bottom edge of the shield.

2. Any flood light fixture located within 50 feet of a street right-of-way must be mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15 degrees.

3. All flood lamps emitting 1,000 or more lumens must be aimed at least 60 degrees down from horizontal, or shielded so that the main beam is not visible from adjacent properties or the street right-of-way.

G. Vehicular Canopies

Lighting under vehicular canopies must be less than 24 maintained footcandles and be designed to prevent glare off-site. Acceptable lighting designs include the following:

1. Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface of the canopy;

2. Light fixture incorporating shields, or is shielded by the edge of the canopy itself, so that light is restrained to 5 degrees or more below the horizontal plane;

3. Surface mounted fixture incorporating a flat glass that provides a cutoff design or shielded light distribution; or

4. Indirect lighting where light is beamed upward and then reflected down from the underside of the canopy, provided the fixture is shielded so that direct illumination is focused exclusively on the underside of the canopy.
H. Building and Security Lighting

1. Lighting fixtures must be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building facade, plantings, and other intended site features and away from adjoining properties and the street right-of-way.

2. All wall pack fixtures must be full cutoff fixtures.

3. Only lighting used to accent architectural features, landscaping or art may be directed upward, provided that the fixture is located, aimed or shielded to minimize light spill into the night sky.
5.5. Outdoor Display and Storage

A. Applicability

The requirements of this section apply to any lot where merchandise, material or equipment is stored outside of a completely enclosed building.

B. Outdoor Display

1. Defined
   a. Outdoor display is the outdoor display of products actively available for sale that is placed in a fully-enclosed building at the end of each business day.
   b. Outdoor display does not include merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers, propane gas storage racks, ice storage bins, soft drink or similar vending machines (see outdoor storage).

2. Standards

Outdoor display is permitted in association with any permitted nonresidential principal ground floor use in accordance with the following provisions:
   a. Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day.
   b. Outdoor display is permitted adjacent to the primary facade with the principal customer entrance, but cannot extend more than 8 feet from the facade and occupy no more than 30% of the horizontal width of the facade.
   c. Outdoor display cannot impair the ability of pedestrians to use the sidewalk or parking areas and must comply with ADA clearance and accessibility.

C. Outdoor Storage

1. Defined
   a. Outdoor storage is the overnight storage of products or materials outside of a building.
   b. Outdoor storage includes merchandise or material in boxes, in crates, on pallets or in shipping containers, propane gas storage racks, ice storage bins, and soft drink or similar vending machines.
Section 6. Streets


A. Applicability

1. Section 6 provides guidelines for the construction of new streets and reconstruction of existing streets and is intended to provide a catalog of pre-approved street types.

2. All streets must be constructed with sidewalks, street trees, bike facilities, medians, travel lanes, and on-street parking as illustrated for each street type, unless an alternative is approved by the Town Engineer, County Engineer or NYSDOT, as applicable.

B. Proposed Streets

Where a proposed street needs to be constructed, the street must be constructed in conformance with the Future Street Map unless an alternative alignment or connection under is approved by the Town Engineer under Sec. 6.4.

C. Existing Streets

1. An existing street cannot be extended or substantially rebuilt, as determined by the Town Engineer, County Engineer or NYSDOT, as applicable, except in conformance with Section 6, Streets.

2. If an existing street does not need to be substantially rebuilt and the sidewalk and street trees do not meet the minimum requirements of the applicable street cross-section, sidewalk and street trees must be installed in conformance with Section 6, Streets.

D. Tree Planting

1. Unless otherwise noted below, all trees planted in accordance with this section must be shade trees, planted every 30 feet on center, on average.

2. Where overhead utilities exist, one understory tree may be planted every 20 feet on center, on average.

3. All required street trees must meet the installation and maintenance requirements of Sec. 5.2.E and Sec. 5.2.F.

4. A temporary certificate of compliance may be issued in accordance when the Town Engineer determines that due to the unavailability of plant material or weather concerns that planting of street trees would jeopardize the health of plant.
6.2. Downtown Future Street Map

The following street types are established and mapped on the Downtown Malta Future Street Map.
6.3. Street Types
The dimensional and installation requirements for the street types identified on the Future Street Map are shown on the following pages.

A. Route 9: Core

B. Route 9: Typical

C. Dunning Street
D. Downtown Connector

E. Downtown Local

F. Downtown Residential

G. Service Street

H. Residential Alley

I. Commercial Alley

J. Pedestrian / Bike Path
6.4. Street Alignment Modifications

The Town Engineer may modify a future street alignment as shown on the Future Street Map subject to the following:

A. The requested modification does not increase congestion or compromise public safety.

B. The requested modification does not decrease the number of connections to the overall street network.

C. The requested modification does not create any lots without direct street frontage.

D. The requested modification meets the following standards:
   1. A block perimeter may not exceed 2,640 linear feet as measured along the inner edges of each street right-of-way.
   2. A block length may not exceed 1,000 linear feet as measured along the inner edges of the street right-of-way from block to block corner.
   3. The maximum block length and perimeter may be extended by 50% where the block includes a pedestrian/bike passage that directly connects the two streets on each block face.
   4. As determined by the Town Engineer, a block may be bounded by a natural or man-made obstruction such as a limited access roadway, waterway, preexisting residential development, stream or stream buffer, required buffer, cemetery, open space or required easement. In such cases, consideration must be given to the establishment of pedestrian passages to any areas appropriate for public access.
Section 7. Administration

7.1. Project Site Review

A. Applicability

1. Project Site Review in accordance with Section 7 is required for the proposed construction, relocation, alteration or change of use of any building used within the boundaries of the Downtown Form-Based Code.

2. If a variance or special use permit is required for any proposed construction, relocation, alteration or change of use, a variance or special use permit application must be made pursuant to Article IX of the Town Zoning Code and approval granted prior to applying for Project Site Review.

B. Authority

1. The Building and Planning Coordinator is authorized to approve applications for Project Site Review within the boundaries of the Downtown Form-Based Code.

2. The Building and Planning Coordinator may delegate review of all or part of any applicable proposed Project Site Review to others, including but not limited to planning staff, building staff, consultants or other such personnel or entities that may assist in review of a project site for approval related to this Code. This provision applies wherever Building and Planning Coordinator authority is cited.

C. Pre-Application Conference

1. Prior to completion of project design and formal submittal of the required application, an applicant must schedule a pre-application conference with the Building and Planning Coordinator to discuss applicable procedures, standards and regulations of this Code or other regulations and requirements related to the proposed application.

2. A request by a potential applicant must be accompanied by preliminary project plans and designs, as identified in instructions to applicants by the Building and Planning Coordinator, and the required fees, escrow deposits, and any and all other applicant financial requirements delineated in Chapter 88 of Town Code, or as may be applicable elsewhere.

3. The Building and Planning Coordinator will inform the applicant of requirements as they apply to the proposed project, provide a preliminary list of issues that will likely be of concern during formal application review, suggest possible modifications to the project, and identify any technical studies that may be necessary for the review process when a formal application is submitted.

4. Any discussions held at the Pre-Application Conference are informal and shall not be binding on either the applicant or the Town.

D. Conceptual Review Meeting

1. Prior to completion of project design and formal submittal of the required application, an applicant must schedule a Conceptual Review Meeting to discuss the project with the Planning Board.

2. The Conceptual Review Meeting shall be open to the public with opportunity to comment on the proposed development. The public, including adjacent property owners, shall be notified of the meeting in accordance with the procedures set forth in § 143-3(B)(2)(c) of the Town Subdivision Regulations and § 167-38.1(D)(1) of the Town Zoning Law.

3. The Building and Planning Coordinator will schedule the Conceptual Review Meeting at the next available opportunity, provided that application information required for the Conceptual Review Meeting is determined by the Building and Planning Coordinator to be submitted timely, accurate and complete.

4. The Planning Board and meeting attendees will discuss the proposed development based on the information provided by the applicant, including the uses and size of various components of development, site layout (including location of buildings, parking and access) and conceptual building elevations, if available.

5. The Building and Planning Coordinator will prepare and send a written summary of the comments made at the meeting to the applicant. The discussion and written summary shall not be binding on either the applicant or the Town.
E. Application Requirements

1. Forms
   Applications for Project Site Review must be submitted to the Building and Planning Coordinator on a timely basis, on forms and with relevant plans and other information and in such format and numbers as required by the Town. No application will be accepted until the pre-application conference and Conceptual Review Meeting have been held.

F. Fees

1. Before review of an application, all associated fees must be paid in full. The applicant must submit the required fees, escrow deposits, bonding, letters of credit or other financial payments as shown on the Town adopted fee schedule or other applicable and relevant regulations.

2. In addition, issuance of Building Permits for any development pursuant to this Article shall also be subject to payment of the impact mitigation fees as previously determined under the Town of Malta Town-Wide Generic Environmental Impact Statement and the associated SEQRA Findings Statements. One-half of the fee shall be due prior to issuance of the Building Permit and the remaining one-half of the fee shall be due prior to issuance of a Certificate of Occupancy.

G. Completeness Review

1. All applications must be sufficient for processing before the Building and Planning Coordinator is required to accept the application for review.

2. An application is sufficient for review when it contains all of the information and associated requirements necessary to decide whether or not the development as proposed will comply with all of the requirements of the Code.

3. The Building and Planning Coordinator shall notify the applicant in writing whether or not the application is complete or whether additional information is required.

4. If the Building and Planning Coordinator determines that the application is not complete and additional information is required, then the applicant must provide any and all additional information requested.

5. If the applicant does not submit the additional requested information or otherwise complete the application within 45 days after the Building and Planning Coordinator has notified the applicant in writing that additional information is required, the application will be deemed to have been withdrawn by the applicant and the application fee and any other fee submitted will be forfeited. Should an outstanding escrow balance exist and a determination by the Building and Planning Coordinator that no additional payments from the account are required, the outstanding balance will be refunded to the applicant.

6. An applicant may resubmit an application that has been withdrawn, so long as all of the above steps are properly completed.

H. Building and Planning Coordinator Action

1. Upon acceptance of a completed application, the Building and Planning Coordinator will review the application for consistency with the requirements of this Code.

2. The Building and Planning Coordinator will also forward the application to all appropriate Town Departments for review and recommendation.

3. The Building and Planning Coordinator must approve or disapprove the application on a timely basis pursuant to applicable Town, County or State requirements and delineate the reasons for this action in writing.

4. Any request for relief from a required standard must be made pursuant to Chapter 167, Article IX of the Town Zoning Law and approval of all applicable variances must be granted prior to applying for the project site review.

5. The Town Engineer will work with the Building and Planning Coordinator to ensure that generally-accepted engineering standards, guidelines and best practices for final design of site elements not otherwise addressed in this Code are applied.

I. Performance Bond Required

The applicant may be required to post performance bonds in sufficient amounts and duration to assure that all items covered by the application are completed in accordance with acceptable standards, specifications and procedure acceptable to the Town. Performance bonds must be submitted to the Town Supervisor’s office for approval and administration.
J. Modifications to an Approved Application

The Building and Planning Coordinator has the authority to grant modifications to an approved application for project site review where such modifications meet the requirements of this Code.

K. Time Limits and Expiration

A Project Site Review approved by the Building and Planning Coordinator is subject to the time limits and expiration as set forth in § 167-24 F(4) of the Town Zoning Law.

L. Planning Board Review

1. The Building and Planning Coordinator must make an initial determination of compliance with the following listed provisions; however, these specific provisions may be subject to binding review by the Planning Board if requested by the applicant.

2. Provisions that may be subject to Planning Board binding review are limited to the following:
   a. Primary street determination (Sec. 3.3.D.3);
   b. Alternative building materials (Sec. 3.3.P);
   c. Determination of appropriate breaks for pedestrian and vehicle access in a required buffer (Sec. 5.2.B.3);
   d. Alternative wall material in a required buffer (Sec. 5.2.B.4); and
   e. Alternative fences and wall material outside of required buffer (Sec. 5.2.D).

3. The Planning Board may hold a Public Hearing prior to making its decision with regard to these listed provisions.

M. Historic Preservation Review Commission

Within the boundaries of the Form-Based Code, the Historic Preservation Review Commission shall review all landmarks listed or proposed for listing to the National or State Historic Register and all locally-designated historic landmarks, in accordance with Chapter 167, Article XV, Historic Preservation of the Town Zoning Law. Chapter 167, Article XV, Historic Preservation shall not otherwise apply to properties within the boundaries of the Form-Based Code.

N. Downtown Design Standards

The Downtown Design Standards must not be independently applied to development, but must continue to apply in all other Downtown areas not subject to this Code.

O. County Planning Board Referral and Review

Any application meeting the referral criteria of General Municipal Law Section 239-m shall be referred to the County Planning Board for its advisory review and recommendation. In the event that the County Planning Board recommends denial of the application or substantial modification, then the application shall be subject to review by the Town Planning Board in accordance with the standards of this Article and the “supermajority” voting requirements of State law.
7.2. Nonconformities

A. Purpose

The purpose of this section is to establish regulations and limitations on the continued existence of uses and structures established prior to the effective date of this Code that do not conform to the provisions of this Code. Nonconformities may continue, but the provisions of this Section are designed to limit investment in nonconformities and to bring about their eventual elimination, where appropriate, in order to preserve the integrity of the regulations established in this Code.

B. Nonconforming Uses

1. Authority to Continue
   a. The lawful use of any building or land existing prior to the effective date this Code or its predecessor may be continued even if such use does not conform to the provisions of this Code.
   b. No unlawful use of property or unlawful structure existing prior to the effective date this Code shall be deemed to be a use which may be continued pursuant to this Section.
   c. Any violation of this Code prior to the effective date of this Code will continue to be deemed a violation and no use in violation prior to the effective date this Code may be continued if it does not conform to the provisions of this Code.

2. Replacement, Repair and Maintenance
   a. Replacement, repair and maintenance may be performed on any structure that is devoted in whole or in part to a nonconforming use. All necessary building permits for such work are still required.
   b. Replacement shall comply with the design and materials standards of this Code to the maximum extent practicable as determined by the Building and Planning Coordinator or, upon the applicant’s request, by the Planning Board.

3. Extensions/Expansions
   a. A nonconforming use cannot be extended, expanded, enlarged or increased in size, footprint or coverage.
   b. No nonconforming use may be extended to displace a conforming use.

4. Change in Use
   A nonconforming use may not be changed to another nonconforming use. A nonconforming use that is changed to a conforming use may not revert back to any nonconforming use. Any nonconforming use may be changed to a conforming use.

5. Discontinuance
   a. When a building containing a nonconforming use ceases to be used for the nonconforming use for a period exceeding 2 years, the use may not be reestablished or resumed.
   b. When land used for a nonconforming use is discontinued for 60 consecutive days, the use may not be reestablished or resumed.

6. Unsafe Structures

Any structure with a nonconforming use or portion of that structure determined to be unsafe by the Town Building Department may be restored to a safe condition, unless otherwise determined by the Building Department or a Court.

C. Nonconforming Structures

1. Authority to Continue
   a. Any lawful structure existing prior to the effective date this Code or its predecessor may be continued even though the structure does not conform to the provisions of this Code.
   b. No unlawful structure existing prior to the effective date this Code shall be deemed to be a structure which may be continued pursuant to this section.
   c. Any violation of this Code prior to the effective date this Code shall continue to be a violation and no structure in violation at the time of the enactment of this Code may be continued if it does not conform to the provisions of this Code.

2. Replacement, Repair and Maintenance
   a. Replacement, repair and maintenance may be performed on any nonconforming structure. All necessary building permits for such work are still required.
b. Replacement shall comply with the design and materials standards of this Code to the maximum extent practicable as determined by the Building and Planning Coordinator or, upon the applicant’s request, by the Planning Board.

3. Extensions/Expansions
   a. Any nonconforming structure may be enlarged, maintained or altered; provided, however, that no enlargement, maintenance or alteration creates any additional nonconformity or increases the degree of the existing nonconformity of all or any part of such structure.
   b. Any new construction which occurs on a site with a nonconforming structure or any expansion of a nonconforming structure shall comply with the “build-to” requirements under Sec. 7.2.D.

4. Unsafe Structures
   Any nonconforming structure or portion of that structure determined to be unsafe by the Town Building Department may be restored to a safe condition, unless otherwise determined by the Building Department or a Court.

5. Relocation
   No nonconforming structure may be relocated in whole or in part to any other location on the same or any other lot unless the structure and its location conform to this Code.
D. Nonconforming Build-to Requirement

1. Additions
   Expansion of an existing building which is unable to meet the build-to requirement shall comply with the following nonconforming provisions:

   a. Front: Addition
      Any addition to the front must be placed in the build-to zone. The addition does not have to meet the build-to percentage for the lot.

   b. Rear: Addition
      Rear additions are allowed because the extension does not increase the degree of the nonconformity.

   c. Side: Addition
      Side additions are not allowed because the extension increases the width of the building not located in the build-to zone.

2. New Buildings
   Where a new building is being constructed on a lot or site with an existing building on it that doesn’t meet the build-to requirement, the following nonconforming provisions apply.

   a. Front: New Building
      All new buildings must be placed in the build-to zone until the build-to percentage for the lot has been met.

   b. Rear: New Building
      New buildings located outside of the build-to zone are not allowed until the build-to percentage for the lot has been met.

   c. Side: New Building
      New buildings located outside of the build-to zone are not allowed until the build-to percentage for the lot has been met.
Section 8. Definitions


A. General Meaning of Words and Terms

1. All words and terms used have their commonly accepted and ordinary meaning unless they are specifically defined in this Code or the context in which they are used clearly indicates to the contrary.

2. When vagueness or ambiguity is found to exist as to the meaning of any word or term used, any appropriate canon, maxim, principle or other technical rule of interpretations or construction used by the Courts of this State may be employed to resolve vagueness and ambiguity in language.

B. Graphics, Illustrations and Photographs

The graphics, illustrations and photographs used to visually explain certain provisions of this Code are for illustrative purposes only. Where there is a conflict between a graphic, illustration or photograph and the text of this Code, the text controls.

8.2. Defined Terms

The following terms are defined for the purpose of this Code. Terms not defined may be defined in § 167-2 of the Town Zoning Law. In such case, the definition contained in § 167-2 shall apply. If there is a conflict between a definition in § 167-2 and this Code, the definition in this Code shall supersede and apply.

ACTIVE USE means a use other than parking.

ADDITION (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is “new construction.”

ATTIC means habitable or uninhabitable space within a building situated within the structure of a pitched roof and above the uppermost regular story.

AUTOMOTIVE REPAIR means the repair and service of motor vehicles for profit. No repair or service work may be performed outside of a building.

AUTO SERVICE/FUELING STATION means a facility used for the supply of gasoline, oil or other fuel for the propulsion of motor vehicles and which may include facilities used for cleaning or servicing or repairing such motor vehicles.

BANK means a business chartered as a bank, trust company or credit union by the State of New York or United States.

BOUTIQUE HOTEL means a facility that contains up to 10 rooms for overnight guests.

BUILDING FACADE means the face of a building that delineates the edge of conditioned floor space.

CABINET SIGN means a sign that is mounted on the face of a building or on the ground that is typically rectangular in shape and provides for internal illumination and changing the message of the sign by replacing a single transparent or translucent panel.

COLLEGE/EDUCATIONAL FACILITY means an institution for learning and intellectual development, including colleges, universities, trade and professional schools.

CONVENIENCE STORE, NO GAS means any retail establishment offering for sale prepackaged food products, household items and goods commonly associated with the same, which does not sell gasoline.

DWELLING, MULTIFAMILY means a building containing 3 or more dwelling units.

GROSS FLOOR AREA means the sum in square feet of the horizontal area of all floors of the building measured from the exterior walls or from the centerline when two buildings or units abut. Gross floor area includes basement floor area when more than 50% of the basement height is above the established curb level or above the finished lot grade level where the curb level has not been established. Elevator shafts, stairwells, floor space used for mechanical equipment, attics, balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses is included in the calculation of gross floor area. However, the following is not included: any space devoted exclusively to on-site parking; or outdoor loading, display, storage, utility service areas; and uninhabited enclosed space on tops of roofs; or attic space having head room of less than 7'-6".
GROUND FLOOR means the floor of a building that is at or nearest to the level of the ground around the building. Does not include the floor of a basement.

HOTEL means a facility that contains more than 10 rooms for overnight guests.

IMPROVED SITE AREA means the sum of the area of the outside portion of the site and includes any space devoted to on-site parking; outdoor loading, display, storage, utility service, decorative areas and landscaped areas that are part of the original site plan approval.

INDOOR RECREATION means an indoor facility providing amusement or recreation, including bowling alley, game arcade, or skating rink.

NURSERY SCHOOL means a place for the care of 3 or more preschool children, operated on a regular basis for profit.

PROTECTED DISTRICT means any R-1 Residential District or equivalent residential component of any PDD.

RESTAURANT means a building or portion of a building where food and beverages are sold to the public for consumption on the premises, and for which take-out is an ancillary use. Includes an establishment that offers quick food service where orders are not taken at the customer’s table.

RETAIL BUSINESS means an establishment for the sale of merchandise to the general public.

SCHOOL (K-12) means an institution for learning and intellectual development, including primary and secondary schools.

SHADE TREE means a locally adapted species with an expected mature height of 35 feet or greater and an expected mature crown spread of at least 30 feet or greater.

UNDERSTORY TREE means a locally adapted species with an expected mature height of at least 15 feet and an expected mature crown spread of at least 15 feet.

UPPER STORY means any story above the ground story or floor.

UTILITY STRUCTURES AND FACILITIES, MINOR means public utility structures and facilities such as electric lines, poles, gas mains, telephone, fiber optic and cable lines and poles.

UTILITY STRUCTURES AND FACILITIES, MAJOR means public utility structures and facilities such as major utility substations, major transmission lines, pipes, poles or mains).
Appendix A: Planned Development District Public Benefits List

Contents:
- PDD 9: Luther Forest (two parcels on Dunning and one on Route 9)
- PDD 13A: Northway Mobile Estates
- PDD 18: Saratoga Village
- PDD 25: Shops of Malta
- PDD 35: Blacksmith Square
- PDD 48: Park Place at Malta

Note: The following language is excerpted as public benefit elements expressly retained from existing Planned Development Districts within the downtown area:

§ 167A-11. Luther Forest Planned Development District No. 9.

Note: Within the Downtown area, only the two parcels on Dunning Street and one parcel on Route 9 must meet the conditions below.

J. All roads drainage easements and related rights-of-way shall be constructed by the developer and shall, in accordance with the Town Construction Code and SubDivision Regulations, Editor’s Note: See Ch. 89, Fire Prevention and Building Construction, and Ch. 143, Subdivision of Land, be offered without cost to the Town of Malta for public use. The developer shall be responsible for the cost of all traffic control devices including necessary traffic control lights as determined by the Town. The developer will provide at no cost to the County of Saratoga all necessary right-of-way for highway and drainage construction and reconstruction pertaining to County Highway No. 108. Any development along County Highway No. 108, a limited-access road, shall have a minimum eighty-foot setback from the County’s right-of-way.

K. The entire project with the exception of industrial facilities shall be served by the water supply facilities to be developed by the developer pursuant to the provisions of the Transportation Corporations Law for the operation of water supply facilities.

M. Any site or sites for proposed schools shall be mutually agreed upon by the developer, the Town and the school district and conveyed without cost to the school district.

N. The developer agrees to deed without cost to the proper legal entity an agreed tract of land of adequate size within the district for a fire station at a site to be determined by the Town of Malta and the developer. The developer shall deed to the Town of Malta also without cost a site for a municipal office building of adequate size within the district as determined by the Town and the developer.


E. A two-hundred-foot buffer zone/green area will be left undisturbed along the westerly boundary of the premises between the mobile home park and the Northway (I-87). This area will constitute the required parkland for the planned development district and, henceforth, no signs, advertisements, trailers or displays in connection with either the mobile home park of Northway Travel Trailers, Inc., will be allowed on the premises in the buffer zone or otherwise such that they are visible to passersby using the Northway (I-87).

F. The planned development district will connect with the Saratoga County Sewer District. A water supply system and facilities will be developed by the developer, with the approval of the responsible New York State departments. The developer shall be responsible for the installation of all water and sewer lines in accordance with state, County and Town specifications for materials and workmanship, and in accordance with any and all applicable regulations of the New York State Department of Health. All utilities will be installed underground.

G. Telecommunications structure.

(1) A one-hundred-fifty-foot high public utility telecommunications monopole structure shall be allowed within the Northway Mobile Estates PDD. Such structure will be used to support up to a maximum of 12 panel-type antennas, measuring approximately six feet in length each, and associated telecommunications equipment. The base of such monopole shall be no more than five feet in diameter. The structure will be located in the area designated “Proposed Lease Area” on the annexed Exhibit A. Editor’s Note: Exhibit A is on file in the Town offices. The base will be set back from the northerly property line a minimum of 107.5 feet, and will be set back from the easterly property line a minimum of 77.5 feet.
Prior to construction, approval of the final site plan shall be obtained from the Town of Malta Planning Board, pursuant to the Town of Malta Zoning Ordinance. A silent security alarm system shall be used for said structure.

In the event that said structure is not used for its approved use for a period of more than six months, the structure will be disassembled within one ear of its last use. A bond will be posted in order to assure that the structure will be disassembled within said one-year period, with the amount of said bond to be established by the Town of Malta Planning Board during the site plan review process.

In no event will said structure be used as anything other than telecommunications. No form of advertising will be allowed on said structure.

The roadways to be included in the planned development district shall be 20 feet in width and shall remain private and under the care and control of the owners of the planned development district. A second entrance/exit connecting the mobile home park with Route 9 shall be created. The road layout shall be approximately the same as that contained on the proposed map (Exhibit A), Editor’s Note: Exhibit A is on file in the Town offices. subject to final site plan review by the Town of Malta Planning Board.

The developer shall provide an easement to the Town of Malta of approximately 60 feet along the most western boundary of the parcel that abuts Interstate 87 for purposes of a possible future roadway to be built at some point in the future that would run parallel to the Interstate.

Development fees. The addition of any mobile homes or structures shall be subject to the Town of Malta GEIS, adopted on April 3, 2006. Those fees shall be required for any new structures or mobile homes.


Q. Fifty parking spaces shall be set aside by the developer for use by the Town of Malta Park and Ride program.

§ 167A-31. Shops of Malta Planned Development District No. 25.

The developer shall provide a one-hundred-foot buffer on the north side of the Dunning Street Cemetery.

The developer shall provide a minimum one-hundred-foot buffer between the common boundary of the PDD and the lands now or formerly of D.S.B. Realty Corp. and the northerly edge of pavement of the peripheral service road and/or any parking area, and an additional buffer with the depth to be determined by the Planning Board along the northerly border of the PDD and the southerly boundary of lands of the Town of Malta. The developer shall provide a thirty-foot buffer along the easterly side of the access road running from New York State Route 67 to the parking area of the project, and along both sides of the access road running from New York State Route 9 to the westerly border of the project. All roof-top antennas or satellite dishes and all dumpsters located in the project will be buffered. These buffer areas shall contain quality landscaping and/or berming as determined by the Town of Malta Planning Board during the site plan review process, which shall either be in place prior to the issuance of any certificates of occupancy for any building on the site or, in the alternative, bonds or letters of credit in amounts for time periods acceptable to the Town Engineers and the Town Attorney to guarantee the performance and/or completion of said buffer areas shall be filed prior to the issuance of said certificates of occupancy.

Water will be supplied by either a thirty-gallon-per-minute on-site production well or connection to a public water system, with a water system serving all buildings within the district. Sanitary sewage will be provided throughout the site during development and permanent sewage disposal will be provided by connection to the County sewer system. The connection to the existing system will be provided by the developer at its expense. All sewer facilities shall be designed and constructed in accordance with the standards of the Saratoga County Sewer District No. 1. The developer agrees to offer for dedication to the Saratoga County Sewer District No. 1 all completed off-site sewer facilities at no cost to the Saratoga County Sewer District No. 1. The Sewer district shall determine what portion of these facilities are appropriate for public ownership.

The site shall provide fire lanes to all buildings which shall be clearly marked with above-grade signs and
which shall be wide enough to permit two-way truck traffic. Any building constructed over 28 feet from grade shall provide direct access to the roof. There shall be a maximum of 500 feet between fire hydrants, and a maximum of 500 feet between any building and a fire hydrant.

L. All utilities shall be installed underground. The site may not be subdivided without the approval of the Malta Town Board.

M. No outside storage of any products or equipment shall be permitted on the subject premises, except for sale in the normal course of business.

(2) The developer shall construct an interior road as shown on said sketch plan as “future Town road,” which road shall provide access to the lands to the west for possible future connection to Kelch Road. The right-of-way of the “future Town road” shall abut the lands of the Town of Malta as shown on Appendix B to the north. The developer shall afford access to the future Town road from the lands of the Town of Malta upon the request of the Town Board, and at a location to be determined by the Town Board.

(3) Said future Town Road shall be constructed fully in compliance with the specifications for a Town road in the Town of Malta, and shall be offered for dedication to the Town by the developer at no cost to the Town. In the event that the connection to Kelch Road is made, the Town Board shall have the option of terminating the left-hand turn for eastbound traffic on New York State Route 67 into the site in its sole discretion, provided that said option may not be exercised before one year has expired after the dedication of Kelch Road as a public thoroughfare, and further provided that said left-hand turn may not be terminated following the exercise of the option until six months after written notice has been given, by certified mail, to the developer, by the Town Board, at the address for the developer then listed in the records of the Town Assessor.

(4) Concrete curbs will be provided by the builder along the interior islands and building islands within the project, with the exact location thereof to be determined during the site plan review process.

S. The developer agrees neither to apply for nor to utilize any program which will allow the developer to obtain special real property tax, sales tax or mortgage tax benefits concerning the project. The developer agrees to notify the Town of its application to any I.D.A. or similar program.

§ 167A-41. Blacksmith Square Planned Development District No. 35.

J. It will also have individual on-site water supply systems and a connection to the County sewer system.

§ 167A-54. Park Place at Malta Planned Development District No. 48.

(19) The clubhouse, as depicted on Revised Appendix A and Appendixes A, C(3) and K, shall be completed before the Town shall issue a building permit for the 11th single-family home or the 13th multifamily dwelling unit.
The project was funded by the Town of Malta and The Capital District Transportation Committee (CDTC) through its 2011-2012 Community and Transportation Linkage Planning Program.

The Downtown Charrette & Form-Based Code

was created by

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......and all the residents that participated in the week-long charrette
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Illustrative Master Plan
Northern Gateway and Civic Complex
Kelch Drive and Shops of Malta
Saratoga Village & Blacksmith Square
Parade Ground Village
Southern Gateway
Project Overview

Introduction

The Town of Malta’s 2011 Downtown Plan recommended that the Town develop a form-based (zoning) code and complete streets plan for Downtown. Downtown is approximately 1.8 miles long north to south, as defined by the Downtown Overlay Zone and Commercial Downtown 1 (C-1) zoning district. This includes the area along Route 9 from Cramer Road (north) to Knabner Road (south).

Facing tremendous growth opportunities principally related to the Luther Forest Technology Campus (LFTC) and the Global Foundries chip manufacturing facility, the Town needs to take proactive approach towards preserving its community character while simultaneously capitalizing on new community investments. The Town wants to create an attractive mixed use Downtown centered on an integrated multi-modal transportation network, with an improved and inviting pedestrian and bicycling environment. The Town would like to accomplish this vision by developing a form-based code to implement complete streets principles, and an official map of future street locations, along with an update to the current design standards.

The project is being funded by the Town of Malta and The Capital District Transportation Committee (CDTC) through its 2011-2012 Community and Transportation Linkage Planning Program. The CDTC is the designated Metropolitan Planning Organization carrying out federal requirements for cooperative transportation planning and programming within the metropolitan area surrounding the Albany-Schenectady-Troy and Saratoga Springs urbanized areas.

The Town retained the services of a nationally recognized team of consultants to assist in the preparation of the form-based code and complete streets plan for Downtown. Code Studio from Austin, Texas was retained by the Town to lead the project. Code Studio in turn enlisted a team of specialists. The team included Third Coast Design Studio (Nashville, Tennessee), Howard/Stein-Hudson Associates (Boston, Massachusetts) and Fuss & O’Neill (Hartford, Connecticut).

To quickly engage the community in expressing their current ideas and desired outcomes for Downtown, a week-long public participation charrette was held from Friday, March 23 to Wednesday, March 28 2012. Charrettes are inclusive by nature and are designed to build consensus from the outset, providing a collaborative forum to bring all parties together to focus on a common goal. The hands-on nature of the charrette, the opportunity to interact with differing perspectives, and the short feedback loops allow issues to be identified and resolved early on in the process. In addition, the charrette provides an educational opportunity for all participants.

The physical plan prepared during the charrette is intended to show one way in which Downtown might transform over time. Individual buildings shown are less important than consistent implementation of the character and form recommendations. This report is intended to document the charrette week and refine the vision and illustrative material prepared during the charrette. Following public reconfirmation of the physical plan and new street connections, and the related design material contained in this report, new zoning recommendations will be prepared that implements the citizens’ endorsed vision for Downtown.

What is a Form-Based Code?

In today’s marketplace, form-based coding is being used in a variety of places, from large scale mixed-use developments, to small scale infill redevelopment on parcels under multiple ownership, to complex downtowns. Under all scenarios, it is a particularly effective tool for regulating Smart Growth development. A form-based code, produced through a public process and in conjunction with a physical plan, can ensure development that is inherently mixed-use and pedestrian oriented, and can encourage compact building design, while preserving existing character. Form-based codes are a way to translate the ideals of a plan into regulatory language to create the physical “place” envisioned by the community.

Form-based codes address building mass, building placement on lots, the form and creation of streets and other public spaces, heights, window and doors—details that directly effect the way
a building and street function—to encourage (or discourage) pedestrian activity and mixed-use. They also direct the location and design of parking and the design of the public spaces. In short, form-based codes address the public spaces that private buildings shape. Rather than relying on use and density prescriptions, form-based codes are proactive in specifically describing the form of the desired built environment.

**What is a Complete Street?**

Streets are the very fabric of our town and cities, and bind the special places that we all identify with together. They provide mobility for people; whether in cars, in buses or trains, on a bicycle, or on foot. For that reason, our streets cannot be geared only toward moving as much traffic as quickly as possible, with no consideration for other modes; rather, they must effectively balance all forms of movement in a safe and efficient manner, respectful of the context in which they occur.

Streets should be “complete” regardless of present context. A complete street includes appropriate provisions for all modes of travel, and depending on the surrounding land use and intensity may be geared more toward motorized travel or more toward active travel. In this regard, Route 9 is very different from Hemphill Place. In short, the context of the surrounding environment, both built and natural, dictates the form and function of a particular street.
Downtown Charrette

A charrette is a multiple day, collaborative planning and design workshop. A charrette focuses on engaging the community and gathering additional ideas, concepts, goals, and implementation strategies. Charrettes have unequaled effectiveness in identifying and focusing citizen participation. As participants see their ideas incorporated into a physical plan for an area, they recognize their concerns are being addressed and take ownership in the design. Participants often see their desires for their community are remarkably similar to those of other residents.

The Malta Downtown Charrette was held at the Malta Community Center from Friday, March 23 to Wednesday, March 28 2012. The charrette included the following public events:

- **Walking Tour with Consultants**: Friday, March 23, 4:00 pm to 6:00 pm (start at Malta Town Hall, 2540 Route 9).
- **Hands-On Public Workshop**: Saturday, March 24th, 8:30 am to 12:30 pm
- **Open Design Studio**: Sunday March 25 thru Tuesday March 27, 8:00 am to 9:00 pm, daily
- **Monday Night Open House**: March 26, 6:00 pm to 8:00 pm
- **Wednesday Night Final Presentation**: March 28, 6:30 pm

**Walking Tour**

The charrette began on Friday, March 23 at 4:00 pm with a walking tour of the study area. The tour began at Malta Town Hall and included members of the consultant team as well Town and CDTC representatives. The group toured key parts of the study area on foot taking photographs, noting existing conditions, the current mix of land uses, the placement, location and height of existing buildings, street configurations and traffic patterns. All of these elements will have a direct impact and effect on both short- and long-term redevelopment opportunities of Downtown. The team also noted the location of undeveloped and underutilized properties, as well as sites with existing approvals. The tour was the first of many carried out by team members during the charrette week. The team also toured other parts of Malta and took a trip up to Saratoga Springs to gain better understanding of local and regional influences effecting Downtown.
Hands-on Design Session

On Saturday morning, March 24, just over 50 people gathered at the Malta Community Center to roll up their sleeves and play “city planners” for the morning.

Anthony Tozzi (Malta Planning Director) welcomed the gathering and thanked everybody for their participation and attendance. Lee Einsweiler (Principal, Code Studio) outlined the charrette process, highlighting the community’s role in the charrette. Lee then explained the project goals and discussed the key elements of complete streets and form-based (zoning) codes. He also stressed the importance of continuous public involvement throughout the effort. Keith Covington (Principal, Third Coast Design Studio) offered “food for thought” on the basic elements of good urban design and downtown planning.

Following the presentation, participants were divided up into groups of between 10 and 15 people. Each group gathered around a table with a facilitator. The groups worked on a large map of Downtown, and were tasked to consider refinements to the existing downtown plan. They drew diagrams and sketches to convey the character of the area today and describe what they would like to see in the future.
To conclude the session, each group selected a spokesperson, who presented their table’s top five “big ideas” to the larger group. The presentations allowed participants to see common interests emerge, laying the foundation for any potential changes to the Downtown zoning. Some of the big ideas discussed during the session included:

» Create an identity for downtown
» Protect the historic Parade Grounds, make it more accessible
» Create a park on city-owned land adjacent to Luther Forest
» Make it easier to cross Route 9 on foot and bike
» Downtown gateways should be representative of “traditional Malta” - green street edge, 2 to 3 stories
» Ensure appropriate transitions to established neighborhoods adjacent to Downtown
» Rethink town hall complex, additional height to balance with Ellsworth Commons, keep civic functions
» Need connector roads to relieve traffic on Route 9
» Intersection of Route 9/Hwy 67 should be the “jewel in the crown” of Downtown
» Calm the streets - sidewalks, street trees, medians, outdoor dining, on-street parking
» Edges of Downtown should complement the core, not compete with it
» Connect surrounding areas to the core of Downtown
» Make Downtown more walkable & pedestrian-friendly
» Work with DOT to redefine the roads, narrow the lanes, add on-street parking
» Make it easier for pedestrians to cross at roundabouts, consider mid-block crossings
» More multi-use trails & paths to Downtown
» Make Downtown more aesthetically pleasing
Open Design Studio

A temporary design studio was set up at the Malta Community Center for the duration of the charrette week. The design studio served as an on-site working space where team members could analyze information, refine initial ideas, test conceptual schemes, and start working on a physical master plan and form-based code (zoning) for Downtown. The transportation consultants worked alongside the planners and designers in the studio space, and were able to begin testing the complete street concepts and designs. Working on-site throughout the week gave the team easy access to the study area. The team was able to observe day-to-day activity, visit local businesses and restaurants, and generally experience everyday life in Downtown.

The studio was open to the public each day from 9:00 am to 8:00 pm, offering community members the flexibility to stop in when they were available to see how the planning process was progressing and to bring in new ideas for the team to consider. During the course of the week, the studio was visited by over 50 individuals.

In addition to the drop-ins, team members met with key stakeholders in scheduled technical meetings. Meetings included sessions with key business and property owners, historic property owners, members of the Historic Preservation Review Commission, NYSDOT, the Town Supervisor and representatives from the Police and both Fire Departments. The knowledge gained during these meetings was incorporated into the overall planning process.

On Monday at lunch time, an introduction to complete streets presentation was given by Wade Walker and on Tuesday at lunch time, an introduction to form-based codes was given by Lee Einsweiler. The presentations were open to the general public and served as a valuable educational opportunity, allowing attendees to have an informal discussion on the topic in question with the team’s experts.
After the hands-on session, a conceptual framework map was prepared. The map was the first step in establishing parameters for the form-based code (zoning) work and included a preliminary analysis of appropriate future character areas and connections in and around Downtown.
Mid-Week Open House

On Monday evening, the general public was invited to the Malta Community Center for an informal open house. The preliminary designs and drawings were pinned up around the room. The purpose of the open house was to receive feedback on initial ideas before finalizing the drawings. There was no formal presentation given. Participants could stop in at any time between 6:00 pm and 8:00 pm to tour the studio, meet with members of the team, ask questions, and offer additional ideas.

Midway through the charrette week, a public open house was held at the Malta Community Center. To receive feedback on initial ideas, the designs and drawings were pinned up around the studio for public comment and discussion.
Closing Presentation

On Wednesday evening, approximately 45 people gathered at the Malta Community Center to watch the closing presentation of the charrette. The Town Supervisor, Paul Sausville, opened up the meeting by welcoming everybody and thanking them for their support and continued input throughout the week. Lee Einsweiler (Principal, Code Studio) then began the formal presentation by introducing and thanking the charrette team and stakeholders for their effort. He provided a summary of the week’s events and highlighted the extent of projects already approved for Downtown. He then went through the proposed planning and zoning concepts for Downtown. This included showing photographs and illustrative drawings to help people gain a better understanding of the proposed character and form of Downtown. Lee concluded the presentation by reminding attendees that the work presented was a draft, and that community member must continue to offer input on the plan and subsequent code. Everyone was encouraged to continue to send comments to the Town. After the presentation, participants were encouraged to review the draft concepts and offer further suggestions on draft concepts, which were on display throughout the room. Before the meeting ended, an exit survey was distributed to gauge public response to the ideas presented.

<table>
<thead>
<tr>
<th>Closing Presentation Exit Survey</th>
<th>Closing Presentation Exit Survey</th>
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At the end of the closing presentation, an exit survey was distributed to gauge public response to the ideas presented.
On Wednesday evening, approximately 45 people gathered at the Malta Community Center to watch the closing presentation of the charrette.
Future Mobility and Connectivity

Following the preparation of the conceptual framework map, a preliminary complete streets map was prepared by the consultant team. The map was the first step in establishing an complete streets plan for Downtown, a plan that not only serves motor vehicles but also accommodated pedestrians and cyclists. The complete streets map served as the block and street framework for the illustrative master plan.

In developing the recommended mobility initiatives, several guiding principles set the framework for the overall set of enhancements. These principles were geared toward providing a balanced, multi-modal, and interconnected mobility system that not only afforded access for motor vehicles, but also supported walking and biking as viable modes of travel choice. The principles adhered to are summarized as follows:

- Provide roadway facilities that are complete and accommodate all modes of travel;
- Provide redundant, interconnected network within the Downtown and surrounding neighborhoods;
- Enhance the walkability of the Downtown and surroundings;
- Provide definitive bicycle connections through Downtown, connecting to the Malta Community Center and Luther Forest Tech Campus; and
- Using street designs that are transit-ready, prepare for transit connectivity between the Downtown and other Malta-area destinations.
Future Form and Character

The team worked to refine the conceptual framework while addressing the hurdles presented by physical, economic, and political realities of the facts on the ground. By the end of the week, the team had produced a schematic illustrative master plan for the core portions of the Downtown. This illustrative presents one scenario on how redevelopment may occur and serves as the framework for the new form-based (zoning) code.

It is important to note that the individual buildings shown are less important than consistent implementation of the character and form recommendations associated with each scenario. In preparing the illustrative, some assumptions about potential intensity were made, including assumptions about future parking demand. One initial assumption is that many of the buildings will contain a mix of uses. Mixing uses provides an opportunity to share parking, and therefore reduces the total number of spaces needed. The illustrative assumes that vertically mixed use—with careful selection of uses for maximum shared parking opportunities—yields the highest building square footage on each site.

The designers assumed parking ratios vary based on the specific use mix, but ranged from about 3.5 spaces per 1,000 square feet of gross floor area for medical or professional office to about 5 spaces per 1,000 square feet of gross floor area for retail and restaurants. A ratio of 2 parking spaces plus visitor parking (if possible, on the street) is assumed for each residential unit.
Highpointe office building retained.

2- to 3-story office with deep setback to preserve green, open feeling along Route 9. No parking allowed between buildings and street.

Malta Community Center retained.

Helen Dr formalized and realigned at Route 9, enhanced with 2- to 3-story office or residential. Buildings set back along Route 9 to preserve green, open feeling.

Ace Hardware building and parking configuration retained.

2- to 3-story residential provides land use transition to Northway Estates.

Median installed and planted with trees to serve as gateway to downtown core.

Raymond Dr formalized and enhanced with 2- to 3-story office or residential. Buildings pulled up to Route 9 to balance with existing development across the street.

Ellsworth Commons retained with previously-approved townhouses abutting Luther Forest.

Malta Town Complex reconfigured with community-serving and office-related buildings. 3- to 4-story buildings front Route 9, including addition to existing Town Hall. Heights taper off toward adjacent neighborhood. New buildings front public gathering space that preserves existing trees and monument. Gazebo relocated from corner of 67 and Route 9.
The Northern Gateway to Downtown is characterized by 2- to 3-story office buildings with deep gracious setbacks designed to preserve the green, open feeling along Route 9 that exists today. Parking between buildings and Route 9 is not allowed.

The Malta Town Complex is reconfigured with community-serving and office-related buildings and uses. To provide balance with existing development across the Route 9, allowed building heights are 3 to 4 stories. Heights taper off toward the adjacent neighborhood. New buildings front a public gathering space that preserves existing trees and monument. The open space could be used to host community events such as an arts and crafts fair, farmers market or concerts. The Gazebo is relocated from the corner of 67 and Route 9.
A. 2- to 3-story residential with townhouses transitioning to Northway Estates.

B. Townhouses provide land use transition to Northway Estates.

C. 200-foot planted tree buffer retained.

D. 2- to 3-story office or residential front extension of Kelch Dr and proposed greenway.

E. Existing creek formalized as greenway, utilized as site amenity.

F. 2- to 3-story office or residential front new north/south street and proposed greenway.

G. Price Chopper and associated buildings retained.

H. Single-story retail fills in under-utilized or vacant land and creates new north/south street. Entrance to Shops of Malta formalized and lined with new single-story retail.

I. 5- to 6-story hotel with supporting retail takes advantage of visibility from the Northway and proximity to water feature.

J. Naturalized detention pond provides storage for stormwater runoff and serves as a water feature.

K. 2- to 3-story office, residential or retail front new east/west street.

L. Single-story retail lines Kelch Dr and 67. Teaser parking provided between buildings and 67.

M. Dunning Street cemetery preserved.

N. 1- to 2-story retail front Kendall Way, 67 and Route 9. Gazebo relocated to Town Hall Complex, replaced with public plaza that is enclosed by buildings that also front Route 9 and 67.

O. Pedestrian crossing formalized and moved away from roundabout.
The area around the Shops of Malta is characterized by a mix of 1- to 2-story retail buildings that focus on filling in under-utilized or vacant land and formalizing the entrance to the center. To maximize visibility, new 1- to 2-story retail buildings are pulled up to Route 9.

The Kelch Drive property is characterized as a mixed use, pedestrian-friendly village with a variety of retail, employment and residential options. Due to the proximity to the Northway, the site could accommodate some of the tallest buildings in the study area, perhaps 5- to 6-stories to allow for a hotel. Great care should be taken to ensure building heights and uses are sensitive to the established residential neighborhood to the north.
**A** 200-foot green buffer retained and extended along 67.

**B** Entrance to Saratoga Village enhanced and extended, lined with 1- to 2-story retail.

**C** New connection to 67 lined with 1- to 2-story retail.

**D** Single-story retail fronts 67. Teaser parking provided between buildings and the street.

**E** Malta Professional Center reconfigured to address Route 9 and 67 with 2- to 3-story office buildings. Blacksmith Dr converted to a service street.

**F** 2- to 3-story office fronts new pedestrian and bike connection. 1- to 2-story retail wraps retained historic school building.

**G** Saratoga Village redeveloped to accommodate a variety of single-story auto-oriented retail uses with a mixture of floorplates up to 65,000 SF. Includes a formal green as a central focal point.

**H** 2- to 3-story buildings (ground floor retail with office/residential above) transition to residential buildings near Park Place.

**I** Recently approved Blacksmith Square. 4-story residential project with ground floor retail fronting Route 9.

**J** Fairfield Inn retained.

**K** 2- to 3-story residential fronts realigned Saratoga Village Blvd.

**L** 2- to 3-story residential courtyard tucked in behind two residential buildings fronting Saratoga Village Blvd.

**M** Recently approved Lansing project. 3-story residential with ground floor retail fronts Route 9.

**N** 2- to 3-story office/residential fronts Route 9.

**O** Median installed and planted with trees to serve as gateway to Downtown core.
Saratoga Village is characterized as a walkable, pedestrian-friendly shopping center that at its core is designed to accommodate a variety of single-story, auto-oriented large-format “junior boxes” (up to 65,000 square feet). On its a periphery, a variety of taller (2- to 3- story) mixed use, retail, employment and residential buildings and uses are appropriate.

New development along 67 is intended to allow for easier access by motor vehicles while maintaining an enhanced level of walkability. Teaser parking is allowed between the building and street. A maximum of two bays of parking (with one drive aisle) is allowed between the building and the street.
A CVS and new Columbia building retained.

B Townhouses provide land use transition between new single-family to the east and existing commercial to the west. Cottage court single-family provides buffer for Luther Forest.

C Landscaping offers additional protection for existing homes.

D 1- to 2-story retail front new street that provides much needed connection between Route 9 and Dunning St. Corner parcel across from CVS could accommodate convenience retail with gas pumps.

E Shopping center reconfigured to restore historic Parade Ground. Malta Presbyterian Church retained.

F 1- to 2-story retail with outdoor dining fronts significant green space along Dunning. 1- to 2-story retail wraps corner and extends along Route 9.

G Single-family fronts shared green and provides compatibility buffer to Luther Forest.

H Parade Ground Village reconfigured with new 1- to 2-story retail fronting Route 9 and Dunning St. Additional setback provided along Dunning St. to restore historic Parade Ground.

I New home for future Fire Station.

J Future location for Northway Church.

K Existing homes preserved.

L 1- to 2-story retail fronts Route 9 with 1- to 2-story retail/office fronting Hemphill. 2- to 3-story residential fronts shared green and provides land use transition to adjacent neighborhood.

M Malta Ambulance building retained.

N 2- to 3-story office/residential fronts Route 9.
Parade Ground Village is reconfigured with 1- to 2-story retail buildings with a focus on Route 9 and Dunning St. Additional setback is required for buildings along Dunning in order to restore the historic Parade Ground. The north side of Dunning is re-purposed as community open space as shown above and becomes the focal point of a revitalized Downtown. Boutiques, galleries, coffee shops and cafes with outdoor dining line the public green space and fill the sidewalks with shoppers and patrons.
Single-story retail holds corner of Saratoga Blvd and Route 9.

2- to 3-story mixed use buildings (ground floor retail with office/residential above) front Route 9 and Landau Blvd.

2- to 3-story office with deep setback preserves green, open feeling along Route 9. No parking allowed between buildings and street.

2- to 3-story mixed use buildings (ground floor retail with office/residential above) front Route 9.

Connection to Park Place and Malta Gardens made and formalized.

New development preserves open space and respects Stonebreak Rd right-of-way.

2- to 3-story residential with ground floor offices. Townhouses provide transition to established neighborhood. All centered around a shared green.

2- to 3 mixed use buildings (ground floor retail with residential/office above) front Route 9. Buildings setback to preserve green, open feeling along Route 9. No parking allowed between buildings and street.
The Southern Gateway to Downtown is very reminiscent of the Northern Gateway and is characterized by 2- to 3-story office buildings with deep gracious setbacks designed to preserve the green, open feeling along Route 9 that exists today. Parking between buildings and Route 9 is not allowed.
Appendix C
Environmental Justice and Environmental Mitigation Summaries

Environmental Justice

Increased attention has been given to the National Environmental Policy Act (NEPA) related to its ability to balance overall mobility benefits of transportation projects against protecting quality of life of low-income and minority residents of a community. President Clinton issued Executive Order 12898 to bring attention to environmental and human health impacts of low-income and minority communities – referred to as environmental justice – when federal funding is involved. The goal of environmental justice review is to ensure that any adverse human health or environmental effects of a government action, such as federally-supported roadway or transit project, does not disproportionately affect minority or low-income residents of a community or neighborhood. Environmental justice is a public policy objective that can help improve the quality of life for those whose interests have traditionally been overlooked.

The CDTC staff has completed a review of civil rights/environmental justice impacts of transportation actions proposed under this study. Based on a review of the latest socioeconomic data available, the CDTC staff has determined that there are two TAZ’s in the Downtown Malta Form Based Code Linkage Project Study Area that are identified as Environmental Justice Target Population Areas. All of the transportation recommendations for the study would provide fair access and do not result in negative impacts to any minority or low-income residents. However, additional information gathered through the public review process could suggest a different outcome. In addition, examination of regional equity impacts would be necessary if any transportation action is considered for inclusion in CDTC’s Transportation Improvement Program.

Equitable access to, consideration within, and effects of the design and implementation of federally assisted projects is also a key aspect of environmental justice. However, design and construction is the responsibility of implementing agencies in the region. For projects identified in this study, implementing agencies would either be the New York State Department of Transportation, Capital District Transportation Authority, Saratoga County, or the Town of Malta.

EJ Target Population Areas are defined as any TAZ with low income, minority, or Hispanic populations equal to or greater than the regional average.

The regional averages are as follows:

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<thead>
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<th>Population Type</th>
<th>Percentage</th>
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<tbody>
<tr>
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<td>Hispanic Population</td>
<td>2.6%</td>
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<tr>
<td>Low Income Population</td>
<td>8.9%</td>
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</table>
Environmental Justice Populations within the Downtown Malta From Based Code Linkage Project Study Area

There are a total of 2 TAZ’s in the Downtown Malta From Based Code Linkage Study Area that are identified as Environmental Justice Target Population Areas. EJ Target Population Areas are defined as any TAZ with low income, minority, or Hispanic populations equal to or greater than the regional average.

The regional averages are as follows:

<table>
<thead>
<tr>
<th>Minority Population</th>
<th>11.3%</th>
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</thead>
<tbody>
<tr>
<td>Hispanic Population</td>
<td>2.6%</td>
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<tr>
<td>Low Income Population</td>
<td>8.9%</td>
</tr>
</tbody>
</table>

Data Sources:
2000 Census of Population and Housing
CDTC’s Community and Transportation Linkage Planning Program
Geographic Unit of Analysis - Traffic Analysis Zones (TAZ’s)
Environmental Mitigation

Per federal requirements the Downtown Malta Form Based Code Linkage Project study area was screened utilizing CDTC’s environmental mitigation procedures to produce a map of environmental mitigation features. A buffer of 0.25 miles was generated on the map to highlight any features within and surrounding the study area boundary. Within the study area boundary the following features are present: aquifers, water features, class I & II soils, parcels taxed as farmland.