

Appendix B – Zoning

ARTICLE XVII. WC Waterfront Commercial District

[Added 4-18-2005 by L.L. No. 3-2005]

§ 280-109. Intent

In accordance with the recommendations and policies of the Town of Hamburg 2010 Comprehensive Plan and its Local Waterfront Revitalization Program (LWRP), this District is intended to:

A. Restrict some areas of the waterfront region of the Town to mostly water-dependent and water-related or enhanced uses.

(1) Provide areas for uses that can take advantage of the waterfront assets and to complement the nature of these areas.

(2) Only allow certain non water-dependent uses by special use permit.

B. Create a transition zone between lakeshore residential areas and the more intensive commercial and industrial districts.

C. Provide connections to and complement the tourism and recreational features of the waterfront region, and take advantage of the designation of Route 5 as a National Scenic Byway and part of the Seaway Trail System.

§ 280-110. Permitted uses

A. Uses and structures permitted in the WC District are as follows:

(1) Marinas, docks and boatyards.

(2) Visitor and conference centers; maritime museums.

(3) Hotels and motels.

(4) Restaurants.

(5) Fishing support facilities.

(6) Boat launch facilities; boat rental, sales and services; and boating and diving instruction schools.

(7) Other tourism-related uses.

(8) The following uses by special use permit authorized by the Planning Board (see Article XLVI):

(a) Neighborhood commercial establishments as listed in the NC Neighborhood Commercial Zoning District (excluding all residential uses).

(b) Business and professional offices.

(c) Commercial/residential uses (a building consisting of at least 50% of an approved commercial use and the remainder of the building, a residential use).

(d) Water-dependent light industrial uses (for consideration: allowable uses in the M-1 Zoning District and those in the M-2 Zoning District, except truck terminals/dispatch and transfer facilities).

(e) Nursery schools and day-care facilities.

B. Accessory uses and structures: Unless otherwise specified, accessory uses and structures customarily incidental to permitted principal uses.

§ 280-111. Minimum lot size

Unless otherwise provided, the minimum lot size in the WC District shall be as specified in this section:

A. Lot area: Lot area will be based on the size of the building, parking requirements and landscaping.

B. Lot width at the building line: 75 feet.

§ 280-112. Lot coverage

Lot coverage requirements are as follows:

A. Maximum: 75%.

§ 280-113. Maximum height of buildings

A. Unless otherwise provided, the maximum height of principal buildings in the WC District shall be 30 feet.

B. Accessory buildings shall be limited to two stories and 30 feet.

§ 280-114. Required yards

Unless otherwise provided, the minimum required yards and other open spaces in the WC District shall be as specified in this section.

A. Front yard: 30 feet.

B. Side yards; principal buildings: none required, except that:

(1) Where a side yard is provided, it shall be no less than five feet.

2) Where a side yard abuts any R District boundary, it shall be not less than 20 feet or the height of the principal buildings, whichever is greater.

(3) Where a side yard is used for either vehicular ingress or egress, it shall be at least 12 feet.

(4) Where a side yard is used for vehicular ingress or egress, it shall not be less than 25 feet.

C. Rear yard minimum: 30 feet.

§ 280-115. Off-street parking and signs

For applicable off-street parking regulations, see Article XXXII. For applicable sign regulations, see Article XXXVI.

§ 280-116. Supplemental regulations

For applicable supplemental regulations pertaining to height, area or open space, see Articles XXXVI through XXXIX.

§ 280-117. Landscaping requirements

Landscaping treatments shall be undertaken as directed by the Planning Board to retain the aesthetically enhanced look and waterfront character of the area.

§ 280-118. Architectural requirements

Buildings shall not be constructed so as to alter or eliminate significant views of the lake. Building elevation plans must be submitted to the Planning Board which reflect designs that accomplish the aesthetically enhanced look described in the objectives section of this Code, and any applicable zoning overlay requirements.

ARTICLE XXVI - Lakeview Overlay District

[Added 2-22-1999 by L.L. No. 3-1999]

§ 280-172. Purpose and intent

A. In accordance with the recommendations and policies of the Town of Hamburg 2010 Comprehensive Plan (1997 Master Plan update), the purpose of this overlay district is to preserve the rural nature and important natural resources of the Lakeview area of the Town. This district contains significant tracts of freshwater wetlands and woodlands, as well as wildlife habitats and management areas and designated conservation areas. This overlay district is also intended to encourage the renewal of existing commercial development areas in an effort to revitalize the Lakeview hamlet and provide for diversification of the land uses in this area.

B. The Lakeview Overlay District regulations will supplement the underlying zoning restrictions and provide for harmonious, safe and orderly development within the district.

§ 280-173. Boundary description

As indicated on Map 14 in the Town of Hamburg 2010 Comprehensive Plan, the Lakeview Overlay District shall encompass all that land area that is located southeast of Old Lakeshore Road and the shoreline of Lake Erie; southwest of Amsdell Road; northeast of the boundary with the Town of Evans; and northwest of the boundary of the Southwestern Boulevard Overlay District. A portion of this district is also situated northwest of the New York State Thruway, south of Amsdell and Rogers Roads, and southeast of the boundary of the Southwestern Boulevard Overlay District.

§ 280-174. Objectives

To carry out the intent of the Lakeview Overlay District, application of the special restrictions and regulations contained herein shall be founded upon the following objectives:

A. Guidelines and objectives for development.

- (1) Suburban development shall be minimized to control growth.
- (2) Rural development guidelines shall be applied to manage growth and achieve a more desirable environment than what would be possible through the strict application of existing zoning regulations.
- (3) Existing commercial development shall be restored and improved, and any additional commercial uses shall be concentrated only in the hamlet area to revitalize this portion of the overlay district.
- (4) Standard road frontage lots and commercial strip development shall be discouraged to allow for the development and physical site arrangements that would further the goals of the Town of Hamburg 2010 Comprehensive Plan.
- (5) The aesthetics and layout of proposed development shall be reviewed to prevent the area from taking on a suburban appearance.
- (6) Land use controls shall separate density from lot size, allowing for smaller lots, provided that overall density guidelines are maintained, thereby preserving open space. (See Subsection A (7).)
- (7) As recommended in the 1994 Open Space/Recreation Plan, cluster development shall be required for all proposed subdivisions that contain important natural resources and open space.
- (8) Additional sewer extensions (both public and private) shall be restricted in the district, and extensions currently under consideration by the county should be evaluated in relation to the recommendations of the Town of Hamburg 2010 Comprehensive Plan.
- (9) All site plan and subdivision plats should be reviewed for conformance with the recommendations set forth in the Town of Hamburg 2010 Comprehensive Plan.
- (10) In all major and minor subdivisions, and multiple-dwelling structures located in the Lakeview Overlay District, all extensions of private utility and communication distribution facilities shall be installed below grade. Where existing overhead distribution facilities are already in place, service from lot line to the proposed house shall be installed below grade. Installation shall be in the manner prescribed by the Building Code and utility company having jurisdiction. Where facilities are provided, they shall be planned to anticipate future utility needs.

[Added 8-4-2003 by L.L. No. 4-2003]

B. Guidelines and objectives for environmental preservation.

- (1) Important environmental and cultural features shall be preserved and enhanced to further the goals of the Town of Hamburg 2010 Comprehensive Plan.
- (2) Important environmental and cultural features shall be mapped to illustrate existing conditions for all site plan and subdivision applications to depict existing conditions and permit effective site development analysis.

(3) Major subdivisions shall not be permitted on soils that have a poor capacity for percolation (i.e., rates or conditions that would not allow the use of a standard or raised-bed subsurface wastewater disposal system) to protect important natural resources.

(4) In accordance with the Town of Hamburg Tree Preservation Law, the amount of land clearing shall be minimized and development shall be designed around significant resources onsite, i.e., wetlands, steep slopes, scenic vistas, floodplain boundaries, significant woodlands, etc.

(5) Important habitats on the site should be identified, and the relative value of these areas for supporting wildlife should be determined.

(6) Trees of a minimum size of eight-inch diameter at breast height (DBH), all important trees and any significant stands of vegetation shall be preserved to the greatest extent possible.

(7) Conservation easements, land dedications and other methodologies shall be utilized, wherever possible, to preserve areas of significant open space and/or important natural resources.

(8) All site plans and subdivision plats shall be reviewed for conformance with the Town of Hamburg 1994 Open Space/Recreation Plan and the 2010 Comprehensive Plan.

§ 280-175. Permitted and accessory uses

A. The uses permitted in the Lakeview Overlay District shall be the same uses permitted in the underlying zoning district(s).

B. Clustered development shall be encouraged, and in certain cases required, in accordance with the provisions of § 280-282A of the Town of Hamburg Zoning Code.

C. The accessory uses permitted in the Lakeview Overlay District shall be the same assessment uses permitted in the underlying zoning district(s).

§ 280-176. Subdivision regulations

The division of lands, regardless of the zoning classification, shall be subject to Chapter 230, Subdivision of Land, of the Code of the Town of Hamburg. The following special regulations shall apply to all subdivision of lands within the Lakeview Overlay District:

A. Minor subdivisions.

(1) Minor subdivision plans must clearly depict all features identified in the Town of Hamburg Open Space/Recreation Plan and all other important environmental and cultural features in relation to the approximate locations of proposed homes and driveways on the property.

(2) Road frontage lots (lots fronting existing roads with each lot having its own driveway connecting to the existing road) are discouraged in minor subdivision layouts. If standard road frontage lots are proposed, the bulk requirements for frontage (building and front line) and lot size shall be increased by 25%, and these lots must be laid out to encourage the preservation of all important environmental and cultural features. (For example, in an RA District the bulk requirements for road frontage lots are amended to: lot area = 2.5 acres; lot width at building line = 250 feet; lot width at front line = 125 feet.)

(3) Areas with significant trees along the road frontage must be identified and preserved to the greatest extent practicable. Predetermined driveway and home locations, as required under § 280 176A(1), will help to minimize tree loss during construction. Penalties and/or replacement of trees will be imposed and enforced by the Building Inspector if unauthorized tree losses occur during construction.

(4) Creativity and flexibility in site design shall be encouraged, including variation in the configuration of lots (clustering) and building setbacks, as well as the utilization of conservation easements, deed restrictions, flag lots, common driveways, curved driveways, the preservation of stone walls and hedges, and the like.

(5) Where other creative site design techniques are proposed to preserve the rural character of the area, the Planning Board may allow for the reduction of bulk requirements by up to 25% to further accomplish these goals, as long as they met all health code requirements and do not increase the overall allowable density that would be allowed for the parcel under the existing zoning district requirements. All cluster development proposals shall comply with § 280-282 of the Town of Hamburg Zoning Code.

B. Major subdivisions.

(1) Major subdivision plans must clearly depict all features identified in the Town of Hamburg Open Space/Recreation Plan and all other important environmental and cultural features in relation to the locations of the proposed homes on the property.

(2) The subdivision must be laid out to incorporate all important natural and cultural features; these features must be preserved to the greatest extent practicable.

(3) Standard road frontage lots are highly discouraged. Where they are proposed, the following shall apply:

- a) The bulk requirements for frontage and lot size shall be increased by 50%.
- b) A minimum of 50 percent of all trees located in the front and side yard setback areas must be preserved.
- c) Penalties will be imposed and enforced by the Building Inspector for the unauthorized loss of trees during construction.
- d) All lots must be laid out to encourage the preservation of all identified environmental and cultural features.

(4) Clear cutting of trees for subdivision lots shall be prohibited. In accordance with the Town of Hamburg Tree Preservation Law, plans shall be submitted that clearly delineate those vegetated areas of the site that will be preserved and those areas that will be disturbed for the construction of homesites (including driveways, septic systems, lawns, etc.). No more than 1/2 acre of any building site shall be cleared for the construction of a single-family home. In cluster developments this requirement can be reduced by the Planning Board.

(5) All major subdivisions (in areas not having public sewers) must include the submission of percolation test results performed by a licensed engineer. If the results indicate that a standard or raised-bed subsurface wastewater disposal system cannot be used, the subdivision shall not be approved unless a public sewer system is available to the site.

(6) All proposed projects that include lands identified in the Town of Hamburg Open Space/Recreation Plan must submit a clustered site design layout that incorporates the preservation of all identified important natural and cultural features. All cluster developments must comply with the provision of § 280-282 of the Town of Hamburg Zoning Code.

(7) In certain cases, to preserve the rural character of the Lakeview Overlay District, the Town may allow the establishment of open development areas, pursuant to § 280-a, Subdivision (4) of the New York State Town Law.

(8) For properties that do not contain features identified in the Town of Hamburg Open Space/Recreation Plan, creativity and flexibility in site design shall be encouraged, including variation in the configuration of lots (clustering) and building setbacks, as well as the utilization of conservation easements, deed restrictions, flag lots, common driveways, curved driveways, the preservation of stone walls and hedges, and the like.

(9) Entrances to proposed subdivisions must be designed in a manner that will discourage extended views of the subdivision. Corner lots at entrance points shall front on the new entrance road and these homes will be set back a minimum of 100 feet from the intersection.

C. The Planning Board may waive or modify any requirements under this section where an undue hardship on the property owner is clearly demonstrated and, that in doing so, the intent and purpose of the district is not diminished.

[Amended 6-14-1999 by L.L. No. 5-1999]

§ 280-177. Other development requirements

A. Other residential development proposals must comply with the requirements established herein for major subdivisions.

B. Commercial development within the Lakeview Overlay District shall comply with the following restrictions:

(1) All commercial development shall be located in existing commercially zoned districts and limited to the hamlet section of the Lakeview area.

(2) The Town of Hamburg Planning Board shall encourage the creative reuse of existing commercially zoned properties.

(3) Proposed commercial structures shall be designed to preserve and continue the rural character and appearance of the hamlet. All site plan applications shall include perspective drawings to illustrate the proposed design.

ARTICLE XXX. Route 5 Overlay District

§ 280-198. Intent

In accordance with the recommendations and policies of the Town of Hamburg 2010 Comprehensive Plan and Local Waterfront Revitalization Program (LWRP), the purpose of this zoning overlay is to establish measures to improve the quality of development and aesthetics along the Route 5 corridor. Such measures are designed to improve business conditions and enhance economic development opportunities, while at the same time to restore and continue the traditional community character for this area of the Town. These regulations will also help to alleviate traffic congestion and highway safety concerns along this section of the Town's highway system to create a more pedestrian-friendly environment. This overlay will allow the Town to better manage development and the expansion of commercial uses along Route 5 and enrich the overall visual quality and quality of life of the area.

§ 280-199. Boundaries

This zoning overlay district shall encompass the corridor of New York State Route 5, also known as "Lake Shore Road," in the Town of Hamburg, extending southwest from the municipal boundary with the City of Lackawanna to the intersection with Old Lake Shore Road.

§ 280-200. Objectives

The special regulations and requirements contained herein, which govern all potential development and redevelopment with the boundaries of the Route 5 Overlay District, are founded upon the following objectives:

- A. Establish design regulations that encourage compatible building arrangements, size and form, character and landscaping to provide for a more livable, harmonious and diverse community environment.
- B. Development and redevelopment should be designed to create a sense of identity and redefine the character of the commercial areas along Route 5 as "destinations" rather than "drive throughs." Development and redevelopment in this area should reestablish, continue and preserve the character of these hamlet areas to revitalize the community environment.
- C. Ensure that new structures and structural modifications are designed at a scale that is conducive to the area and invites human interaction. Building designs, site improvements and amenities should be pedestrian-friendly to lend a feeling of hospitality and well-being to the area. Public gathering places, such as parks, promenades and plazas, should be an essential component of site design wherever possible.
- D. Development and redevelopment in the commercial hamlets should allow for diversity and include a mix of uses and services that generate activity and interest throughout the day, benefiting persons of all age groups and income levels.
- E. Landscaping and other such amenities should be included in site design to improve community aesthetics, protect views of Lake Erie, screen existing parking areas and other adverse views, provide shelter from the elements, and enhance public atmosphere and, where applicable, patron experience.

F. Whenever possible, natural vegetation and open space should be preserved to the greatest extent possible to provide a natural buffer between residential and business uses situated along Route 5 and to maintain and improve the aesthetic quality of the community.

G. Property maintenance and safety shall be promoted throughout the area to provide a prosperous and inviting area for the public.

H. Development and redevelopment shall be undertaken in a manner that lends protection to structures and properties of historic significance in the area. Demolition of existing structures that possess significant historic value or other elements that contribute to community character shall be discouraged. Building designs should emphasize styles that emulate existing historic character and nautical appeal.

I. The needs of pedestrians and shoppers, and the overall character of the area, should be placed above the needs of motorists through the appropriate placement and design of parking areas, points of ingress and egress, alleys and walkways. Site designs should avoid expansive areas of pavement and excessive curb cuts, unless deemed necessary for the general safety and welfare of the community.

J. Maintain and improve traffic conditions and the walkability and pedestrian circulation of the area as development and redevelopment take place.

K. Establish minimum requirements that recognize the need for safe and efficient traffic operations, which often appear to conflict with the objectives of developers; reduce the number of conflict points along Route 5 to better manage highway access.

§ 280-201. Imposition of underlying zoning restrictions

These overlay district regulations shall be superimposed over, and supplement, the underlying zoning restrictions.

Each use must conform to the development standards required by the underlying zoning district and other provisions of this chapter, as well as this overlay district, and the more stringent standards shall prevail.

§ 280-202. Permitted uses and accessory uses

Within the boundaries of the Route 5 Overlay District, the underlying allowable uses and accessory uses in the underlying zoning districts shall be as specified in this chapter.

§ 280-203. Site design provisions

A. Aesthetic and architectural features. The intent of the following design standards and provisions is to enhance the appearance of the built environment. By adding design detail, you can improve the character and appeal of the community and better define pedestrian linkages and areas for human activity. These improvements, in turn, can result in increased investment in the commercial districts, enhancement of property values, and overall enrichment of the quality of life in the area.

(1) All new buildings shall be set back not less than 15 feet nor more than 50 feet from the property line. This setback area shall be landscaped with grass, trees and shrubs. Parking areas may be allowed within this area at the discretion of the Planning Board.

- (2) A yard area measuring a minimum of five feet wide shall separate proposed parking areas from parking areas located on adjoining parcels.
- (3) Windows shall cover a minimum of 35% of any facade facing a roadway, but not exceed 75% of this area.
- (4) Refuse dumpsters or containers should be located at the rear of the property and must be properly gated and screened from view with wooden or another style of fencing acceptable to the Planning Board. These structures shall not be located less than 20 feet from adjoining residential properties.
- (5) Loading areas shall not face the road.
- (6) Flat-roofed structures are discouraged. Flat roofs shall be prohibited on buildings measuring less than 10,000 square feet.
- (7) Rooftop mechanics shall be screened from public view by the use of architecturally compatible materials and components.
- (8) Ground-level mechanical equipment shall be fully screened from public view through the use of landscaping, fencing or other design treatments compatible with the buildings.
- (9) Site design shall demonstrate architectural compatibility of buildings on the site, with consideration given to the appearance and style of surrounding uses. Building designs should emphasize a nautical theme.
- (10) Buildings identified to be of historic or distinctive character shall be preserved. The removal or disruption of historic, traditional or significant structures or architectural elements shall be discouraged.
- (11) All building facades that would be visible from roadways, parking areas or adjacent sites shall be architecturally designed to enhance aesthetic appearance.
- (12) Buildings shall be designed to eliminate long expanses of blank walls of a single color or texture.
- (13) The front facade of any building shall be constructed of brick, split block, stone, stucco or wood frame with cedar or lap siding or other materials acceptable to the Planning Board. The use of concrete block, cast-in-place concrete or cinder block is discouraged.
- (14) Buildings designed to advertise or promote a uniform corporate image shall be subject to the review and approval of the Planning Board.
- (15) Multi-user structures must be designed in such a way as to avoid the appearance of strip plaza development.
- (16) Elevations (minimum front and sides) and an architectural rendering with detailed drawings of façade treatments and selected building materials, specific to the proposed site, shall be submitted to the Planning Board for review and approval.
- (17) Outdoor storage areas are subject to the approval of the Planning Board.

(18) Sidewalks measuring no less than five feet in width shall be installed within the right-of-way frontage of the property to allow for adequate pedestrian activity.

(19) Sidewalks or paths should be included as a part of site design to assist with walkability. Where sites are adjacent to municipal sidewalks, they shall be connected with them.

(20) Pedestrian walkways shall be provided between buildings on a single site. Walkways shall also be incorporated into cross-access points.

(21) Pedestrian walkways shall be constructed of concrete or decorative brick or similar materials. The use of blacktop is discouraged.

(22) Walkways located within parking areas shall be properly striped or otherwise delineated.

B. Off-street parking. Off-street parking, loading and stacking areas or structures shall be calculated and designed as required by the underlying zoning, as specified by this chapter.

C. Landscaping; general. Landscaping and the preservation of natural vegetation facilitate the creation of an attractive and harmonious community. The intent of these standards and provisions is to preserve and create a healthful and pleasant setting that relieves the stark, blighted appearance of paved surfaces, provides shade, enhances views of Lake Erie, and improves the general appearance of the built environment. Discouraging the unnecessary clearing and disturbance of land, and encouraging the aesthetic improvement of site development through the use of trees and plantings and the preservation of natural areas, can result in the overall improvement of scenic quality and the stabilization and enhancement of property values and the business environment.

(1) A minimum ground area of not less than fifteen percent (15%) of the total lot area shall be preserved as open space and landscaping.

(2) Not less than 5% of the interior of a parking area designed for 20 cars or more shall be devoted to the required landscaping area and shall be distributed so as to prevent unsightliness and monotony of parked cars.

(3) The interior dimensions of any area or median shall be a minimum of seven feet wide to ensure the proper growth of materials planted therein.

(4) All existing trees larger than 8 inches in diameter, as measured three feet above grade, shall not be removed without prior Planning Board approval. All groups of trees and other natural vegetation shall be incorporated onto the landscaping plan, where feasible. Efforts shall be made to preserve these features, particularly along rear lot lines.

(5) A minimum of one tree per 30 feet of frontage shall be planted in the required front yard setback area. Additional trees shall be planted throughout the developed area at a ratio of one tree per 30 feet of side yard and rear yard dimensions. Trees along the side and rear lot lines may be evenly spaced or clustered together to break up the monotony of the design.

(6) On all lots that do not have an existing vegetated buffer along the rear lot line, the applicant shall vegetate this area with new shrubs and trees, and natural berming or screen fencing at the discretion of the Planning Board.

(7) Landscape treatments shall be designed as an integral part of the entire development. Existing natural features and vegetation shall be preserved and incorporated into the landscaped areas wherever possible.

(8) All trees planted shall have a minimum caliper of 2 1/2 inches as measured six inches above the ground.

(9) Plastic or other types of artificial plantings or vegetation shall not be permitted.

(10) The primary emphasis of the landscape treatment shall be on trees, and efforts shall be made to preserve existing trees. Shrubbery, hedges, grass and other vegetation should be used to complement the use of trees, but shall not be the sole contribution to the landscape treatment.

(11) Parking, loading and stacking areas and driveways located adjacent to residential districts shall be landscaped by screening and/or buffering. Such screening or buffering shall be so designed that a person standing on the adjacent residential parcel on the minimum setback line, five feet above the average finished grade, would not be able to perceive by eye any uses, activities or automobile lights originating from these areas or driveways. This may be accomplished through the use of various measures, such as fencing, planted materials, earthen berms or any combination thereof. Such measures shall be applied within the required side and rear yards.

(12) All landscaped areas required or permitted by this section shall be maintained and preserved according to the plan as originally approved or amended by the Planning Board. Flora that dies shall be replaced within the next planting season with plantings of a similar nature.

(13) The Planning Board, as a part of site plan review, may reduce the minimum number of off-street parking spaces required by this chapter by not more than 10%, provided that the land areas so removed are not used to meet the landscaped area herein required and is used exclusively for additional landscaping or open space in accordance with the standards and criteria outlined herein. If at any time thereafter the Planning Board determines that the land area so removed is needed to provide necessary off-street parking, it may order the installation thereof. Any certificate of occupancy issued for any parking area and the building serviced thereby shall be deemed conditional upon the possible requirement for the future installation of additional parking, upon such order by the Planning Board. Failure to comply with such an order within the time fixed thereby shall constitute a violation of this chapter.

D. Signage; general. By lending attention to signage and the visual appearance of signs you can provide for a more enjoyable and scenic community. The intent of the following standards and provisions is to protect and improve property values, create a more attractive economic and business environment and reduce distractions and obstructions that can disrupt the visual appeal of a commercial district. These provisions are aimed at creating a more pleasant and uniform visual setting and eliminating the chaotic and haphazard design, orientation and placement of signage that can result in scenic blight. Signage should be designed at a human scale and in relation to a walkable commercial district.

(1) No sign shall be placed on public property or in the public right-of-way unless specifically authorized.

- (2) No freestanding sign shall be erected on any property with less than 30 feet of frontage.
- (3) No sign shall be erected in such a manner as to obstruct free egress from a window, door or fire escape or so as to become a menace to life, health or property.
- (4) No sign shall be erected in such a manner as to prevent the driver of any vehicle from having a clear and unobstructed view of any official sign(s), any entrance or exit roadway, any intersection, or approaching or merging traffic.
- (5) Proposed signage shall be considered in conjunction with existing signage in the vicinity to ensure compatibility with existing conditions and adherence to the intent of this district.
- (6) No signs, except such directional devices as may be required by the federal aeronautical authorities, shall be placed, inscribed or supported on the roof or above the highest part of the roofline.
- (7) Electronic signboards, when permitted by the Planning Board, shall be used to report the time and temperature only.
- (8) Signs shall be internally lit; no neon lighting or backlit canopies shall be permitted.
- (9) Ground-level/monument signage is recommended. In no case shall such signage exceed four feet above grade level or be greater than 60 square feet in area.
- (10) Pole signs shall not exceed 12 feet in height, with the lowest member (excluding the pole) not less than six feet above finished grade.
- (11) Street address numbers shall be posted on all buildings.
- (12) Awning and unlit canopy signs shall contain only the name, logo and street number of the enterprise.
- (13) Wall signs shall not exceed more than 50 square feet in area or cover more than 20% of the wall.
- (14) The appearance and placement of signage shall be subject to Planning Board discretion as part of the site plan review process.
- (15) In addition to the above noted provisions, all signage shall comply with the standards outlined in Article XXXVI, Sign Regulations, of this chapter.

E. Site lighting; General. It is the intent of these standards and provisions to prevent, reduce or eliminate the problems created by improperly designed and installed outdoor lighting. These provisions are intended to eliminate problems of glare, minimize light trespass and help to reduce energy usage and the financial costs of outdoor lighting by establishing standards that limit the area that certain kinds of outdoor lighting fixtures can illuminate and by limiting the total allowable illumination of properties located in the overlay district. The purpose of these standards is to ensure that outdoor lighting does not interfere with the reasonable use and enjoyment of property and to encourage lighting practices that will prevent light pollution by reducing uplift, glare and overlighting. These regulations are also

intended to provide for the safe movement of traffic, for satisfactory vision for pedestrians and for the guidance of both vehicles and pedestrians.

- (1) Lighting design shall not create a nuisance to adjacent residences.
- (2) Pole-mounted lighting shall not exceed a total height of 15 feet from finished grade to the top of the fixture.
- (3) Lighting illumination levels shall not exceed six lux / 0.6 footcandles.
- (4) All external lighting sources shall be designed and shielded to avoid hazardous interference and direct glare onto adjacent streets and properties.
- (5) The lenses in pole- and wall-mounted lighting shall be recessed to control the adverse impacts of light spill out and glare.
- (6) A mixture of lamp types on the same site shall be avoided.
- (7) To provide optimum color rendition, lamps are preferred in the following order: high-pressure sodium, metal halide, low-pressure sodium.
- (8) Parking area lighting fixtures shall not be illuminated after 11:00 p.m., unless otherwise approved by the Planning Board, and shall be designed to illuminate the parking area only.
- (9) Security lighting and other building lighting will be allowed to operate as long as it does not create a nuisance to adjacent residences.
- (10) The appearance and placement of lighting shall be subject to Planning Board discretion as part of the site plan approval process. Lighting plans shall be submitted and must include illumination footprints for review by the Planning Board.

F. Access management.

- (1) General. One of the most important objectives of access management is reducing the potential for conflicts, particularly along the most heavily traveled roads. The best methods for achieving a reduction in conflicts are reducing the number of conflict points and separating through- from local traffic. Land use development and transportation can be brought into balance, and conflicts can be reduced, through appropriate limitations on the number of driveways and the enforcement of driveway and corner clearance standards.
 - (a) The site layout, location and design of driveways and parking areas should be based on full build-out of the parcel. Future subdivision of the parcel or any future action that is contrary to an approved plan cannot occur without prior Planning Board approval.
 - (b) Properties with frontage on two or more roads do not have the right to driveway access to all such roads.
 - (c) Driveways may be required to be located so as to provide shared access and/or cross-access with an abutting parcel or properties.

[1] Shared driveways and/or cross-access driveways shall be of sufficient width (minimum 20 feet) to accommodate two-way travel for automobiles and for service and loading vehicles.

[2] Shared driveways, cross-access driveways, interconnected parking, and private roads constructed to provide access to properties internal to a subdivision shall be recorded as an easements and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities shall also be recorded with the deed, where applicable.

(d) Driveway spacing standards shall apply to driveways located on the same side of the road and shall be measured along the road from the center line of the driveway pavement to the center line of the next driveway.

(e) Curb cuts and driveway spacing for new development or redevelopment will be evaluated by the Planning Board on a case-by-case basis to reduce conflicts and ensure traffic safety and efficiency. In certain cases, minimum spacing requirements, as deemed appropriate by the Planning Board and that comply with established state standards, shall be applied as follows:

(2) Corner clearance. Corner properties present special problems because they are extremely attractive to high volume peak-hour traffic businesses whose designs often create conflict areas that overlap with the conflict area of the intersection.

(a) Corner clearance is to be measured along the road from the center line of the driveway pavement to the closest edge of the road pavement. Where road widening is planned or anticipated in the future, corner clearance should be increased to provide for the width of the additional lane.

(b) Driveways for corner properties shall meet or exceed the minimum corner clearance requirements as follows:

Minimum Corner Clearance Requirements

<u>Type of Access</u>	<u>Minimum Clearance (feet)</u>
For partial access, right turns in and/or out only	100
For full access, all directional movements	220

(c) Driveways should be located outside of the functional area of the intersection or, if this is not possible, driveways should be placed as far as possible from the intersection.

(d) Cross-access to adjoining properties should be encouraged to the greatest extent possible.

(3) Driveway location.

(a) Driveway location will be based on a site plan that has been approved by the Town Planning Board in consultation with the Town Engineer and, where appropriate, the Town Highway Superintendent.

(b) Driveways shall be located so as to meet or exceed the minimum driveway spacing standards and the minimum corner clearance standards.

(c) The Town Planning Board may allow the location of driveways at less than the minimum driveway spacing standards and corner clearance standards if:

[1] A dual-driveway system, cross access driveway system or shared driveway is proposed and this improves the safe and efficient movement of traffic between the parcel and the road;

[2] A driveway or driveways could be located so as to meet the minimum driveway spacing standards and corner clearance standards, but the characteristics of the parcel or the physical or operational characteristics of the road are such that a change of location will improve the safe and efficient movement of traffic between the parcel and the road; or

[3] Conformance with the driveway spacing standards or corner clearance standards imposes undue and exceptional hardship on the property owner.

(d) For properties unable to meet the minimum driveway spacing standards or corner clearance standards, a temporary driveway may be granted. The granting of a temporary driveway will be conditioned on obtaining a shared driveway, cross-access driveway or unified parking and circulation with an adjoining parcel, and closure of the temporary driveway in the future.

§ 280-204. Definitions

As used in this article, the following terms shall have the meanings indicated:

ACCESS

A way or means of approach to provide vehicular or pedestrian entrance or exit to a property.

ACCESS CONNECTION

Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public road system.

ACCESS MANAGEMENT

The process of providing and managing access to land development while preserving the flow of traffic in terms of safety, capacity and speed.

AWNING

A roof-like covering of canvas or other flexible material that extends from the wall of a building.

CANOPY

A roof-like covering of metal or other rigid material that extends from the wall of a building.

CORNER CLEARANCE

The distance from an intersection of a public or private road to the nearest access connection.

DRIVEWAY

Any entrance or exit used by vehicular traffic to or from land or buildings abutting a road.

ELECTRONIC SIGN BOARD

An electronically powered sign with continually changing presentations or moving text and characters that scroll across or flash on the sign fascia.

FUNCTIONAL AREA (INTERSECTION)

The area beyond the physical intersection of two roads that comprises decision and maneuver distance plus any required vehicle storage length.

LANDSCAPE SERVICES

Any use or establishment that provides off-site landscaping services requiring the use of machinery, equipment, trucks and other appurtenances that must be stored on the premises.

NONCONFORMING ACCESS

Features of the access system of a parcel that existed prior to the effective date of this chapter and that do not conform to the requirements of this chapter.

PARCEL

A division of land comprised of one or more lots in contiguous ownership.

REASONABLE ACCESS

The minimum number of access connections, direct or indirect, necessary to provide safe access to and from a public road, as consistent with the purpose and intent of this article and any other applicable plans and policies of the Town.

ROAD

A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, avenue or boulevard, lane, cul-de-sac, place, or otherwise designated, and includes the entire area within the right-of-way.

SERVICE ROAD (also ACCESS ROAD)

A public or private road, auxiliary to and normally located parallel to a controlled access facility, that maintains local road continuity and provides access to parcels adjacent to the controlled-access facility.

SHARED DRIVEWAY

A driveway connecting two or more contiguous parcels to the public road system.

STRIP PLAZA

A structure that houses three or more commercial businesses located along a highway or on a large site that may contain other commercial facilities.

TEMPORARY ACCESS

Provision of direct access to a road until that time when adjacent properties develop, in accordance with a joint access agreement or frontage road plan.

§ 280-205. Modification of requirements; referral to other agencies

A. The Planning Board may waive or modify any design requirements under this article of Chapter 280, as long as it does not diminish the intent and purpose of the District and does not infringe upon the authority of the Zoning Board of Appeals.

B. All projects requiring Planning Board approval must be referred to the Shoreline Revitalization Committee and the Traffic Safety Advisory Board.

ARTICLE XXXI. PR Park/Recreation Lands District

[Added 4-22-2002 by L.L. No. 4-2002]

§ 280-206. Intent

The intent of the Park/Recreation Lands District is to provide a special zoning classification for passive and active recreational facilities, including both public and privately owned properties, in order to ensure the proper location and protection of recreational lands.

§ 280-207. Permitted uses

The following uses are permitted in the Park Lands District

A. Principal structures and uses:

- (1) Publicly owned recreation uses (passive and active).
- (2) Privately owned passive recreational uses such as conservation areas and public education facilities relating to the environment.
- (3) Wildlife reservations and sanctuaries, including related structures (fishing areas, ponds, etc.).
- (4) The following recreational uses, both public and private (special use permit required):
 - (a) Golf courses and country clubs.
 - (b) Sportsman and gun clubs.
 - (c) Tennis, racquetball and handball facilities.
 - (d) Ice-skating facilities.
 - (e) Basketball, baseball, football, soccer, volleyball, lacrosse and other field sport facilities.
 - (f) Picnic grounds, and groves, for which a fee or rental is charged.
- (5) Beaches.

B. Accessory structures and/or uses:

- (1) Uses and structures customarily incidental to the above.
- (2) Residence of custodian or staff. this chapter.
- (4) Landscaping, as directed by the Planning Board.
- (5) Signs, as permitted by Article XXXVI of this chapter.
- (6) Other related environmental/passive uses.

§ 280-208. Minimum lot size

Unless otherwise provided, the minimum lot size in the PR District shall be as specified in this section.

A. The area or parcel of land for a permitted public facility use shall be as required to provide a site adequate for the main and accessory buildings, off-street parking, loading and stacking, landscaping and other accessory uses, yards and open spaces.

B. Maximum lot coverage by structures: as use, yard, off-street parking, loading and stacking and landscaping requirements permit.

§ 280-209. Required yards

Unless otherwise provided, the minimum required yards and other open spaces in the PR District shall be specified in this section.

A. Front yard: 50 feet.

B. Side yard:

(1) Along an R District boundary: 25 feet.

(2) Along a nonresidential district boundary: 15 feet.

C. Rear yard:

(1) Along an R District boundary: 50 feet.

(2) Along a non-residential district boundary: 15 feet.

§ 280-210. Maximum height of buildings

Unless otherwise permitted, the maximum height of buildings in a PR District shall be as specified in this section.

A. Maximum: 35 feet.

§ 280-211. Other regulations

A. Boundary treatment. Fences, walls, plantings or other screening materials may be required to provide visual screening between adjacent structures and uses and parking or other areas or uses on the parcel.

B. Outdoor recreation activities shall not be permitted within 150 feet of an abutting residential district, except for Town-owned land.

§ 280-212. Off-street parking

For applicable off-street parking regulations, see Article XXXII.

§ 280-213. Signs

For applicable sign regulations, see Article XXXVI.

§ 280-214. Supplemental regulations

For applicable supplemental regulations pertaining to use, height, area or open space, see Article XXXIX.