

## 6. OPEN SPACE SET-ASIDES<sup>400</sup>

### (A) PURPOSE AND INTENT

Open space set-asides are intended for the use and enjoyment of a development's residents, employees, or users. Open space set-asides serve numerous purposes, including preservation of natural areas, ensuring resident access to open areas and recreation, reducing the heat island effect, enhancing stormwater quality, and providing public health benefits.

### (B) APPLICABILITY

The provisions of this section shall apply to all new development subject to approval of a Planned Development (Section 23-2-4(C)), Major Site Plan (Section 23-2-4(E)), or Preliminary Plat for a Conservation Subdivision or Major Subdivision (Section 23-2-4(F)).

### (C) OPEN SPACE SET-ASIDE STANDARDS

#### (1) Amounts of Open Space Set Aside Required

A development shall set aside the minimum amounts of open space set-aside identified in Table 23-6-6(C)(1), Required Open Space Set-Aside, based on the development's base zoning district and use classification:

**TABLE 23-6-6(C)(1): REQUIRED OPEN SPACE SET-ASIDE**

USE CLASSIFICATION <sup>1</sup>	MINIMUM OPEN SPACE SET-ASIDE AREA (AS PERCENTAGE OF DEVELOPMENT SITE AREA)	
	RS-5, DT, WF	ALL OTHER DISTRICTS
Residential Uses	10%	20%
Public and Institutional, Commercial, and Water-Oriented Uses, and Mixed-Use Development	5%	10%
Industrial Uses	5%	5%
NOTES:	I. See use tables in Sections 23-4-1(B) and 23-4-1(C).	

#### (2) Areas Counted as Open Space Set-Aside

The features and areas identified in Table 23-6-6(C)(2): Open Space Set-Aside Features, shall be credited towards the open space set-aside standards for the purposes of complying with this section.

<sup>400</sup> The current LDO does not include open space standards or requirements. This new section includes standards intended to provide private, common open space in new development. It requires a certain percentage of the development site area to be set aside, based on the type of use proposed and the zoning district, with more open space set-aside required for residential development in the city's newly developing areas. Open space set-asides may include active and passive recreation areas, natural areas, tree protection zones, and areas occupied by required landscaping. In the downtown, they may include "urban" open space features such as plazas, fountains, roof gardens, etc. The section also includes standards addressing the configuration and priorities for use of recreation lands. A landowner has the choice of having the open space set-aside owned, managed, and maintained by a homeowners or property owners association, or by a nonprofit organization (such as a land trust) or the city, if they are willing to accept such responsibility.

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Section 23-6-6: Open Space Set-Asides

Section 23-6-6(C): Open Space Set-Aside Standards

**TABLE 23-6-6(C)(2): OPEN SPACE SET-ASIDE FEATURES**

AREA COUNTED AS COMMON OPEN SPACE SET-ASIDES	DESCRIPTION	DESIGN AND MAINTENANCE REQUIREMENTS
Natural Features 	Natural water features (including lakes, ponds, rivers, streams, rivers, wetlands, drainageways, and other riparian areas), flood hazard areas, and wildlife habitat areas	Preservation of natural features shall have highest priority for locating open space set-asides, except in the DT district. Maintenance is limited to the minimum removal and avoidance of hazards, nuisances, or unhealthy conditions.
Active Recreational Areas 	Land occupied by active recreational uses such as pools, playgrounds, tennis courts, jogging trails, ball fields, and clubhouses used primarily for recreational purposes	Active recreational areas may occupy up to 100 percent of the open space set-aside (if no natural features exist on the site). Except in the DT district, active recreational area shall occupy no less than 40 percent of the total open space set-aside area within a residential or mixed-use development. Land shall be compact and contiguous unless used to link or continue an existing or planned open space resource. Areas shall abut at least one street, if reasonably practical.
Formal Plantings and Gardens 	Formally planned and regularly maintained open areas that provide passive recreation opportunities, including arranged plantings, gardens, gazebos, and similar structures	Formal plantings and gardens shall have at least one direct access street, and be oriented to surrounding development. Roof gardens are also acceptable.
Squares, Forecourts, Plazas, and Parks 	Squares, forecourts, plazas, and parks that provide active and passive recreational opportunities and help create special places	Where provided, such features shall be at least 200 square feet, but no more than one acre, in area. Such features shall have at least one direct access street. Surrounding buildings shall be oriented toward the square, forecourt, plaza, or park when possible and a connection shall be made to surrounding development. Such features are encouraged in the DT district.
Required Landscape Areas 	All areas occupied by required site landscaping, perimeter buffers, screening tree protection areas, and riparian buffers, except landscaped area within parking lots	See landscaping standards (Section 23-6-3), tree protection standards (Section 23-6-4), and riparian buffer standards (Section 23-6-5(B)).

**TABLE 23-6-6(C)(2): OPEN SPACE SET-ASIDE FEATURES**

AREA COUNTED AS COMMON OPEN SPACE SET-ASIDES	DESCRIPTION	DESIGN AND MAINTENANCE REQUIREMENTS
Stormwater Management Devices 	Up to 75 percent of the land area occupied by stormwater management devices (including retention and detention ponds and other bioretention devices), when such features are treated as an open space site amenity	To qualify as open space set-aside, stormwater management devices shall be configured as a site amenity (See Section 23-6-3(H)(2)b, Credit towards Open Space Set-Asides.).
Public Access Easements 	Public access easements (which often combine utility easements with paths or trails) that are available for passive recreational activities such as walking, running, and biking.	Public access easements used as open space set-aside shall include at least one improved access from a public sidewalk, street, trail, or easement that includes signage designating the access point.

**(3) Not Counted as Open Space Set-Asides**

The following areas shall not be counted as open space set-aside:

- a.** Private yards not subject to an open space or conservation easement;
- b.** Public street rights-of-way or private street easements, including sidewalks located within those rights-of-way or easements;
- c.** Open parking areas and driveways for dwellings;
- d.** Land covered by structures not designated for active recreational uses; and
- e.** Designated outdoor storage areas.

**(4) Design Standards for Open Space Set-Asides**

Land used as an open space set-aside shall meet the following design standards:

**a. Location**

Where relevant and appropriate, the land shall be located so as to be readily accessible and useable by residents and users of the development. To the maximum extent practicable, a portion of the open space set-aside should provide focal points for the development.

**b. Configuration**

- 1.** The land shall be compact and contiguous unless it is used for continuation of an existing trail, or if specific natural or topographic features require a different configuration.
- 2.** The land shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge any

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open areas, trails, parks, or other open space resources that exist or are planned adjacent to the development. (See Figure 23-6-6(C)(4)b, Open Space Set-Aside Connections.)



Figure 23-6-6(C)(4)b: Open Space Set-Aside Connections

### c. Orientation of Adjacent Buildings

Buildings adjacent to required open space set-asides shall have at least one entrance facing the open space set-aside.

### d. Provision in Multi-Phase Developments

In multi-phase developments, open space set-asides shall be apportioned among the phases such that the total amount of open space set aside in a phase and any previously approved phases meets the open space set-aside standard as applied to the total area of the phase and any previously approved phases.

### e. Prioritization of Open Space Set-Aside

Except in the Downtown (DT) district, and to the maximum extent possible, open space set-asides shall be located and organized to include, protect, or enhance as many of the following open areas and features as possible, and in the following priority:

1. Natural features such as natural water features (including lakes, ponds, rivers, streams, rivers, wetlands, drainageways, and other riparian areas), flood hazard areas, wildlife habitat areas, geologic hazard areas, expansive soils, or areas particularly susceptible to sink holes or faulting;
2. Riparian buffers;
3. Lands intended for preservation as open space on adopted city plans, or lands that may extend or enhance existing park or open space features;
4. Stormwater management facilities, including retention and detention ponds and other bioretention devices, where configured as an open space site amenity;
5. Landscaped buffers or visual transitions between different types or intensities of uses;
6. Areas that accommodate multiple compatible open space uses rather than a single use.

## (5) Use of Open Space Set-Asides

Open space set-aside areas shall not be disturbed, developed, or improved with any structures except for the following limited purposes:

**a. Active Recreation Uses**

Facilities for active recreation purposes—including, but not limited to: benches or other seating areas; pedestrian-scaled lighting; gazebos or other decorative structures; fountains or other water features; play structures for children; gardens or seasonal planting areas; pools; athletic fields; courts; and clubhouses used primarily for recreational purposes (equipment or structures for such uses shall be indicated on the PD Master Plan (Section 23-2-4(C)), Subdivision Plat (Section 23-2-4(F)), or Site Plan (Section 23-2-4(E)).

**b. Passive Recreational Uses**

Facilities for passive recreational, environmental education, wildlife habitat protection, and natural area preservation purposes—including, but not limited to: walking, jogging, and biking paths or trails; benches or other seating areas; tables, shelters, grills, and other picnicking facilities; docks and other facilities for fishing; and environmental guides and exhibits.

**(6) Ownership of Open Space Set-Asides****a. Method of Ownership**

- 1.** Open space set-aside areas shall be maintained as permanent open space through one or more of the following options:
  - A.** Conveyance of the land to a property owners or homeowners association that holds the land in common ownership and will be responsible for managing and maintaining it for its intended open space purposes; or
  - B.** Conveyance of the land to a third party beneficiary, such as a nonprofit environmental or civic organization, that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open space purposes; or
  - C.** Dedication of the land to the city or other appropriate public agency that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open space purposes.
- 2.** If an open space set-aside is to be conveyed to a property owners or homeowners association, the association shall be established in accordance with the following:
  - A.** The landowner shall submit documents for the creation of the property owners or homeowners association to the city for review and approval. The documents shall include the association's bylaws, a legal description of open space set-aside areas, and all documents governing ownership, maintenance, and use restrictions for the open space set-aside.
  - B.** Documents for the creation of the association shall provide that membership in the association is automatic (mandatory) for all purchasers of land, dwelling units, or structures in the development, and their successors in title, and that the association shall have clear legal authority to compel contributions from members to cover their proportionate share of the costs associated with the maintenance of common areas and facilities.
  - C.** The landowner shall agree that the association shall be established (with all required documents for its creation properly recorded with the Office of the Chancery Clerk of Harrison County), and operating (with financial subsidization by the landowner or applicant, if necessary) before approval of the first Building Permit for the development.

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3. If the open space set-aside is to be conveyed to a third party beneficiary such as a non-profit civic organization, then the conveyance shall include deed restrictions that:
  - A. Govern the use, management, and maintenance of the open space set-asides, consistent with the standards in this section;
  - B. Run with the land in perpetuity; and
  - C. Include any other provisions the City Attorney deems necessary and appropriate to fulfill the requirements of this section.
4. All methods utilizing private ownership shall include deed restrictions, covenants, or other legal instruments that ensure continued use of the land and facilities for their intended open space uses and provide for the continued and effective management, operation, and maintenance of the land and facilities.

### (7) Maintenance of Open Space Set-Asides

- a. Maintenance of open space set-aside areas shall be the responsibility of the owner(s) of the land making up the areas. Failure to maintain open space set-aside areas or other community facilities in accordance with the approved Planned Development (Section 23-2-4(C)), Major Site Plan (Section 23-2-4(E)), or Preliminary Plat (Section 23-2-4(F)) shall be a violation of this Ordinance subject to the remedies and penalties in Article 23-9: Enforcement.
- b. If the owner of an open space set-aside area fails to maintain it in reasonable condition, and in accordance with approved plans, and fails to correct deficiencies cited by the city in accordance with notice of violation and administrative hearing procedures in Section 23-9-5(D), Enforcement Procedure, the city shall have the authority to correct the deficiencies. The cost of the correction shall be assessed jointly and severally against the properties within the development that have a right of enjoyment of the common open space set-aside areas. The entire cost of correction shall be a lien on each of the properties from the date the lien is filed in the Office of the Chancery clerk of Harrison County.

## 7. FENCES AND WALLS<sup>401</sup>

### (A) PURPOSE

The purpose of this section is to regulate the location, height, and appearance of fences and walls to maintain visual harmony within neighborhoods and the city, protect adjacent properties from the indiscriminate placement and unsightliness of fences and walls, and ensure the safety, security, and privacy of properties.

### (B) APPLICABILITY

The provisions of this section shall apply to all construction, substantial reconstruction, or replacement of fences or walls not required for support of a principal or accessory structure, or any other linear barrier intended to delineate different portions of a lot. If there is any inconsistency between the provisions of this section and any screening standard in Section 23-6-3(G), Screening, the standards in Section 23-6-3(G), Screening, shall control.

<sup>401</sup> Sections 23-11-19, 23-11-20, 23-12-5, and 23-16-12 of the current LDO contains a number of standards for fences that basically limit their height in front yards and corner side yards to 4 feet and to 8 feet everywhere else. They also prohibit chain-link fences along Beach Boulevard. As discussed in the Diagnosis/Annotated Outline (P. 3-23), this new section applies to both fences and walls, generally retains the current height limits (adding some flexibility for security fences), and prohibits barbed or concertina wire except on farms or for security purposes. The section also includes basic standards that address the appearance of fences and walls (e.g., requiring the finished side face out, and requiring supplemental landscaping of fences close to streets).

## (C) GENERAL REQUIREMENTS FOR FENCES AND WALLS

### (1) Location

Fences are permitted on the property line between two or more parcels of land held in private ownership.

### (2) Temporary Fences

Temporary fences for construction sites or a similar purpose shall comply with the requirements of the building code adopted by the city and all applicable standards of Section 23-4-5, Temporary Uses and Structures.

### (3) Fences and Walls near Fire Hydrants

Fences and walls shall not be located where they would prevent immediate view of, or access to, fire hydrants or other fight-fighting water supply devices, in accordance with the Fire Code.

### (4) Fences in Easements

Fences shall be prohibited within utility easements except to the extent approved by the Director of Public Works after finding the fence would not impede the purpose or function of the easement. The city shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access such easements. In no instance shall this provision be construed to prevent fencing around stormwater retention or detention facilities that may be required by this Ordinance.

### (5) Blocking Natural Drainage Flow

No fence shall be installed so as to block or divert a natural drainage flow on to or off of any other land.

### (6) Fences on Retaining Walls or Berms

If a fence is constructed on top of a wall or berm, the combined height of the fence and wall or berm shall not exceed the maximum height that would apply to the fence or wall alone.

### (7) Fences and Walls within Buffers

Fences and walls shall be installed so as not to disturb or damage existing vegetation or installed plant material within perimeter or riparian buffers.

### (8) Integration with Other Required Landscaping

Required landscape screening for fences or walls may be integrated into the landscaping required for vehicular use area screening or perimeter buffers, provided the standards in Section 23-6-3, Landscaping, are maintained.

### (9) Customary Materials

Fences and walls shall be constructed of any combination of treated wood posts and planks, rot-resistant wood (such as cypress or redwood), wrought iron, decorative metal materials, chain link, brick, stone, masonry materials, or products designed to resemble these materials. Where certain materials are specified for particular types of screening or buffering fences or walls, all other fence materials are prohibited.

## (D) HEIGHT REQUIREMENTS FOR FENCES AND WALLS

All fences and walls shall conform to the following standards unless exempted by Section 23-6-7(D)(3), Exemptions, and except as otherwise provided in Section 23-6-1(F)(5)f, Sight Triangles at Driveway Intersections, and Section 23-7-5(l), Sight Triangles at Street Intersections. In all cases, heights are measured from natural grade.

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Section 23-6-7: Fences and Walls

Section 23-6-7(D): Height Requirements for Fences and Walls

### (1) Agricultural and Residential Districts

Except for fences or walls providing required screening, fences and walls in the Agriculture and residential districts shall not exceed a height of four feet in front yards and that part of corner side yards located between the side street right-of-way and the side of a structure, or a height of eight feet in side and rear yards.

### (2) Business Districts

Except for fences or walls providing required screening, fences and walls in nonresidential districts shall not be permitted in front and corner side setback areas, shall not exceed a height of eight feet in the remainder of front and corner side yards, and shall not exceed a height of ten feet in side or rear yards unless located within 15 feet of a public right-of-way, in which case it shall not exceed a height of eight feet.

### (3) Exemptions

#### a. Required Screening

A fence or wall provided to meet the standards of Section 23-6-3(G), Screening, is exempted from the height standards of this subsection, but in no case shall the fence or wall exceed a height of ten feet.

#### b. Recreational Fencing

Customary fencing provided as a part of a permitted tennis court, athletic field, or other recreational facility shall be exempt from the height restrictions of this subsection.

#### c. Public Safety Use Fences and Walls

Major utilities, wireless communication towers, government facilities, and other public safety uses shall be allowed to increase maximum fence or wall heights to ten feet in front, side, and rear yards, unless further increased through an approved security plan (See Section 23-6-7(D)(3)d, Security Plan Fencing).

#### d. Security Plan Fences and Walls

An owner or tenant or a representative of a public agency responsible for a public facility may submit to the Director of Community Development a site security plan proposing fences or walls taller than those permitted by this subsection, or the use of barbed or concertina wire atop a fence or wall. The Director of Community Development shall approve, or approve with conditions, the site security plan and its proposed exemption of fences or walls from the standards of this subsection, on finding that:

1. The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land; and
2. The proposed taller fences or walls, or use of barbed or concertina wire, will not have a significant adverse effect on the security, functioning, appearance, or value of adjacent lands or the surrounding area as a whole.

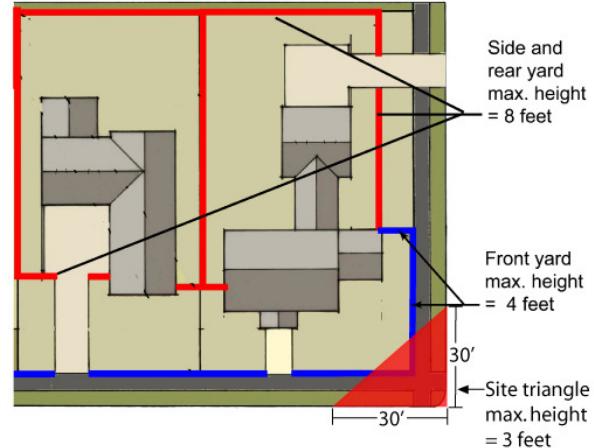


Figure 23-6-7(D)(1): Fence Height in Agricultural and Residential Districts

## (E) PERIMETER FENCES AND WALLS ABUTTING PUBLIC RIGHT-OF-WAY

Fences or walls located within 15 feet of a public right-of-way shall:

- (1) Be located outside the public right-of-way;
- (2) Be of a uniform style;
- (3) Be constructed of brick, stone, or concrete (when covered with stucco or similar finish), vinyl, or vertical wooden boards; and
- (4) Include breaks, offsets, access points, or other design details in the fence or wall plane at least every 200 feet, as illustrated in Figure 23-6-7(E)(4), Requiring Fencing and Wall Offsets.



Figure 23-6-7(F)(1): Fence with Finished Side Out

## (F) APPEARANCE

### (1) Finished Side to Outside

Wherever a fence or wall is installed, if one side of the fence or wall appears more "finished" than the other (e.g., one side has visible support framing and the other does not), then the more "finished" side of the fence shall face the perimeter of the lot rather than the interior of the lot. (See Figure 23-6-7(F)(1), Fence with Finished Side Out.)

### (2) Compatibility of Materials along a Single Lot Side

All fencing or wall segments located along a single lot side shall be composed of a uniform style and colors compatible with other parts of the fence and with the associated buildings.

### (3) Landscape Screening

All chain link fences and fences and walls exceeding four feet in height, if located within 15 feet of a public street right-of-way, shall be supplemented with landscape screening in accordance with the following standards, to soften the visual impact of the fence. These standards shall apply to fences in single-family residential zoning districts only if they are located within 15 feet of the right-of-way of an arterial or collector street. (See Figure 23-6-7(F)(3), Fence Landscape Screening.)

#### a. Shrubs Required

One evergreen shrub shall be installed for every five linear feet of fence or wall, and on the side of the fence or wall facing the public street right-of-way. Shrubs shall meet the size standards of Section 23-6-3(C)(3), New Planting Standards, and may be installed in a staggered, clustered, grouped, or linear fashion.

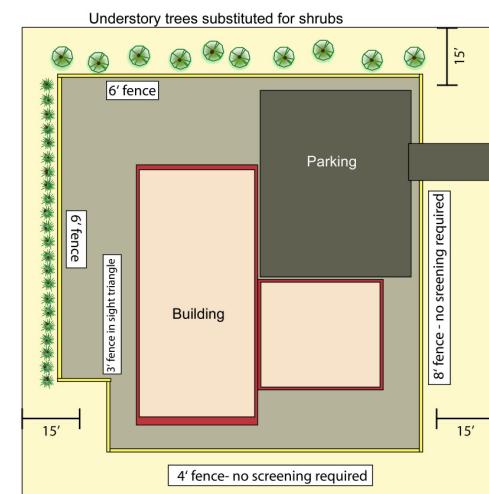


Figure 23-6-7(F)(3): Fence Landscape Screening

## **Article 23-6: Development Standards**

Section 23-6-8: Exterior Lighting

Section 23-6-8(A): Purpose

### **b. Substitution of Understory Trees**

One understory or ornamental tree may be substituted for every three evergreen shrubs, provided that the tree meets the size standards of Section 23-6-3(C)(3), New Planting Standards.

## **(G) VISIBILITY CLEARANCE**

Fences and walls shall be placed outside of required sight triangles or areas needed for visibility.

## **(H) PROHIBITED FENCES**

### **(I) Barbed Wire, Concertina Wire, and Aboveground Electrified Fences**

In all zoning districts, fences using barbed or concertina wire and aboveground electrified fences shall be prohibited unless used in association with agricultural activities or allowed through an approved security plan (See Section 23-6-7(D)(3)d, Security Plan Fences and Walls.). Underground electric fences designed for control of domestic animals are allowed.

### **(2) Debris, Junk, Rolled Plastic, Sheet Metal, Plywood, or Other Waste Materials**

Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited in all zoning districts unless such materials have been recycled and reprocessed, for marketing to the general public, as building materials that resemble new building materials (e.g., picket fencing made from recycled plastic and fiber).

### **(I) MAINTENANCE REQUIRED**

All fences and walls and associated landscaping shall be maintained in good repair and in a safe and attractive condition—including, but not limited to, the repair or replacement of missing, decayed, or broken structural and decorative elements.

## **8. EXTERIOR LIGHTING<sup>402</sup>**

### **(A) PURPOSE**

The purpose of this section is to regulate exterior lighting to ensure the safety of motorists and pedestrians and minimize adverse impacts on adjacent properties. More specifically, this section is intended to:

- (1)** Regulate lighting to assure that excessive light spillage and glare are not directed at adjacent properties, neighboring areas, and motorists;
- (2)** Ensure that all site lighting is designed and installed to maintain adequate lighting levels on site while limiting negative lighting impacts on adjacent lands; and
- (3)** Provide security for persons and land.

<sup>402</sup> The current LDO contains no exterior lighting standards. As discussed in the Diagnosis/Annotated Outline, we recommend adding these basic exterior lighting standards to ensure adequate lighting of development while avoiding excessive light spillage and glare on adjacent streets and neighboring properties. These standards do so by addressing the height and shielding of light fixtures and illumination levels.

**(B) APPLICABILITY****(1) General**

The provisions of this section shall apply to all development in the city unless exempted in accordance with Section 23-6-8(C), Exemptions.

**(2) Time of Compliance**

A lighting plan shall be submitted with an application for approval of a Site Plan (See Section 23-2-4(E)), Preliminary Plat (Section 23-2-4(F)), Certificate of Zoning Compliance (Section 23-2-4(L)), or Temporary Use Permit (Section 23-2-4(J)), as appropriate.

**(C) EXEMPTIONS**

The following is exempted from the exterior lighting standards of this section.

**(1)** Existing athletic field lighting;

**(2)** City-owned, -operated, or -maintained street lights located within a street right-of-way or other easement granted to the city; and

**(3)** Lighting and fixtures approved as part of a Certificate of Appropriateness (Section 23-2-4(G)).

**(D) GENERAL STANDARDS FOR EXTERIOR LIGHTING****(1) Hours of Illumination**

Public and institutional uses, commercial uses, and industrial uses (See use tables in Sections 23-4-1(B) and 23-4-1(C).) that are adjacent to existing residential development or vacant land in residential districts shall turn off all exterior lighting—except lighting necessary for security or emergency purposes—by 10:00 P.M. or within one hour of closing, whichever occurs first. For the purposes of this subsection, lighting “necessary for security or emergency purposes” shall be construed to mean the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure, to illuminate exterior walkways, or to illuminate outdoor storage areas. Such lighting may be activated by motion sensor devices.

**(2) Illumination Direction**

In all districts, lighting shall be directed downward. In addition, upwardly-directed lighting shall not be used to illuminate structures, except for low-wattage architectural lighting.

**(E) DESIGN STANDARDS FOR EXTERIOR LIGHTING**

All exterior lighting shall meet the following standards:

**(1) Maximum Lighting Height**

**a.** Except for outdoor sports fields or performance areas, the height of outdoor lighting, whether mounted on poles or walls or by other means, shall be no greater than 20 feet in Agricultural and Residential districts and the LB, NB, WF, SB, and DT districts, and no greater than 30 feet in the CB, RB, and I districts.

**b.** Wherever possible, illumination of outdoor seating areas, building entrances, and walkways shall be accomplished by use of ground mounted fixtures not more than four feet in height.

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Section 23-6-8: Exterior Lighting

Section 23-6-8(G): Exemptions for a Security Plan

### (2) Shielding

#### a. Exterior

Light fixtures in excess of 100 lumens shall use full cut-off lenses or hoods to prevent glare or spillover from the project site onto adjacent lands and streets.

#### b. Interior

No interior light source shall be positioned, aimed, or configured so as to result in the light source being visible from occupied adjoining land zoned A, RE, RER, RS-, RM-, RMH, or AHO.

#### c. Canopies

No light source in a canopy structure shall extend downward further than the lowest edge of the canopy ceiling.

#### d. Awnings

Awnings or canopies used for building accents over doors, windows, etc., shall not be internally illuminated (i.e., from underneath or behind the awning).

### (3) Maximum Illumination Levels

All outdoor lighting and indoor lighting visible from outside shall be designed and located so that the maximum illumination measured in foot-candles at ground level at the development site's property lines shall not exceed the standard in Table 23-6-8(E)(3), Maximum Illumination Levels, for the type of use or development. Cut-off lighting shall be designed to direct light downward (e.g., shoe box style).

**TABLE 23-6-8(E)(3): MAXIMUM ILLUMINATION LEVELS**

TYPE OF USE <sup>1</sup>	MAXIMUM ILLUMINATION AT PROPERTY LINE (FOOT-CANDLES)
Residential or Public and Institutional Use	0.5
Commercial Use, Water-Oriented Facilities, and Mixed-Use Developments	2.5
Industrial Use	2.5
Vehicular Use Areas <sup>2</sup>	2.5

NOTES:

1. See use tables in Sections 23-4-1(B) and 23-4-1(C).

2. Minimum illumination level at the edge of the vehicle use area shall be 0.2 foot-candle.

### (F) WALL PACK LIGHTS

Wall packs on buildings may be used at entrances to a building to light unsafe areas. They are not intended to draw attention to the building or provide general building or site lighting. Wall packs on the exterior of the building shall be fully shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct the light vertically downward and have a light output of 1,000 lumens or less. Wall pack light sources visible from any location off the site are prohibited.

### (G) EXEMPTIONS FOR A SECURITY PLAN

Government maintenance facilities, public safety facilities, parks and public spaces, and other uses (See use tables in Sections 23-4-1(B) and 23-4-1(C).) where sensitive or dangerous materials are stored may submit to the Director of Community Development a site security plan proposing exterior lighting that deviates from the standards in this

subsection. The Director of Community Development shall approve, or approve with conditions, the site security plan and its proposed deviation from the standards of this subsection, on finding that:

- (1)** The proposed deviation from the standards is necessary for the adequate protection of the public;
- (2)** The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage, or members of the public are at greater risk for harm than on surrounding land; and
- (3)** The proposed deviation from the standards is the minimum required, and will not have a significant adverse effect on neighboring lands.

## **(H) ILLUMINATION OF OUTDOOR SPORTS FIELDS AND PERFORMANCE AREAS**

Lighting of outdoor sports fields and performance areas shall comply with the following standards:

### **(1) Glare Control Package**

All lighting fixtures shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.

### **(2) Hours of Operation**

The hours of operation for the lighting system for any game or event shall not continue more than one hour after the end of the game or event.

## **(I) SIGN LIGHTING**

Lighting fixtures illuminating signs shall comply with the standards of this section, and such fixtures shall be aimed and shielded so that direct illumination is focused exclusively on the sign face and is not visible from off-site areas.

# **9. MULTIFAMILY RESIDENTIAL DESIGN STANDARDS<sup>403</sup>**

## **(A) PURPOSE**

These multifamily design standards are intended to:

- (1)** Establish a minimum level of design quality for two-family dwellings, three- to four-family dwellings, single-family attached or townhouse development, and multifamily development to foster sustained value and stability within developments and neighborhoods; and
- (2)** Promote greater compatibility between two-family dwellings, three- to four-family dwellings, single-family attached or townhouse development, and multifamily development and other allowable uses in the city.

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<sup>403</sup> These are new standards, as suggested in the Diagnosis/Annotated Outline (p. 2-44), that are intended to address the appearance of multifamily development. They focus on building orientation, size, and façade appearance, roof form, and the placement and appearance of accessory structures and outdoor activity areas.

## Article 23-6: Development Standards

Section 23-6-9: Multifamily Residential Design Standards

Section 23-6-9(D): Multifamily Design Standards

### (B) APPLICABILITY

#### (1) New Development

The standards in this section shall apply to all new two-family dwellings, three- to four-family dwellings, single-family attached or townhouse development, and multifamily development in the city.

#### (2) Redevelopment

The standards in this section shall also apply to any expansion or alteration of an existing two-family dwelling, three- to four-family dwelling, single-family attached or townhouse development, or multifamily development where the cost of the expansion or alteration exceeds 50 percent of the building's or buildings' assessed value at the time of expansion or alteration.

### (C) TIME OF REVIEW

Review for compliance with the standards of this section shall occur during review of an application for approval of a Planned Development (Section 23-2-4(C)), Site Plan (Section 23-2-4(E)), Preliminary Plat (Section 23-2-4(F)), or Certificate of Zoning Compliance (Section 23-2-4(L)), as appropriate.

### (D) MULTIFAMILY DESIGN STANDARDS

All two-family dwellings, three- to four-family dwellings, single-family attached or townhouse development, and multifamily development subject to this section shall comply with the following standards:

#### (1) Building Orientation and Entryways

All buildings with shared building entrances shall be oriented so that the primary entrance(s) faces the street. In the case of corner lots, the primary entrance(s) shall face the street from which the building derives its street address. (See Figure 23-6-9(D), Multifamily Design Features.)



Figure 23-6-9(D): Multifamily Design Features

## **(2) Pedestrian Circulation**

A clearly defined, visible, and identifiable pedestrian network shall be provided between parking spaces, open spaces, recreational facilities, and individual buildings within the development site and connected to adjacent public street sidewalks and public parks, open spaces, and community facilities.

## **(3) Building Size**

- a.** The maximum footprint area of any individual building shall be 20,000 square feet in the RM-30 and DT districts and 15,000 square feet in all other districts.
- b.** The maximum length of any individual building containing single-family attached or townhouse dwelling units or multifamily dwelling units shall be 200 linear feet, regardless of the number of units.
- c.** No more than six side-by-side dwelling units shall be attached in any single structure.

## **(4) Height**

Except in the DT district, buildings shall have a maximum height of 35 feet within 100 feet of an existing single-family detached dwelling or vacant land classified as a single-family residential district (RS-) on the official zoning map.

## **(5) Building Design**

Building details—including roof forms, siding materials, windows, doors, and trim—shall reflect a similar level of quality and architectural detailing on all sides facing a street on which there is an existing single-family detached dwelling or vacant land classified as a single-family residential district (RS-) on the official zoning map.

## **(6) Building Façades**

- a.** The street-facing front façades of buildings shall be articulated with wall offsets (e.g., projections or recesses in the façade plane) that are at least two feet deep and spaced no more than 30 feet apart.
- b.** In addition to wall offsets, street-facing front façades shall provide at least three of the following articulation elements:
  - 1.** A covered porch;
  - 2.** A recessed entrance;
  - 3.** One or more dormer windows or cupolas;
  - 4.** Pillars, posts, or pilasters;
  - 5.** One or more bay windows projecting at least twelve inches from the façade plane;
  - 6.** Eaves projecting at least four inches from the façade plane;
  - 7.** Raised corniced parapets over the entrance door;
  - 8.** Multiple windows with a trim at least four inches wide; or
  - 9.** Integral planters that incorporate landscaped areas or places for sitting.

## **Article 23-6: Development Standards**

Section 23-6-9: Multifamily Residential Design Standards

Section 23-6-9(D): Multifamily Design Standards

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- c. Side façades shall maintain at least 20 percent of the façade area as windows.

### **(7) Roof Form**

- a. Principal buildings shall incorporate roof pitches between 3:12 and 12:12, or incorporate a parapet at least three feet high with a three-dimensional cornice around a flat roof. Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features.
- b. All roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or otherwise be configured, to the degree practicable, to have a minimal visual impact as seen from the street.

### **(8) Accessory Structures**

- a. Garages serving two-family dwellings, three- to four-family dwellings, and single-family attached or townhouse dwellings shall be located to the side or rear of the building(s) containing the dwellings. Garages serving multifamily dwellings shall be located to the side or rear of the building(s) containing the dwellings, or be structured parking.
- b. The exterior materials, design features, and roof form of accessory structures shall be compatible with the principal building(s) to which they are accessory.
- c. Accessory structures shall not physically obstruct pedestrian entrances.
- d. Trash receptacles shall be located in an enclosed area.
- e. Fencing of multifamily development recreational amenities such as swimming pools and tennis courts shall provide visibility and safety.

### **(9) Parking Location**

No more than 40 percent of the off-street surface parking shall be located between the building and the street it fronts unless screened from the street by another building. The balance shall be located to the side or rear of the building. Off-street surface parking shall be located away or fully screened from adjacent existing single-family detached dwellings or vacant land classified as a single-family residential district (RS-) on the official zoning map. (See Figure 23-6-9(D)(9), Location of Parking for Multifamily Development and Figure 23-6-9(D)(10), Location and Screening of Multifamily Parking and Outdoor Activity Areas.)

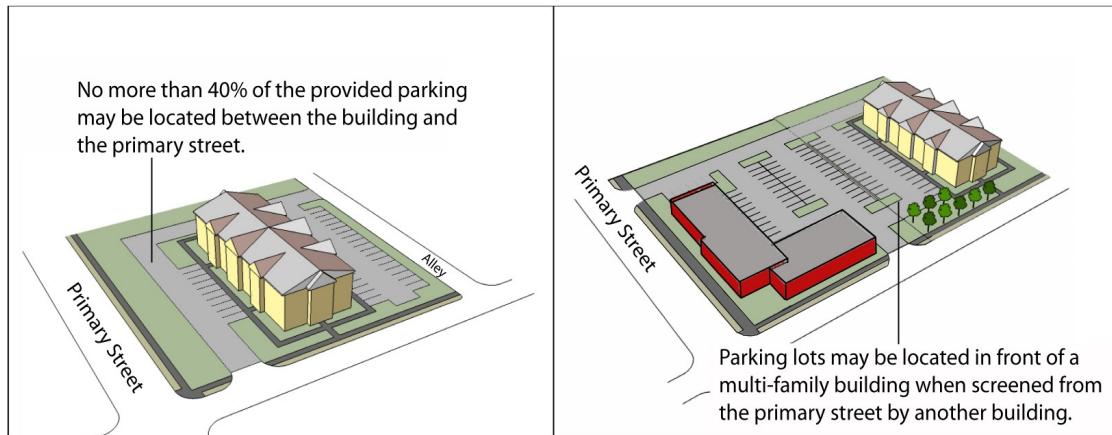


Figure 23-6-9(D)(9): Location of Parking for Multifamily Development

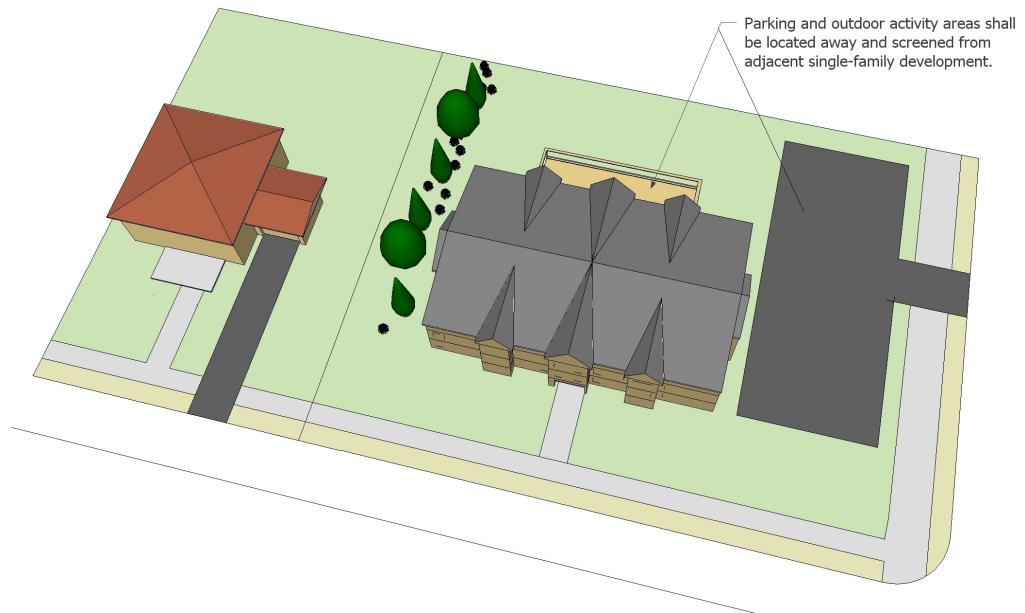


Figure 23-6-9(D)(10): Location and Screening of Multifamily Parking and Outdoor Activity Areas

## (10) Outdoor Activity Areas

Outdoor activity areas, porches, balconies, decks, vending areas, and other similar site attributes shall be located away or fully screened from adjacent existing single-family detached dwellings or vacant land classified as a single-family residential district (RS-) on the official zoning map. (See Figure 23-6-9(D)(10), Location and Screening of Multifamily Parking and Outdoor Activity Areas.)