



# **Maple Avenue Commercial Zone**

June 11, 2014

**CLARION**

**Article 13.1****MAC: Maple Avenue Commercial Zone Regulations**

The following regulations shall apply to land in the Maple Avenue Commercial (MAC) Zone. For general regulations, see Article 4 of this Chapter. For supplemental regulations, see Article 18 of this Chapter. If the standards in Article 13.1 conflict with those in Article 4 or Article 8, the standards in Article 13.1 shall govern.

**§18-95.1 Statement of Purpose and Intent.**

The purpose of the Maple Avenue Commercial (MAC) Zone is to encourage compact, pedestrian-oriented, mixed-use development and redevelopment along the Maple Avenue corridor to reinforce Maple Avenue's role as the Town's main street. The zone is intended to ensure that development along the corridor promotes Vienna's small-town character and does not compromise the character of residential neighborhoods abutting the corridor. More specifically, the MAC Zone is intended to:

- A. Encourage compact, pedestrian-oriented development along Maple Avenue East and West that collectively accommodates residents, visitors, and businesses;
- B. Encourage a pedestrian-friendly, barrier-free, human-scale design of streets, buildings, and open spaces;
- C. Foster mixed-use and destination-style retail development along Maple Avenue East and West;
- D. Promote a variety of housing options in the Town;
- E. Enhance the Town's economic vitality by promoting the preservation and creation a variety of business establishments, including restaurants, services, small and locally-owned businesses, and other uses which contribute to the vitality of Maple Avenue East and West;
- F. Maintain and promote eclectic character and visual interest of building design and site configuration by encouraging a variety of building heights, density, and building mass consistent with Vienna's small-town character and compatible with surrounding residential neighborhoods;
- G. Provide for a high quality of development along Maple Avenue East and West; and
- H. Improve environmental quality and promote responsible development practices along Maple Avenue East and West;
- I. Encourage the creation of publicly-accessible community gathering spaces, such as parks, plazas, and other open spaces;
- J. Encourage the incorporation of art in sites and buildings through a variety of design elements, natural features, installations and displays in highly visible and publicly accessible locations.

**§18-95.2 Applicability.**

- A. Amendments to the zoning map to establish the MAC Zone may only be approved for lots identified in Figure 18-95.2.1, Lands Eligible for MAC Zone Designation.
- ~~B. If a lot eligible to be included in the MAC Zone is combined with another lot that is not eligible, then the combined lot shall be eligible to apply for MAC Zone designation.~~
- ~~C.~~ B. Application for inclusion in the MAC Zone is voluntary. Lots eligible for designation may proceed with development in accordance with the applicable zoning district regulations of the zone district in which they are located and all other relevant provisions of this Chapter without rezoning to the MAC Zone.

**§18-95.3 Procedure for MAC Zone Designation.**

- A. Designation of lots to the MAC Zone may only be approved as a rezoning in accordance with Article 24 of this Chapter. Applications for a rezoning to the MAC Zone shall be accompanied by a site plan prepared in accordance with Article 25 and a set of color elevations depicting the development's appearance from each of the four cardinal directions.

- B. After submittal of a rezoning application, the application shall be reviewed by the Zoning Administrator, who shall make a recommendation to the Board of Architectural Review as to whether or not the proposed site plan and building elevations comply with the requirements of this section.
- C. After review and recommendation by the Zoning Administrator, the Board of Architectural Review shall review the proposed site plan and elevations and certify whether or not they comply with the requirements of this section.
- D. Following certification from the Board of Architectural Review that the site plans and elevations comply with the requirements in this section, the rezoning application shall be reviewed in accordance with the standards and requirements in Article 24 of this Chapter.
- E. If the zoning map amendment application is approved by the Town Council, the proposed development shall be subject to site plan approval, in accordance with Article 25 of this Chapter.

#### **§18-95.4 Permitted Uses.**

The following uses are permitted by-right in the MAC Zone:

- A. Multi-family dwellings, if they are not located on a ground floor façade facing Maple Avenue.
- B. Live/work dwellings, if the residential portion of the unit is located on an upper floor.
- C. Cultural facilities, including museums, art galleries, libraries, and similar establishments.
- D. Governmental facilities, including governmental offices, public safety, or emergency services, in accordance with Section 18-13.
- E. Assembly uses of 30,000 square feet of floor area or less, such as auditoriums, performance halls, theatres, civic clubs, fraternal organizations, churches, or private clubs.
- F. Restaurants including those with live entertainment and patron dancing, but not including drive-through service.
- G. Offices, such as professional offices, medical offices, financial offices, or service-related offices that do not involve the on-site parking or storage of commercial vehicles or equipment.
- H. Indoor recreation uses and amusement enterprises of 30,000 square feet of floor area or less.
- I. Retail sales uses under 65,000 square feet of floor area, including department stores, variety stores, and shopping centers.
- J. Repair establishments taking place wholly within an enclosed building.
- K. Personal services uses, including, salons, spas, certified massage therapists, photocopying services, and photography studios.
- L. Motels, hotels, and bed and breakfast inns.
- M. Commercial group building development, subject to the standards in Section 18-173.1.

#### **§18-95.5 Conditional Uses.**

The following uses are permitted as conditional uses in the MAC Zone in accordance with the standards and requirements in Article 21 of this Chapter:

- A. Assembly uses of more than 30,000 square feet of floor area, such as auditoriums, performance halls, theatres, civic clubs, fraternal organizations, churches, or private clubs.
- B. Restaurants with drive-throughs.
- C. Commercial parking lots or parking structures as a principal use.
- D. Indoor recreation uses and amusement enterprises of more than 30,000 square feet.

- E. Retail sales uses of more than 65,000 square feet of floor area.
- F. Automobile sales, repair and service uses, including fuel sales.
- G. Clinics and animal hospitals, if they comply with the requirements in Section 18-210(P) of this Chapter.
- H. Drive-throughs, subject to the standards in Section 18-210.II, and the following:
  1. They must be located at least 150 feet from any single-family detached dwelling;
  2. Outdoor speakers associated with a drive-through shall be at least 75 feet from any residential lot line and noise shall not be audible at the property line;
  3. They do not obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the entrance and customer parking spaces;
  4. They are not located on the front or street-facing façade of any building they serve; and
  5. Any roof over the drive-through has the same architectural design and materials as the primary portion of the structure.
- I. Telecommunications facilities, including new antennas or dishes, reconstruction of existing facilities, or co-location of telecommunications equipment on an existing tower, building, or other structure.
- J. Nursing, assisted or independent living facilities for seniors.
- K. Rooftop restaurants or dining areas.

#### §18-95.6 Accessory Uses.

The following uses are permitted as accessory uses in the MAC Zone:

- A. Outdoor dining associated with a restaurant if the outdoor dining area is:
  1. Located adjacent to the restaurant use;
  2. Included in the required off-street parking space calculation;
  3. Open to patrons only between the hours of 6:00 am and 11:00 pm;
  4. Located in a manner that allows at least five feet of unobstructed sidewalk width to accommodate passing pedestrians;
  5. Maintained in a clean and orderly manner;
  6. Surrounded by a sturdy enclosure, such as a wall or fence, that differentiates the area from its surroundings;
  7. Not served by speakers or other devices that produce audible sounds;
  8. Subject to Virginia Department of Alcoholic Beverage Control standards, if alcohol is served; and
  9. Located a minimum of 150 linear feet from a single-family residential lot.
- B. Outdoor sales and display associated with a retail sales use if:
  1. The outdoor display area is limited to the lesser of 30 linear feet or no more than one-half of the length of the store front or building side;
  2. The area of outdoor display or sales does not encompass the width of the entrance doors to the establishment as projected straight out from the facility (For example, if the width of the entrance doors is ten feet, there shall be at least a ten-foot clearance from the doors as projected straight out and away from the facility);
  3. All outdoor display of goods is located adjacent to the storefront, or building sides, and not in drive aisles, loading zones, fire lanes, or parking lots;
  4. Located in a manner that allows at least five feet of unobstructed sidewalk width to accommodate passing pedestrians;

5. Displayed goods are not attached to a building's wall surface;
6. The height of the outdoor display does not exceed nine feet, except in the case of live or recently cut trees or similar plants; and
7. Additional signage is not permitted in association with the outdoor display area.

C. Electrical vehicle charging stations.

### **§18-95.7 Area Requirements.**

Development in the MAC Zone shall comply with the following requirements:

A. Lot Area: None.

B. Lot Width: None.

C. Front Yard:

1. Front Yards on Maple Avenue:

- (a) The minimum front yard shall be the distance necessary to ensure 20 linear feet between the face of the curb and the edge of the front building wall, as shown in Figure 18-95.7.1, Front Yard Configuration – Maple Avenue.
- (b) The maximum front yard shall be the distance that results in 64 linear feet between the face of the curb and the edge of the front building wall.

2. Front Yards on Side Streets:

- (a) The minimum front yard shall be the distance necessary to ensure eleven linear feet between the face of the curb and the edge of the front building wall, as shown in Figure 18-95.7.2, Front Yard Configuration – Side Street.
- (b) The maximum front yard shall be the distance that results in 64 linear feet between the face of the curb and the edge of the front building wall.

3. Development existing prior to \_\_\_\_\_ (*insert the effective date of the MAC Zone provisions*) shall be considered conforming with respect to these front yard requirements.

D. Minimum Side Yard:

1. Building wall has no windows or doors: None.
2. Building wall includes windows or doors: Five feet if building is two stories or less; eight feet if building is three stories or more.
3. Building abuts a residential or mixed-use, regardless of number of stories: Eight feet, as shown in Figure 18-95.7.3, Side Yard Configuration.
4. Building abuts a street or right-of-way: Eleven feet between the face of curb and the edge of the building wall.

E. Minimum Rear Yard: 20 feet when the development abuts a single-family residential lot; ten feet in all other instances.

F. Maximum Impervious Surface: 80 percent of the lot.

**§18-95.8 Encroachments into Required Yards.**

- A. Open upper-story balconies, exterior stairways, fire escapes, and access ramps for the disabled may extend up to five feet within any required yard, but may not encroach into a sidewalk to a point where the sidewalk has less than five feet of clearance.
- B. Bay windows, box windows, chimneys, HVAC or outdoor equipment, moveable window awnings, roof eaves, overhangs, and marquees may extend up to three feet into a required yard. In instances where these features project over a sidewalk, a minimum clearance of nine feet above the sidewalk shall be maintained. Further, bay windows and box windows shall not exceed two stories in height or ten feet in length.
- C. Sills, entablatures, uncovered porches, stoops, decks, patios, or terraces shall not extend into a required yard by more than one foot.
- D. Flagpoles, light poles, fences, walls, and landscaping may encroach into required yards, but shall not obstruct sidewalks or required sight triangles.

**§18-95.9 Height Limit.**

- A. The maximum height shall be the lesser of four stories or 54 feet, as shown in Figure 18-95.9.1, Determination of Height.
- B. Functional or decorative elements on the highest level of a building may not result in a total height, including these elements, that is more than 115 percent of the permitted building height, nor exceed ten percent of the area of the building footprint.
- C. The minimum height of the first story of a principal building shall be 15 feet.
- D. Mezzanines shall not occupy more than fifty percent of the area of the floor below and shall not be considered a story for the purposes of determining height for residential uses only.

**§18-95.10 Off-Street Parking and Loading Requirements.**

Off-street parking and loading requirements shall be in accordance with the standards in Article 16 of this Chapter, except that the following standards shall also apply. In the event of a conflict between the standards in Article 16 and the standards in this section, the standards in this section shall govern.

- A. Minimum Requirements:
  - 1. Uses in the MAC Zone shall provide off-street parking spaces in accordance with Section 18-130 of this Chapter.
  - 2. As an incentive for the provision of parking structures, off-street parking spaces provided within a parking structure shall be credited towards the minimum parking requirements at a rate of 1.25 times the actual number of spaces located within the parking structure.
- B. Parking Location:
  - 1. Off-street surface parking lots shall not be located between Maple Avenue and a building located within 300 feet or less from the Maple Avenue right-of-way, unless the building is two or more stories in height.
    - a. When allowed between the building and Maple Avenue, off-street surface parking lots shall be limited to a single-loaded bay that does not exceed the building's façade width by more than 15 percent, as shown in Figure 18-95.10.1, Off-street Parking Location.
    - b. A five foot minimum width sidewalk shall be required along the front building façade.
    - a-c. A six foot landscape strip shall be provided between Zone Two and the off-street parking lot.
- C. Pedestrian Pathways:

~~Off-street surface parking lots with 200 or more spaces shall provide~~ One fully-separated, improved pedestrian pathway (see Figure 18-95.10.2, Pedestrian Pathways) ~~that shall be provided for every 200 surface parking spaces.~~ However, no pedestrian pathway is required for surface parking lots with less than 200 spaces. Pedestrian pathways shall be designed that:

~~Are located within planted landscaping strips located a minimum of every six parking rows;~~

- ~~2.1.~~ Include, to the maximum extent practicable, a pathway aligned with and perpendicular to the secondary entrance into the building served by the parking lot;
- ~~3.2.~~ Are paved with asphalt, cement, brick, pavers, or other comparable material including permeable options;
- ~~4.3.~~ Maintain a minimum width of ~~five~~nine feet;
- ~~5.4.~~ Are of contrasting color or materials when crossing drive aisles;
- ~~6.~~ ~~Terminate at drive aisle edges;~~
- ~~7.5.~~ Connect to all existing or planned adjacent transit facilities;
- ~~8.6.~~ Meet all applicable ADA requirements;
- ~~9.7.~~ Are positively drained; and
- ~~10.8.~~ Provide safe and efficient pedestrian access to the use they serve.

#### D. Alternative Parking Plan:

The Town Council may approve an alternative parking plan for development that proposes alternatives to providing the minimum number of off-street parking spaces required in accordance with this subsection. Nothing in this subsection shall limit the utilization of one or more of the following off-street parking alternatives by a single use. When required, a parking demand study shall be performed by a licensed professional engineer.

1. Shared Parking:
  - (a) Those requesting to use shared parking as a means of satisfying the off-street parking standards must submit a parking demand study as part of an alternative parking plan that justifies the feasibility of shared parking. The parking demand study shall include information on the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.
  - (b) Two or more uses sharing parking spaces shall have staggered peak usage times.
  - (c) The maximum reduction in the number of surface parking spaces required for all uses sharing the parking area shall be 50 percent. The percentage may be increased to 60 percent when the uses share parking spaces located within a parking structure.
  - (d) Shared parking spaces shall be located within 1,250 feet of the primary entrance of all uses served.
  - (e) Shared parking spaces shall not be separated from the use they serve by a major arterial or collector street, unless the shared parking area or parking structure is served by an improved pedestrian crossing or a parking shuttle.
  - (f) Adequate and safe pedestrian access shall be provided from and to the shared parking areas.
  - (g) When determined necessary due to distance, indirect locations, or visual barriers, directional signage that complies with the standards of this Chapter shall be provided to direct the public to the shared parking spaces.

- (h) The alternative parking plan shall be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be recorded prior to occupancy. A shared parking agreement may be revoked only if all required off-street parking spaces are provided. A shared parking agreement shall remain in effect until one or more of the uses subject to the agreement changes.

2. Off-Site Parking for Nonresidential Uses:

Off-street parking for nonresidential uses may be located on another parcel of land, if there are practical difficulties in locating the parking area on-site, or the public safety or convenience is better served by off-site parking. Off-site parking for nonresidential uses shall comply with the following standards:

- (a) It shall be located within 1,250 feet from the use it is intended to serve.
- (b) A pedestrian way that complies with applicable ADA requirements shall be provided from the off-site parking area to the use it serves.
- (c) The alternative parking plan shall be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be recorded prior to occupancy. An off-site parking agreement may be revoked only if all required off-street parking spaces are provided. An off-site parking agreement shall remain in effect until one or more of the uses subject to the agreement changes.

3. Deferred Parking:

The construction of up to 30 percent of the required number of parking spaces may be deferred if:

- (a) It is demonstrated through a parking demand study that because of the location, nature, or mix of uses, the number of parking spaces actually needed to serve the development is less than the minimum required.
- (b) A reserve parking plan identifies: (a) the amount of off-street parking being deferred, and (b) the location of the area to be reserved for future parking, if future parking is needed.
- (c) The applicant provides assurance that a parking demand study evaluating the adequacy of the existing parking spaces in meeting the parking demand will be submitted to the Town between 12 and 24 months after occupancy of the development. If the study indicates that the existing parking is adequate, then construction of the remaining number of required parking spaces shall not be required. If the study indicates a need for additional parking, it shall be provided consistent with the reserve parking plan and the standards of this Chapter.
- (d) Areas reserved for future parking shall be brought to the finished grade, landscaped with an appropriate ground cover, and not be used for buildings, storage, loading, or other purposes requiring buildings or permanent structures.

4. Alternative Materials:

The use of pervious or semi-pervious parking area surfacing materials—including, but not limited to, “grass-crete,” “turfstone,” porous concrete, or recycled materials such as rubber, used asphalt, brick, block, and concrete—may be approved by the Zoning Administrator for the required vehicular surface area on a site, provided such areas are properly maintained. Where possible, such materials should be used in areas proximate to and in combination with on-site stormwater control devices or tree protection measures.

E. Transportation Demand Management:

A transportation demand management (TDM) plan may be used as a means of reducing the minimum number of off-street parking spaces required for nonresidential or mixed-use development, in accordance with the following standards:

1. Required TDM Plan:

Approval of a TDM plan may result in an up to 20 percent reduction in the minimum number of required parking spaces if the TDM Plan includes facts or projections (e.g., type of development, proximity to

transit and/or other multi-modal systems, anticipated number of employees or patrons, and minimum parking requirements), indicates the types of transportation demand management activities that will be instituted to reduce single-occupant vehicle use and reduce traffic congestion.

2. Transportation Demand Management Activities:

The TDM plan must provide a minimum of three of the following transportation demand management activities in order to qualify for a reduction in required minimum off-street parking:

- (a) Establish a development-specific website that provides multi-modal transportation information such as real-time travel/traffic information, bus routes, bus schedules and maps and alternative commute log (bicycle, pedestrian, carpool, and vanpool).
- (b) Disclose in writing to all employees transportation information and educational materials.
- (c) Coordinate the formation of, but not limited to, carpooling, vanpooling, ridesharing, guaranteed ride home, teleworking, or shuttle service programs.
- (d) Create a preferential parking management plan that specifically marks spaces for each registered carpool and/or vanpool vehicle, located near building entrances or in other preferential locations.
- (e) Institute and maintain off-peak work schedules, allowing employees to arrive and depart at times other than the peak commute period. The peak morning commute period is defined as 7:00 AM and 9:00 AM, the peak mid-day commute is defined as 11:30 AM to 1:30 PM, and the peak evening commute period is defined as 5:00 PM and 7:00 PM.
- (f) Establish an office location within the development, staffed by the transportation coordinator that makes transportation and ride-sharing information available to employees, residents, and nonresidents.
- (g) Alternative transportation demand management activities may be approved by the Zoning Administrator as a means of complying with the parking reduction incentive provisions of this subsection.

3. Transportation Program Manager/Coordinator:

- (a) The applicant must appoint and maintain a program coordinator to oversee transportation demand management activities.
- (b) The program coordinator must be a licensed professional or have a specialty certification in TDM.
- (c) The program coordinator must be appointed prior to issuance of a certificate of occupancy for the buildings to be served by the transportation demand management program.

4. TDM Annual Report:

The program coordinator shall provide a report annually to the Department of Planning and Zoning that details the implementation strategies for the approved TDM plan. The report may include the following:

- (a) A description of the transportation management activities efforts;
- (b) A list of current tenants and number of employees for each tenant;
- (c) A parking-reduction analysis based on employee or resident use of ridership programs or alternative transportation options;
- (d) Changes to the TDM plan to increase ridership; and
- (e) Employee transportation survey.

5. Enforcement:

In the event that the program coordinator fails to submit a report to the Department of Planning and Zoning within 60 days of the annual report deadline, or the applicant no longer implements the program, the TDM plan shall be considered terminated and the required off-street parking spaces must be provided.

F. Bicycle Parking:

Residential development with 30 or more dwelling units and nonresidential development with 5,000 or more square feet of gross floor area shall provide individual or shared bicycle parking facilities in accordance with the following standards. Nonresidential uses of up to 20,000 square feet in size may share bicycle parking facilities in accordance with this section.

1. General Standards:

- (a) Bicycle parking facilities shall be conveniently located and publically accessible, but in no case shall such facilities be located more than 150 feet from the primary building entrance.
- (b) Bicycle parking spaces shall be provided at the rate of (a) one bicycle parking space per 30 residential dwelling units, and (b) one bicycle parking space per 5,000 square feet of nonresidential floor area.
- (c) Bicycle facilities shall include a rack or other device to enable bicycles to be secured.

2. Shared Bicycle Parking:

Nonresidential uses up to 20,000 square feet in area may share bicycle parking spaces if:

- (a) An improved pedestrian accessway is provided from the bicycle parking facility to the primary building entrance; and
- (b) The shared bicycle parking facility and improved pedestrian access is depicted on the site plan.

**§18-95.11**

Mobility and Circulation.

A. Maple Avenue Sidewalk Area Configuration:

1. The area between the edge of the front building wall and the face of the curb adjacent to Maple Avenue East and West shall be considered the sidewalk area.
2. The sidewalk area shall maintain the minimum size necessary to ensure at least 20 linear feet between the face of the curb and the front most building wall.
3. The sidewalk area shall be divided into three distinct zones, as shown in Figure 18-95.11.1, Sidewalk Zones:
  - (a) Zone One occupies a minimum of the first six feet of the sidewalk area, as measured from the face of the curb. Zone One is designated for the planting of street trees, landscaping, and the placement of street furnishings.
  - (b) Zone Two occupies at least five feet, as measured from the back edge of Zone One, and is the designated clear zone for the movement of pedestrians.
  - (c) Zone Three is measured from the back edge of Zone Two. Zone Three may be used for outdoor dining, an area for the display of products for sale in accordance with Section 18-95.6.B, a public gathering area, or as a continuation of the sidewalk paving treatment in Zone Two.
4. Sidewalk paving treatments shall consist of concrete, bricks, pavers, or other hard-surface materials, consistent with an approved site plan, with the established sidewalk patterns in the general area of the development, and suitable for pedestrian use. Streetscape materials on Maple Avenue should be consistent with the adopted streetscape plans.
5. Sidewalks and pedestrian pathways shall connect with existing or planned sidewalks at property boundaries.
6. New nonresidential, mixed-use, and multi-family development shall provide at least one on-site improved connection between the development's primary entrance and the adjacent public sidewalk system (planned or existing).

B. Configuration of Other Sidewalks:

Sidewalks located within the MAC Zone, but not adjacent to the Maple Avenue right-of-way, shall be configured in accordance with the Town's minimum sidewalk standards.

C. Parking Lot Cross Access:

The MAC Zone should promote the reduction of vehicular access points onto Maple Avenue East and West to facilitate traffic movement. New development and redevelopment in the MAC Zone shall be designed to allow for parking lot cross-access to adjacent compatible development in accordance with the following standards, to the maximum extent practicable:

1. Cross-access shall allow for two-way traffic between parcels through the use of a single drive aisle with a minimum width of 20 feet, or through two one-way aisles, each with a minimum width of 10 feet.
2. Cross-access ways shall not be required to provide cross-access to more than two adjacent parcels.
3. The requirements of this subsection may be waived if the applicant demonstrates it is impractical to provide cross-access due to topography, natural features, or vehicular safety factors.
4. If cross-access is waived, bicycle and pedestrian connections shall be provided between adjacent developments, to the maximum extent practicable.

**§18-95.12** Landscaping Standards.

Parking lots shall include landscaping within the interior and on the perimeter, in accordance with the following standards.

A. Interior Landscaping:

Surface parking lots with more than 12 spaces in a row shall provide landscaping islands within the interior of the parking lot in accordance with the standards in this subsection, as shown in Figure 18-95.12.1, Parking Lot Tree Coverage.

1. Design:

Unless altered through an alternative landscaping plan, landscaping islands shall be designed in accordance with the following standards:

- (a) Landscaping islands shall be located at the end of parking bays and have a minimum size of 180 square feet for single loaded parking bays, and a minimum size of 360 square feet for double-loaded bays.
- (b) Off-street surface parking areas with 125 or more spaces shall be organized into a series of smaller modules visually separated by landscaping strips that are located at least every six parking bays that are at least nine feet wide.
- (c) Canopy or shade trees shall be distributed throughout the parking lot for the purpose of heat abatement. No parking space shall be separated from the trunk of a shade or canopy tree by more than 760 feet. ~~Perimeter parking lot landscaping or other required landscaping may be used to meet this requirement (where an existing easement prohibits compliance with these standards, an applicant may propose an alternative landscaping plan).~~
- (d) A ratio of one tree per eight parking spaces shall be provided.

2. Planting Area Size:

Each landscaping island shall contain sufficient area to accommodate the root growth of the plant material used. At a minimum, each landscaping island shall include 300 cubic feet of soil per tree to be located in the island. The size of the planting area, size of plant material at maturity, and placement of plant material shall allow for a two-and-one-half-foot bumper overhang from the face of the curb or edge of the island.

3. Planting Rate:

Each landscaping island shall contain at least four shrubs, planted in accordance with these standards. Nothing in these standards shall require a tree within a landscaping island unless it is needed to maintain compliance with the shading requirements in (1(c)) above.

4. Exterior Lighting:

In cases where a landscaping island contains both trees and exterior parking lot lighting poles, the parking lot lighting poles shall not exceed eight feet in height in order to avoid conflicts between tree branches and

the need to illuminate parking areas. Nothing in this section shall prevent the placement of parking lot lighting outside landscaping islands.

5. Protection of Planting Areas:

Planting areas shall be protected from vehicle damage by the installation of curbing, wheel stops, or other comparable methods. This standard shall not prohibit the use of planting areas as stormwater management devices.

B. Perimeter Landscaping Standards:

Where a parking lot abuts a street right-of-way, vacant land, or any other development (except another parking lot), perimeter landscaping strips shall be provided and maintained between the parking lot and the abutting right-of-way or property line in accordance with the following standards:

1. Continuous Visual Screen:

Perimeter landscaping for parking lots shall form a continuous visual screen with a minimum height of four feet above grade within three years of planting, excluding required sight clearances at driveways and near intersections, as shown in Figure 18-95.12.2, Parking Lot Landscaping.

2. Protection of Landscaping Strip:

The perimeter landscaping strip shall be protected from vehicular damage by the installation of curbing, wheel stops, extra width in the landscaping strip, or other method approved by the Zoning Administrator.

3. Location:

Perimeter landscaping strips shall be located on the property, and shall be placed to assure visibility and safety of pedestrians on the public street, as well as those within the vehicular use area.

4. Minimum Width:

The minimum width of a perimeter landscaping strip serving a parking lot shall be ~~four~~ eight feet.

5. Required Materials:

(a) Evergreen shrubs shall be used to form the continuous visual screen in the perimeter landscaping strip.

(b) In addition to the evergreen shrub requirements, each perimeter landscaping strip shall include at least ten aggregate caliper inches (ACI), measured at installation, of canopy trees per 100 linear feet of landscaping strip. Understory trees may be used beneath overhead utilities.

6. Adjacent Parking Lots:

Where two or more off-street surface parking lots are located adjacent to one another, but upon different lots, no perimeter landscaping strip shall be required between the two parking lots.

C. Street Trees:

Street trees along Maple Avenue shall be required between the curb and the sidewalk, in accordance with the following standards:

1. Street trees shall be canopy trees except beneath overhead utilities or other projections into the public right-of-way, where understory trees shall be used instead.
2. Canopy trees shall be spaced between 30 and 35 feet on center.
3. Understory trees shall be spaced between 18 and 22 feet on center.
4. Street trees shall have a two-and-one-half-inch minimum caliper size at the time of planting.

~~5. ——— Alternative layout may be considered through an alternative landscaping plan.~~

D. Alternative Landscaping Plan:

1. An applicant may prepare an alternative landscaping plan to modify materials or methods required by the

standards due to natural conditions or physical conditions related to the site.

2. The Town Council may approve an alternative landscaping plan if it meets the purpose and intent of the landscaping standards in this section.

**§18-95.13 Open Space Set-Asides.**

Development shall set aside a minimum of ten percent of the total development area as an open space set-aside in accordance with the following standards:

- A. The following site features shall be credited towards the open space set-aside:
  1. Wetlands and water features;
  2. Areas occupied by required landscaping;
  3. Parks, greenways, and natural areas intended for passive recreation;
  4. Land occupied by active recreational uses such as pools, playgrounds, tennis courts, jogging trails, and clubhouses;
  5. Publicly-accessible plazas, public gathering spaces, fountains, roof gardens, green roofs, atriums, and pedestrian seating/activity; and
  6. Land area occupied by stormwater management devices, including retention ponds, fully vegetated detention basins, and other bio-retention devices treated as a site amenity that includes access, gentle slopes of three-to-one (3:1) or less, significant plantings, and pedestrian elements such as paths, benches, and similar aspects.
- B. The following areas shall not be counted as open space set-asides:
  1. Private yards not subject to an open space or conservation easement;
  2. Public street rights-of-way or private street easements;
  3. Open parking areas and driveways;
  4. Land covered by structures not designated for active recreational uses; and
  5. Designated outdoor storage areas.
- C. Land used as an open space set-aside shall meet the following design standards:
  1. Open space shall be located so as to be readily accessible and useable by residents and users of the development.
  2. Where possible, a portion of the open space set-aside should provide focal points for the development and opportunities for public art.
  3. Where the development site is adjacent to existing or planned trails, parks, or other public open areas, the open space set-aside shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the trail, park, or other open area.
- D. All open space set-aside areas shall be owned jointly or in common by the owners of the development through a recognized homeowners or property owners association, a nonprofit organization, or be dedicated to the Town, or conservation, public, or nonprofit entity.
- E. The owner of the land shall be responsible for maintenance of all open space set-aside areas.

**§18-95.14 Site Development Standards.**

Mixed-use and nonresidential development in the MAC Zone shall comply with the following standards:

- A. Building Orientation:
  1. The front façade of a building shall be parallel to the street it fronts.

2. Multiple building developments shall be oriented in one of the following formats (see Figure 18-95.14.1, Multiple Building Development Configuration):
  - (a) Corner buildings designed to front both sides of an adjacent street intersection or entry point to the development in an "L" configuration;
  - (b) Buildings facing each other across a relatively narrow vehicular access area with pedestrian amenities in a "main street" character;
  - (c) Buildings framing and enclosing at least three sides of parking areas, public spaces, or other site amenities; or
  - (d) Buildings framing and enclosing outdoor dining or gathering spaces for pedestrians between buildings.
3. Drive-throughs or automobile-related building features such as canopies, porticos, or drive-through windows shall be prohibited on the front and corner side facades.

**B. Primary Entry Placement:**

1. Primary entrances shall face the street from which the building derives its street address, as shown in Figure 18-95.14.2, Primary Entry Placement. Nothing in these standards shall prevent a secondary entrance from facing a parking lot or open space.
2. Buildings on corner lots may incorporate an entrance on the corner.
3. Multi-building developments shall be oriented so that primary entries face Maple Avenue, a commons associated with the development, or a central corridor perpendicular to Maple Avenue.

**C. Entry Features:**

1. Primary entrances shall incorporate windows within or beside entry doors that allow entrants to see into the building and exterior lighting to illuminate the entryway during hours of operation during non-daylight hours.
2. Each primary entry shall be clearly defined and incorporate at least two of the following features:
  - (a) Covered roof projections of at least five feet in depth that emphasize the primary entrance location;
  - (b) Distinctive roof forms, towers, gables, roof ridges, peaks, or other features that differ in height by three feet or more from the balance of the roof, as shown in Figure 18-95.14.3, Roof Forms;
  - (c) Window walls of uninterrupted glass with a minimum height of 15 feet and a minimum width of 15 feet adjacent to the entryway doors;
  - (d) Covered or shaded pedestrian courts, patios, or plazas of at least 100 square feet adjacent to the entrance;
  - (e) Fountains, pools, or other water features;
  - (f) Canopy trees planted no greater than 40 feet on-center along the front façade wall; or
  - (g) Public art.

**D. Front Building Wall Location:**

At least 25 percent of the front building wall shall be built within five feet of the minimum front setback line, as shown in Figure 18-95.14.4, Front Building Wall Location.

**E. Building Facades:**

1. Blank monolithic walls with little or no architectural detail or items that add visual interest shall be prohibited from facing public streets or single-family residential uses.
2. Buildings shall include continuous awnings, canopies, arcades, or overhangs with a minimum projection of four feet from the building wall along at least 60 percent of the building façade that includes the primary entrance to provide shade and to protect patrons or pedestrians from the weather, as shown in Figure 18-95.14.5, Pedestrian Protection.
3. Buildings of 10,000 square feet in floor area or less shall be configured so that at least 60 percent of the front wall is differentiated architecturally by two or more of the following features (see Figure 18-95.14.6, Front Architectural Features). Buildings of more than 10,000 square feet in floor area shall be configured so that at least 60 percent of the front wall is differentiated architecturally by three or more of the following features:
  - (a) Recessed or display windows;
  - (b) Offset surfaces, niches, insets, projections, or bas relief with a minimum depth of four inches;
  - (c) Window indentations that incorporate a differing building material, texture, or color, along with an awning or overhang;
  - (d) Differentiated piers, columns, or pilasters;
  - (e) Textured materials;
  - (f) Roofline changes, coupled with correspondingly aligned wall offset or facade material changes, changes in the roof planes, or changes in the height of a parapet wall; or
  - (g) Changes in wall plane (such as projections or recesses) with an offset or depth of at least two feet and a width of at least fifteen feet, located a minimum of every 30 feet.
4. Side and rear building façades, if visible from public streets, shall have a similar architectural treatment as used on the primary or front façade.
5. Buildings shall be constructed (through the use of materials, design elements, or architectural details) to emphasize the proportion of height to width so that building façades are vertically oriented, instead of horizontally oriented, as shown in Figure 18-95.14.7, Vertical Orientation.
6. Outbuildings located in front of other buildings within the same development shall include a consistent level of architectural detail on all four sides of the building as well as exterior materials and colors that are compatible with the primary building in the development.

**F. Transparency:**

1. At least 50 percent of the ground floor façade facing a street shall be comprised of visually permeable doors or windows, as shown in Figure 18-95.14.8, Transparency.
2. Windows and doors shall be architecturally related to the style, materials, and details of the building they serve.
3. Windows or glass doors on a façade facing a street shall be visually permeable, and shall not include heavily tinted or reflective glass.
4. Windows or doors shall be positioned to avoid direct views into the windows of an existing adjacent single-family dwelling, to the maximum extent practicable.

**G. Materials:**

1. Facades of a building visible from a public street or single-family detached dwelling shall have consistent material and a similar architectural style.
2. Accessory buildings and structures shall be similar in materials and architectural style to the primary building.
3. Where two or more materials are proposed to be combined on a facade, the heavier and more massive

elements shall be located below the lighter elements (e.g., brick shall be located below stucco). Materials that are designed to appear as heavier or lighter will be considered based on their visual impact. It is acceptable to provide the heavier material as a detail on the corner of a building or along cornices or windows, as shown in Figure 18-95.14.9, Materials.

4. Primary facade materials shall wrap around the corner to a logical point of conclusion such as a window or change in façade plane.
5. Material changes shall occur along a horizontal line or where two forms meet. It is acceptable, however, that change of materials occur as accents around windows, doors, cornices, or as a repetitive pattern.
6. The following materials shall be prohibited:
  - (a) Corrugated metal siding, however, high quality architectural metal siding may be used;
  - (b) Exposed smooth-finished concrete block;
  - (c) Synthetic stucco (EIFS) within 12 feet of the grade level and within two feet of any exterior door jamb; and
  - (d) Vinyl siding.

#### H. Roof Form:

1. Overhanging eaves and roof rakes on gable ends shall extend at least 12 inches past the supporting walls, as shown in Figure 18-95.10, Eaves and Overhangs.
2. Flat roofs shall incorporate parapet walls with three-dimensional cornice treatments designed to conceal the roof and roof-mounted mechanical equipment, as shown in Figure 18-95.14.110, Parapet Walls.
3. Parapet walls visible from a public street shall be finished.
4. A parapet wall shall be the same or similar in color and material to the building.
5. Except for mansard roofs, cupolas, and steeples, sloped roofs shall include two or more sloping roof planes with greater than or equal to one foot of vertical rise for every three feet of horizontal run, and less than or equal to one foot of vertical rise for every one foot of horizontal run.
6. All roof vents, pipes, antennae and other roof penetrations should be of a color that will minimize their visual impact unless concealed by a parapet, located on the rear elevation, or configured to have a minimal visual impact as seen from the street or existing residential development.
7. Within developments with multiple buildings, building heights shall be varied to avoid the appearance of an elongated building mass. This can be achieved by stair-stepping building heights or by varying roof forms.
8. Green roofs, which use vegetation to improve stormwater quality and reduce runoff, are permitted as an alternative to the roof forms described in this subsection.

#### I. Service Areas:

1. Refuse collection and service areas shall be fully screened from view from public streets or off-site open space areas.
2. Ground-based mechanical equipment shall be screened from off-site views by an enclosure, vegetation, or both.
3. Loading, service, and equipment areas that are associated with an outparcel building shall be screened through the use of structural elements and similar materials attached to and integrated with the building, as shown in Figure 18-95.14.124, Integrated Service Areas.

**§18-95.15 Exterior Lighting.**

Mixed-use and nonresidential development in the MAC Zone shall comply with the following exterior lighting requirements.

**A. Lighting Plan:**

A lighting plan demonstrating how exterior lighting will comply with the standards of this section shall be included as part of any application for development or redevelopment in the MAC Zone.

**B. Prohibited Lighting:**

The following lighting is prohibited:

1. Light fixtures that imitate an official highway or traffic control light or sign;
2. Light fixtures in the direct line of vision with any traffic control light or sign;
3. Privately-owned light fixtures located in the public right-of-way; or
4. Searchlights, except when used by Federal, State, or local authorities.

**C. General Standards for On-Site Exterior Lighting:**

**1. Hours of Illumination:**

Institutional uses, commercial uses, and mixed uses that are adjacent to existing single-family residential development shall extinguish all exterior lighting—except lighting necessary for security or emergency purposes—within one hour of closing. For the purposes of this subsection, lighting “necessary for security or emergency purposes” shall be construed to mean the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure, to illuminate exterior walkways, or to illuminate outdoor storage areas. Lighting activated by motion sensor devices is strongly encouraged. All lighting should consider basic crime prevention and deterrence strategies.

**2. Shielding:**

All exterior luminaries, including security lighting, shall be full cut-off fixtures and directed downward. In no case shall lighting be directed above a horizontal plane through the lighting fixture.

**3. Maximum Height:**

Except for athletic fields or performance areas, the height of outdoor lighting, whether mounted on poles, walls, or by other means, shall be no greater than 25 feet above grade.

**4. Maximum Illumination Value:**

All outdoor lighting and indoor lighting visible from outside shall be designed and located so that the maximum illumination measured in footcandles at ground level at a lot line shall not exceed the standards in Table 18-95.15.A, Maximum Illumination. In no instance shall illumination levels within a site exceed 30 footcandles.

<b>Table 18-95.15.A: Maximum Illumination</b>	
<b>Type of Use Abutting Proposed Development</b>	<b>Maximum Illumination Level at Lot Line (footcandles)</b>
Residential use or vacant land zoned for residential development	0.5
Institutional use	1.0
Mixed-use, commercial use, or vacant land	2.0
Parking lot	2.5

**D. Measurement:**

1. Light level measurements shall be made at the lot line of the land upon which light to be measured is being

generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the land.

2. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent.
3. Measurements shall be taken with a light meter that has been calibrated within two years.

E. Exemptions for a Security Plan:

Government facilities, parks and open areas, public safety, and other development where sensitive or dangerous materials are stored may submit a security plan to the Zoning Administrator proposing exterior lighting that deviates from the standards in this subsection. A security plan will be approved, provided:

1. The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land, or represent a significant hazard to public safety without more intensive lighting; and
2. The proposed lighting will not have a significant adverse effect on the security, functioning, appearance, or value of adjacent lands or the surrounding area as a whole.

**§18-95.16** Neighborhood Compatibility.

Mixed-use and nonresidential development located on lots that abut or are across the street from lots containing existing single-family detached dwellings shall comply with the standards in this section.

A. Off-Street Parking Areas:

1. The total amount of off-street parking shall not exceed more than 110 percent of the required minimum, and may be reduced through an alternative parking plan.
2. When required, off-street parking shall be established in one of the following locations, listed in priority order:
  - (a) Adjacent to off-street parking lots serving nonresidential uses on abutting lots;
  - (b) Adjacent to lot lines abutting nonresidential development;
  - (c) Adjacent to lot lines abutting mixed-use development;
  - (d) On a lot's corner side;
  - (e) Away from lot lines shared with single-family residential development;
  - (f) Behind the building; or
  - (g) In front of the building.
3. Parking structure facades adjacent to single-family detached development shall not exceed two stories within 50 feet of the closest dwelling wall. ~~Parking structure facades adjacent to single-family detached development shall screen headlights and vehicles from view and shall be configured to be consistent with that of an occupied structure regardless of the distance from the closest dwelling wall, to soften their visual impact, and shall be configured to appear as solid building walls regardless of the distance from the closest dwelling wall, to soften their visual impact as seen in Figure 18-95.16.1, Parking Structure Facades.~~
4. Off-street surface parking areas located adjacent to single-family detached residential development shall be screened by a solid masonry wall of six feet in height supplemented with a row of canopy trees spaced no greater than 40 feet on-center and a row of evergreen shrubs spaced no greater than 10 feet on-center (see Figure 18-95.16.12, Screening Wall. Planting shall be located on the non-residential side of the wall. The wall height is to be measured at the property line.

B. Building Height:

1. Buildings shall maintain the same height as an adjacent single-family detached dwelling, or be stepped-back from the lot line such that the lowest portion of the building is the portion closest to the single-family detached dwelling.
2. No building or portion of a building within 130 feet of a single-family rear setback line or 107 feet of a single-family side setback line shall exceed 35 feet in height.
3. In instances when buildings or portions of buildings are allowed to exceed 35 feet in height, they shall be broken up into modules or wings with the smaller and shorter portions of the structure located adjacent to single-family detached dwellings, as shown in Figure 18-95.16.23, Building Modulation.

C. Building Placement:

Multi-building development shall be configured to establish a continuum of use intensity where uses of moderate intensity are sited between high-intensity uses and low-intensity uses (e.g., office uses between retail and detached residential), as they relate to adjacent residential development.

D. Building Design:

1. General:

Buildings subject to these standards shall:

- (a) Buildings or portions of buildings within 130 feet of a single-family rear setback line or 107 feet of a single-family side setback line, shall use a similar roof type to adjacent residential development in terms of slope and arrangement;
- (b) Front building facades of 30 feet or more in width shall be configured as a series of individual ground-floor storefronts, discrete building modules, wings, recesses, or “bump-outs” with a minimum distance of two feet from the front façade wall with a minimum width of 15 feet and a maximum width of 30 feet each (see Figure 18-95.16.34 Storefront Architecture);
- (c) Use exterior colors that are compatible with nearby residential development;
- (d) Use similarly sized and patterned architectural features such as windows, doors, awnings, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations found on adjacent residential development; and
- (e) Orient porches, balconies, outdoor space, and other exterior site features such as vending machines away from adjacent single-family detached dwellings.

E. Site Features:

1. Loading and Refuse Areas:

To the maximum extent practicable, loading, service, vending, and refuse areas shall be:

- (a) Incorporated into the overall design of the building and landscape so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets; or
- (b) Screened from view of single-family detached dwellings using materials that are the same as, or of equal quality to, the materials used for the principal building.

2. Exterior Lighting:

Exterior lighting shall:

- (a) Have a maximum height of 15 feet; and
- (b) Be configured so that the source of illumination is not visible from public street right-of-way or adjacent single-family residential property.

3. Signage Standards:

- (a) Signage within 20 feet of a lot line shared with a single-family detached dwelling shall be limited

to directional or incidental signage.

- (b) The maximum sign copy area for all freestanding, ground, and wall signs shall be reduced by 25 percent on lots located within 150 feet of single-family detached dwelling walls.

**§18-95.17 Nameplates and Signs.**

As specified in Article 19.

**§18-95.18 Fences.**

As specified in Section 18-17.

**§18-95.19 Incentives**

A development that incorporates a certain level of features in furtherance of the goals of the Maple Avenue corridor may incorporate incentives established by this section.

**A. Type of Incentives:**

- 1. Development integrating features in accordance with the provisions of this section shall be eligible for ~~the incentives~~ **the incentives** as set forth in Table 18-95.19.A.
- 2. Development may include a sufficient number of features to take advantage of more than one type of incentive, but in no instance shall the amount of an incentive be increased or decreased (as appropriate) beyond the maximum listed in this subsection.

**B. Procedure:**

- 1. Applications for the MAC Zone that seek to incorporate an incentive shall include a written request with the development application that identifies the incentive(s) desired and identifies which features will be provided to justify the request.
- 2. Incentives require the provision of features as listed in Table 18-95.19.B. The number of required features corresponding to each incentive is listed in Table 18-95.19.A. The applicant may choose which features they wish to incorporate. For example, if the incentive requires two features from Schedule A and three features from Schedule B, the applicant must select the appropriate number of features from Table 18-95.19.B. Some features list multiples “A”s or “B”s, and therefore may count multiple times toward the requirement.
- 3. Review for compliance with this section, and granting of requests in accordance with this section shall occur during review of the rezoning or site plan application, as appropriate.

<b>Table 18-95.19.A, Incentives</b>		
<b>Type of Incentive Requested</b>	<b>Minimum Number of Features to be Provided</b>	
	<b>From Schedule A</b>	<b>From Schedule B</b>
A five percent increase in the maximum lot coverage	2	2
A ten percent increase in the maximum lot coverage	2	3
A 7.5 percent reduction in the minimum number of parking spaces required	1	2
A 15 percent reduction in the minimum number of parking spaces required	2	3
Inclusion of a mezzanine level for a commercial use which shall not count as an additional story.	1	1

4. One or more of the following development practices may be offered by an applicant to earn the points necessary to take advantage of a particular sustainability incentive. Each development practice and the corresponding points available are listed in Table 18-95.19.B, Incentive Features.

<b>Table 18-95.19.B, Incentive Features</b>	
<b>Schedule</b>	<b>Type of Feature</b>
<b>GREEN BUILDING CERTIFICATION</b>	
AA	Designed to Earn the Energy Star certification (EPA program)
B	Structure design that can accommodate the installation and operation of solar photovoltaic panels or solar thermal heating devices (including appropriate wiring and water transport systems)
BBB	Construction of the principal structure to meet or exceed LEED Silver certification standards or another equivalent green building certification program
BB	Construction of the principal structure to Earn the Design for Energy Star certification or similar program
<b>WATER CONSERVATION AND QUALITY PROTECTION</b>	
AA	Configuration of the principal structure’s roof so that at least 50 percent of the roof is a “green” roof intended to capture and hold rain water
A	Inclusion of rain water capture and re-use devices such as cisterns, rain filters, and underground storage basins with a minimum storage capacity of 500 gallons
A	Provision of rain gardens or other appropriate stormwater infiltration system(s) of at least 500 square feet in area
A	Provision of open space set-asides at a rate 200 percent or more beyond the minimum required
B	Provision of rain gardens or other appropriate stormwater infiltration BMP systems of at least 100 square feet in area
B	Use of xeriscape landscaping techniques without irrigation
<b>SITE CONFIGURATION</b>	
AA	Inclusion of underground parking or parking structures sufficient to accommodate 51 percent or more of the off-street parking requirements
AA	Closure of one existing accessway, vehicular entrance or driveway on Maple Avenue
A	Provision of public art with a value meeting at least one percent of the total construction cost
BB	Provision of transit facilities (e.g., designated park-and-ride parking spaces, bus shelters, bicycle share facilities or similar features)
B	Inclusion of showering and dressing facilities in nonresidential developments for employees using alternative forms of transportation
B	Provision of at least one enclosed recycling station per building suitable for storage and collection of recyclable generated on-site
BBB	Provision of public parking in an amount to exceed 110 percent of the required parking for the development

C. Verification:

Development applications shall identify, describe, and depict the development practices proposed to be used to earn the points needed to meet the requirements in this section and to qualify for the incentives authorized by section.

Where visual verification cannot be provided as part of an inspection, it may be provided in the form of invoices, receipts, or delivery confirmation for the items in question.

- D. Non-Compliance:  
Selected development features ~~must~~ shall be maintained in perpetuity. ~~[Additional language may be necessary per the Town Attorney].~~

**§18-95.20 Nonconforming Site Features.**

- A. Purpose and Intent:

The purpose of this section is to cause certain lawful nonconforming site features to be brought into compliance with the standards of the MAC Zone as part of remodeling or expansion of an existing development in order to be included in the MAC zone.

- B. Applicability:

1. General:

For the purposes of this section, the term “nonconforming site features” includes the following site features to the extent they fail to comply with the standards in the referenced sections.

- (a) Lack of or inadequate adjacent street trees;
- (b) Lack of or inadequate number or dimensions of parking spaces;
- (c) Lack of or inadequate parking lot landscaping; or
- (d) Lack of or inadequate sidewalk configuration.

2. Applicability:

If an application is filed for a development approval or permit for the remodeling or expansion of a structure and the development site contains one or more nonconforming site features identified in paragraph 1 above, and either (a) the value of the proposed remodeling or improvements totals at least 25 percent of the assessed value (Tax Assessment) of the existing structure (over a continuous five-year period), or (b) the additions or expansions (over a continuous five-year period) increase the gross square footage of the structure or use area by 15 percent, the applicant shall be required to address the nonconforming site feature in accordance with this section.

3. Administrative Guidelines:

The Zoning Administrator may develop administrative guidelines to assist in the implementation of this section, including guidelines for the resolution of conflicts when it may not be possible for one or more types of nonconforming site features to be brought into compliance with the requirements of this section because of particular site constraints or impacts on adjacent sites.

- C. Remodeling of Structures:

1. Remodeling Costs 25 Percent or Less of Structure Value:

Remodeling of a structure in any continuous five-year period that costs 25 percent or less of the current assessed value of the structure shall not require any upgrading of the nonconforming site features identified in paragraph B.1 above.

2. Remodeling Costs More Than 25 Percent But Less Than 75 Percent of Structure Value:

Remodeling of a structure in any continuous five-year period that costs more than 25 percent, but less than 75 percent, of the current assessed value of the structure shall require nonconforming site features identified in paragraph B.1 above to be upgraded towards compliance with the MAC Zone standards by a corresponding percentage of full compliance, up to achievement of 100 percent compliance.

*Example: Under this Chapter's minimum off-street parking space standards, an existing building, if built today, would be required to provide at least 40 off-street parking spaces, but the building site only includes 20 spaces. If the building is remodeled such that the cost of remodeling equals 30 percent of the building's assessed value, the remodeling project must add 12 parking spaces (30% x 40 required spaces). This*

*increases the development's degree of compliance with off-street parking standards from 50 percent (20 of 40 required spaces) to 80 percent (32 of 40 required spaces). A subsequent remodeling whose cost also equals 30 percent of building value might seem to call for the addition of another 12 spaces (30% x 40 required spaces), but actually only 8 new spaces would be required to achieve 100% compliance (32 + 8 = 40 spaces).*

3. Remodeling Costing 75 Percent or More of Structure Value:

Remodeling of a structure in any continuous five-year period that costs 75 percent or more of the current assessed value of the structure shall require all nonconforming site features identified in subsection B.1 to be upgraded to achieve 100 percent compliance with the standards of the MAC Zone.

4. When Two or Fewer Parking Spaces Required:

When this subsection calls for a remodeling project to install two or fewer additional off-street parking spaces, such additional off-street parking is not required to be installed.

5. Determination of Building Costs and Structure Value:

For purposes of determining if upgrading of nonconforming site features is required by this subsection, the cost of the remodeling shall be as shown on the approved building permit application. Assessed value shall be based on the most recently available tax information.

D. Additions and Expansions:

1. Additions and Expansions Less Than 15 Percent:

Additions or expansions to a structure in any continuous five-year period (measured at the beginning of the five-year period) that increase the gross square footage of the structure or use area by 15 percent or less shall not require any upgrading of the nonconforming site features identified in paragraph B.1.

2. Additions and Expansions Between 15 and 50 Percent:

Additions or expansions to a structure in any continuous five-year period that increase the gross square footage of the structure (measured at the beginning of the five-year period) by more than 15 percent but no more than 50 percent shall require nonconforming site features identified in paragraph B.1 to be installed or upgraded towards compliance with the standards of the MAC Zone by a corresponding percentage of full compliance, up to achievement of 100 percent compliance.

*Example: Under this Ordinance's minimum off-street parking space standards, an existing building, if built today, would be required to provide at least 40 parking spaces, but the site only contains 20 spaces. If the building is expanded by 30 percent of its gross floor area, the expansion project must add 12 parking spaces (30% x 40 required spaces), increasing compliance from 50 percent (20 of 40 required spaces) to 80 percent (32 of 40 required spaces). A subsequent addition whose size also equals 30 percent of existing building size might seem to call for addition of another 12 spaces (30% x 40 required spaces), but actually only 8 new spaces would be required to achieve 100% compliance (32 + 8 = 40 spaces).*

3. Additions and Expansions Greater Than 50 Percent:

Additions or expansions to a structure in any continuous five-year period that increase the gross square footage of the structure or use area (measured at the beginning of the five-year period) by more than 50 percent shall require all nonconforming site features identified in subsection B.1 to be installed or upgraded to achieve 100 percent compliance with the standards of the MAC Zone.

E. Compliance to Maximum Extent Practicable on Constrained Site:

Where full compliance with standards applicable to any of the nonconforming site features identified in paragraph B.1 is precluded by a lack of sufficient developable area due to the size of the site, the layout of existing development, or the presence of significant wetlands, floodplains, watercourses, or other significant environmental constraints on development, the applicant shall bring the nonconforming site features into compliance with applicable standards to the maximum extent practicable.

General Regulations.

See Article 4.

**Supplemental Regulations.**

See Article 25.

**Definitions** (for inclusion in Section 18-4)

**ALTERNATIVE PARKING PLAN:** A plan proposed by an applicant as part of a rezoning to the MAC Zone that seeks to provide a reduced amount of off-street parking or deviate from the district's off-street parking location or configuration requirements based on site conditions or anticipated parking demand.

**ASSESSED VALUE:** Value of the property as determined by the Fairfax County Tax Assessor.

**ASSISTED LIVING FACILITY:** A facility for persons who are unable to live independently that provides: (a) private living quarters, which may include kitchen facilities limited to a sink, refrigerator and/or microwave, (b) supervision and general care, including but not limited to the provision of meals, housekeeping, health care, and (c) assistance with moderate activities of daily living. This term shall not include group homes or congregate living facilities.

**BAY:** A row of parking spaces in a parking lot.

**BIO-RETENTION DEVICE:** A stormwater infiltration device consisting of an excavated basin that is refilled with engineered soil and mulch that allows stormwater run-off to collect and percolate through the engineered soil where it is treated prior to infiltrating into the surrounding undisturbed soil.

**BUILDING MASS:** The visual form of a building that includes the exterior walls, projections, recesses, roof features, and any attachments.

~~**BUSINESS INCUBATOR SPACE:** Indoor floor area that is intended to promote startup business enterprises during their early months or years. It usually provides affordable space that can be scaled up or down in size quickly and easily, shared offices and services, and often financing assistance to firms.~~

**CANOPY:** A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

**CANOPY TREE (SHADE OR LARGE TREE):** A tree that has an expected height at maturity greater than thirty 30 feet and which produces significant shade because it has a crown that is oval, round, vase-shaped, or umbrella-shaped.

**CARDINAL DIRECTION:** One of the four principal directions on a compass: north, south, east, or west.

**CLEAR ZONE:** A portion of a public sidewalk or trail that is maintained free of street furniture, plantings, or other structures that is intended for the clear movement of pedestrians.

**COMMERCIAL PARKING LOT:** A surface parking lot established to provide off-street parking to private vehicles for a fee.

**COMMERCIAL VEHICLE:** A vehicle maintained or operated by a commercial establishment that is often parked or stored on the same lot as the commercial establishment.

**COMPACT DEVELOPMENT:** Development that is often characterized by mixed uses of land, a variety of different housing types, smaller lots with buildings in close proximity to one another, elevated densities or intensities, and an emphasis on alternative modes of transportation that allows residents and visitors to work, shop, and recreate with decreased reliance on automobiles

**CORNICE:** Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

**COST:** Refers to cost of development.

**CUPOLA:** A domelike structure on top of a roof or dome, often used as a lookout or to admit light and air.

**DEFERRED PARKING:** A condition on a development site where the development is constructed and operated for an initial term (usually around 12 months) without providing 100 percent of the required off-street parking. Land area is reserved for the provision of additional parking, and a study is prepared after the initial term to determine if the additional parking is needed.

**DESTINATION RETAIL:** A retail sales establishment that attracts customers not because of its location, but rather because of the range of unique products or services provided, the shopping experience, or other attributes.

**DETENTION BASIN:** A low lying area that is designed to temporarily hold a set amount of water while slowly draining it to surrounding soil or to another location.

**DRIVE AISLE:** A vehicular accessway within a parking lot or parking structure.

**ELECTRIC VEHICLE CHARGING STATION:** A parking space supplemented by an electrical source configured to deliver electrical energy to battery-powered vehicles.

**ELEVATION:** A scaled drawing of the side, front, or rear of a structure intended to illustrate how the building will look or function.

**ENTABLATURE:** The portion of a building located between the columns and the eaves, often comprised of an architrave, frieze, and a cornice.

**FAÇADE:** The entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat or mansard roof. Facades may be on the front, side, or rear elevation of the building.

**FACE OF CURB:** The portion of a curb closest to the gutter or street paving.

**FOOTCANDLE:** The amount of light that falls onto a surface as emitted by an exterior lighting device.

**FRONT BUILDING WALL:** The portion of a building that is closest to the sidewalk.

**GREEN ROOF:** A roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

**HUMAN-SCALE DESIGN:** Features of a building or built environment that are sized and configured in accordance with the typical human frame. Human-scale details and features are most often configured for observation and recognition by people who are walking or using some alternative forms of transportation.

**IMPERVIOUS SURFACE:** Buildings; parking areas; driveways; streets; sidewalks; areas of concrete, asphalt, gravel, or other compacted aggregate; and areas covered by the outdoor storage of goods or materials which do not absorb water.

**INDEPENDENT LIVING FACILITY:** A residential development that is limited to occupancy by elderly persons and/or by persons with handicaps, as defined in the Federal Fair Housing Amendments Act of 1988. Such a facility shall provide: (a) dwelling units with complete kitchen facilities, (b) supportive services, such as meals, personal

emergency response systems, recreation and transportation services, and (c) design features, such as wider doorways and hallways, accessible-ready bathrooms and lower light switches.

**INDOOR RECREATION:** A private indoor (entirely within an enclosed structure) use providing for sport and recreation activities that are operated or carried on primarily for financial gain. Examples of indoor commercial recreation uses include, but are not limited to, fitness centers, bowling alleys, dancehalls, skating rinks, indoor commercial swimming pools, and racquet and tennis clubs.

**LANDSCAPING ISLAND:** An area of pervious surface within an off-street parking lot that is intended for the placement of vegetation or stormwater run-off management devices. An 'island' shall refer to either a single loaded parking bay island at minimum of 180 sf or a double loaded parking bay island at 360 sf.

**LANDSCAPE STRIP:** An area which includes plantings of grass, ornamental shrubs, trees or other ornamental ground cover that is intended to provide a visual separation between different uses, including, but not limited to, parking areas, buildings and sidewalks.

**LIVE/WORK DWELLING:** A structure or portion of a structure combining a residential living space for one or more persons with an integrated work space principally used by one or more of the residents.

**MARQUEE:** A permanent roof-like structure other than a roof attached to, supported by, and projecting from a building, providing protection from natural elements over the ground, sidewalk or walkway.

**MEZZANINE:** An intermediate, habitable level of space located between two floors and partially open to the floor below.

**MIXED-USE:** Development that includes a mixture of residential and nonresidential use types.

**OFF-SITE PARKING:** Off-street parking that serves a particular use without being on the same lot of the use it serves.

**OPEN SPACE:** Land and/or water area which has been specifically designed or set aside for conservation, place-making or recreational purposes.

**PARKING LOT CROSS-ACCESS:** Vehicular access provided between the vehicular use areas of two or more development sites or parcels of land intended to allow travel between the sites without the use of a public or private street.

**PARKING SHUTTLE:** Typically a bus or other vehicle that provides patrons free, regularly-scheduled service between a parking area and the building or use served by that parking.

**PEDESTRIAN PATHWAY:** Interconnected paved walkways that provide a pedestrian passage through blocks running from street to street, vehicular use areas, or other locations.

**PEDESTRIAN-ORIENTED (PEDESTRIAN-FRIENDLY):** Development forms that are sized, spaced, and configured to allow easy physical and visual access by persons travelling on foot.

**PHOTOVOLTAIC PANEL:** A collection device that converts radiant energy from the sun into electricity.

**PORTICO:** A porch or walkway with a roof supported by columns, often leading to the entrance of a building.

**PRIMARY ENTRANCE:** The place of ingress and egress to a building, parcel, or development used most frequently by the public.

**PUBLIC ART:** Work in any media that have been planned and implemented with the specific intention of being sited, staged or viewed in publicly-accessible spaces.

**RAIN GARDEN:** A planted depression that allows rainwater runoff from impervious urban areas like roofs, driveways, walkways, parking lots, and compacted lawn areas the opportunity to be collected in a single location and absorbed.

**REMODELING:** A change in the structure or layout of an existing building or space.

**RETENTION POND:** A pond or depression designed to hold a specific amount of stormwater run-off indefinitely.

**ROOF RAKE:** The vertical face of the sloping end of a roof eave.

**SETBACK PLANE:** An imaginary line that starts at the side or rear lot line and travels upward and inward at a constant angle. The setback plane preserves light and air between buildings by forcing the upper stories to step back from the lot line.

**SHARED PARKING:** A situation where two or more uses of land share common off-street parking facilities.

**SIGHT TRIANGLE:** The theoretical triangle at an intersection which must be clear from obstructions to allow clear views between vehicle and/or pedestrians.

**SILL:** A shelf or slab of stone, wood, or metal at the foot of a window or doorway.

**SINGLE-LOADED BAY:** A single row of off-street parking spaces and the associated accessway used to access them.

**TELECOMMUNICATIONS FACILITY:** Telecommunications antennas and associated equipment that may or may not include a tower, dish or other supporting structure, designed to send and receive data signals.

**TRANSPORTATION DEMAND MANAGEMENT:** The application of strategies and policies to reduce travel demand of single-occupancy private vehicles, or to redistribute this demand in space or in time.

**UNDERSTORY TREE:** A tree that has an expected height at maturity of no greater than 30 feet.

**VEHICULAR USE AREA:** The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.

**VISUALLY PERMEABLE:** A building material that allows light or vision to pass through it.

**WINDOW WALL:** An exterior building wall comprised of glass that occupies the majority of one or more building stories.

**XERISCAPE:** A style of landscape design and type of vegetation requiring little or no irrigation or other maintenance.

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