

APPLICATION 217-01
C-D DISTRICT TEXT CHANGE PER ZONING BOARD APPROVAL ON 5/22/18

ARTICLE II, SECTION 3

DEFINITIONS

45. Gymnasium or Physical Culture Establishment: A health and fitness facility containing equipment and/or indoor and/or outdoor space used by members and/or guests for the purpose of physical fitness, sports and recreational activities.

ARTICLE III, SECTION 9

BBB. C-D DESIGNED COMMERCIAL DISTRICT

Any parcel of land or aggregation of parcels of land to be developed, redeveloped or rehabilitated principally for offices and other uses listed herein, and where the excellence of the overall design in accordance with the criteria listed below is such as to warrant special consideration for modification of standards contained elsewhere in these regulations may be designated by the Zoning Board, upon application the manner described herein, as a C-D DESIGNED COMMERCIAL DISTRICT where a determination is made that the following objectives are met:

- a. The proposed development is consistent with the Master Plan.
- b. The proposed development consists of such uses and such proportions as are most appropriate to its functional integration into the neighborhood.
- c. The proposed development site plan is so designed in its space allocation, orientation, materials, landscaping and other features as to produce a stable and desirable character, complementary to the surrounding neighborhood.
- d. The proposed development is South of the Merritt Parkway.

For purposes of the C-D Designed District, New Development, Adaptive Reuse and Redevelopment shall be defined as follows:

- a. New Development – New construction or substantial replacement of existing floor area on lots that are currently vacant or underdeveloped. New development shall be subject to the standards listed below.
- b. Adaptive Reuse – Reuse of existing buildings for a purpose other than which it was built or designed with minor additions and site improvements. Adaptive reuse shall be

subject to standards listed below. Any existing legal non-conforming conditions shall not be exacerbated.

c. Redevelopment –Replacement or limited expansion of a portion of existing floor area on a developed property with new floor area for a purpose other than which it was built or designed. Redevelopment shall be subject to standards listed below.

4. Special Exception Uses –

B. Commercial

1. Gymnasium or Physical Culture Establishment

5. Standards for Special Exception Uses The standards below shall apply for Special Exception uses set forth in Subsection BBB-4-B. The Section 19.3 standards and standards of Subsection BBB-3 above shall also apply.

a. Coverage: Where legally nonconforming non-porous surface area coverage is greater than 40%, the proposed non-porous surface area coverage shall be reduced in the direction of conformity. Additionally, for every square foot of legally non-conforming non-porous surface area, the maximum permitted floor area shall be reduced by 0.6 foot. For every square foot of building coverage which exceeds the 12% of lot area standard listed in Section BBB-3, the maximum permitted floor area shall be reduced by five square feet.

b. Buffer Requirements: A 100 foot landscape buffer shall be maintained between a building or outdoor use, and any boundary with a Residential District as unoccupied landscaped open space with a combination of dense plantings, berms, fencing, walls or other screening techniques. Pedestrian walkways may be located within said buffer area; however no recreational use, structure or facility is permitted within any buffer area. The Zoning Board may reduce this 100 foot buffer requirement to no less than 50 feet based on site specific conditions.

c. Signage: Notwithstanding the rights available in accordance with Section 9-BBB-3-e, the total area of signs placed on all walls shall not exceed one (1) square foot per lineal foot of total building façade. No illuminated sign shall face or be visible from any Residential District.

d. Parking: In furtherance of the Master Plan objectives, there shall be no net increase in parking spaces on the property (excluding any additional handicap spaces required to meet building code) for Redevelopment and Adaptive Reuse projects. Any application for special exception use shall include a parking needs assessment to determine the maximum number of parking spaces for all Special Exception uses. Shared parking is encouraged.

- e. Outdoor uses shall be limited to the hours of 10am to 8pm unless modified by the Zoning Board.
6. Design Guidelines: Any New Development, Adaptive Reuse or Redevelopment of a principal or accessory building on a property with other buildings considered historically or culturally significant, shall be designed in a manner which is compatible with the color palette, materials, design, general massing and architectural features of the remaining architecture within the property. For purposes of this requirement, a structure listed or eligible for listing on the National Register of Historic Places or the State Register of Historic Places either as an individual building or as a contributing building in a district, shall be deemed historically or culturally significant.
7. Findings: In order to approve an application, the Zoning Board shall make a finding that any Commercial Special Exception use conforms to Section 19.3, subsections BBB-3 and BBB-5, and the requirements below. The Zoning Board may hire one or more independent consultants, to be paid for by the applicant(s) in accordance with Ordinance # 1236, to ensure that all such requirements are satisfied.
- a. Lighting – all lighting shall be directed so as to reduce glare and ensure all direct rays fall on the subject property and do not adversely impact an adjacent residential area. Lighting of outdoor facilities shall be limited solely to safety and security lighting. The applicant shall take measures to minimize the adverse effects of indoor lighting on the neighboring residential uses.
 - b. Screening – structures, outdoor uses and parking areas shall be appropriately screened by walls, fences, plantings or other devices to protect the privacy of any adjacent Residential District.
 - c. Noise - During the hours when outdoor uses are permitted, as per Section BBB-5.e., noise levels for outdoor uses shall not exceed 55dBA at any property line, except for Sundays, when noise levels shall not exceed 55dBA between the hours of 10:00am and 5:00pm. During all other times, noise levels shall not exceed 45dBA at any property line. A detailed noise analysis shall be required as part of the Special Exception and Site Plan application and a noise measuring device shall be required for a certain period or permanently after completion of the project, to be determined by the Zoning Board. No final Certificate of Occupancy for the outdoor use shall be granted until the Zoning Board is satisfied with the noise level compliance of said outdoor uses.
 - d. Site Plan Design – buildings, structures, parking areas and driveways shall be located in such a manner as to minimize adverse impacts on any adjacent Residential use. Outdoor activities may be permitted (subject to the requirements of this Section BBB-5) provided that any potentially adverse effects will not be more impactful to adjacent properties than as of right uses.
8. Within any C-D Designed District, applications requesting approval of any permitted or special exception uses or approval of site and architectural plans shall include all of the plans and information as specified by Section 7.2 C of these Regulations. Such

applications shall be submitted to and be subject to the approval of the Zoning Board in accordance with the specific standards and objectives of the District, the procedures and review standards of Section 7.2 Site Plan Review, and the general purposes and other applicable standards of these Regulations, Zoning Board shall not approve same until after a public hearing. (97-006)