



Article XVI
Downtown Malta
Form-Based Code

prepared by

CODE STUDIO

for

the Town of Malta, New York

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Section 1. General

1.1. Purpose

This Article comprises the Downtown Malta Form-Based Code and all references in this Article to the "Code" refer to this Form-Based Code unless otherwise stated.

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

1.2. Intent

It is the intent of this Code to:

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

1.3. Applicability

A. Territorial Application

This Code applies to all property as designated in [Sec. 2.3](#) (also referred to as "the Downtown area").

B. Conflicting Provisions

1. Whenever any provision of County, State or Federal law imposes a greater requirement or a higher standard than required by this Code, the provision of the County, State or Federal law shall supersede and apply.
2. Notwithstanding any other provision of the Malta Town Code, specifically including but not limited to § 167-36 of the Town Zoning Law, in the event that any provision of this Code conflicts with any other Town Code provision, the provision of this Code shall supersede and apply.

1.4. Transitional Provisions

A. New Development

1. Except as provided in [Sec. 1.4.C](#), upon the effective date of this Code or any subsequent amendment, any new building or other structure or any use of land in the designated Downtown area shall be constructed or developed in accordance with all applicable provisions of this Code.
2. No excavation or filling of land or construction of any public or private improvements may take place or commence except in conformity with this Code.

B. Existing Development

Except as provided in [Sec. 1.4.C](#), any existing use, lot, building or other structure legally established prior to the effective date of this Code that does not comply with any provision of the Code shall be subject to the provisions of [Sec. 7.2](#).

C. Previously Issued Approvals and Pending Applications

1. Any Building Permit issued before the effective date of this Code or subsequent amendment shall remain in effect.
2. The provisions of this Code shall not apply to subdivision, special use and site plan applications that are complete and pending on the effective date of this Code. Such pending applications shall be processed in accordance with and decided pursuant to the law existing on the date the application was filed.
3. The provisions of this Code shall not apply to any project for which site plan approval from the Town Planning Board has already been issued prior to the effective date of this Code, subject to the requirements of § 167-24(F)(4) of the Town Zoning Law regarding completion of construction and issuance of a Certificate of Occupancy for the project that was previously approved.
4. Any Project Site Review approval issued pursuant to this Code expires if a Building Permit is not issued for such project within 3 years of the date of approval.
5. Any applicant entitled to proceed without complying with the provisions of this Code as a result of the above provisions may nonetheless choose to comply.
6. Subject to the provision immediately following, any Planned Development Districts which are not "grandfathered" pursuant to the provisions of subsections 1, 2 or 3 of this Sec. 1.4.C shall be and hereby are extinguished. However, the "public benefit" aspects of any such Planned Development Districts shall survive as enforceable requirements of any subsequent development so long as they are not otherwise inconsistent with the provisions of this Article. Such surviving public benefits include but are not limited to those provisions contained in Appendix A to this Article.
7. The Malta Crossings project is "grandfathered" and will be allowed to pursue completion of the project as previously approved for a period of 5 years after adoption of this Article, with the requirement that building design comply with this Article.

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Section 2. Districts

2.1. Districts Established

A. Districts

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

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

B. Applicability

Interpretations and determinations concerning the Form Based Code, including those in reference to location of district boundaries, shall be made in the manner set forth in Section 167-38 of the Town Zoning Law and shall be subject to the same appeal process set forth therein.

2.2. Intent

A. DN-4: Downtown Northway

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

B. DC-4: Downtown Civic

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

C. DX-3: Downtown Mixed Use

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

D. GC-3: Green Corridor

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

E. RA-3: Downtown Residential Attached

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

F. DA-2: Downtown Auto-Oriented

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

G. DP-2: Downtown Parade Grounds

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

H. RA-2: Downtown Residential Attached

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

I. RD-2: Downtown Residential Detached

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

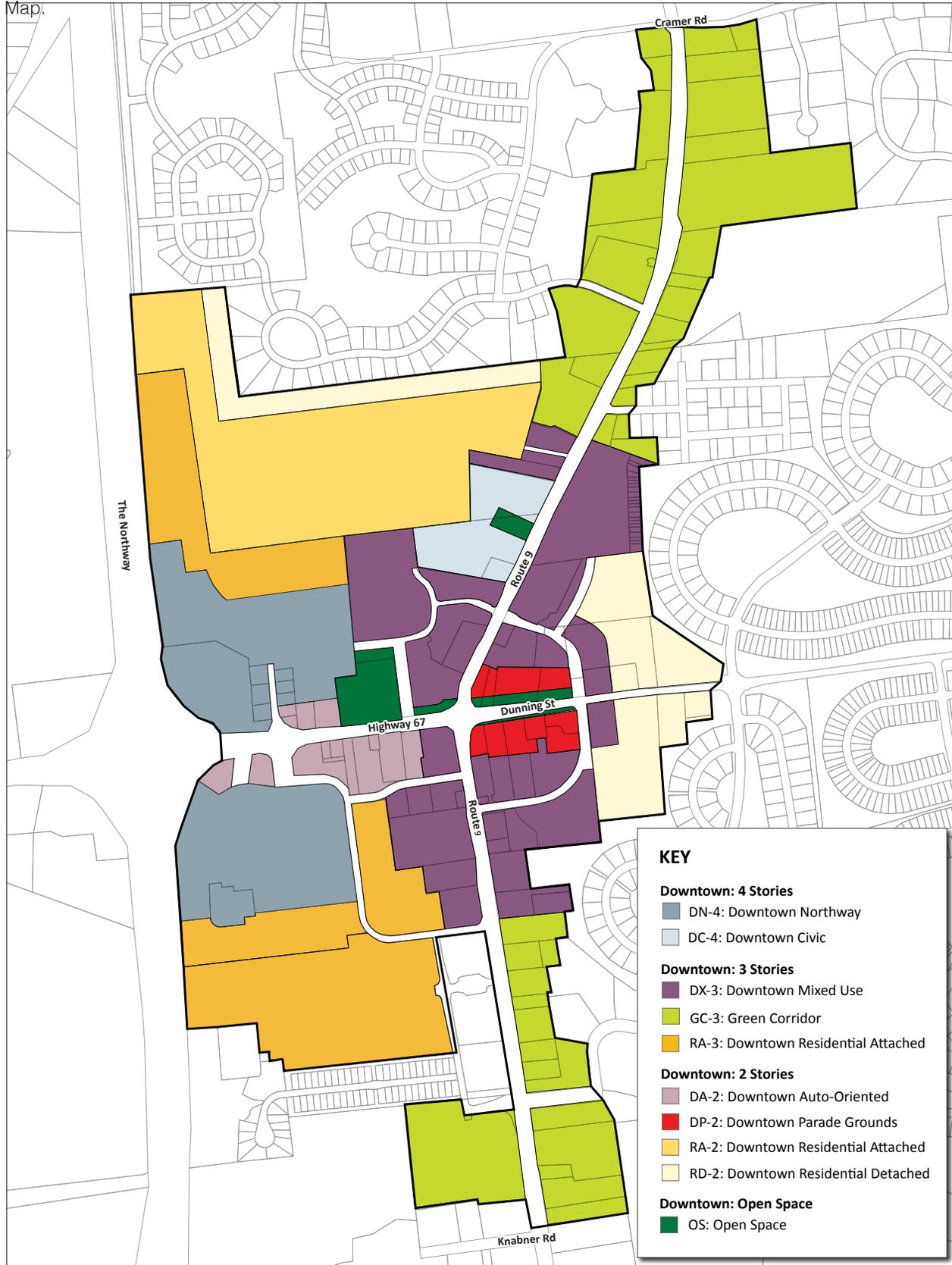
J. OS: Open Space

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

2.3. Downtown Malta Zoning Map

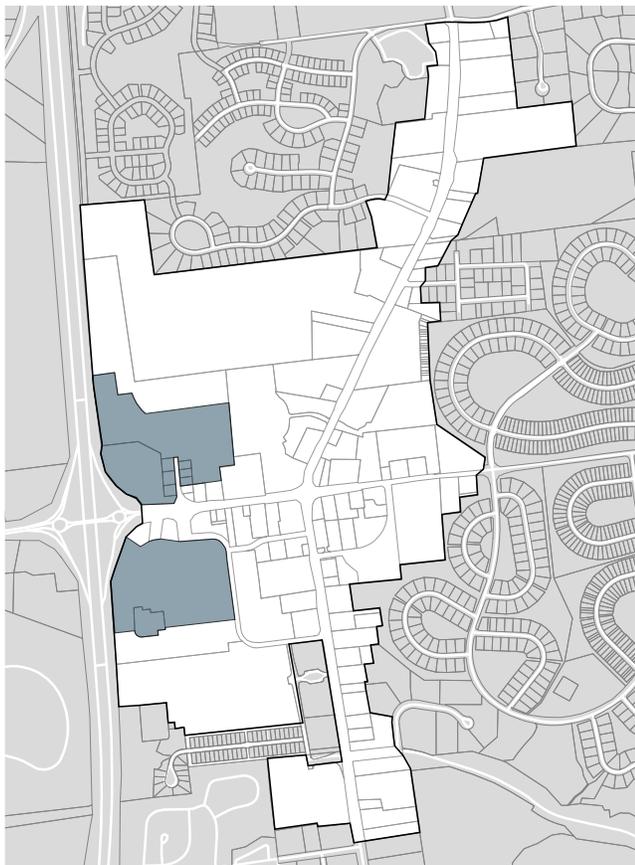
The following map is established and made a part of the Town of Malta Official Zoning

Map.



2.4. DN-4: Downtown Northway

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



A. Permitted Building Types

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

B. Maximum Building Heights

- | | |
|------------------|--|
| 4 stories | Mixed Use Shopfront, General Building, Apartment |
| 3 stories | Civic Building, Townhouse |
| 2 stories | Traditional Shopfront |
| 1 story | Single-Story Shopfront |

2.5. DC-4: Downtown Civic

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



A. Permitted Building Types

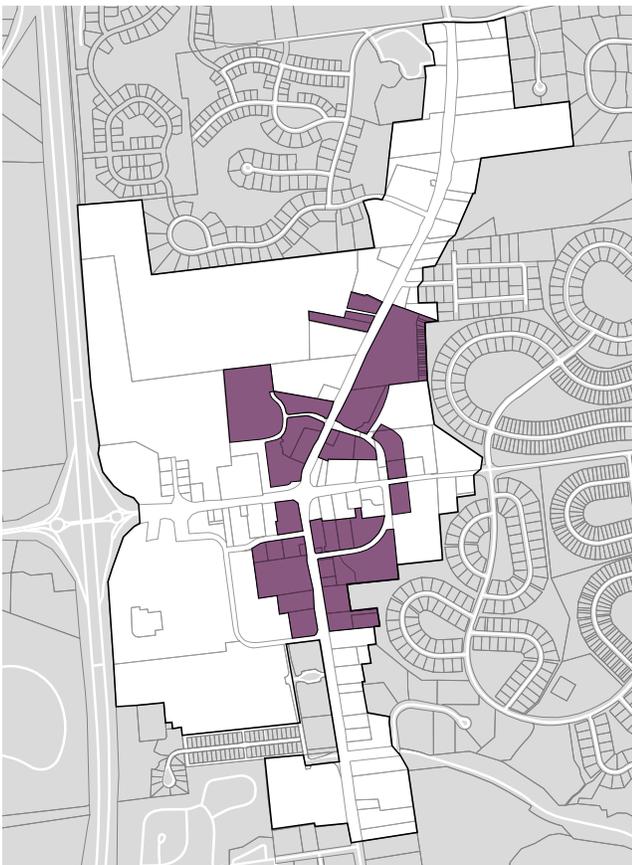
- Mixed Use Shopfront
- Traditional Shopfront
- Single-Story Shopfront
- General Building
- Civic Building
- Apartment
- Townhouse
- Cottage Court
- Detached House

B. Maximum Building Heights

- 4 stories General Building, Civic Building
- 3 stories --
- 2 stories --
- 1 story --

2.6. DX-3: Downtown Mixed Use

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



A. Permitted Building Types

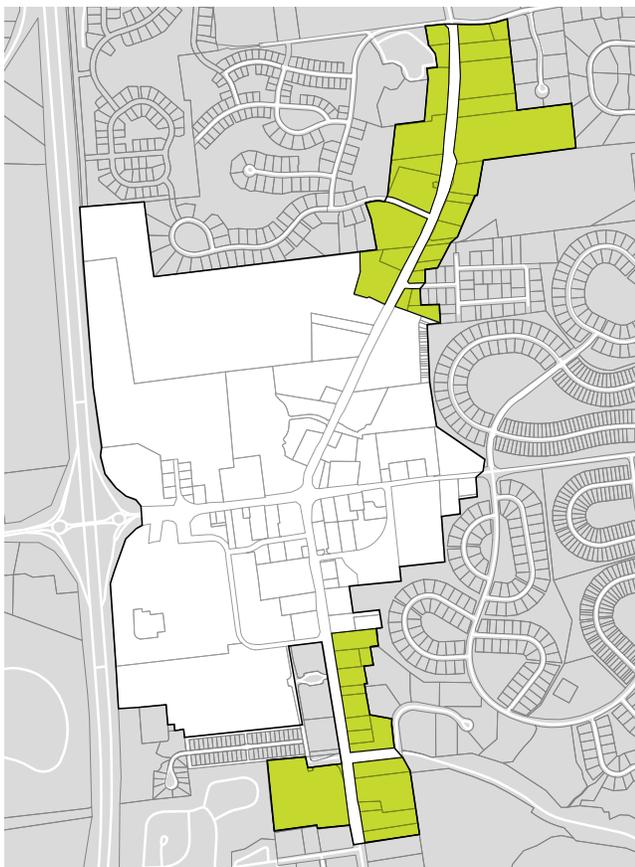
- Mixed Use Shopfront
- Traditional Shopfront
- Single-Story Shopfront
- General Building
- Civic Building
- Apartment
- Townhouse
- Cottage Court
- Detached House

B. Maximum Building Heights

- 3 stories** Mixed Use Shopfront, General Building, Apartment, Townhouse, Civic Building
- 2 stories** Traditional Shopfront, Cottage Court, Detached House
- 1 story** Single-Story Shopfront

2.7. GC-3: Green Commercial

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



A. Permitted Building Types

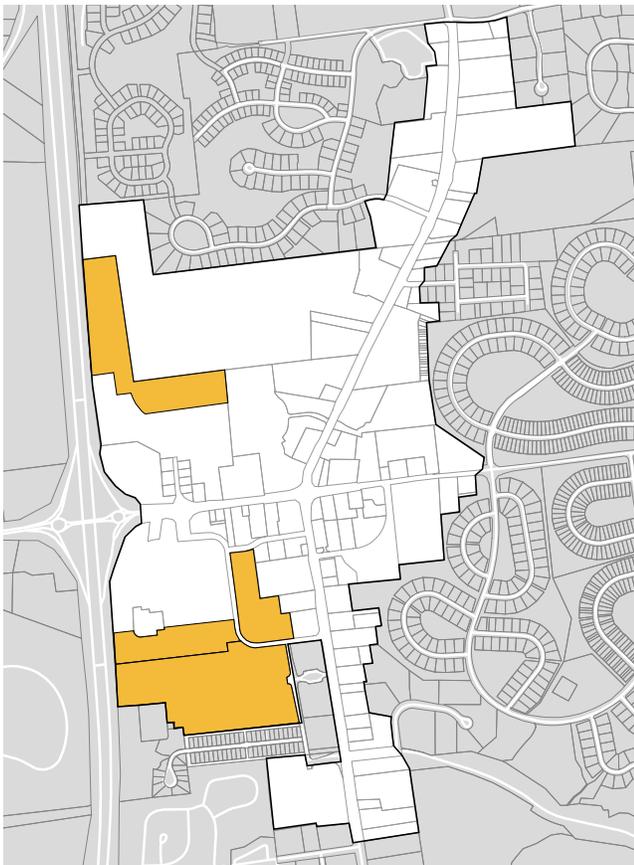
The GC-3 District is not regulated by building types (see [Sec. 3.13](#) for the district dimensional standards).

B. Maximum Building Heights

The maximum building height in the GC-3 District is 3 stories or 40 feet.

2.8. RA-3: Downtown Residential Attached

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



A. Permitted Building Types

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

B. Maximum Building Heights

3 stories Apartment, Civic Building, Townhouse

2 stories Cottage Court, Detached House

1 story --

2.9. DA-2: Downtown Auto-Oriented

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



A. Permitted Building Types

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

B. Maximum Building Heights

- | | |
|-----------|--|
| 2 stories | Mixed Use Shopfront, Traditional Shopfront, General Building, Civic Building |
| 1 story | Single-Story Shopfront |

2.10. DP-2: Downtown Parade Grounds

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



A. Permitted Building Types

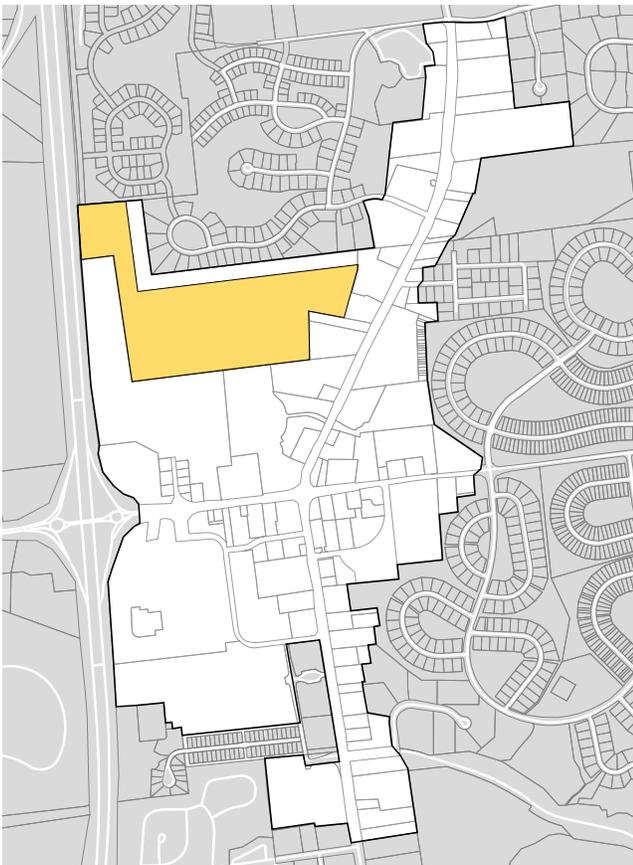
- Mixed Use Shopfront
- Traditional Shopfront
- Single-Story Shopfront
- General Building
- Civic Building
- Apartment
- Townhouse
- Cottage Court
- Detached House

B. Maximum Building Heights

- 2 stories Traditional Shopfront, Civic Building
- 1 story ---

2.11. RA-2: Downtown Residential Attached

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



A. Permitted Building Types

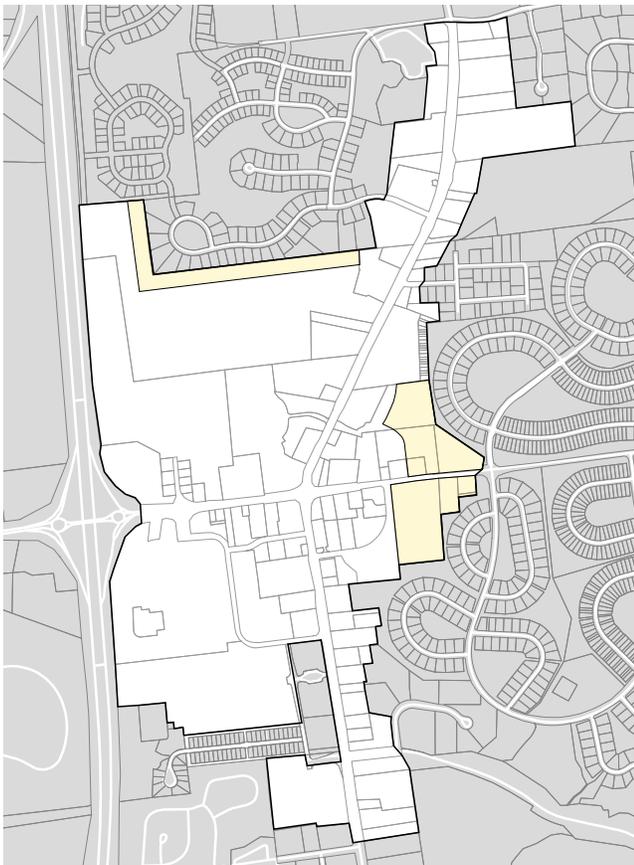
- Mixed Use Shopfront
- Traditional Shopfront
- Single-Story Shopfront
- General Building
- Civic Building
- Apartment
- Townhouse
- Cottage Court
- Detached House

B. Maximum Building Heights

- 2 stories Townhouse, Cottage Court, Detached House, Civic Building
- 1 story ---

2.12. RD-2: Downtown Residential Detached

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



A. Permitted Building Types

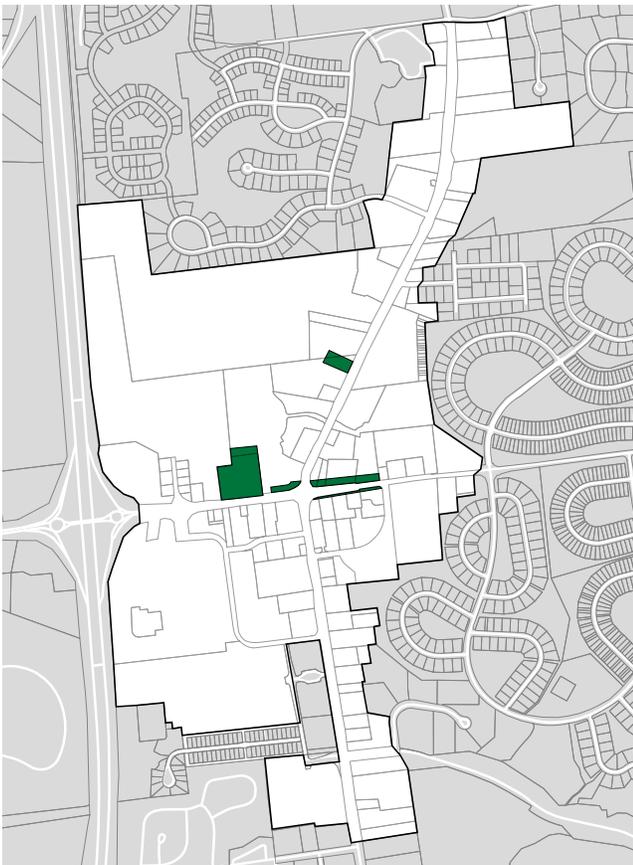
- Mixed Use Shopfront
- Apartment
- Traditional Shopfront
- Townhouse
- Single-Story Shopfront
- Cottage Court
- General Building
- Detached House
- Civic Building

B. Maximum Building Heights

- 2 stories Civic Building, Cottage Court, Detached House
- 1 story --

2.13. OS: Open Space

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



A. Permitted Building Types

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

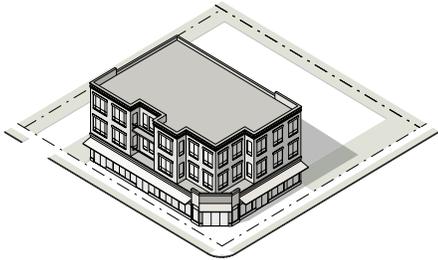
B. District Standards

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

Section 3. Buildings

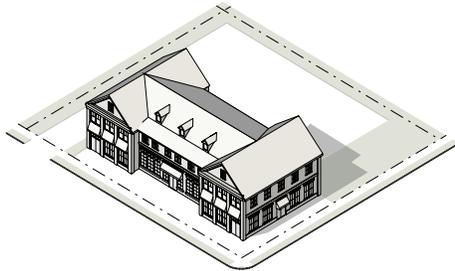
3.1. Building Types

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



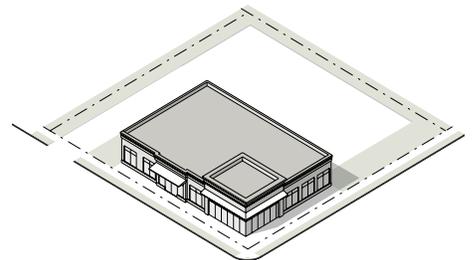
A. Mixed Use Shopfront

A building type that typically accommodates ground floor retail, office or commercial uses with upper-story residential or office uses. Ground floor residential uses are prohibited.



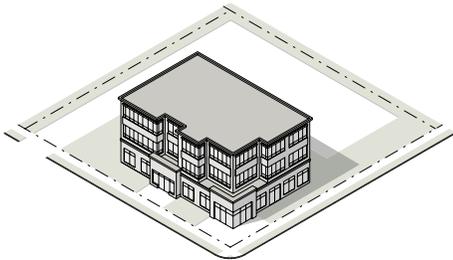
B. Traditional Shopfront

A building type that typically accommodates ground floor retail, office or commercial uses with upper-story residential or office uses at a scale that complements the historic character along Dunning Street. Ground floor residential uses are prohibited.



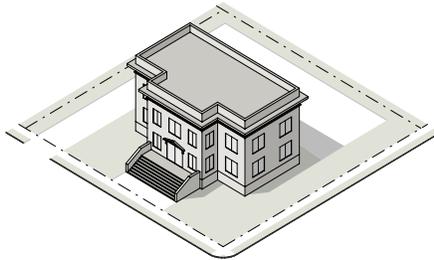
C. Single-Story Shopfront

A single-story building type that typically accommodates retail or commercial uses. Residential uses are prohibited.



D. General Building

A building type that typically accommodates commercial or office uses. Retail and residential uses are prohibited.



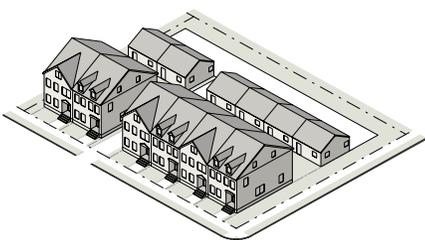
E. Civic Building

A building type that accommodates public or civic uses. Commercial, retail, office and residential uses are prohibited.



F. Apartment

A building type that accommodates 3 or more dwelling units vertically and horizontally integrated. Nonresidential uses are prohibited.



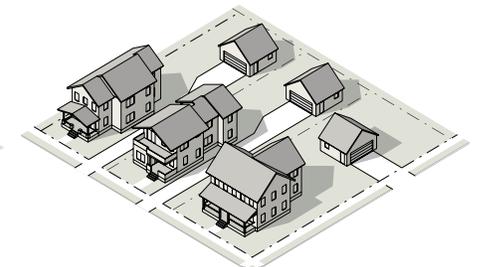
G. Townhouse

A building type that accommodates 3 or more dwelling units where each unit is separated vertically by a common side wall. Units cannot be vertically mixed. Nonresidential uses are prohibited.



H. Cottage Court

5 to 9 detached houses organized around an internal shared courtyard. Nonresidential uses are prohibited.

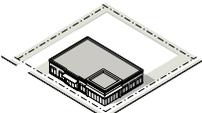
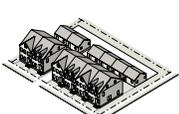


I. Detached House

A building type that accommodates one dwelling unit on an individual lot with yards on all sides. Nonresidential uses are prohibited.

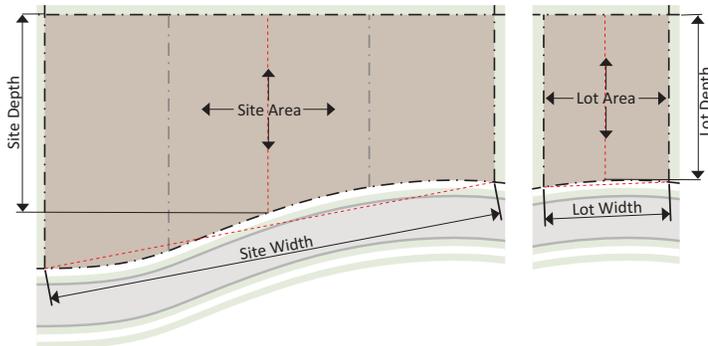
3.2. Building Types Allowed by District

Building types are allowed by district as shown below.

BUILDING TYPE	DN-4	DC-4	DX-3	RA-3	DA-2	DP-2	RA-2	RD-2
 Mixed Use Shopfront (Sec. 3.4)	●		●		●			
 Traditional Shopfront (Sec. 3.5)	●		●		●	●		
 Single-Story Shopfront (Sec. 3.6)	●		●		●			
 General Building (Sec. 3.7)	●	●	●		●			
 Civic Building (Sec. 3.8)	●	●	●	●	●	●	●	●
 Apartment (Sec. 3.9)	●		●	●				
 Townhouse (Sec. 3.10)	●		●	●			●	
 Cottage Court (Sec. 3.11)			●	●			●	●
 Detached House (Sec. 3.12)			●	●			●	●

3.3. Rules Applicable to All Buildings

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



A. Site

1. Defined

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

2. Site Area

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

3. Site Width

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

B. Lot

1. Defined

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

2. Lot Area

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

3. Lot Width

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

4. Lot Depth

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

5. Lot Frontage

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

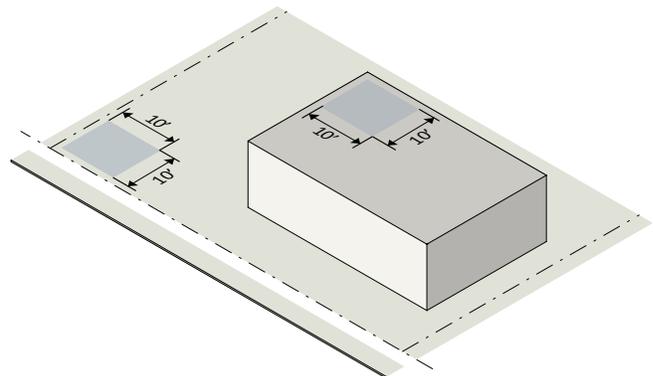
C. Outdoor Amenity Space

1. Generally

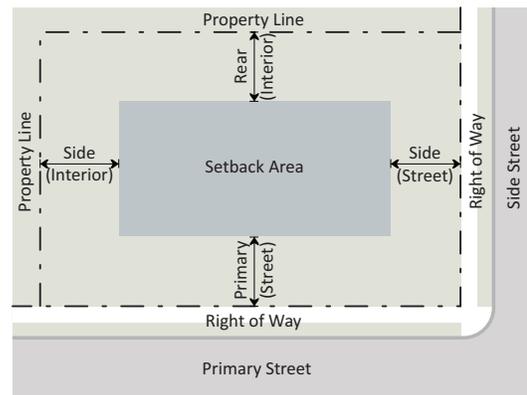
Where required, outdoor amenity space must be provided on the lot and must be available as unenclosed, improved active or passive recreational space for use by the occupants of the development. The outdoor amenity area must be designed to meet the standards of this Section, as determined by the Building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

2. Standards

- a. Outdoor amenity space may be met in one contiguous open area or in multiple open areas on the lot; however, to receive credit the area must be at least 10 feet in width and length.



- b. Examples of active outdoor amenities include a playground, athletic court, pool deck, spray deck or plaza, promenade or dog park.
 - c. Passive park areas must include improvements such as trails, paths and seating areas. Formal or informal gardens, as well as greenbelts, are considered acceptable outdoor amenity areas.
 - d. Outdoor amenity space may be located at or above grade, except in GC-3 and OS where it must be located at grade. Above-grade examples include a rooftop deck or terrace, rooftop patio or fitness station.
 - e. Outdoor amenity space may be roofed but cannot be enclosed. Examples include a pavilion, gazebo or conservatory.
 - f. Outdoor amenity space may include structures such as kiosks, bicycle racks, benches or other seating, sculpture, fountains and similar amenities. Such areas must not include signs unrelated to the amenities, utility areas, dumpsters or similar structures.
 - g. Outdoor amenity space cannot be parked or driven upon, except for emergency access and permitted temporary events.
 - h. Amenities may be seasonal or variable in nature (i.e. outdoor dining, farmers' market, etc.), provided that they occur for a minimum duration of 3 months a year, and are designed to recur permanently.
- c. Rear setbacks are measured from the rear property line or the edge of the right-of-way where there is an alley.
 - d. When the side interior or rear setback is 0 or 5 feet, the building or structure must be placed on the property line or be placed a minimum of 5 feet from the property line.
 - e. When the rear setback is 4 or 20 feet, the building or structure must be placed exactly 4 feet from the property line or be placed a minimum of 20 feet from the property line.



D. Building Setbacks

1. Generally

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

2. Measurement of Building Setbacks

- a. Primary and side street setbacks are measured from the edge of the right-of-way except in the DP-2 District where the primary street setback is measured from the edge of the designated open space.
- b. Side interior setbacks are measured from the side property line.

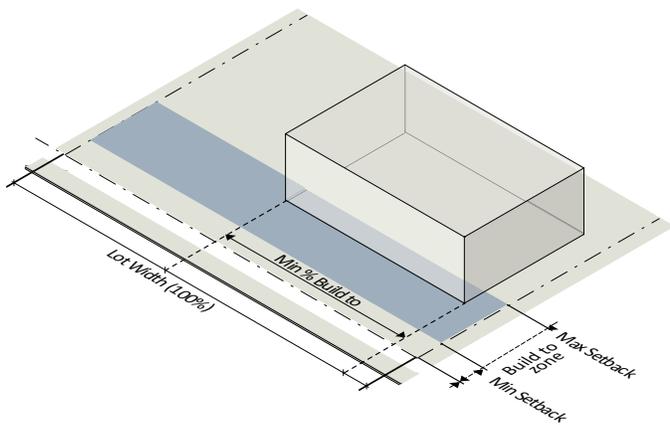
3. Primary and Side Street Designation

- a. Where only one street abuts a lot, that street is considered a primary street.
- b. A multiple street frontage lot must designate at least one primary street. A lot may have more than one primary street. The Building and Planning Coordinator will determine which streets are primary streets based on:
 - i. The street or streets with the highest classification;
 - ii. The established orientation of the block;
 - iii. The streets or streets abutting the longest face of the block;
 - iv. The street or streets parallel to an alley within the block; and
 - v. The street that the lot takes its address from.

E. Build-to Zone

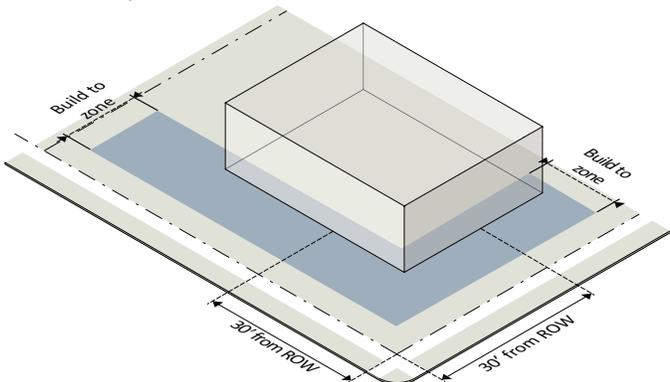
1. Defined

- a. The build-to zone is the area on the lot where a certain percentage of the front building facade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way.
- b. The required percentage specifies the amount of the front building facade that must be located in the build-to zone. This is calculated by dividing building width by the adjusted lot width (total lot width minus area burdened by any easement restricting ability for construction).



2. Corner Lots

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



3. Uses Allowed

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

F. Setback Encroachments

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

1. Building Features

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

2. Mechanical Equipment and Utility Lines

- a. Mechanical equipment associated with residential uses, such as HVAC units and security lighting, may encroach into a required rear or side setback, provided that such extension is at least 3 feet from the vertical plane of any lot line.

- b. Solar panels, wind turbines and rainwater collection or harvesting systems less than 10 feet in height may encroach into a required rear or side setback, provided that such extension is at least 5 feet from the vertical plane of any lot line.
- c. Minor structures accessory to utilities (such as hydrants, manholes, and transformers and other cabinet structures) may encroach into a required rear or side setback.

3. Other Setback Encroachments

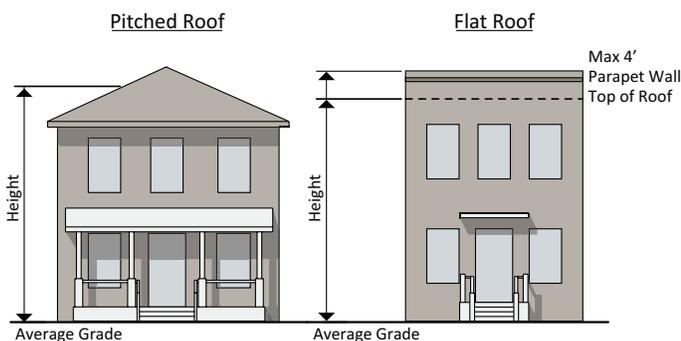
- a. Fences and walls under Sec. 5.2.D.
- b. Signs under Sec. 5.3.
- c. Transitional buffers under Sec. 5.2.B.

G. Parking Setbacks

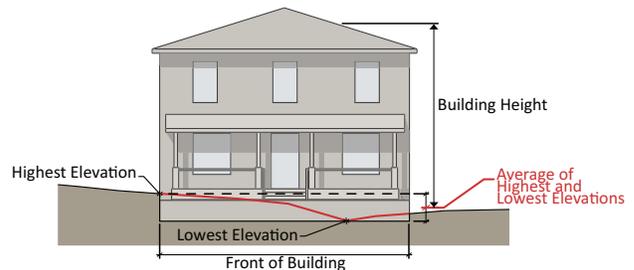
- 1. If applicable, on-site surface and structured parking must be located behind the parking setback line. This requirement is not intended to restrict on-street parking.
- 2. Parking setbacks apply only to the first floor of a parking structure.
- 3. Primary and side street parking setbacks are measured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

H. Building Height

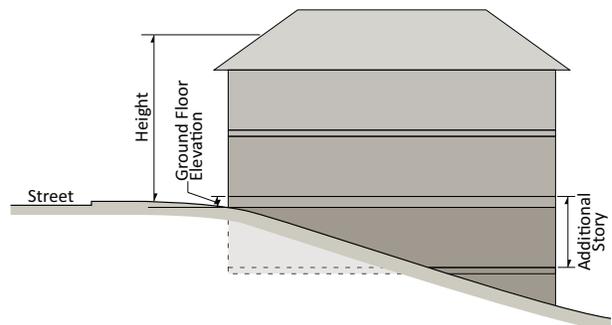
- 1. Building height is regulated in both number of stories and feet and is measured from the average grade to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface of a flat roof, not including a maximum 4-foot high parapet wall encroachment.



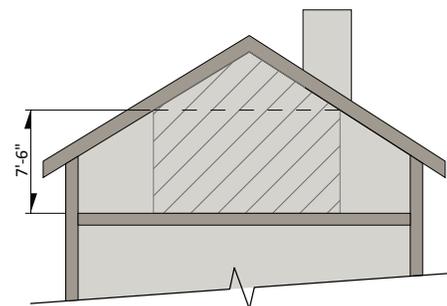
- 2. Average grade is determined by calculating the average of the highest and lowest elevation along natural or improved grade (whichever is more restrictive) along the front of the building parallel to the primary street setback line.



- 3. Where a lot slopes downward from the front property line, one story that is additional to the specified maximum number of stories may be built on the lower, rear portion of the lot.



- 4. An attic does not count as a story where 50% or more of the attic floor area has a clear height of less than 7½ feet; measured from the finished floor to the finished ceiling.



- 5. A basement with 50% or more of its perimeter wall area surrounded by natural grade is not considered a story.

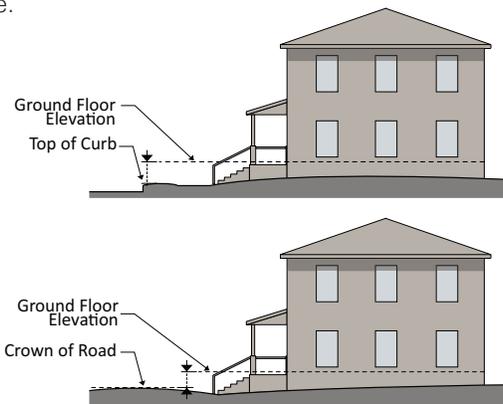
I. Height Encroachments

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

1. The maximum height limits of the district do not apply to spires, belfries, cupolas, domes not intended for human occupancy, monuments, water tanks, water towers or other similar structures which, by design or function, must exceed the established height limits.
2. The following accessory structures may exceed the established height limit of the district provided they do not exceed the maximum height by more than 6 feet:
 - a. Chimney, flue or vent stack;
 - b. Deck, patio, shade structure;
 - c. Flagpole;
 - d. Garden, landscaping;
 - e. Parapet wall (limited to a height of 4 feet);
 - f. Solar panels, wind turbines and rainwater collection or harvesting systems.
3. The following accessory structures may exceed the established height limits provided they do not exceed the maximum building height by more than 10 feet, do not occupy more than 25% of the roof area, and are set back at least 10 feet from the edge of the roof:
 - a. Amateur communications tower;
 - b. Cooling tower;
 - c. Elevator penthouse or bulkhead;
 - d. Greenhouse;
 - e. Mechanical equipment;
 - f. Skylights; and
 - g. Elevator or stairway access to roof.
4. Any of the elements listed in paragraphs 2. and 3. above are considered accessory uses to the primary structure and must not be used for any purpose other than as uses incidental to the principal structures.

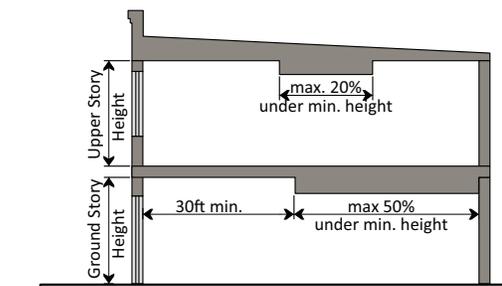
J. Ground Floor Elevation

1. Ground floor elevation is measured from top of the adjacent curb, or from the crown of the road where no curb exists, to the top of the finished ground floor.
2. Minimum ground floor elevation applies to the first 30 feet of the lot measured from the right-of-way line.



K. Story Height

1. Story height is measured from the top of the finished floor to the ceiling above.
2. Minimum ground story height applies to the first 30 feet of the building measured inward from the street-facing facade. At least 50% of the ground story must meet the minimum height provisions.
3. At least 80% of each upper story must meet the minimum upper story height provisions.



L. Transparency

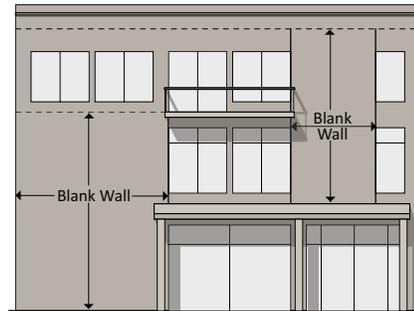
1. The minimum percentage of windows and doors that must cover a ground story facade is measured between 2 and 12 feet above the adjacent sidewalk.



2. The minimum percentage of windows and doors that must cover an upper story facade is measured from top of the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate.
3. Transparency applies to primary and side street-facing facades only.
4. Glass is considered transparent where it has a transparency higher than 80% and external reflectance of less than 15%.
5. In a mixed use shopfront, traditional shopfront or single-story shopfront, a minimum of 60% of the street-fronting, street-level window pane surface area must allow views into the ground story use for a depth of at least 8 feet. Windows cannot be made opaque by window treatments (except operable sunscreen devices within the conditioned space).

M. Blank Wall Area

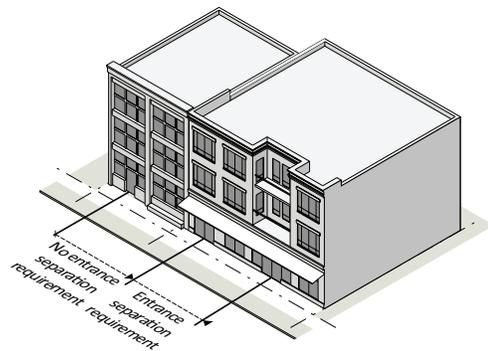
1. Blank wall area means a portion of the exterior facade of the building that does not include: windows or doors; columns, pilasters or other articulation greater than 12 inches in depth; or a substantial material change (paint color is not considered a substantial change).



2. Blank wall area applies in both a vertical and horizontal direction.
3. Blank wall area applies to ground and upper story primary and side street-facing facades.

N. Pedestrian Access

1. An entrance providing both ingress and egress, operable to residents or customers at all times, is required to meet the street-facing entrance requirements. Additional entrances off another street, pedestrian area or internal parking area are permitted.
2. The entrance spacing requirements must be met for each building, but are not applicable to adjacent buildings.



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

O. Neighborhood Compatibility

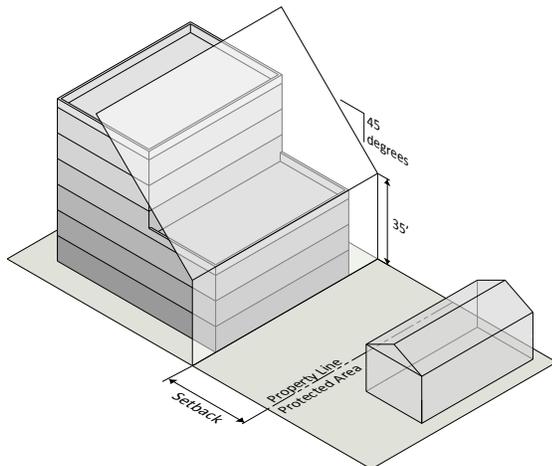
1. Applicability

Any protected district triggers the application of neighborhood compatibility standards. A protected district is defined as the following:

- a. R-1 Residential District; and
- b. Equivalent residential component of any PDD.

2. Bulk Plane

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



3. Transitional Buffer

A transitional buffer meeting the standards of [Sec. 5.2.B](#) is required where a Downtown Form-Based Code District abuts a protected district.

P. Building Materials

1. Applicability

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

2. Primary Materials

The following materials are required for not less than 75% of the building wall surface area on each facade:

- a. Brick and tile masonry;
- b. Cementitious siding;

- c. Glass curtain wall;
- d. Native stone (or synthetic equivalent);
- e. Stucco (cementitious finish); and
- f. Wood – clapboard or shingles.

3. Accent Materials

The following materials may make up 25% of the building wall surface area on each facade:

- a. External Insulation Finishing System - EIFS (for trim and cornice elements only);
- b. Glass block;
- c. Gypsum Reinforced Fiber Concrete (GFRC— for trim elements only);
- d. Metal (for beams, lintels, trim elements and ornamentation);
- e. Pre-cast masonry (for trim and cornice elements only); and
- f. Split-faced block (for piers, foundation walls and chimneys only).

4. Use of Materials

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

5. Color

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

6. Alternate Materials

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

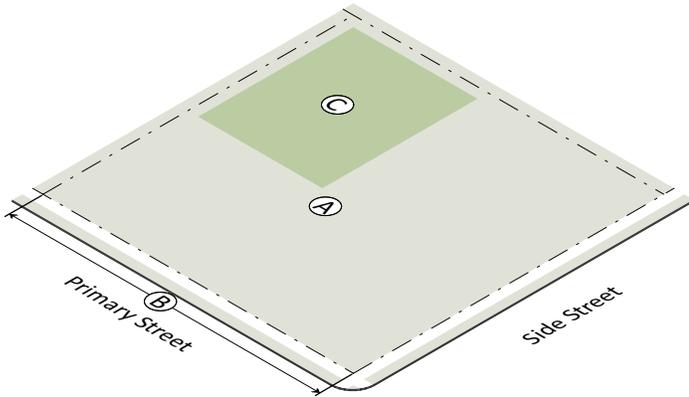
Q. Underground Utilities

All utility lines installed on private property after the effective date of this Code must be installed underground.

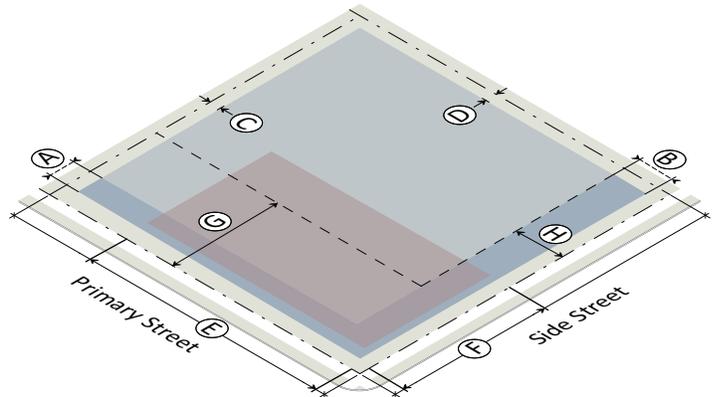
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3.4. Mixed Use Shopfront

1. Lot



2. Placement



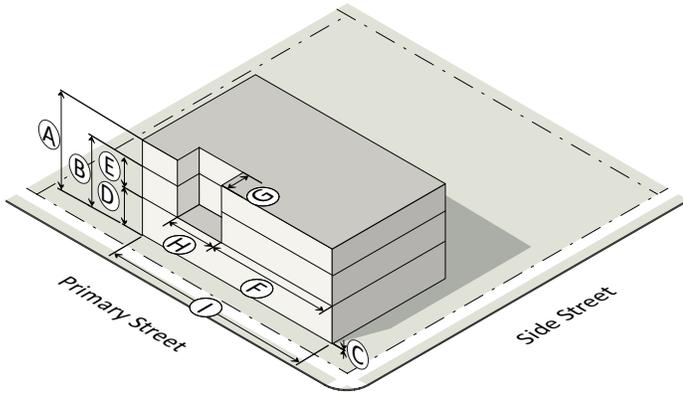
Lot Dimensions	
(A) Lot area (min)	5,000 SF
(B) Lot width (min)	50'
Lot Parameters	
(C) % of outdoor amenity space (min)	20%

Building Setbacks	
(A) Primary street (min/max)	5'/10'
DA-2 exception	5'/85'
(B) Side street (min/max)	5'/15'
(C) Side interior (min)	0' or 5'
(C) Side interior, abutting protected district	15'
(D) Rear (min)	0' or 5'
(D) Rear, abutting protected district (min)	15'
(D) Alley (min)	5'

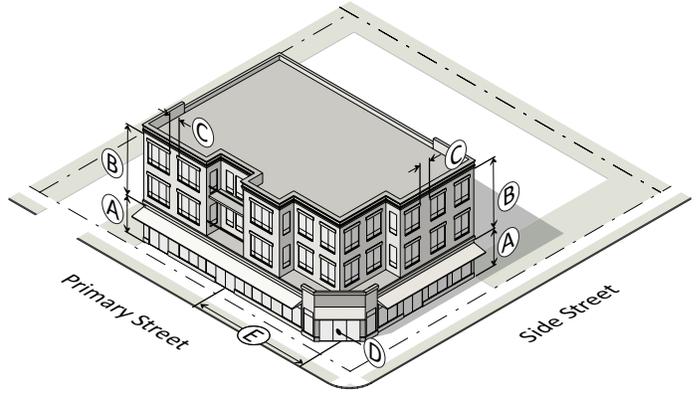
Build-to Zone (BTZ)	
(E) Building in primary street BTZ (min % of lot width)	70%
(F) Building in side street BTZ (min % of lot width)	35%

Parking Setbacks	
(G) Primary street (min)	30'
DA-2 exception	10'
(H) Side street (min)	10'

3. Height and Mass



4. Activation

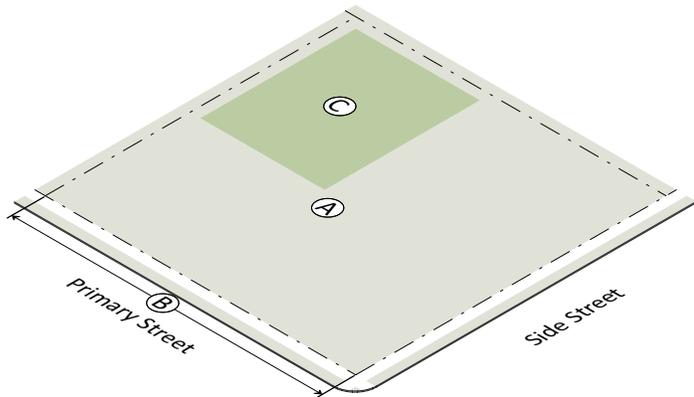


Building Height	
Ⓐ Building height (max)	
DA-2	2 stories / 30'
DX-3	3 stories / 40'
DN-4	4 stories / 50'
Reduced height may be required when abutting a protected district (see Sec. 3.3.Q)	
Ⓑ Building height (min)	2 stories
Story Height	
Ⓒ Ground floor elevation (min/max)	0'/2'
Ⓓ Ground story height, floor to ceiling (min)	13'
Ⓔ Upper story height, floor to ceiling (min)	9'
Building Mass	
Ⓕ Upper-story street-facing wall length without offset (max)	100'
Ⓖ Upper-story street-facing wall offset depth (min)	4'
Ⓗ Upper-story street-facing wall offset length (min)	8'
Ⓘ Building length, street-facing facade (max)	175'

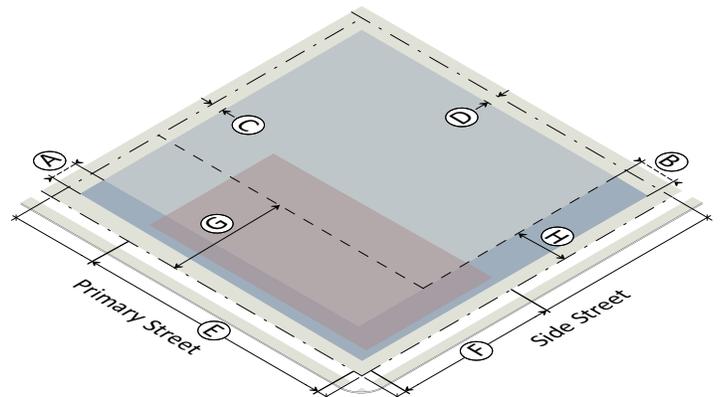
Transparency	
Ⓐ Ground story, primary/side street (min)	60%/30%
Ⓑ Upper story, street-facing facade (min)	20%
Ⓒ Blank wall area, primary/side street (max)	30'/40'
Pedestrian Access	
Ⓓ Entrance facing primary street	Required
Ⓔ Entrance spacing along primary street (max)	75'
Permitted Building Elements	
Porch	No
Stoop	No
Balcony	Yes
Gallery	Yes
Awning/Canopy	Yes
Forecourt	Yes

3.5. Traditional Shopfront

1. Lot



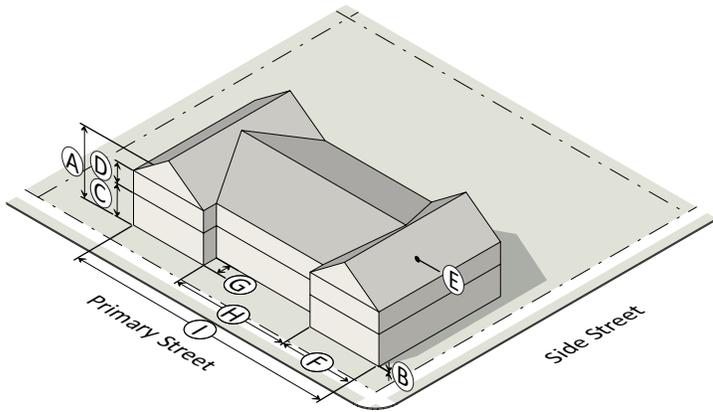
2. Placement



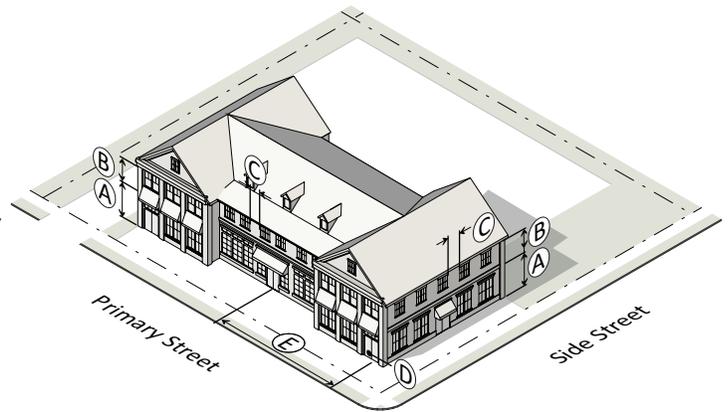
Lot Dimensions	
Ⓐ Lot area (min)	5,000 SF
Ⓑ Lot width (min)	50'
Lot Parameters	
Ⓒ % of outdoor amenity space (min)	20%
DP-2 exception	0%

Building Setbacks	
Ⓐ Primary street (min/max)	5'/10'
DA-2 exception	5'/85'
Ⓑ Side street (min/max)	5'/15'
Ⓒ Side interior (min)	0' or 5'
Ⓒ Side interior, abutting protected district (min)	15'
Ⓓ Rear (min)	0' or 5'
Ⓓ Rear, abutting protected district (min)	15'
Ⓓ Alley (min)	5'
Build-to Zone (BTZ)	
Ⓔ Building in primary street BTZ (min % of lot width)	70%
Ⓕ Building in side street BTZ (min % of lot width)	35%
Parking Setbacks	
Ⓖ Primary street (min)	30'
DA-2 exception	10'
Ⓗ Side street (min)	10'

3. Height and Mass



4. Activation

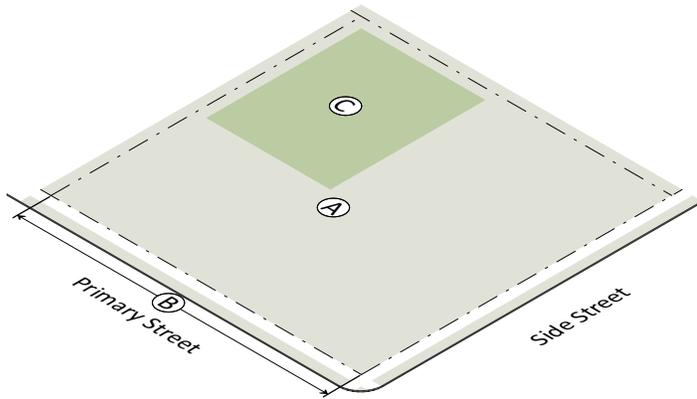


Building Height	
A	Building height (max) 2 stories / 35'
Story Height	
B	Ground floor elevation (min/max) 0'/2'
C	Ground story height, floor to ceiling (min) 13'
D	Upper story height, floor to ceiling (min) 9'
Building Mass	
E	Roof pitch (min/max) 5:12 / 12:12
F	Street-facing wall length without offset (max) 50'
G	Street-facing wall offset depth (min) 5'
H	Street-facing wall offset length (min) 20'
I	Building length, street-facing facade (max) 175'

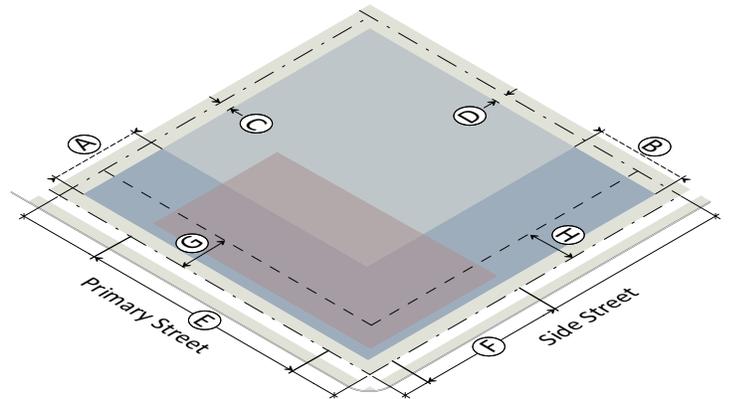
Transparency	
A	Ground story, street-facing facade (min) 40%
B	Upper story, street-facing facade (min) 20%
C	Blank wall area, street-facing facade (max) 20%
Pedestrian Access	
D	Entrance facing primary street Required
E	Entrance spacing along primary street (max) 50'
Allowed Building Elements	
	Stoop No
	Balcony Yes
	Porch, Gallery or Awning/Canopy Required
	Forecourt Yes

3.6. Single-Story Shopfront

1. Lot



2. Placement



Lot Dimensions	
Ⓐ Lot area (min)	5,000 SF
Ⓑ Lot width (min)	50'
Lot Parameters	
Ⓒ % of outdoor amenity space (min)	20%

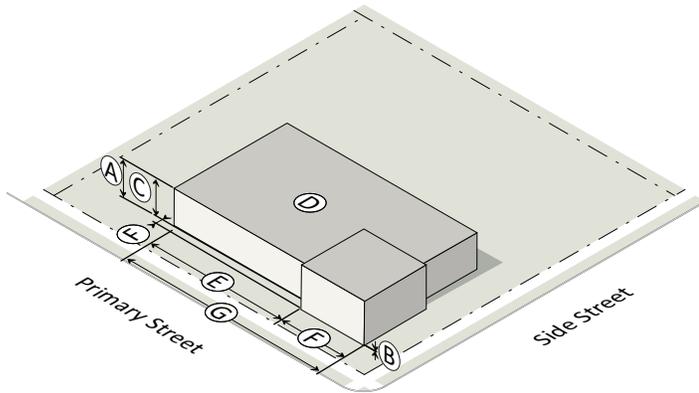
Building Setbacks	
Ⓐ Primary street (min/max)	5'/20'
DA-2 exception	5'/85'
Ⓑ Side street (min/max)	5'/20'
Ⓒ Side interior (min)	0' or 5'
Ⓒ Side interior, abutting protected district (min)	15'
Ⓓ Rear (min)	0' or 5'
Ⓓ Rear, abutting protected district (min)	15'
Ⓓ Alley (min)	5'

Build-to Zone (BTZ)	
Ⓔ Building in primary street BTZ (min % of lot width)	70%
Ⓕ Building in side street BTZ (min % of lot width)	35%

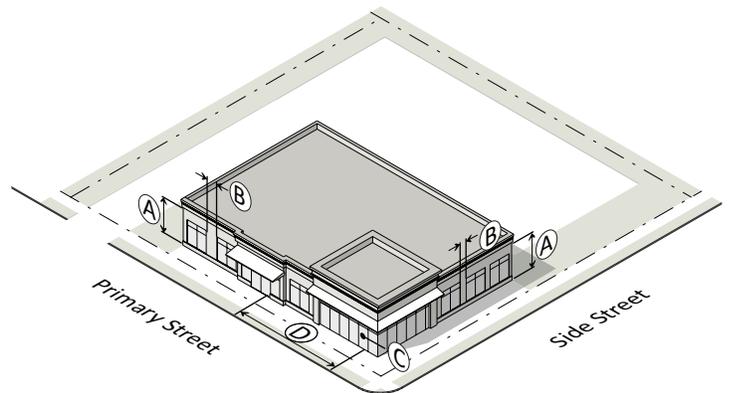
Parking Setbacks	
Ⓖ Primary street (min)	10'
Ⓗ Side street (min)	10'

On-site parking not allowed between the building & the street

3. Height and Mass



4. Activation

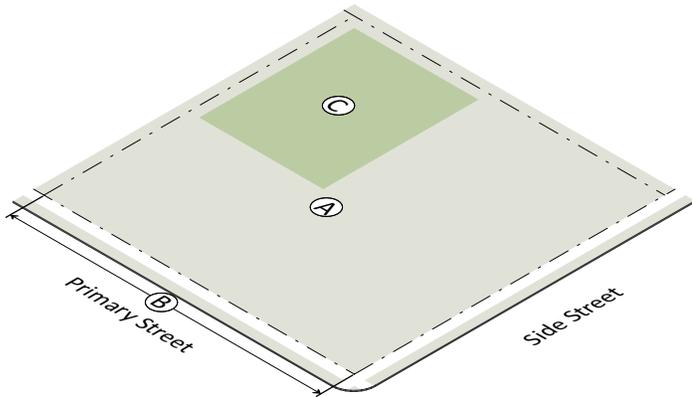


Building Height	
Ⓐ Building height (max)	1 story / 30'
Story Height	
Ⓑ Ground floor elevation (min/max)	0'/2'
Ⓒ Ground story height, floor to ceiling (min)	13'
Building Mass	
Ⓓ Building footprint (max)	20,000 SF
DN-4 south of Highway 67 exception	65,000 SF
Ⓔ Street-facing wall length without offset (max)	100'
Ⓕ Street-facing wall offset length and depth (min)	4'
Ⓖ Building length, street-facing facade (max)	175'
DN-4 south of Highway 67 exception	No limit

Transparency	
Ⓐ Ground story, primary/side street (min)	50%/25%
Building over 20,000 SF exception	30%/15%
Ⓑ Blank wall area, street-facing facade (max)	40'
Building over 20,000 SF exception	50'
Pedestrian Access	
Ⓒ Entrance facing primary street	Required
Ⓓ Entrance spacing along primary street (max)	100'
Building over 20,000 SF exception	Unlimited
Allowed Building Elements	
Porch	No
Stoop	No
Balcony	No
Gallery	Yes
Awning/Canopy	Yes
Forecourt	Yes

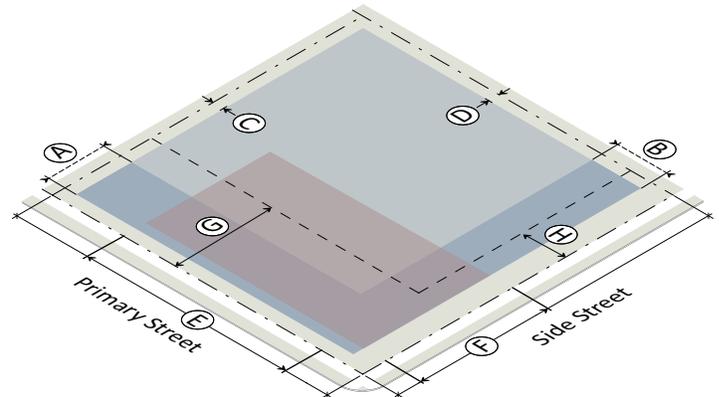
3.7. General Building

1. Lot



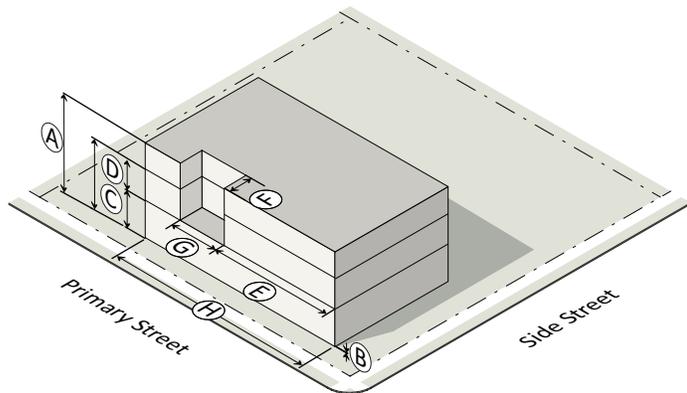
Lot Dimensions	
Ⓐ Lot area (min)	5,000 SF
Ⓑ Lot width (min)	50'
Lot Parameters	
Ⓒ % of outdoor amenity space (min)	20%

2. Placement

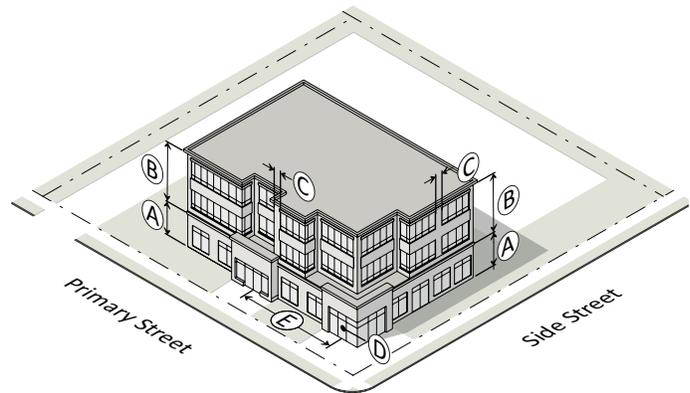


Building Setbacks	
Ⓐ Primary street (min/max)	5'/20'
DA-2 exception	5'/85'
Ⓑ Side street (min/max)	5'/20'
Ⓒ Side interior (min)	0' or 5'
Ⓒ Side interior, abutting protected district (min)	15'
Ⓓ Rear (min)	0' or 5'
Ⓓ Rear, abutting protected district (min)	15'
Ⓓ Alley (min)	5'
Build-to Zone (BTZ)	
Ⓔ Building in primary street BTZ (min % of lot width)	70%
Ⓕ Building in side street BTZ (min % of lot width)	35%
Parking Setbacks	
Ⓖ Primary street (min)	30'
DA-2 exception	10'
Ⓗ Side street (min)	10'

3. Height and Mass



4. Activation

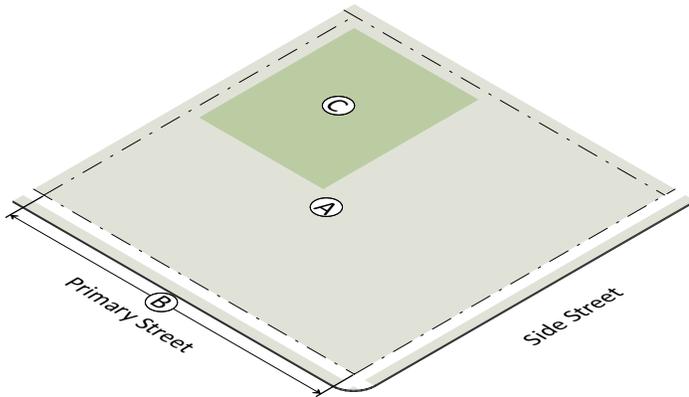


Building Height	
Ⓐ Building height (max)	
DA-2	2 stories / 30'
DX-3	3 stories / 40'
DN-4 , DC-4	4 stories / 50'
Reduced height may be required when abutting a protected district (see Sec. 3.3.O)	
Story Height	
Ⓑ Ground floor elevation (min/max)	0'/2'
Ⓒ Ground story height, floor to ceiling (min)	10'
Ⓓ Upper story height, floor to ceiling (min)	9'
Building Mass	
Ⓔ Upper-story street-facing wall length without offset (max)	100'
Ⓕ Upper-story street-facing wall offset depth (min)	4'
Ⓖ Upper-story street-facing wall offset length (min)	8'
Ⓗ Building length, street-facing facade (max)	175'

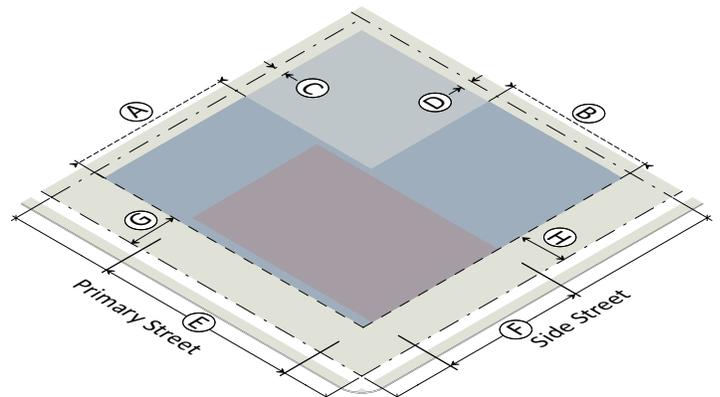
Transparency	
Ⓐ Ground story, primary/side street (min)	40%/20%
Ⓑ Upper story, street-facing facade (min)	20%
Ⓒ Blank wall area, primary/side street (max)	35'/45'
Pedestrian Access	
Ⓓ Entrance facing primary street	Required
Ⓔ Entrance spacing along primary street (max)	100'
Allowed Building Elements	
Porch	No
Stoop	No
Balcony	Yes
Gallery	No
Awning/Canopy	Yes
Forecourt	Yes

3.8. Civic Building

1. Lot



2. Placement



Lot Dimensions	
Ⓐ Lot area (min)	5,000 SF
Ⓑ Lot width (min)	50'
Lot Parameters	
Ⓒ % of outdoor amenity space (min)	20%

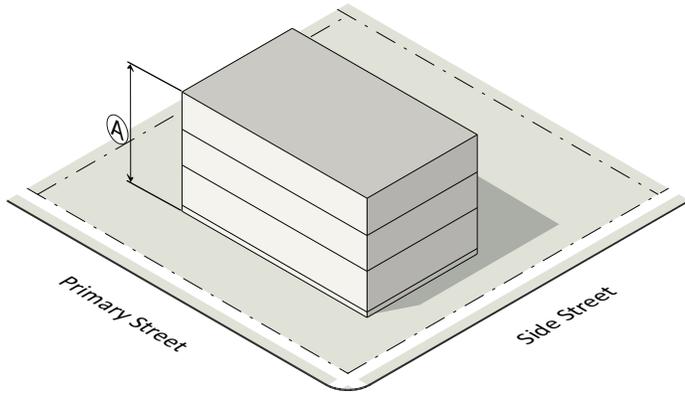
Building Setbacks	
Ⓐ Primary street (min/max)	10'/50'
Ⓑ Side street (min/max)	10'/50'
Ⓒ Side interior (min)	5'
Ⓒ Side interior, abutting protected district (min)	15'
Ⓓ Rear (min)	5'
Ⓓ Rear, abutting protected district (min)	15'
Ⓓ Alley (min)	5'

Build-to Zone (BTZ)	
Ⓔ Building in primary street BTZ (min % of lot width)	40%
Ⓕ Building in side street BTZ (min % of lot width)	20%

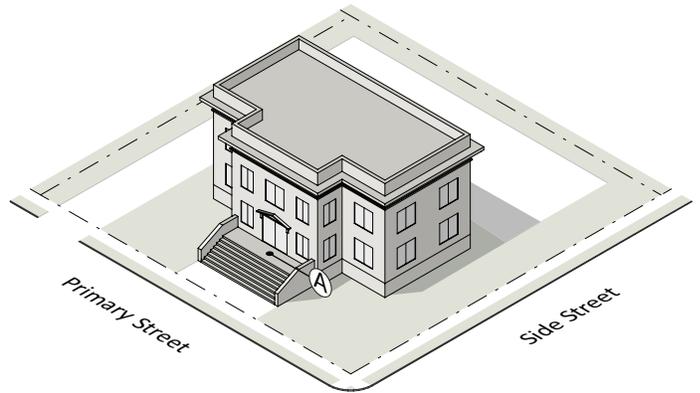
Parking Setbacks	
Ⓖ Primary street (min)	10'
Ⓗ Side street (min)	10'

On-site parking not allowed between the building & the street

3. Height and Mass



4. Activation



Building Height

Ⓐ Building height (max)	
DA-2, DP-2, RA-2, RD-2	2 stories / 35'
DX-3, RA-3	3 stories / 40'
DN-4, DC-4	4 stories / 50'
Reduced height may be required when abutting a protected district (see Sec. 3.3.O)	

Pedestrian Access

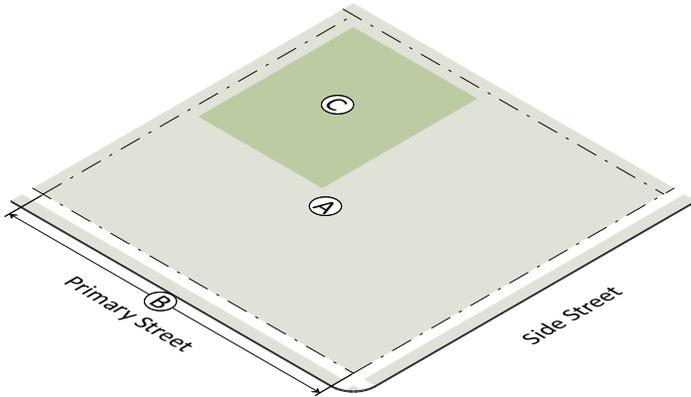
Ⓐ Entrance facing primary street	Required
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Allowed Building Elements

Porch	Yes
Stoop	Yes
Balcony	Yes
Gallery	Yes
Awning/Canopy	Yes
Forecourt	Yes

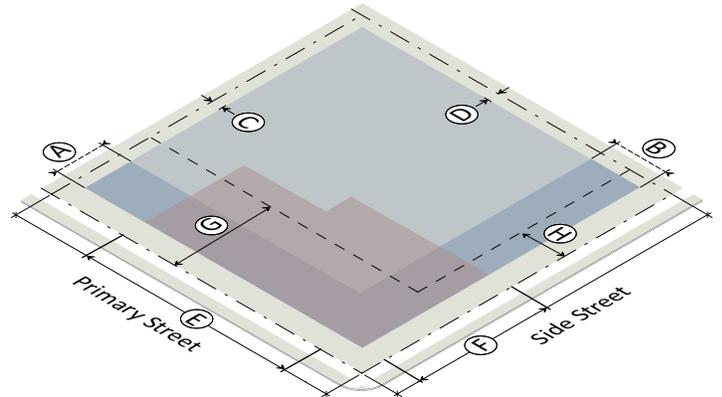
3.9. Apartment

1. Lot



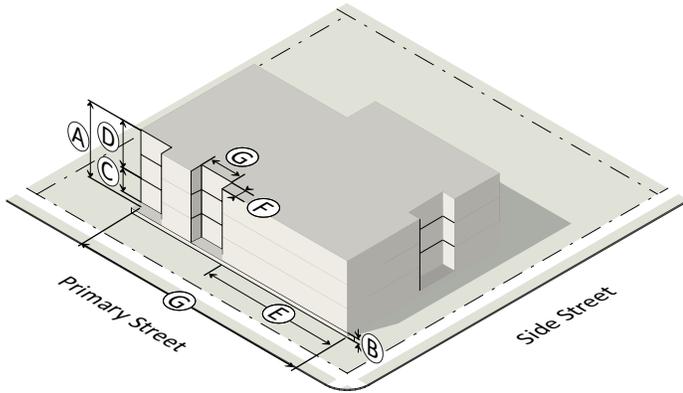
Lot Dimensions	
Ⓐ Lot area (min)	12,500 SF
Ⓑ Lot width (min)	100'
Lot Parameters	
Ⓒ % of outdoor amenity space (min)	20%

2. Placement

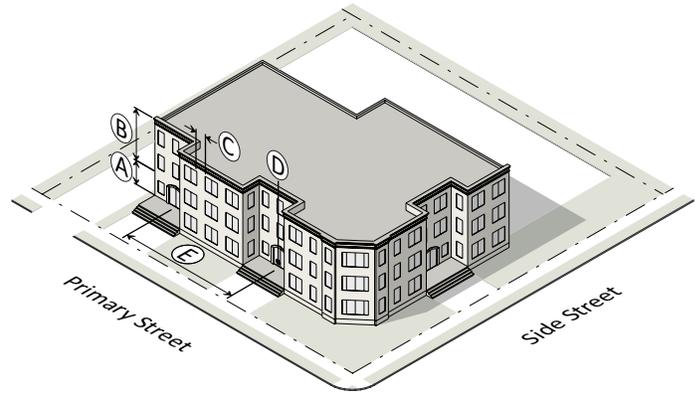


Building Setbacks	
Ⓐ Primary street (min/max)	10'/20'
Ⓑ Side street (min/max)	10'/20'
Ⓒ Side interior (min)	0' or 5'
Ⓒ Side interior, abutting protected district (min)	15'
Ⓓ Rear (min)	0' or 5'
Ⓓ Rear, abutting protected district (min)	15'
Ⓓ Alley (min)	5'
Build-to Zone (BTZ)	
Ⓔ Building in primary street BTZ (min % of lot width)	70%
Ⓕ Building in side street BTZ (min % of lot width)	35%
Parking Setbacks	
Ⓖ Primary street (min)	30'
Ⓗ Side street (min)	10'

3. Height and Mass



4. Activation



Building Height

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

Story Height

Ⓑ Ground floor elevation (min/max)	2'/4'
Ⓒ Ground story height, floor to ceiling (min)	9'
Ⓓ Upper story height, floor to ceiling (min)	9'

Building Mass

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

Transparency

Ⓐ Ground story, street-facing facade (min)	20%
Ⓑ Upper story, street-facing facade (min)	20%
Ⓒ Blank wall area, street-facing facade (max)	35'

Pedestrian Access

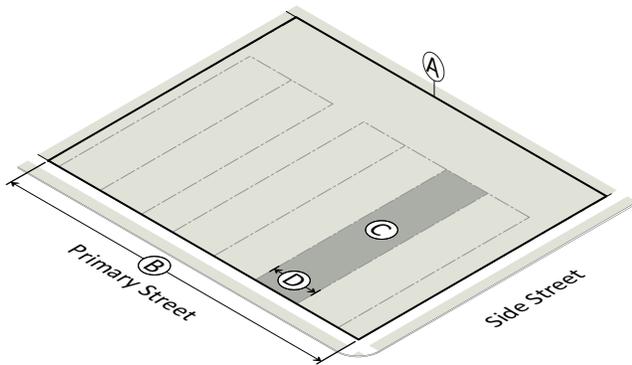
Ⓓ Entrance facing primary street	Required
Ⓔ Entrance spacing along primary street (max)	100'

Building Elements

Porch	Allowed
Stoop	Allowed
Balcony	Allowed
Gallery	Not allowed
Awning/Canopy	Allowed
Forecourt	Allowed

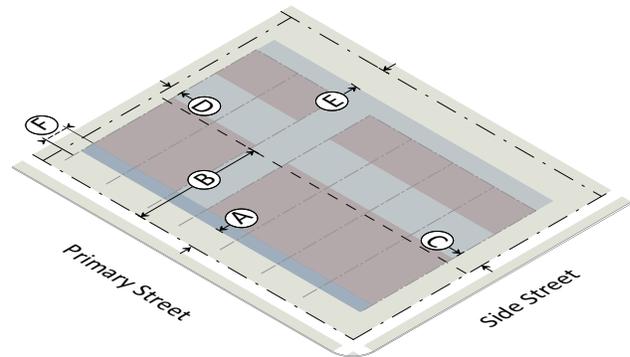
3.10. Townhouse

1. Lot



Site Dimensions	
Ⓐ Site area (min)	10,000 SF
Ⓑ Site width (min)	100'
Lot Dimensions	
Ⓒ Lot area (min)	1,300 sf
Ⓓ Unit width (min/max)	20'/30'

2. Placement

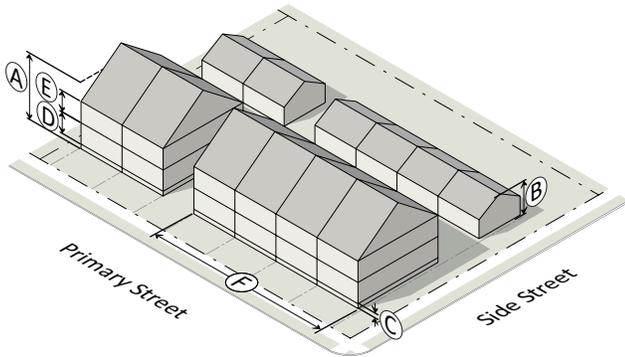


Building Setbacks	
Ⓐ Primary street: principal building (min/max)	5'/15'
Ⓑ Primary street: accessory structure (min)	40'
Ⓒ Side street (min)	10'
Ⓓ Side interior, end unit only (min)	5'
Ⓓ Side interior, abutting protected district (min)	15'
Ⓔ Rear (min)	20'
Ⓕ Alley (min)	4' or 20' min

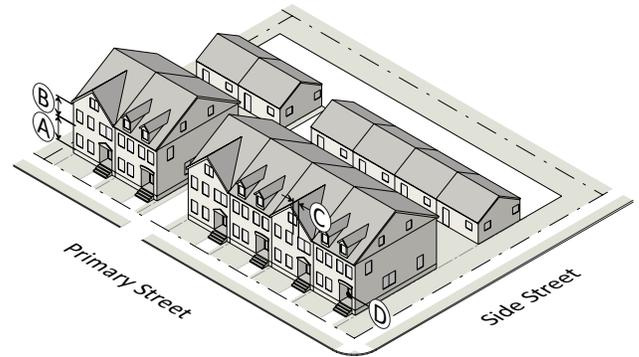
Build-to Zone (BTZ)	
Ⓕ Building in primary street BTZ (min % of lot width)	70%

Parking Setbacks
 On-site parking not allowed between the building & the street.
 Rear-loaded vehicular access required.

3. Height and Mass



4. Activation



Building Height

Ⓐ Principal building (max)	
RA-2	2 stories / 35'
DN-4, DX-3, RA-3	3 stories / 40'
Reduced height may be required when abutting a protected district (see Sec. 3.3.O)	

Ⓑ Accessory structure (max)	25'
-----------------------------	-----

Story Height

Ⓒ Ground floor elevation (min/max)	2'/4'
Ⓓ Ground story height, floor to ceiling (min)	9'
Ⓔ Upper story height, floor to ceiling (min)	9'

Building Mass

Ⓕ Number of units permitted in any one row (max)	10
--	----

Transparency

Ⓐ Ground story, street-facing facade (min)	20%
Ⓑ Upper story, street-facing facade (min)	20%
Ⓒ Blank wall area, street-facing facade (max)	35'

Pedestrian Access

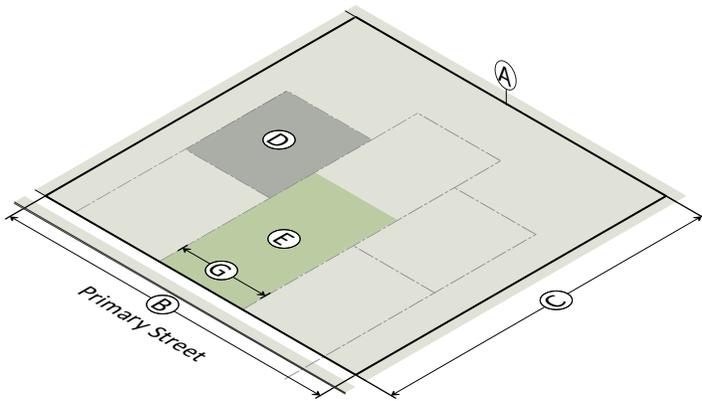
Ⓓ Entrance facing primary street (each ground floor unit)	Required
---	----------

Building Elements

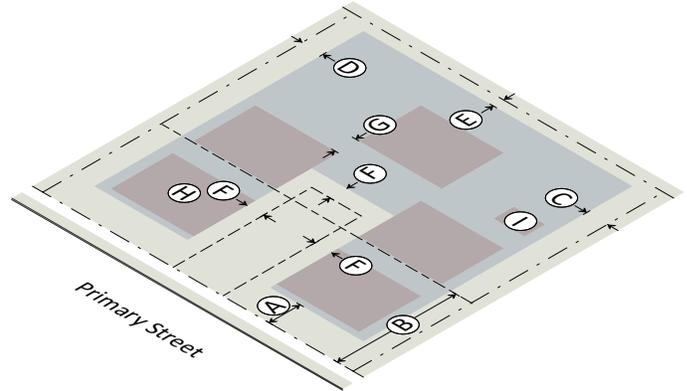
Porch	Allowed
Stoop	Allowed
Balcony	Allowed
Gallery	Not allowed
Awning/Canopy	Not allowed
Forecourt	Not allowed

3.11. Cottage Court

1. Lot



2. Placement



Site Dimensions

Ⓐ Site area (min)	22,500 SF
Site area per detached house (min)	4,500 SF
Detached houses per site (max)	9
Ⓑ Site width (min)	150'
Ⓒ Site depth (min)	150'

Lot Dimensions

Ⓓ Lot area (min)	1,200 SF
------------------	----------

Courtyard

Ⓔ Area (min)	3,000 SF
Ⓕ Courtyard area per detached house (min)	600 SF
Ⓖ Width (min)	40'

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

Building Setbacks

Ⓐ Primary street: principal building (min)	15'
Ⓑ Primary street: accessory structure (min)	50'
Ⓒ Side street (min)	10'
Ⓓ Side interior (min)	5'
Ⓔ Rear (min)	10'
Ⓔ Rear, alley	4' or 20' min

Courtyard Encroachment

Ⓕ Porch including steps (max)	8'
Ⓕ Balcony (max)	6'

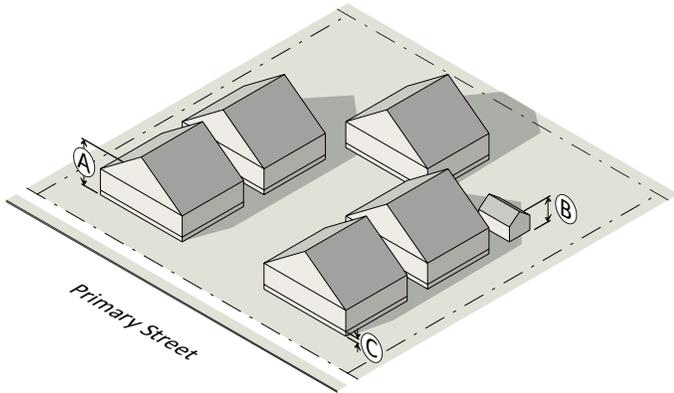
Placement Limitations

Ⓖ Building separation (min)	10'
Ⓖ Principal building footprint (max)	1,200 SF
Ⓖ Accessory structure footprint (max)	150 SF

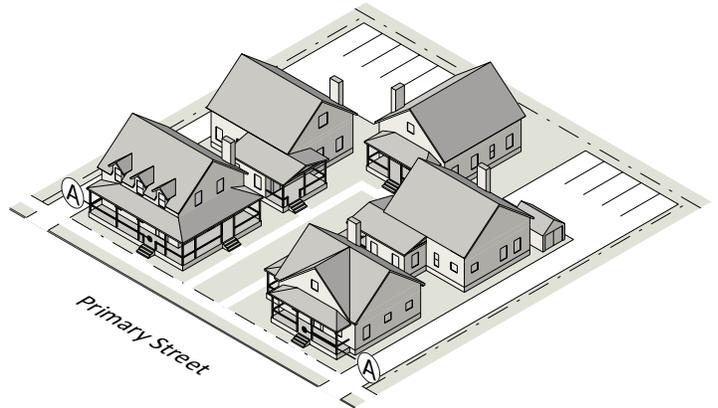
Parking Location

On-site parking not allowed between the building & the street

3. Height and Mass



4. Activation

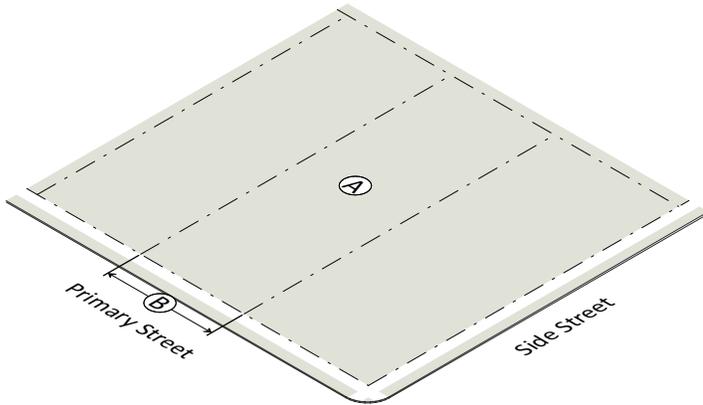


Building Height	
Ⓐ Principal building (max)	1 story / 25'
Ⓑ Accessory structure (max)	18'
Story Height	
Ⓒ Ground floor elevation (min/max)	2'/4'

Pedestrian Access	
Ⓐ Entrance facing primary street	Required for end units
Building Elements	
Porch	Allowed
Stoop	Allowed
Balcony	Allowed
Gallery	Not allowed
Awning/Canopy	Not allowed
Forecourt	Not allowed

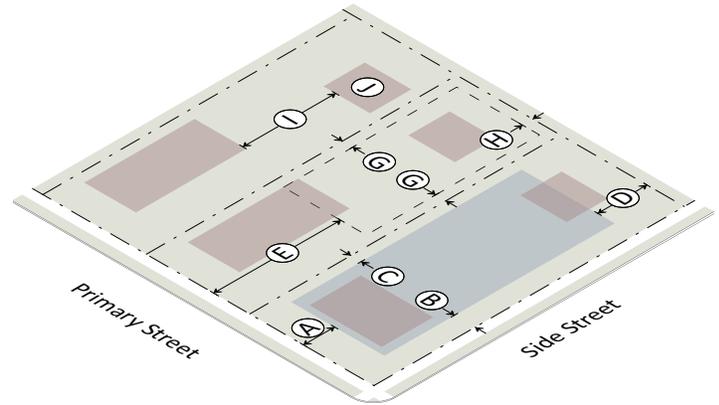
3.12. Detached House

1. Lot



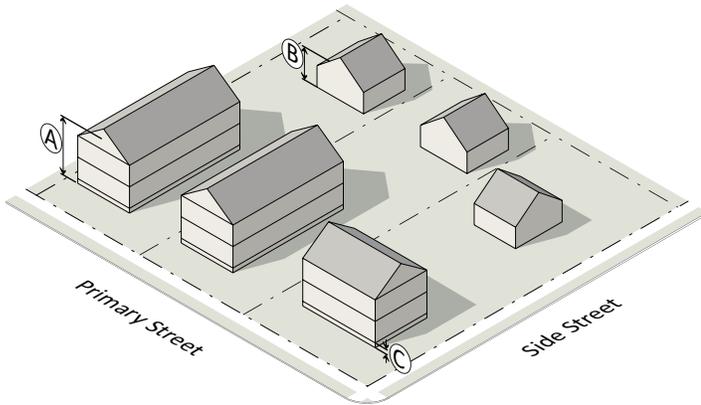
Lot Dimensions	
Ⓐ Lot area (min)	7,500 SF
Ⓐ Lot area - rear loaded (min)	5,000 SF
Ⓑ Lot width (min)	50'
Ⓑ Lot width - rear loaded (min)	40'
Lot Parameters	
Ⓒ Dwelling units per lot (max)	1

2. Placement



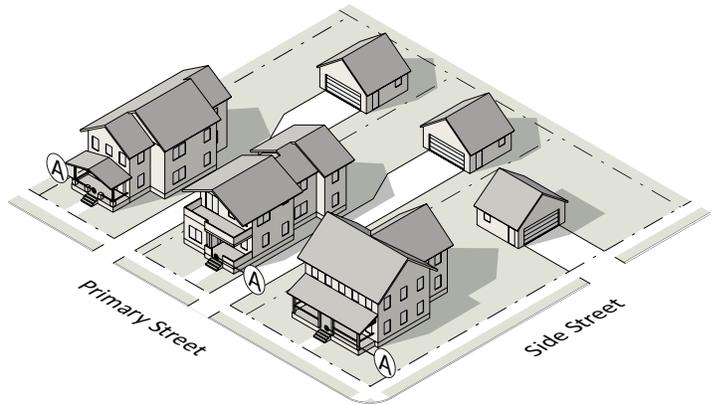
Principal Building Setbacks	
Ⓐ Primary street (min)	15'
Ⓑ Side street (min)	10'
Ⓒ Side interior (min)	5'
Ⓓ Rear (min)	20'
Ⓓ Alley	4' or 20' min
Accessory Structure Setbacks	
Ⓔ Primary street (min)	50'
Ⓕ Side street (min)	10'
Ⓖ Side interior (min)	5'
Ⓗ Rear (min)	5'
Ⓗ Alley	4' or 20' min
Accessory Structure Limitations	
Ⓘ Building separation (min)	10'
⓵ Building footprint (max)	450 SF
Parking Location	
On-site parking not allowed between the building & the street	

3. Height and Mass



Building Height	
Ⓐ Principal building (max)	2 stories / 35'
Ⓑ Accessory structure (max)	25'
Story Height	
Ⓒ Ground floor elevation (min/max)	2'/4'

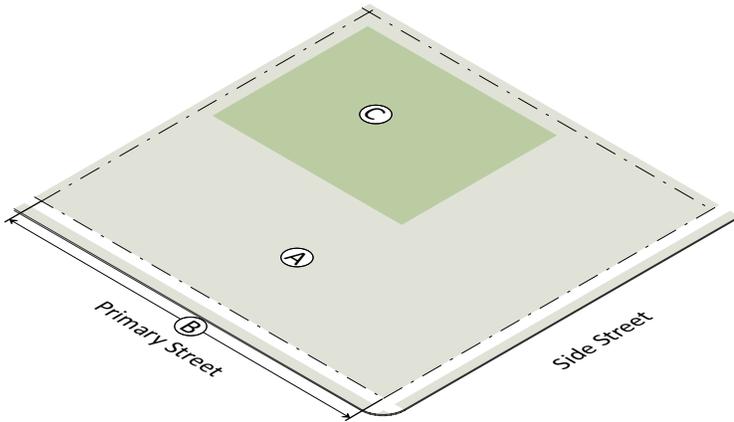
4. Activation



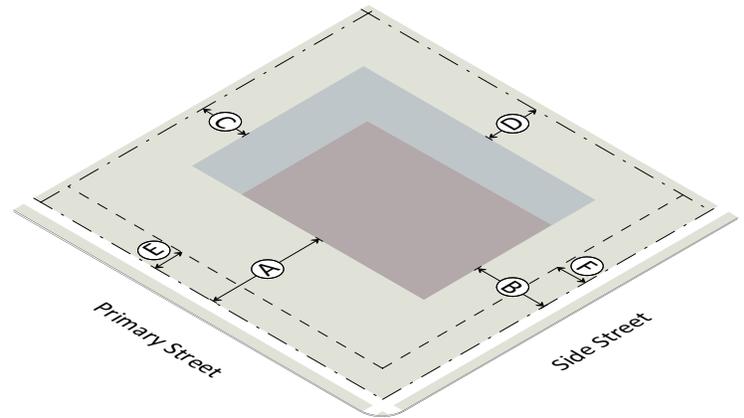
Pedestrian Access	
Ⓐ Entrance facing primary street	Required
Building Elements	
Porch	Allowed
Stoop	Allowed
Balcony	Allowed
Gallery	Not allowed
Awning/Canopy	Not allowed
Forecourt	Not allowed

3.13. Special Rules for the GC-3 District

1. Lot



2. Placement

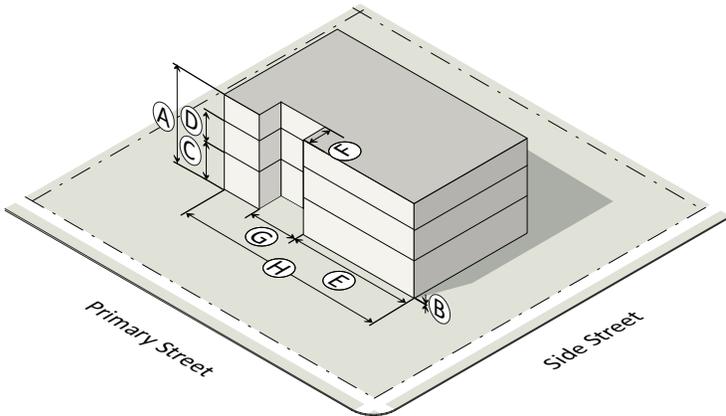


Lot Dimensions	
Ⓐ Lot area (min)	5,000 SF
Ⓑ Lot width (min)	50'
Lot Parameters	
Ⓒ % of outdoor amenity space (min)	35%

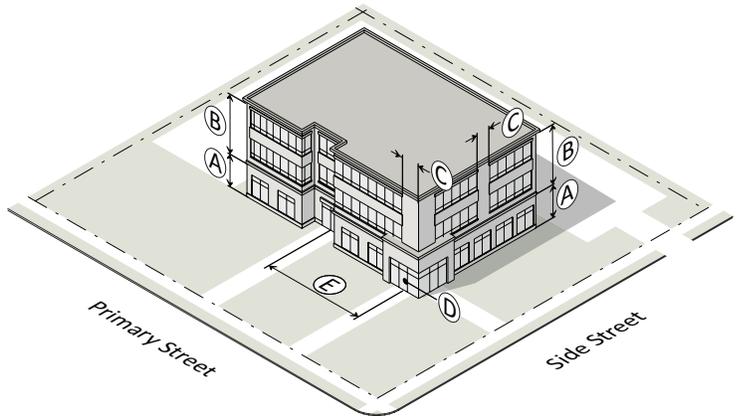
Building Setbacks	
Ⓐ Primary street (min)	50'
Ⓑ Side street (min)	25'
Ⓒ Side interior (min)	15'
Ⓓ Rear (min)	15'

Parking Setbacks	
Ⓔ Primary street (min)	50'
Ⓕ Side street (min)	10'
On-site parking not allowed between the building & the street	

3. Height and Mass



4. Activation



Building Height

Ⓐ Building height (max)	3 stories / 40'
Reduced height may be required when abutting a protected district (see Sec. 3.3.O)	

Story Height

Ⓑ Ground floor elevation (min/max)	
Residential	2'/4'
Nonresidential	0'/2'
Ⓒ Ground story height, floor to ceiling (min)	
Residential	9'
Nonresidential	11'
Ⓓ Upper story height, floor to ceiling (min)	9'

Building Mass

Ⓔ Street-facing wall length without offset (max)	100'
Ⓕ Street-facing wall offset depth (min)	4'
Ⓖ Street-facing wall offset length (min)	8'
Ⓗ Building length, street-facing facade (max)	120'
Ⓘ Building separation	30'

Transparency

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

Pedestrian Access

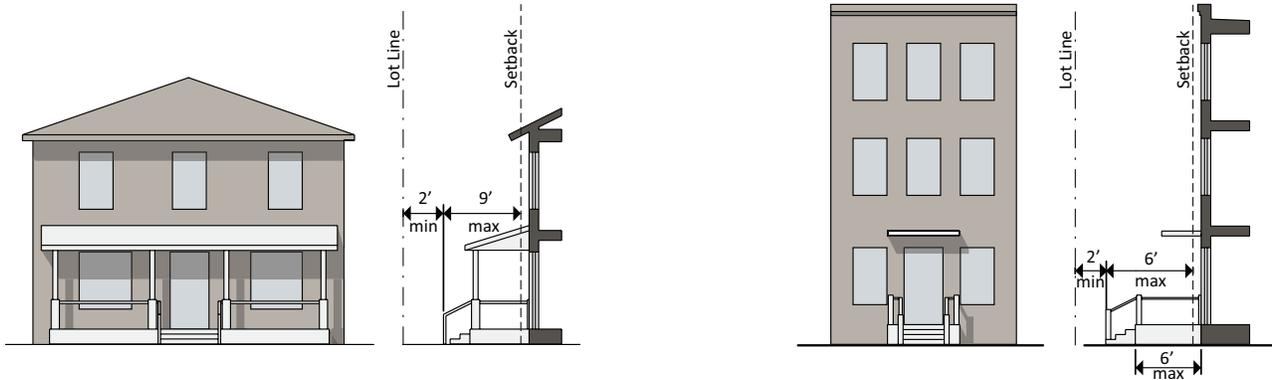
Ⓓ Entrance facing primary street	Required
Ⓔ Entrance spacing along primary street (max)	100'

Allowed Building Elements

Porch	Yes
Stoop	Yes
Balcony	Yes
Gallery	Yes
Awning/Canopy	Yes
Forecourt	Yes

3.14. Building Elements

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



A. Porch

1. Defined

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

2. Standards

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

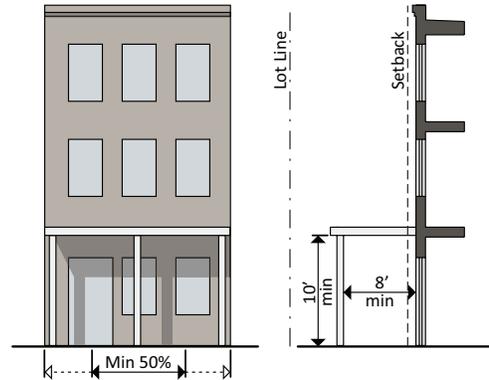
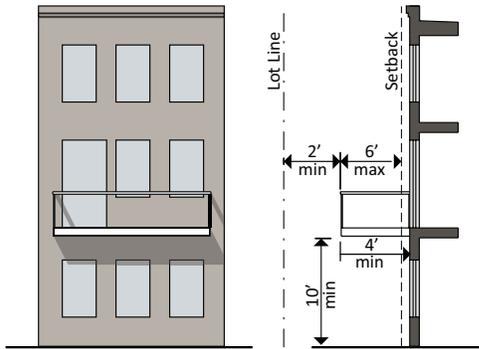
B. Stoop

1. Defined

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

2. Standards

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



C. Balcony

1. Defined

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

2. Standards

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

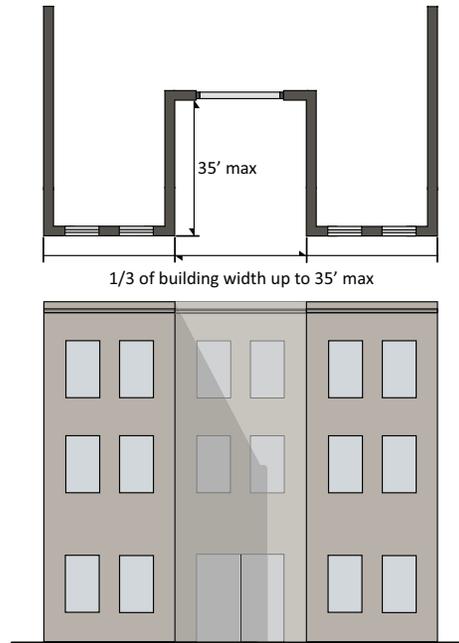
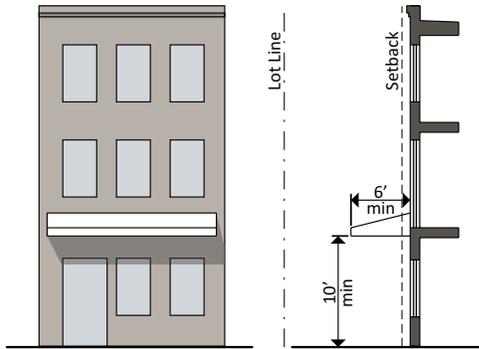
D. Gallery

1. Defined

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

2. Standards

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



E. Awning/Canopy

1. Defined

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

2. Standards

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

F. Forecourt

1. Defined

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

2. Standards

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

Section 4. Land Use

4.1. Permitted Uses

- A. Section 4 establishes the principal and accessory uses allowed in each district. A lot or building must be occupied with only the principal uses allowed on the permitted use table in [Sec. 4.4](#). Accessory uses and structures are allowed in conjunction with an allowed principal use under [Sec. 4.2](#).
- B. Any one or more uses allowed in a district may be established on any lot within that district, subject to the permitted use table, and in compliance with all applicable requirements of this Code.

4.2. Accessory Uses

- A. Accessory uses and structures must be accessory and clearly incidental and subordinate to a permitted principal use or building.
- B. No accessory use or structure may be established prior to the establishment of a permitted principal use or building.
- C. The Building and Planning Coordinator is authorized to determine when a use or structure is accessory. In order to classify a use or structure as accessory, the Building and Planning Coordinator must determine that the use or structure:
 1. Is subordinate to the principal use or building in terms of area, extent and purpose;
 2. Contributes to the comfort, convenience or necessity of occupants of the principal use or building served;
 3. Is located on the same lot as the principal use or building, or on a contiguous lot in the same ownership;
 4. Does not involve operations not in keeping with the character of the principal use or building served; and
 5. Is not of a nature likely to attract visitors in larger numbers than would normally be expected for the principal use or building.
- D. All accessory structures must meet the setback and height requirements of [Section 3, Buildings](#).

4.3. Use Limitations

A. Uses Allowed in a Civic Building Type

Only the specifically identified public/civic uses listed in [Sec. 4.4](#) are allowed in a civic building type.

B. Drive-Through Service Establishment

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

C. Parking Garage

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

D. Auto Service/Fueling Station, Gasoline Service

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

4.4. Permitted Use Table

Uses are allowed by district as shown below, unless otherwise prohibited as regulated by Section. 3.1, Building Types.

	DN-4	DC-4	DX-3	GC-3	RA-3	DA-2	DR-2	DP-2	RA-2	RD-2	OS	Use Limitations
Residential Uses												
Dwelling, one family			●		●		●		●	●		
Nursing or convalescent home	●		●		●		●					
Senior housing	●		●		●		●		●	●		
Public/Civic Uses												
Area of public assembly		●										
Cemetery											●	
Church, rectory (place of worship)	●	●	●	●	●	●	●	●	●	●		Sec. 4.3.A
College/educational facility	●	●	●	●								Sec. 4.3.A
Day-care center, adult	●	●	●	●		●						
Day-care center, child	●	●	●	●		●						
Library	●	●	●	●				●				Sec. 4.3.A
Municipal building	●	●	●	●		●		●				
Museum	●	●	●	●				●				Sec. 4.3.A
Nursery school	●	●	●	●		●						
Park, playground	●	●	●	●	●	●	●	●	●	●	●	
School (K-12)	●	●	●	●	●	●	●	●	●	●	●	Sec. 4.3.A
Utility structures/lines, minor	●	●	●	●	●	●	●	●	●	●	●	
Utility structures/lines, major	○	○	○	○		○						
Commercial Uses												
Animal hospital	●		●	●		●		●				
Automatic laundry/laundromat	●		●			●						
Bank	●		●	●		●		●				
Boutique hotel	●		●	●								
Business office	●	●	●	●		●						
Club/lodge	●	●	●	●		●						
Conference center	●	●	●	●		●						
Convenience store, no gas	●		●			●		●				
Drive-through service establishment	○		○	●		●						Sec. 4.3.B
Drugstore	●		●			●		●				
Dwelling, multifamily	●		●		●	●	●	●	●			
Fitness center	●		●			●		●				
Funeral home	●		●	●		●						

KEY: ● = Permitted Use ○ = Special Use Permit Blank Cell = Use not permitted

	DN-4	DC-4	DX-3	GC-3	RA-3	DA-2	DR-2	DP-2	RA-2	RD-2	OS	Use Limitations
Grocery store	●		●			●						
Hotel	●											
Indoor recreation	●		●	●		●						
Medical center	●	●	●	●		●		●				
Parking garage	●	●	●				●					Sec. 4.3.C
Personal service shop	●		●			●		●				
Professional office	●	●	●	●		●		●				
Restaurant	●		●			●		●				
Retail business	●		●			●		●				
Theater	●	●	●									
Heavy Commercial Uses												
Auto service/fueling station						●						Sec. 4.3.D
Automotive repair						●						
Car wash						○						
Gasoline service						●						Sec. 4.3.D
Laboratory	●		●	●		●						
Research and development	●	●	●	●		●						
Technology/research office	●	●	●	●		●						

KEY: ● = Permitted Use ○ = Special Use Permit Blank Cell = Use not permitted

Section 5. Sites

5.1. Parking

A. Applicability

1. General

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

2. Additions

- a. A building or site may be renovated or repaired without providing additional parking, provided there is no increase in gross floor area or improved site area.
- b. When a building, use or site is increased in gross floor area or improved site area, parking is required for the additional floor or site area only.
- c. When the gross floor area or improved site area is increased by more than 50% cumulatively, both the existing use and the additional floor or site area must conform to the parking requirements of this Code.

3. Change in Use

- a. A change in use must comply with the parking requirements unless the use has the same or a lesser parking demand than the previous use.
- b. Where required parking spaces for the new use exceed the required parking spaces for the existing use, additional parking is only required for the difference between the current parking spaces required and the parking spaces required for the new use.

B. Vehicle Parking

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

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

2. Outdoor dining located in the build-to zone or a forecourt allowed under [Sec. 3.14.F](#) are exempt from the calculation of required vehicle parking spaces.
3. In each parking lot or garage containing over 100 parking spaces, at least 2 spaces within the 10 spaces closest to the primary entrance to the building must be reserved for a hybrid or electric vehicle, and must have a sign indicating that reservation.

C. Location of Parking

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

1. On-Street Parking

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

2. Remote Parking

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

D. Bicycle Parking

1. Multifamily

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

2. Nonresidential

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

Size of Use	Required Spaces
0 to 5,000 square feet of gross floor area	2
5,001 to 10,000 square feet of gross floor area	3
10,001 to 30,000 square feet of gross floor area	4
30,001 square feet or more of gross floor area	6

- b. Required bicycle parking spaces must be publicly accessible and be located no more than 100 feet from the building entrance the bicycle parking space is intended to serve.
- c. Required bicycle parking spaces may be placed on private property or within the public right-of-way. Facilities in the right-of-way must be approved by the Town Engineer, County Engineer or NYSDOT, as applicable.

3. Bicycle Parking Facilities

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

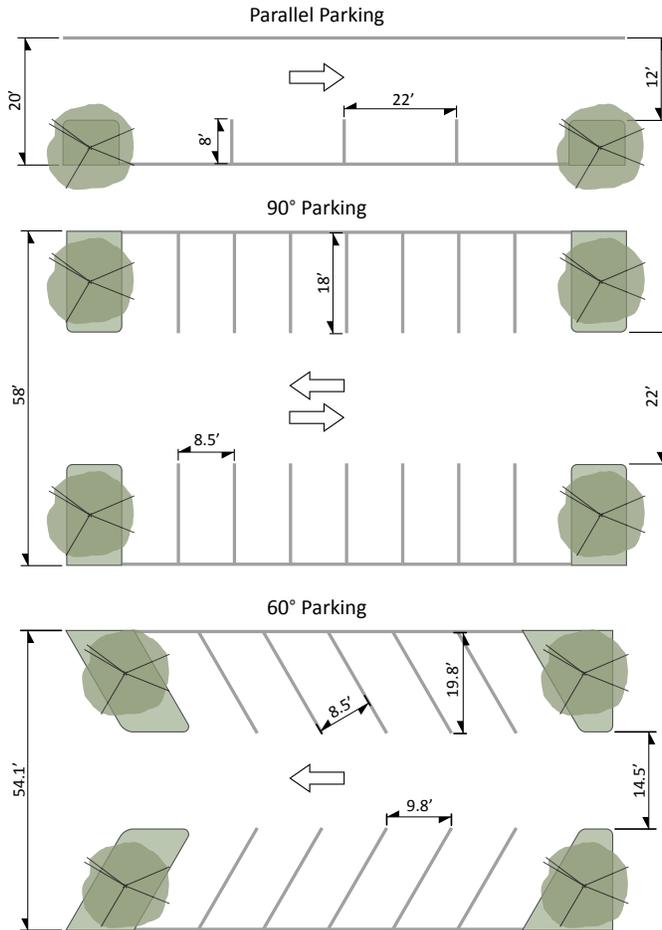
- a. Each required bicycle parking space is at least 2 feet by 6 feet.
- b. Bicycle racks are securely anchored, are easily usable with both U-locks and cable locks and support a bicycle at two points of contact to prevent damage to the bicycle wheels and frame.
- c. Where a bike can be locked on both sides without conflict, each side can be counted as a required space.
- d. Spacing of the racks provides clear and maneuverable access.

E. Drive-Through Vehicle Stacking

1. A restaurant with a drive-through must provide at least 4 queuing spaces, measured from the first pick up window.
2. A bank with a drive-through must provide at least 3 queuing spaces per drive-through lane, measured from the teller box or window.
3. All other uses will be determined by the Town Engineer.

F. Stall Size and Drive Aisle Dimensions

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



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

G. Parking Lot Landscaping

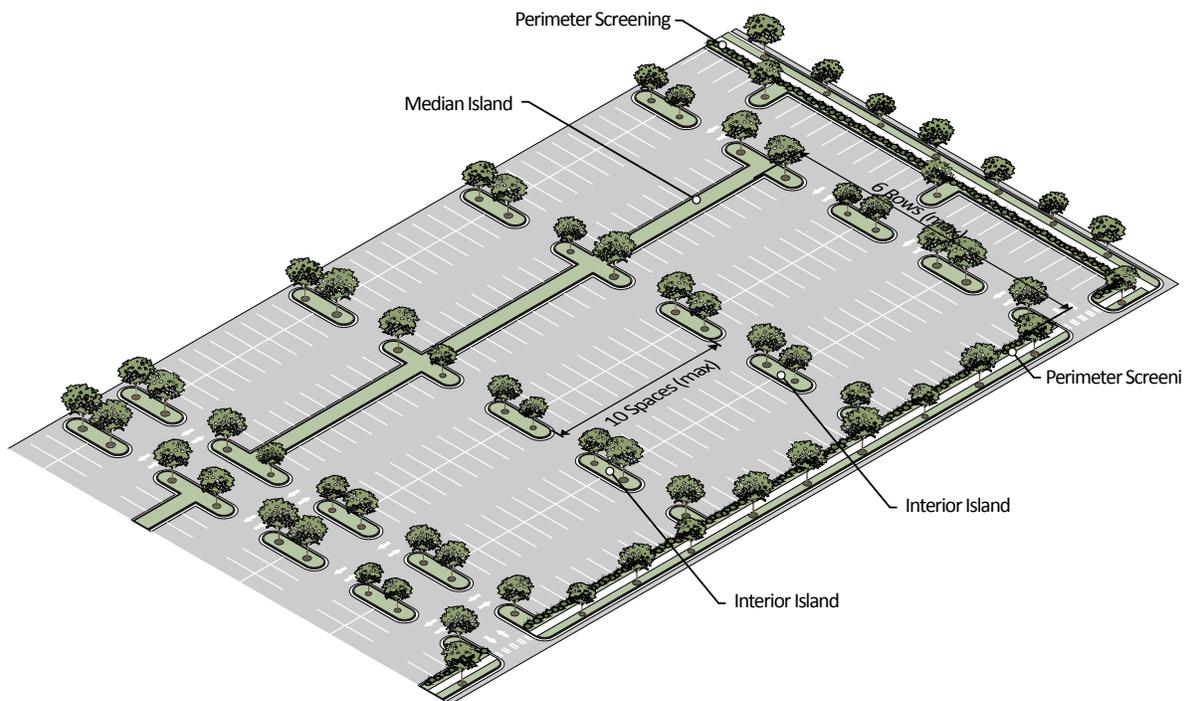
1. Applicability

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

2. Perimeter Screening

All surface parking lots with frontage on any portion of a street right-of-way (not including an alley) must be screened with the following:

- a. A minimum 10-foot wide, landscaped area with a continuous row of shrubs must be provided between the street and parking lot.
- b. Shrubs must be a minimum of 18 inches in height when planted and must reach a minimum size of 36 inches in height within 3 years of planting.
- c. A 36-inch wall in a minimum 5-foot planting strip may be substituted for the continuous row of shrubs.
- d. Breaks for pedestrian and vehicle access are allowed.



3. Interior Islands

- a. A landscaped interior island must be provided every 10 parking spaces. Interior islands must be distributed evenly throughout the parking area. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.
- b. An interior island abutting a double row of parking spaces must be a minimum of 8.5 feet in width and 300 square feet in area.
- c. An interior island abutting a single row of parking spaces must be a minimum of 8.5 feet in width and 150 square feet in area.
- d. Interior islands must be installed below the level of the parking lot surface to allow for runoff capture.

4. Median Islands

- a. A landscape median island must be provided between every 6 single parking rows.
- b. A landscape median island must be a minimum of 5 feet wide.
- c. A median island may also serve as the location for a sidewalk. In such case, the sidewalk must be a minimum of 6 feet wide, and the remaining planting area must be no less than 5 feet wide.

- d. Median islands may be consolidated or intervals may be expanded in order to preserve existing trees.
- e. Median islands must be installed below the level of the parking lot surface to allow for runoff capture.

5. Tree Coverage

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

6. Maintenance and Installation

All required parking lot landscaping must meet the maintenance and installation requirements of [Sec. 5.2.E](#) and [Sec. 5.2.F](#).

H. Surfacing

1. Impervious Materials

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

2. Pervious Materials

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

3. Curbs and Drainage

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

I. Vehicle Loading Areas

1. Loading Not Required

If determined necessary by the Town Engineer, adequate space must be made available on-site for the unloading and loading of goods, materials, items or stock for delivery and shipping.

2. Location

If a loading area is provided it must meet the following standards.

- a. The loading area must be located on the same lot occupied by the use served and must be accessible from a public street or alley.
- b. The loading area must be located to the side or rear of buildings. Loading areas may not be placed between the street and the associated building.

- c. With the exception of areas specifically designated by the Town, loading and unloading activities are not permitted in the public right-of-way.
- d. Loading and unloading activities may not encroach on or interfere with the use of sidewalks, drive aisles, queuing areas and parking areas by vehicles or pedestrians.

J. Cross-Access

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

1. Cross-access for vehicles is required between abutting lots along Route 9 and Highway 67.
2. A stub for future vehicular cross-access must be provided to all abutting vacant land.
3. When vehicular cross-access is deemed impractical by the Town Engineer on the basis of topography, the presence of natural features, or vehicular safety factors, the requirement for cross-access may be waived.
4. Property owners who establish cross-access easements must:
 - a. Record an easement allowing cross-access to and from properties served by the cross-access easement.
 - b. Record a joint maintenance agreement defining the maintenance responsibilities of each property owner.

5.2. Landscaping and Screening

A. Applicability

1. General

No permit for the construction, reconstruction, extension, or alteration of any building, structure, or use of land, and no building or land, or any part of any building or land, may be occupied or used until landscaping and screening has been provided in accordance with the requirements of this Code, including [Sec. 6.1\(D\)](#) and [Sec. 3.3\(O\)](#).

2. Additions

- a. A building or site may be renovated or repaired without providing additional landscaping and screening, provided there is no increase in gross floor area or improved site area.
- b. When the gross floor area or improved site area is increased, landscaping and screening is required for the additional floor or site area only.
- c. When the gross floor area or improved site area is increased by more than 50% cumulatively, both the existing use and the additional floor or site area must conform to the landscaping requirements of this Code.

3. Change in Use

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

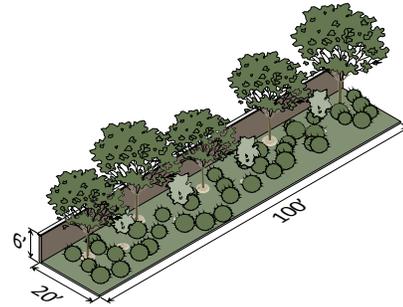
B. Transitional Buffer

1. Applicability

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

2. Required Buffer

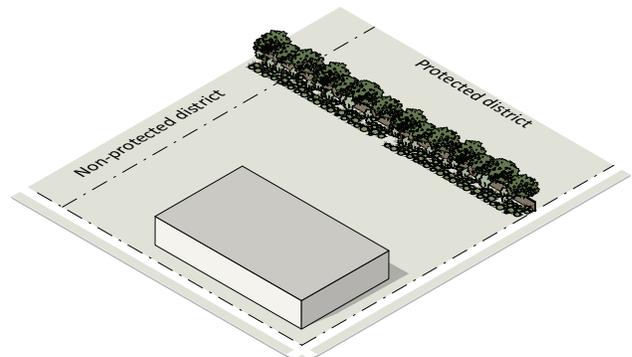
The following transitional buffer is required along a perimeter lot line that abuts a protected district.



Depth (min)	20'
Wall Height (min)	6'
Shade Trees (min per 100')	5
Understory Trees (min per 100')	4
Shrubs (min per 100')	40
Shrub Height (min)	4'

3. General Provisions

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



- b. The width of the buffer strip is determined exclusive of any required setback; however, the required buffer may be located wholly or partially within a required setback.
- c. The parking of vehicles and the placement of buildings is not allowed in a required buffer. All required setbacks apply.

- d. No building may be located closer than 10 feet to a required buffer.
- e. Breaks for pedestrian and vehicle access are allowed subject to approval by the Building and Planning Coordinator.

4. Walls

Walls in a transitional buffer must meet the following standards.

- a. Walls must be constructed of high quality materials including one or a combination of the following: decorative blocks; brick; stone; cast-stone; split-faced block; stucco over standard concrete masonry blocks; glass block; or other material approved by the Building and Planning Coordinator.
- b. No walls containing more than 50% exposed standard concrete masonry blocks are allowed, whether painted or not.
- c. No wall can be located within any required drainage or utility easement.

5. Landscaping

- a. In the transitional buffer, 50% of required trees must be locally adapted evergreen species.
- b. Shrubs must be evergreen and be of a species that under typical conditions can be expected to reach a height and spread of 4 feet within 3 years of planting. All shrubs must be a minimum of 18 inches tall when planted.

C. Screening

1. Service Areas

- a. Trash collection, trash compaction, recycling collection and other similar service areas must be located to the side or rear of buildings and must be screened from view from adjacent property or public street right-of-way (not including an alley).
- b. Service areas that are fully integrated into a building must be screened with a roll down door or other opaque screen.
- c. Service areas that are not integrated into a building must be screened on 3 sides by a wall at least 6 feet in height and on the 4th side by a solid gate at least 6 feet in height.

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

2. Roof-Mounted Equipment

- a. Roof-mounted equipment must be screened from ground level view from adjacent property or adjacent public street right-of-way (not including an alley).
- b. New buildings must provide a parapet wall or other architectural element that screens roof-mounted equipment from ground level view.

3. Wall-Mounted Equipment

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

4. Ground-Mounted Equipment

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

D. Fences and Walls

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

- 1. Fences and walls may be placed up to the property line, and any posts or supporting rails must face inward toward the property being fenced.
- 2. A wall or fence located in a primary or side street setback cannot be more than 6 feet in height. The opacity of the wall or fence above 4 feet in height must not exceed 50%.
- 3. A wall or fence located in a side or rear setback cannot be more than 8 feet in height.
- 4. Walls must be constructed of high quality materials including one or a combination of the following: decorative blocks; brick; stone; cast-

stone; split-faced block; stucco over standard concrete masonry blocks; glass block; or other material approved by the Building and Planning Coordinator.

5. No wall containing more than 50% exposed standard concrete masonry block is allowed, whether painted or not.
6. Fences must be closed and be constructed of high quality materials including one or a combination of the following: wood, composite fencing; wrought iron, PVC vinyl; or other material approved by the Building and Planning Coordinator.
7. No wall or fence may be located within any required drainage or utility easement.
8. Barbed wire or concertina wire is not allowed.
9. Chain-link fences are not allowed in any primary or side street setback.

E. Plant Installation

1. General Provisions

- a. Plant materials must be hardy to zone 5 in accordance with the U.S. Department of Agriculture's Plant Hardiness Zone Map.
- b. Plant materials must be able to survive on natural rainfall once established with no loss of health.
- c. Tree height is measured from the top of the root ball to the tip of the main stem.
- d. Plant materials must be nursery-grown in accordance with good horticultural conditions under climatic conditions similar to those in the Town of Malta for at least two years. All plants shall be grown and harvested in accordance with the current American Standard for Nursery Stock.
- e. Planting methods must comply with planting standards established by the International Society of Arboriculture or an equal planting standard.
- f. Plant materials must not be invasive in the State of New York and the use of plant materials susceptible to invasive pests found in New York is discouraged.

2. Shade Trees

- a. All shade trees planted to meet the landscaping requirements must be a locally adapted species. Deciduous trees must have an expected mature height of 35 feet or greater and an expected mature crown spread of at least 30 feet or greater and evergreen trees must have an expected mature height of 30 feet or greater and an expected mature crown spread of at least 20 feet or greater unless subject to an overhead line in which case the mature height may be less.
- b. All shade trees planted to meet the landscaping requirements must, at the time of planting, for deciduous trees, have a minimum caliper of 3 inches and be at least 10 feet tall and for evergreen trees be at least 8 feet tall.

3. Understory Trees

- a. Understory trees planted to meet the landscaping requirements must be a locally-adapted species with an expected mature height of at least 15 feet and an expected mature crown spread of at least 15 feet.
- b. Single-stem understory trees planted to meet the landscaping requirements must, at the time of planting, for deciduous trees, have a minimum caliper of 1½ inches and be at least 6 feet tall, and for evergreen trees be at least 5 feet tall.
- c. Multi-stem understory trees planted to meet the landscaping requirements must, at the time of planting, be at least 6 feet tall for deciduous trees and 5 feet tall for evergreen trees.

F. Maintenance

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

5.3. Signs

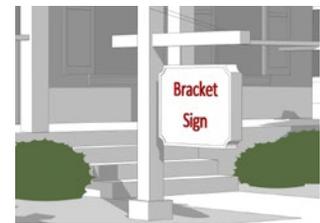
A. Applicability

1. No sign may be erected, altered, refurbished or otherwise modified after the effective date of this Code except in accordance with the requirements of this Section.
2. All signs must be located on the same lot as the permitted use and be clearly incidental, customary and commonly associated with the operation of the permitted use.
3. In addition to the following sign standards, the requirements of § 167-27. Signs apply, except for the following sections:
 - a. § 167-27D. Signs in Shopping Centers/Malls; and
 - b. § 167-27E2. Sandwich Board Signs;
4. All commercial sign changes must undergo project plan review, unless waived by the Code Enforcement Officer.



B. Signs in the Right-of-Way

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



C. Common Sign Plan

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

1. Colors;
2. Letter/graphics style;
3. Location of each sign;
4. Materials used in sign construction; and
5. Maximum dimensions and proportion.

D. Sign Types Allowed by District

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

	DN-4	DC-4	DX-3	GC-3	RA-3	DA-2	DP-2	RA-2	RD-2	OS
Wall Sign	●	●	●	●	▲	●	●	▲	▲	
Awning Sign	●	●	●	●		●	●			
Canopy Sign	●	●	●	●		●	●			
Projecting Sign	●	●	●	●		●	●			
Shingle Sign	●	●	●	●		●	●			
Window Sign	●	●	●	●		●	●			
Monument Sign	●			●	▲	●		▲	▲	
Bracket Sign	●	●	●	●	▲	●		▲	▲	●
Sidewalk Sign	●	●	●			●	●			●

KEY: ● = Sign type allowed ▲ = Excludes one-family dwellings Blank Cell = Sign type not allowed

E. Allocation of Overall Sign Area

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

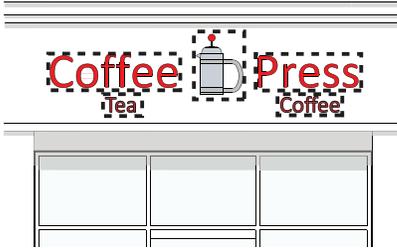
	DN-4	DC-4	DX-3	GC-3	RA-3	DA-2	DP-2	RA-2	RD-2	OS
Wall Sign	1 sf/ft of building length ⁽¹⁾	.5 sf/ft of building length ⁽¹⁾	1 sf/ft of building length ⁽¹⁾	.75 sf/ft of building length ⁽¹⁾	.5 sf/ft of building length ⁽¹⁾	.5 sf/ft of building length ⁽¹⁾	--			
Awning Sign										
Canopy Sign										
Projecting Sign										
Shingle Sign	9 sf	9 sf	9 sf	9 sf	--	9 sf	9 sf	--	--	--
Window Sign	30%	30%	30%	30%	--	30%	30%	--	--	--
Monument Sign	36 sf	--	--	36 sf	16 sf	36 sf	--	16 sf	16 sf	--
Bracket Sign	9 sf	9 sf	9 sf	--	9 sf	9 sf	--	9 sf	9 sf	9 sf
Sidewalk Sign	6 sf	6 sf	6 sf	--	--	6 sf	6 sf	--	--	6 sf

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

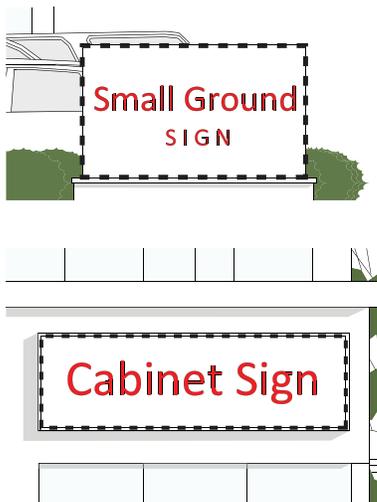
F. Computation of Sign Type Area

The area of a sign type is determined as follows.

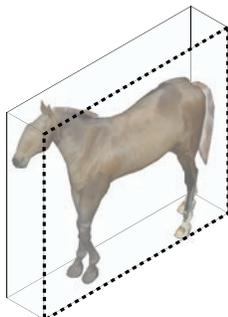
1. For signs consisting of freestanding letters or logos, sign area is calculated as the total area of the rectangle, circle or square that fully encloses each word or logo.



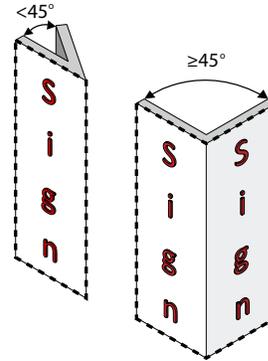
2. For cabinet signs and signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign face and the background used to differentiate the sign from the structure against which it is mounted. Sign area does not include any supports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



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



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

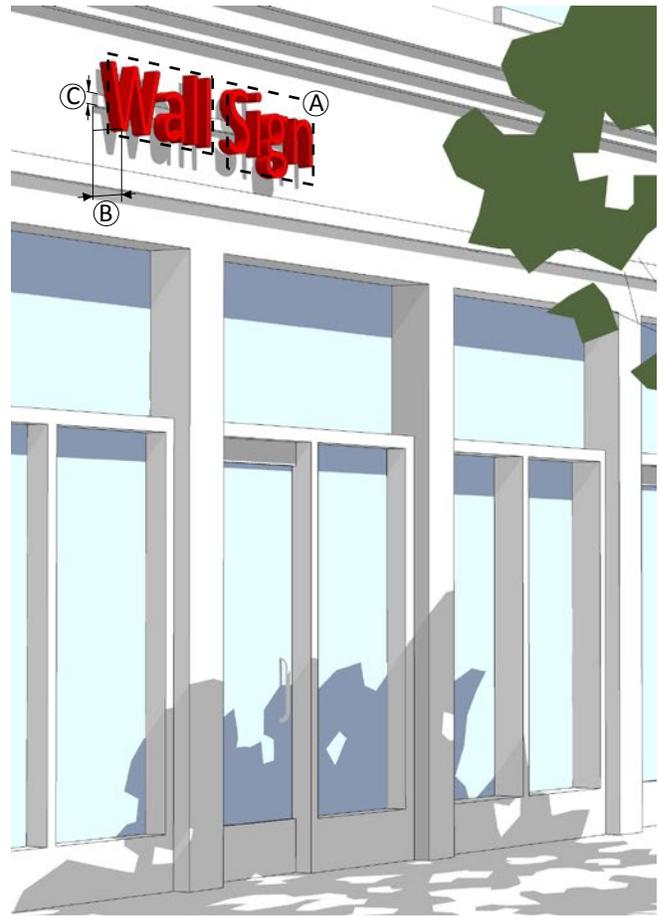


G. Measurement of Sign Height

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



H. Wall Sign



Description

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

General Provisions

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

Standards

(A) Overall area allocation (max)	See Sec. 5.3.E
(B) Projection - measured from building facade (max)	12"
(C) Raceway (max % of letter height)	50%

Multi-tenant Sign

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

I. Awning Sign



Description

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

General Provisions

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

Standards

(A) Overall area allocation (max)	See Sec. 5.3.E
(B) Width (max % of awning width/depth)	75%
(C) Height of text and graphics on valance (max)	2'
(D) Area of sloping plane covered by sign (max)	25%

J. Canopy Sign



Description

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

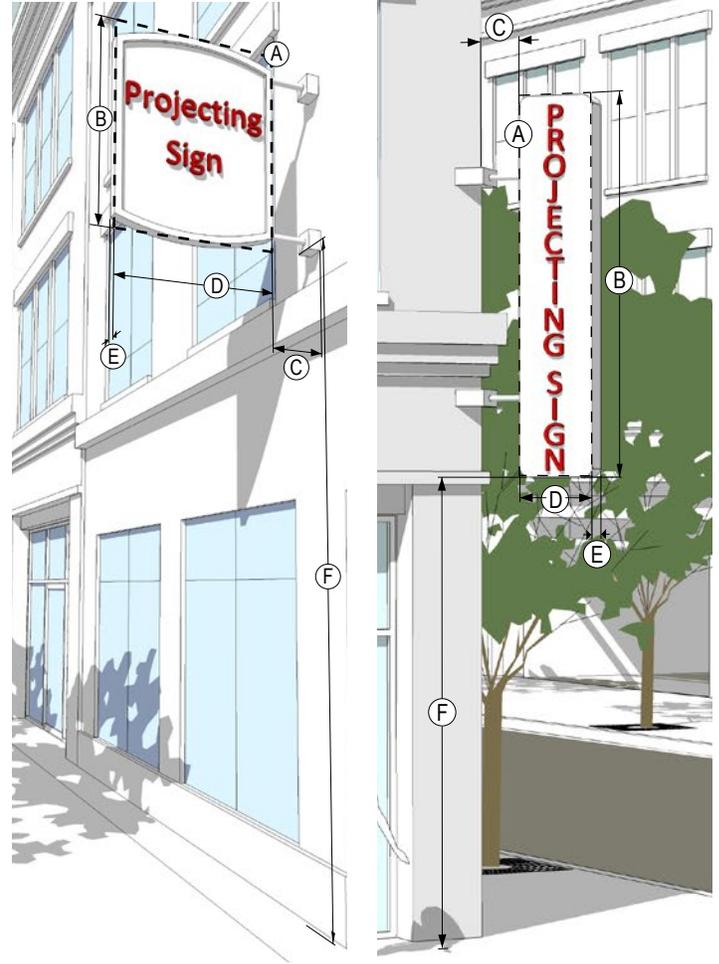
General Provisions

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

Standards

(A) Overall area allocation (max)	See Sec. 5.3.E
(B) Width (max % of canopy width)	75%
(C) Height of text and graphics (max)	2'
(D) Depth (max)	1'
(E) Raceway (max % of letter height)	50%
(F) Clear height above sidewalk (min)	10'

K. Projecting Sign



Description

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

General Provisions

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

Standards

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

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

L. Shingle Sign



Description

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

General Provisions

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

Standards

(A) Sign area (max per sign)	9 SF
(B) Height (max)	3'
(C) Spacing from building facade (min/max)	6"/12"
(D) Projection width (max)	3.5'
(E) Depth (max)	6"
(F) Clear height above sidewalk (min)	10'

M. Window Sign



Description

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

General Provisions

1. Window signs are only allowed on ground story windows and doors.
2. A window sign can only be internally illuminated in accordance with [Sec. 5.3.Q](#).

Standards

<p>Ⓐ</p>	<p>Area of all ground story windows and doors covered by signs (max combination of all windows and door covered by window signs)</p>	<p>30%</p>
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N. Monument Sign



Description

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

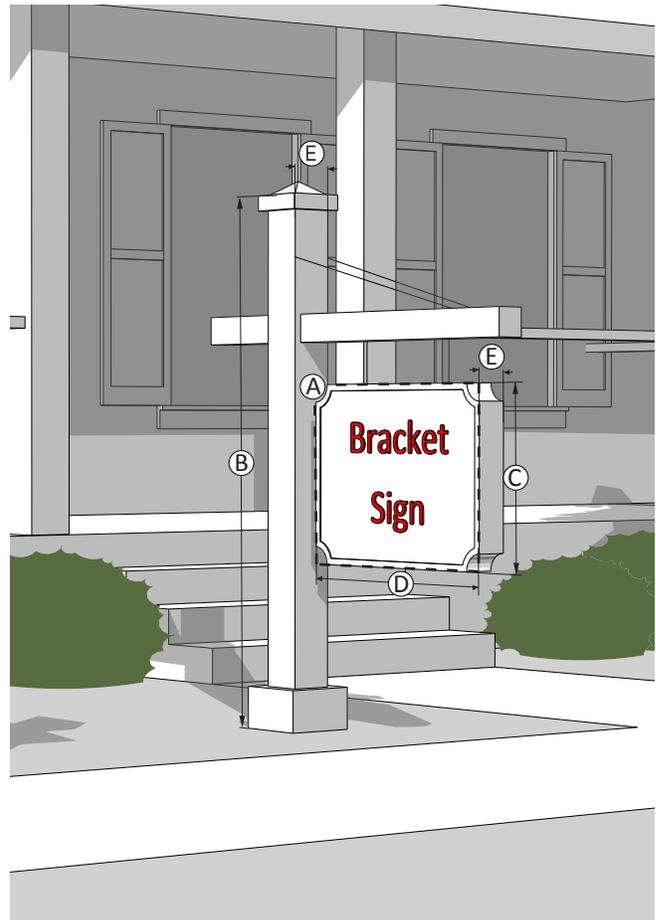
General Provisions

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

Standards

(A) Sign area (max per sign)	
DN-4, GC-3, DA-2	36 SF
RA-3, RA-2, RD-2	16 SF
(B) Height (max)	6'
(C) Depth (max)	18"

O. Bracket Sign



Description

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

General Provisions

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

Standards

(A) Sign area (max per sign)	9 SF
(B) Sign structure height (max)	5'
(C) Sign area height (max)	3'
(D) Sign area width (max)	3'
(E) Sign structure/area depth (max)	6"

P. Sidewalk Sign



Description

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

General Provisions

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

Standards

(A) Sign area (max per sign)	6 SF
(B) Height (max)	3'
(C) Width (max)	2'

Q. Sign illumination

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

1. External Illumination

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

2. Internal Illumination

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

3. Prohibited Light Sources

The following light sources are not allowed:

- a. Blinking, flashing and chasing; and
- b. Bare bulb illumination.

4. Raceways and Transformers

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



External light sources



Internally lit channel letters



Back lit channel letters



Internally lit cabinet signs with darker background

R. Nonconforming Signs

1. An existing sign may change the face or panel of the sign that does not meet the area or height standards of this Code. However, in no instance can there be an increase in the degree of nonconformity. All new panels must conform to all illumination standards of [Sec. 5.3.Q](#).
2. A sign must be brought into compliance with this Code if at any time the sign is altered, repaired, restored or rebuilt to the extent that the cost exceeds 50% of the estimated replacement cost of the sign (in current dollar value). All sign permits within any 6 consecutive calendar months will be aggregated for purposes of measuring the 50% standard.
3. If the repair is caused by involuntary damage or casualty, the sign may be repaired to any extent.

5.4. Site Lighting

A. Applicability

1. General

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

2. Additions

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

3. Change in Use

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

B. Light Level Measuring

1. Light levels are specified, calculated and measured in footcandles. All footcandle values are maintained footcandles.
2. Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up.

C. Prohibited Sources

The following light fixtures and sources cannot be used:

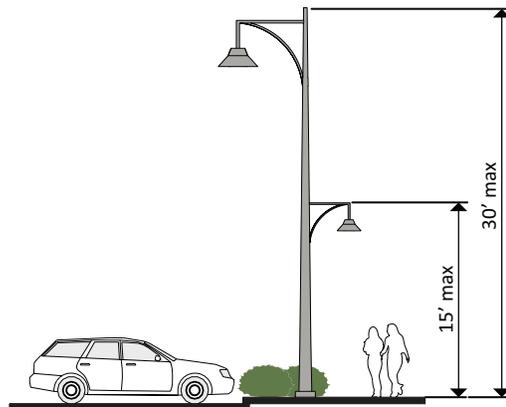
1. Cobra-head-type fixtures having dished or drop lenses or refractors;
2. Temporary searchlights and other high-intensity narrow-beam fixtures; and
3. Light sources that lack color correction or do not allow for uniform site lighting.

D. Design and Installation Requirements

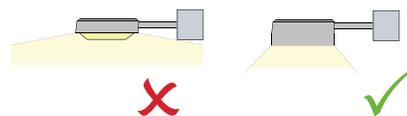
1. The maximum light level of any light fixture cannot exceed 0.5 footcandles measured at the property line of any protected district and 2.0 footcandles measured at the right-of-way line of a street.
2. Lighting must not be oriented onto adjacent properties, streets or sidewalks.
3. Service connections for all freestanding lighting fixtures must be installed underground.

E. Parking and Pedestrian Areas

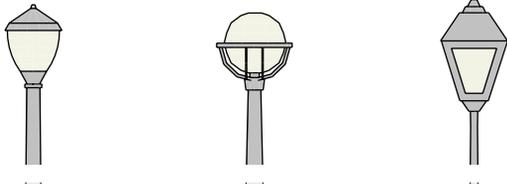
1. Light fixtures within parking areas may be no higher than 30 feet.
2. Light fixtures within pedestrian areas may be no higher than 15 feet.



3. Light fixtures located within 50 feet of the property line of a protected district may be no higher than 15 feet.
4. All light fixtures must be full cutoff, except as listed in paragraph 5. below.

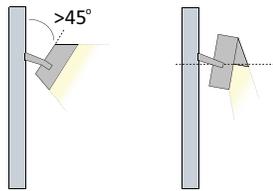


- Non-cutoff (unshielded) fixtures can be used when the maximum initial lumens generated by each fixture is less than 9500 initial lamp lumens. These fixtures must feature globes or vertical glass planes and must be coated with an internal white frosting to diffuse light.

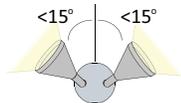


F. Flood Lights and Flood Lamps

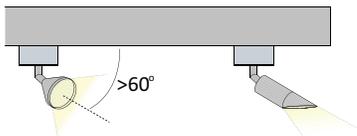
- Flood light fixtures must either be aimed down at least 45 degrees from vertical, or the front of the fixture shielded so that no portion of the light bulb extends below the bottom edge of the shield.



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



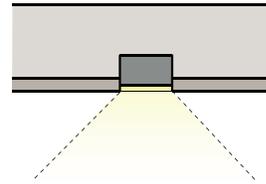
- All flood lamps emitting 1,000 or more lumens must be aimed at least 60 degrees down from horizontal, or shielded so that the main beam is not visible from adjacent properties or the street right-of-way.



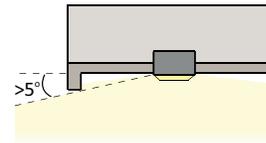
G. Vehicular Canopies

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

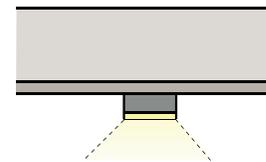
- Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface of the canopy;



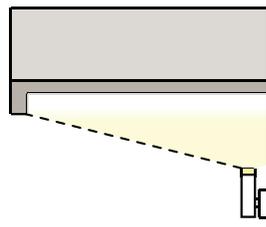
- Light fixture incorporating shields, or is shielded by the edge of the canopy itself, so that light is restrained to 5 degrees or more below the horizontal plane;



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



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



H. Building and Security Lighting

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



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

5.5. Outdoor Display and Storage

A. Applicability

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

B. Outdoor Display

1. Defined

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

2. Standards

Outdoor display is permitted in association with any permitted nonresidential principal ground floor use in accordance with the following provisions:

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

C. Outdoor Storage

1. Defined

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

- c. Outdoor storage includes the overnight outdoor storage of vehicles awaiting repair, RV's and boats, garden supplies, building supplies, plants, fleet vehicles and other similar merchandise, material, vehicles, or equipment.

2. Standards

- a. Outdoor storage is not permitted except with Planning Board approval.
- b. The Planning Board will determine where outdoor storage may be allowed on the site, and its extent (vertically and horizontally) must be shown on the project plan.

Section 6. Streets

6.1. General Provisions

A. Applicability

1. Section 6 provides guidelines for the construction of new streets and reconstruction of existing streets and is intended to provide a catalog of pre-approved street types.
2. All streets must be constructed with sidewalks, street trees, bike facilities, medians, travel lanes, and on-street parking as illustrated for each street type, unless an alternative is approved by the Town Engineer, County Engineer or NYSDOT, as applicable.
3. All streets must be constructed in accordance to standards provided in this code, as well as to the standards provided in Town of Malta's Standard Specifications for Roads and Highways, regardless of present or future intended ownership.
4. The street improvement process is as follows:
 - a. During project plan review, the Building and Planning Department Coordinator and Town Engineer will determine what percentage of street the applicant is responsible for improving.
 - b. The Building and Planning Department Coordinator and Town Engineer will coordinate with the applicant to determine the dollar amount for the cost of street improvements.
 - c. In accordance with Section 7.1 Project Plan Review (I), the applicant will post performance bonds in sufficient amounts and duration to ensure that street improvement identified by the application are completed in accordance with acceptable standards, specifications, and procedures acceptable to the Town.
 - d. Conditional on the submission of the performance bond to the Town Supervisor's office and with that office's approval, the applicant may proceed in the construction of its project.
 - e. Actual street improvement will not occur until at least 80% of the total cost has been secured through performance bonds supplied to the Town Supervisor's office. The Town will apply all collected performance bonds to final engineering and actual street improvement

B. Proposed Streets

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

C. Existing Streets

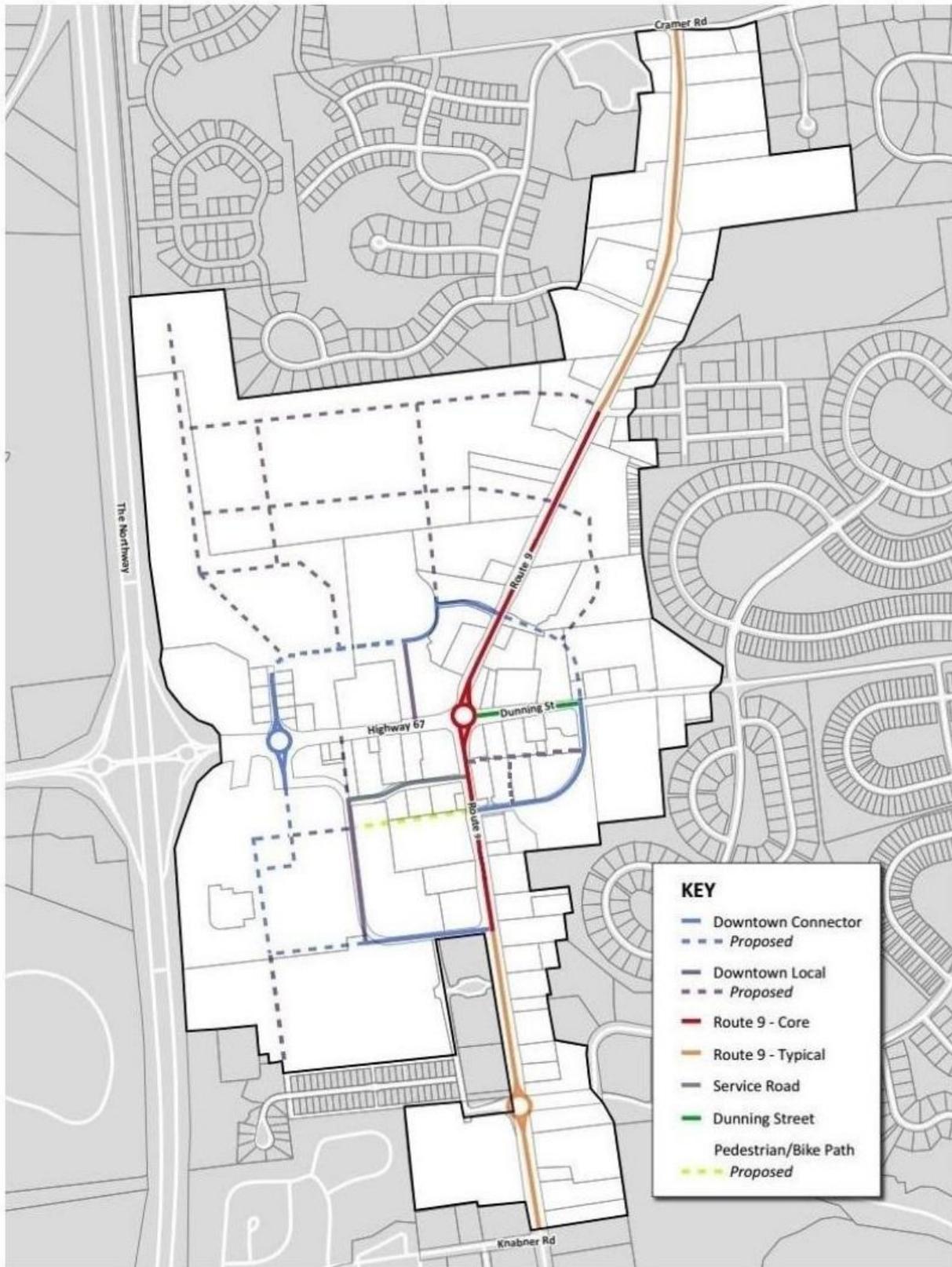
1. An existing street cannot be extended or substantially rebuilt, as determined by the Town Engineer, County Engineer or NYSDOT, as applicable, except in conformance with Section 6, Streets.
2. If an existing street does not need to be substantially rebuilt and the sidewalk and street trees do not meet the minimum requirements of the applicable street cross-section, sidewalk and street trees must be installed in conformance with Section 6, Streets.

D. Tree Planting

1. Unless otherwise noted below, all trees planted in accordance with this section must be shade trees, planted every 30 feet on center, on average.
2. Where overhead utilities exist, one understory tree may be planted every 20 feet on center, on average.
3. All required street trees must meet the installation and maintenance requirements of Sec. 5.2.E and Sec. 5.2.F.
4. A temporary certificate of compliance may be issued in accordance when the Town Engineer determines that due to the unavailability of plant material or weather concerns that planting of street trees would jeopardize the health of plant.

6.2. Downtown Future Street Map

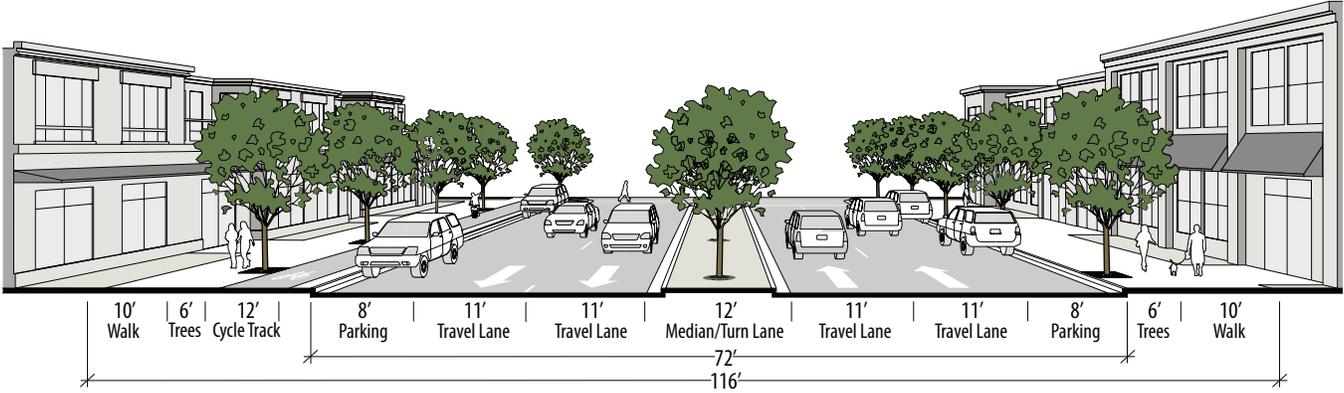
The following street types are established and mapped on the Downtown Malta Future Street Map.



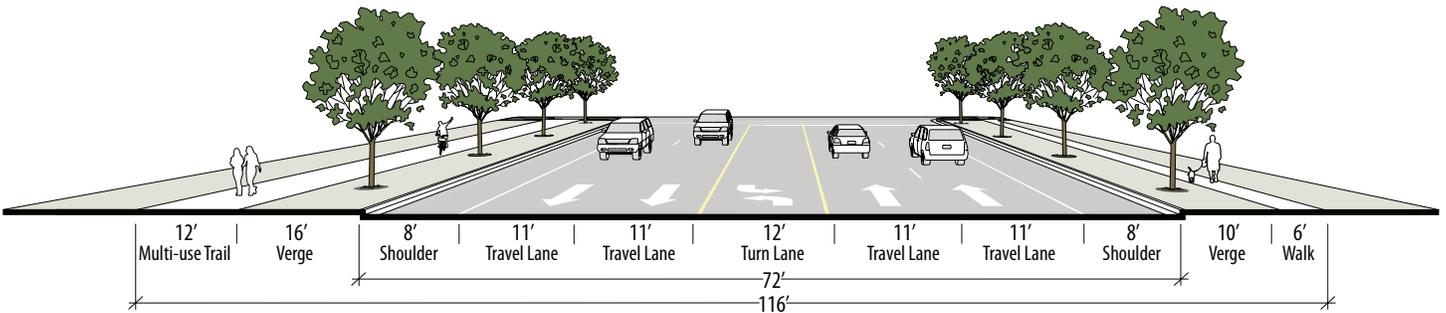
6.3. Street Types

The dimensional and installation requirements for the street types identified on the Future Street Map are shown on the following pages.

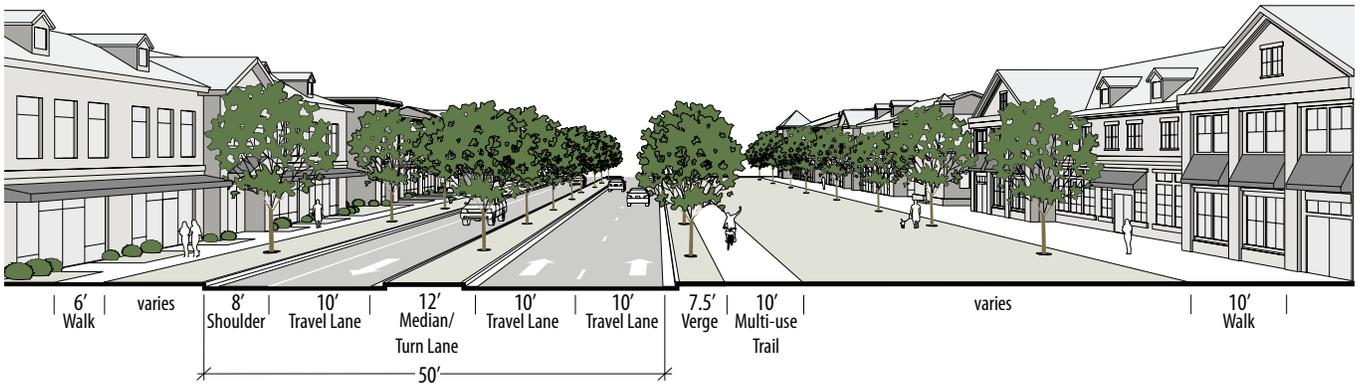
A. Route 9: Core



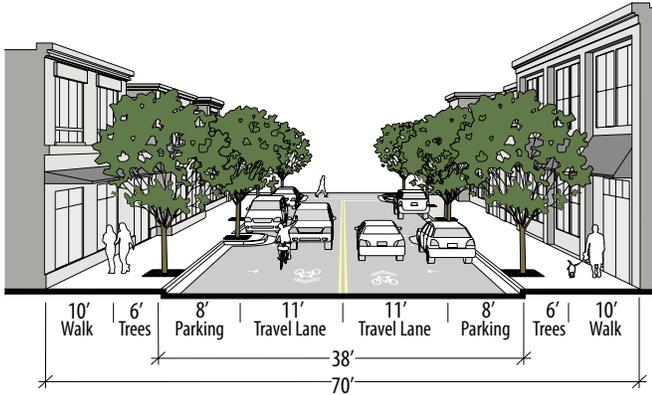
B. Route 9: Typical



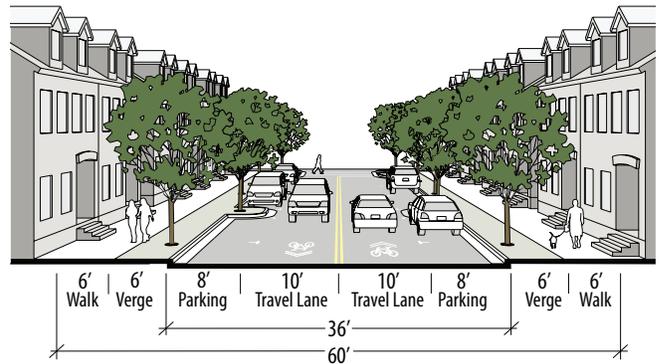
C. Dunning Street



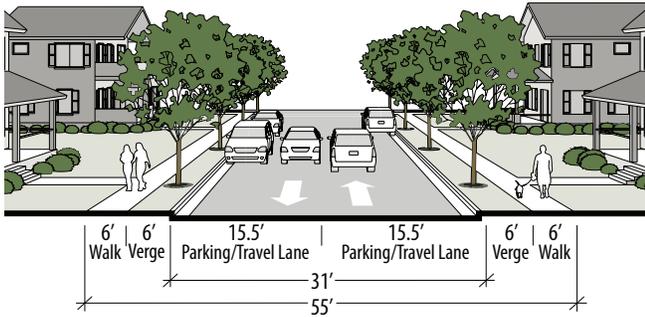
D. Downtown Connector



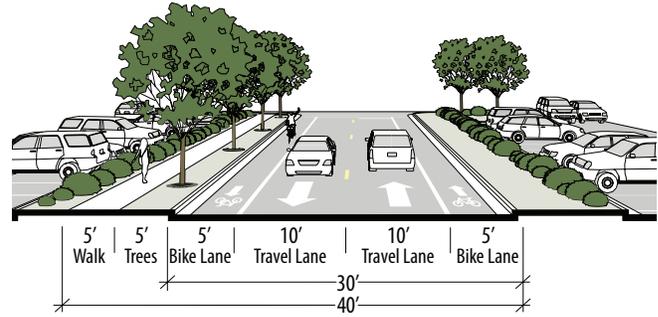
E. Downtown Local



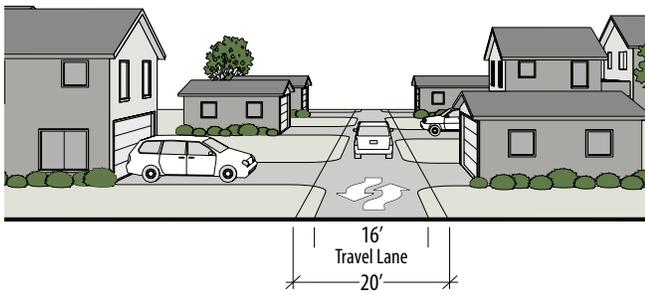
F. Downtown Residential



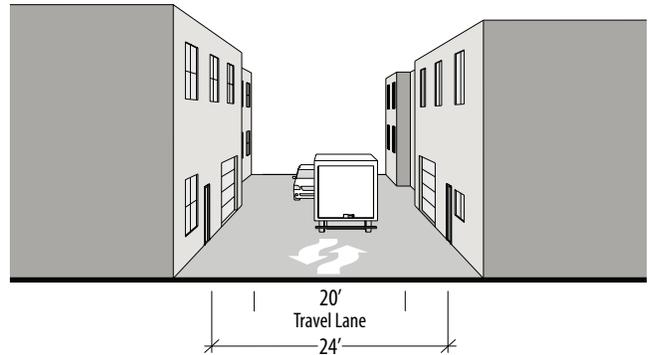
G. Service Street



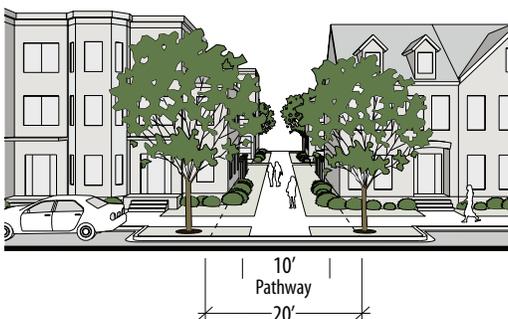
H. Residential Alley



I. Commercial Alley



J. Pedestrian / Bike Path



6.4. Street Alignment Modifications

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

- A. The requested modification does not increase congestion or compromise public safety.
- B. The requested modification does not decrease the number of connections to the overall street network.
- C. The requested modification does not create any lots without direct street frontage.
- D. The requested modification meets the following standards:
 1. A block perimeter may not exceed 2,640 linear feet as measured along the inner edges of each street right-of-way.
 2. A block length may not exceed 1,000 linear feet as measured along the inner edges of the street right-of-way from block to block corner.
 3. The maximum block length and perimeter may be extended by 50% where the block includes a pedestrian/bike passage that directly connects the two streets on each block face.
 4. As determined by the Town Engineer, a block may be bounded by a natural or man-made obstruction such as a limited access roadway, waterway, preexisting residential development, stream or stream buffer, required buffer, cemetery, open space or required easement. In such cases, consideration must be given to the establishment of pedestrian passages to any areas appropriate for public access.

Section 7. Administration

7.1. Project Plan Review

A. Applicability

1. Project Plan Review in accordance with Section 7 is required for the proposed construction, relocation, alteration or change of use of any building used within the boundaries of the Downtown Form-Based Code.
2. If a variance or special use permit is required for any proposed construction, relocation, alteration or change of use, a variance or special use permit application must be made pursuant to Article IX of the Town Zoning Code and approval granted prior to applying for Final Project Plan Review.

B. Authority

1. The Building and Planning Coordinator is authorized to approve applications for Project Plan Review within the boundaries of the Downtown Form-Based Code.
2. The Building and Planning Coordinator may delegate review of all or part of any applicable proposed Project Plan Review to others, including but not limited to planning staff, building staff, consultants or other such personnel or entities that may assist in review of a project plan for approval related to this Code. This provision applies wherever Building and Planning Coordinator authority is cited.

C. Pre-Application Conference

1. Prior to completion of project design and formal submittal of the required application, an applicant must schedule a pre-application conference with the Building and Planning Coordinator to discuss applicable procedures, standards and regulations of this Code or other regulations and requirements related to the proposed application.
2. A request by a potential applicant must be accompanied by preliminary project plans and designs, as identified in instructions to applicants by the Building and Planning Coordinator, and the required fees, escrow deposits, and any and all other applicant financial requirements delineated in Chapter 88 of Town Code, or as may be applicable elsewhere.

3. The Building and Planning Coordinator will inform the applicant of requirements as they apply to the proposed project, provide a preliminary list of issues that will likely be of concern during formal application review, suggest possible modifications to the project, and identify any technical studies that may be necessary for the review process when a formal application is submitted.
4. Any discussions held at the Pre-Application Conference are informal and shall not be binding on either the applicant or the Town.

D. Conceptual Review Meeting

1. Prior to completion of project design and formal submittal of the required application, an applicant must schedule a Conceptual Review Meeting to discuss the project with the Planning Board.
2. The Conceptual Review Meeting shall be open to the public with opportunity to comment on the proposed development. The public, including adjacent property owners, shall be notified of the meeting in accordance with the procedures set forth in § 143-3(B)(2)(c) of the Town Subdivision Regulations and § 167-38.1(D)(1) of the Town Zoning Law.
3. The Building and Planning Coordinator will schedule the Conceptual Review Meeting at the next available opportunity, provided that application information required for the Conceptual Review Meeting is determined by the Building and Planning Coordinator to be submitted timely, accurate and complete.
4. The Planning Board and meeting attendees will discuss the proposed development based on the information provided by the applicant, including the uses and size of various components of development, plan layout (including location of buildings, parking and access) and conceptual building elevations, if available.
5. The Building and Planning Coordinator will prepare and send a written summary of the comments made at the meeting to the applicant. The discussion and written summary shall not be binding on either the applicant or the Town.

E. Application Requirements

1. Forms

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

F. Fees

1. Before review of an application, all associated fees must be paid in full. The applicant must submit the required fees, escrow deposits, bonding, letters of credit or other financial payments as shown on the Town adopted fee schedule or other applicable and relevant regulations.
2. In addition, issuance of Building Permits for any development pursuant to this Article shall also be subject to payment of the impact mitigation fees as previously determined under the Town of Malta Town-Wide Generic Environmental Impact Statement and the associated SEQRA Findings Statement. All uses containing three or more dwelling units shall be subject to all related commercial mitigation fees. One-half of the fee shall be due prior to issuance of the Building Permit and the remaining one-half of the fee shall be due prior to issuance of a Certificate of Occupancy.

G. Completeness Review

1. All applications must be sufficient for processing before the Building and Planning Coordinator is required to accept the application for review.
2. An application is sufficient for review when it contains all of the information and associated requirements necessary to decide whether or not the development as proposed will comply with all of the requirements of the Code.
3. The Building and Planning Coordinator shall notify the applicant in writing whether or not the application is complete or whether additional information is required.
4. If the Building and Planning Coordinator determines that the application is not complete and additional information is required, then the applicant must provide any and all additional information requested.

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

H. Building and Planning Coordinator Action

1. Upon acceptance of a completed application, the Building and Planning Coordinator will review the application for consistency with the requirements of this Code.
2. The Building and Planning Coordinator will also forward the application to all appropriate Town Departments for review and recommendation.
3. The Building and Planning Coordinator must approve or disapprove the application on a timely basis pursuant to applicable Town, County or State requirements and delineate the reasons for this action in writing.
4. Any request for relief from a required standard must be made pursuant to Chapter 167, Article IX of the Town Zoning Law and approval of all applicable variances must be granted prior to submission of final project plan application.
5. The Town Engineer will work with the Building and Planning Coordinator to ensure that generally-accepted engineering standards, guidelines and best practices for final design of site elements not otherwise addressed in this Code are applied.

I. Performance Bond Required

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

J. Modifications to an Approved Application

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

K. Time Limits and Expiration

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

L. Planning Board Review

1. The Building and Planning Coordinator must make an initial determination of compliance with the following listed provisions; however, these specific provisions may be subject to binding review by the Planning Board if requested by the applicant.
2. Provisions that may be subject to Planning Board binding review are limited to the following:
 - a. Primary street determination (Sec. 3.3.D.3);
 - b. Alternative building materials (Sec. 3.3.P);
 - c. Determination of appropriate breaks for pedestrian and vehicle access in a required buffer (Sec. 5.2.B.3);
 - d. Alternative wall material in a required buffer (Sec. 5.2.B.4); and
 - e. Alternative fences and wall material outside of required buffer (Sec. 5.2.D).
3. The Planning Board may hold a Public Hearing prior to making its decision with regard to these listed provisions.

M. Historic Preservation Review Commission

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

N. Downtown Design Standards

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

O. County Planning Board Referral and Review

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

P. Agency Approvals

Concept and final project plan submissions must indicate any other local, county, state, or federal agency approvals required. Project plan approvals will be conditional on these agency approvals, if applicable, and no permits will be issued until the applicant demonstrates that agency approvals have been granted.

7.2. Nonconformities

A. Purpose

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

B. Nonconforming Uses

1. Authority to Continue

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

2. Replacement, Repair and Maintenance

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

3. Extensions/Expansions

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

4. Change in Use

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

5. Discontinuance

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

6. Unsafe Structures

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

C. Nonconforming Structures

1. Authority to Continue

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

2. Replacement, Repair and Maintenance

- a. Replacement, repair and maintenance may be performed on any nonconforming structure. All necessary building permits for such work are still required.

- b. Replacement shall comply with the design and materials standards of this Code to the maximum extent practicable as determined by the Building and Planning Coordinator or, upon the applicant's request, by the Planning Board.

3. Extensions/Expansions

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

4. Unsafe Structures

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

5. Relocation

No nonconforming structure may be relocated in whole or in part to any other location on the same or any other lot unless the structure and its location conform to this Code.

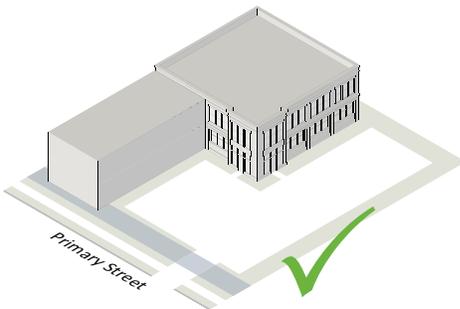
D. Nonconforming Build-to Requirement

1. Additions

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

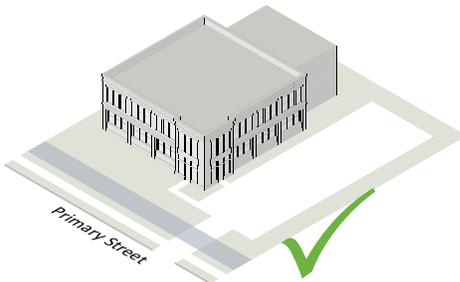
a. Front: Addition

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



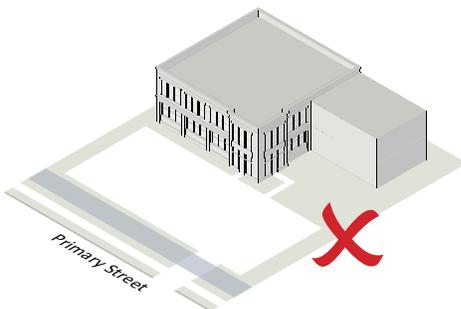
b. Rear: Addition

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



c. Side: Addition

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

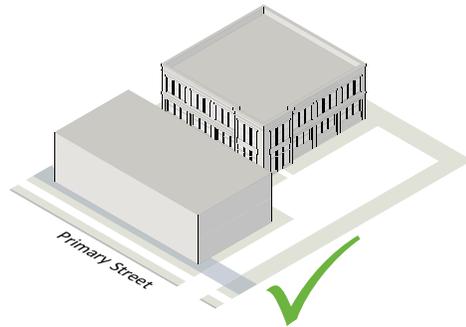


2. New Buildings

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

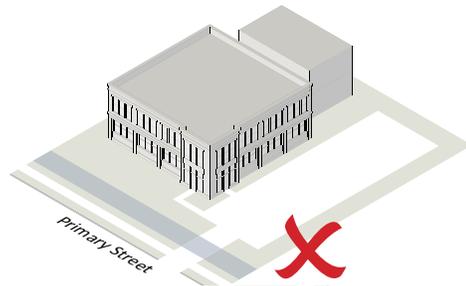
a. Front: New Building

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



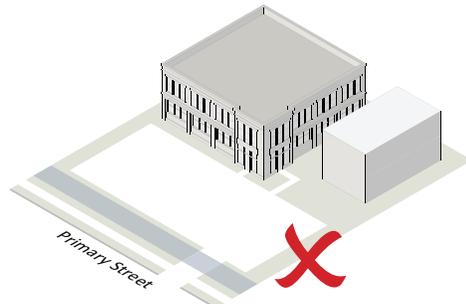
b. Rear: New Building

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



c. Side: New Building

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



Section 8. Definitions

8.1. General Provisions

A. General Meaning of Words and Terms

1. All words and terms used have their commonly accepted and ordinary meaning unless they are specifically defined in this Code or the context in which they are used clearly indicates to the contrary.
2. When vagueness or ambiguity is found to exist as to the meaning of any word or term used, any appropriate canon, maxim, principle or other technical rule of interpretations or construction used by the Courts of this State may be employed to resolve vagueness and ambiguity in language.

B. Graphics, Illustrations and Photographs

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

8.2. Defined Terms

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

ACTIVE USE means a use other than parking.

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

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

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

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

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

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

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

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

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

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

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

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

GROUND FLOOR means the floor of a building that is at or nearest to the level of the ground around the building. Does not include the floor of a basement.

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

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

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

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

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

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

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

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

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

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

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

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

UTILITY STRUCTURES AND FACILITIES, MAJOR means public utility structures and facilities such as major utility substations, major transmission lines, pipes, poles or mains).

Appendix A: Planned Development District Public Benefits List

Contents:

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

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

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

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

- J. All roads drainage easements and related rights-of-way shall be constructed by the developer and shall, in accordance with the Town Construction Code and SubDivision Regulations, Editor's Note: See Ch. 89, Fire Prevention and Building Construction, and Ch. 143, Subdivision of Land. be offered without cost to the Town of Malta for public use. The developer shall be responsible for the cost of all traffic control devices including necessary traffic control lights as determined by the Town. The developer will provide at no cost to the County of Saratoga all necessary right-of-way for highway and drainage construction and reconstruction pertaining to County Highway No. 108. Any development along County Highway No. 108, a limited-access road, shall have a minimum eighty-foot setback from the County's right-of-way.
- K. The entire project with the exception of industrial facilities shall be served by the water supply facilities to be developed by the developer pursuant to the provisions of the Transportation Corporations Law for the operation of water supply facilities.
- M. Any site or sites for proposed schools shall be mutually agreed upon by the developer, the Town and the school district and conveyed without cost to the school district.
- N. The developer agrees to deed without cost to the proper legal entity an agreed tract of land of adequate size within the district for a fire station at a site to be determined by the Town of Malta and the developer. The developer shall deed to the Town of Malta also without cost a site for a municipal office building of adequate size within the district as determined by the Town and the developer.

§ 167A-16. Northway Mobile Estates Planned Development District No. 13A.

- E. A two-hundred-foot buffer zone/green area will be left undisturbed along the westerly boundary of the premises between the mobile home park and the Northway (I-87). This area will constitute the required parkland for the planned development district and, henceforth, no signs, advertisements, trailers or displays in connection with either the mobile home park of Northway Travel Trailers, Inc., will be allowed on the premises in the buffer zone or otherwise such that they are visible to passersby using the Northway (I-87).
- F. The planned development district will connect with the Saratoga County Sewer District. A water supply system and facilities will be developed by the developer, with the approval of the responsible New York State departments. The developer shall be responsible for the installation of all water and sewer lines in accordance with state, County and Town specifications for materials and workmanship, and in accordance with any and all applicable regulations of the New York State Department of Health. All utilities will be installed underground.
- G. Telecommunications structure.
 - (1) A one-hundred-fifty-foot high public utility telecommunications monopole structure shall be allowed within the Northway Mobile Estates PDD. Such structure will be used to support up to a maximum of 12 panel-type antennas, measuring approximately six feet in length each, and associated telecommunications equipment. The base of such monopole shall be no more than five feet in diameter. The structure will be located in the area designated "Proposed Lease Area" on the annexed Exhibit A. Editor's Note: Exhibit A is on file in the Town offices. The base will be set back from the northerly property line a minimum of 107.5 feet, and will be set back from the easterly property line a minimum of 77.5 feet.

- (2) Prior to construction, approval of the final site plan shall be obtained from the Town of Malta Planning Board, pursuant to the Town of Malta Zoning Ordinance. A silent security alarm system shall be used for said structure.
 - (3) In the event that said structure is not used for its approved use for a period of more than six months, the structure will be disassembled within one year of its last use. A bond will be posted in order to assure that the structure will be disassembled within said one-year period, with the amount of said bond to be established by the Town of Malta Planning Board during the site plan review process.
 - (4) In no event will said structure be used as anything other than telecommunications. No form of advertising will be allowed on said structure.
- H. The roadways to be included in the planned development district shall be 20 feet in width and shall remain private and under the care and control of the owners of the planned development district. A second entrance/exit connecting the mobile home park with Route 9 shall be created. The road layout shall be approximately the same as that contained on the proposed map (Exhibit A), Editor's Note: Exhibit A is on file in the Town offices. subject to final site plan review by the Town of Malta Planning Board.
- J. 2009 Amendments.
- (4) Development requirements and construction specifications; site plan; certificate of occupancy.
 - (f) The developer shall provide an easement to the Town of Malta of approximately 60 feet along the most western boundary of the parcel that abuts Interstate 87 for purposes of a possible future roadway to be built at some point in the future that would run parallel to the Interstate.
 - (6) Development fees. The addition of any mobile homes or structures shall be subject to the Town of Malta GEIS, adopted on April 3, 2006. Those fees shall be required for any new structures or mobile homes.

§ 167A-24. Saratoga Village Planned Development District No. 18.

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

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

- E. Construction; buffers.
 - (3) The developer shall also provide a one-hundred-foot buffer on the north side of the Dunning Street Cemetery.
 - (4) The developer shall provide a minimum one-hundred-foot buffer between the common boundary of the PDD and the lands now or formerly of D.S.B. Realty Corp. and the northerly edge of pavement of the peripheral service road and/or any parking area, and an additional buffer with the depth to be determined by the Planning Board along the northerly border of the PDD and the southerly boundary of lands of the Town of Malta. The developer shall provide a thirty-foot buffer along the easterly side of the access road running from New York State Route 67 to the parking area of the project, and along both sides of the access road running from New York State Route 9 to the westerly border of the project. All roof-top antennas or satellite dishes and all dumpsters located in the project will be buffered. These buffer areas shall contain quality landscaping and/or berming as determined by the Town of Malta Planning Board during the site plan review process, which shall either be in place prior to the issuance of any certificates of occupancy for any building on the site or, in the alternative, bonds or letters of credit in amounts for time periods acceptable to the Town Engineers and the Town Attorney to guarantee the performance and/or completion of said buffer areas shall be filed prior to the issuance of said certificates of occupancy.
- J. Water will be supplied by either a thirty-gallon-per-minute on-site production well or connection to a public water system, with a water system serving all buildings within the district. Sanitary sewage will be provided throughout the site during development and permanent sewage disposal will be provided by connection to the County sewer system. The connection to the existing system will be provided by the developer at its expense. All sewer facilities shall be designed and constructed in accordance with the standards of the Saratoga County Sewer District No. 1. The developer agrees to offer for dedication to the Saratoga County Sewer District No. 1 all completed off-site sewer facilities at no cost to the Saratoga County Sewer District No. 1. The Sewer district shall determine what portion of these facilities are appropriate for public ownership.
- K. Firesafety Requirements.
 - (2) The site shall provide fire lanes to all buildings which shall be clearly marked with above-grade signs and

which shall be wide enough to permit two-way truck traffic. Any building constructed over 28 feet from grade shall provide direct access to the roof. There shall be a maximum of 500 feet between fire hydrants, and a maximum of 500 feet between any building and a fire hydrant.

- L. All utilities shall be installed underground. The site may not be subdivided without the approval of the Malta Town Board.
- M. No outside storage of any products or equipment shall be permitted on the subject premises, except for sale in the normal course of business.
- P. Roads.
 - (1) All roads, drainage easements and related rights-of-way shall be constructed and/or located by the developer in accordance with the site plan as approved by the Town Planning Board, and shall be approved by the Town Engineers.
 - (2) The developer shall construct an interior road as shown on said sketch plan as "future Town road," which road shall provide access to the lands to the west for possible future connection to Kelch Road. The right-of-way of the "future Town road" shall abut the lands of the Town of Malta as shown on Appendix B to the north. The developer shall afford access to the future Town road From the lands of the Town of Malta upon the request of the Town Board, and at a location to be determined by the Town Board.
 - (3) Said future Town Road shall be constructed fully in compliance with the specifications for a Town road in the Town of Malta, and shall be offered for dedication to the Town by the developer at no cost to the Town. In the event that the connection to Kelch Road is made, the Town Board shall have the option of terminating the left-hand turn for eastbound traffic on New York State Route 67 into the site in its sole discretion, provided that said option may not be exercised before one year has expired after the dedication of Kelch Road as a public thoroughfare, and further provided that said left-hand turn may not be terminated following the exercise of the option until six months after written notice has been given, by certified mail, to the developer, by the Town Board, at the address for the developer then listed in the records of the Town Assessor.

- (4) Concrete curbs will be provided by the builder along the interior islands and building islands within the project, with the exact location thereof to be determined during the site plan review process.
- S. The developer agrees neither to apply for nor to utilize any program which will allow the developer to obtain special real property tax, sales tax or mortgage tax benefits concerning the project. The developer agrees to notify the Town of its application to any I.D.A. or similar program.

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

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

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

- (19) The clubhouse, as depicted on Revised Appendix A and Appendixes A, C(3) and K, shall be completed before the Town shall issue a building permit for the 11th single-family home or the 13th multifamily dwelling unit.

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Addendum

Additional Permitted Use Definitions

Below is a list of uses that are included in the Malta Form-Based Code, but are not defined. These uses are defined in the Town Zoning Code § 167-2 as follows:

ANIMAL HOSPITAL

A facility at which animals are treated for injury or disease by a veterinarian or which provides general health care for animals.

AREA OF PUBLIC ASSEMBLY

Includes a building or a portion of a building used for gathering together 50 or more persons for amusement, athletic, civic, dining, educational, entertainment, patriotic, political, recreational, religious, social or similar purposes, the entire area of which it is a part, and the means of egress therefrom.

AUTOMATIC LAUNDRY/LAUNDROMAT

Premises equipped with individual clothes washing machines for the use by individual customers, or which provides dry cleaning services.

BUSINESS OFFICE

A business office or other office providing nonretail business support and services such as forms processing, telemarketing, payroll payment, data systems development and management, consulting services, billing, reservation services, medical, legal, technical and intellectual services, sales, e-commerce and financial services. A business office shall not include warehousing.

CAR WASH

Business premises equipped with machinery for the washing, waxing, vacuuming and/or cleaning of motor vehicles, for the use of retail customers.

CEMETERY

Land used or intended to be used for the burial of human remains and dedicated for similar purposes, including columbarium and mausoleums when operated in conjunction with and within the boundaries of said cemetery, but may not include a structure for the purpose of the cremation of human remains.

CHURCH, RECTORY

Land including structures thereon for public worship and/or religious services. Includes additional buildings which serve as single-family dwelling for church leaders.

CLUB/LODGE

A building or portion thereof or premises used for a social, educational or recreational activity or to render a service which is customarily considered a business, but not done primarily for profit.

CONFERENCE CENTER

A facility offering meeting rooms and/or exhibit areas providing support activities for those meeting rooms, such as food preparation.

DAY-CARE CENTER, ADULT

A program or facility in which adult day care is provided to the elderly who are in need of support services in a protective setting during any part of a day, but less than twenty-four-hour care.

DAY-CARE CENTER, CHILD

A program or facility in which child day care is provided on a regular basis to more than six children for more than three hours per day per child for compensation or otherwise, except those programs operating as a family day-care home or a school-aged child care program or as defined by the New York State Office of Child and Family Services.

DRIVE-THRU SERVICE ESTABLISHMENTS

A commercial establishment where business is transacted between the establishment and the person in a vehicle. Such examples shall include but not be limited to banks, fast-food restaurant, and prescription pick-up. This definition shall not include an establishment for the provision of gasoline, oil or other fuel as provided in the definition of "automobile service/fueling station."

DRUGSTORE

A store where pharmaceutical prescriptions are filled and drugs and other health-related articles are sold.

FITNESS CENTER

An establishment with the primary purpose of facilitating exercise, such as, gymnasium, club (athletic, health or recreational), and reducing salon or weight control establishment.

FUNERAL HOME

An establishment with facilities for the preparation of human remains for burial or cremation and for services, viewing and paying last respects. A funeral home does not include crematory services.

GASOLINE SERVICE

A structure that is used or designated to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles.

GROCERY STORE

A marketplace where groceries are sold.

LABORATORY

Location or facility where scientific (including medical and industrial) and/or research testing is conducted. The quantities of chemical agents in use at one time are small, normally not exceeding one liter. Laboratory operations may include research and development (R&D), production/acceptance testing, sample analysis and evaluation, limited detoxification, or a room or building for scientific experimentation or research.

LIBRARY

A place in which literary, musical, artistic or reference materials are kept for public lending.

MEDICAL CENTER

An institution providing primary health services and medical or surgical care to persons, both outpatients and inpatients, suffering from illness, disease, injury, deformity and other physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

MUNICIPAL BUILDING

A place, structure, area or other facility used for providing municipal services to the general public.

MUSEUM

An institution devoted to the procurement, care, study and display of objects of interest or value, or a building, room, etc., for preserving and exhibiting rare, interesting, or typical specimens of works of art, science, inventions, etc., or of antiquities, curiosities, or objects of natural history open to the public.

NURSING OR CONVALESCENT HOME

Any establishment licensed by the State of New York which provides twenty-four-hour skilled nursing services to elderly and handicapped residents.

PARKING GARAGE, PUBLIC

A building used primarily for the parking or storing of automobiles on an hourly or daily basis for a profit.

PERSONAL SERVICE SHOP

An establishment for the sale of personal services to the general public, including but not limited to a beauty parlor, barbershop, tanning salon, or manicure salon.

PROFESSIONAL OFFICE

An office of a physician, dentist, lawyer, engineer, architect, accountant or other duly licensed or certified professional. If such office is located in a residential zone, see "residential home business."

PUBLIC PARK/PLAYGROUND

An area of land set aside for community use, often reserved and maintained for recreational purposes, and may consist of both active and passive recreation.

RESEARCH AND DEVELOPMENT

A building or structure built, altered and/or equipped for experimental or scientific study or testing and analysis for experimental research in the natural, physical or social sciences or engineering and development as an extension of investigation with the objective of creating end products, including the limited construction of pilot or test models and materials and which does not emit or pass off sound, vibration, light, odor, smells, smokes and other noxious or bothersome products beyond the boundaries of the structure. This definition is exclusive of any activities involving living organisms of any kind.

SENIOR HOUSING

Housing designated for people over age 55.

TECHNOLOGY/RESEARCH OFFICE

An office providing scientific, technological, engineering, development and research services.

THEATER

A building that customarily presents motion pictures, films, videotapes, lectures, speeches, live theatrical events or slide shows.