**SECTION 24.3, Definitions:**

**Add:**

Floor Area, Gross. The sum of the gross area (horizontal) of every floor of a building, as measured by the exterior faces of the walls or from the centerline of party or common walls separating two buildings, dwellings, or distinct and separate non-residential uses having no common exterior access. "Floor Area, Gross" shall include: (a) basement space having more than half of its exterior height, measured floor to ceiling, above the finished grade of the ground adjoining the building; (b) attic space if a floor has been laid, over which there is structural headroom of 7 1/2 feet or more; (c) floor space used for mechanical equipment with structural headroom of 7 1/2 feet or more; (d) roofed porches, breezeways, interior balconies and mezzanines; (e) any roofed-over space not located in a basement such as a garage or carport for off- street parking accessory to a dwelling. "Floor Area, Gross" shall not include: (a) basement space having more than half of its exterior height, measured floor to ceiling, below the finished grade of the ground adjoining the building; (b) elevator shafts and stairwells, accessory water tanks and cooling towers; and (c) patios, terraces, unroofed open porches/decks, and outside uncovered steps.

**Amend** Definition of “Floor Area” as follows (new language in bold, deletions in brackets):

 Floor Area, **Net:** The floor area of a dwelling unit **or other building** shall be finished for occupancy and shall have at least 7 foot ceilings. In computing [total] **net** floor area, customary rooms, **private** halls and closets shall be included. The following shall not be included: utility rooms, garages, open and closed outside vestibules, porches, verandas or breezeways, bay windows, public stairs and hallways, and areas which are more than four feet below the grade of the lot at the foundation of the area to be [included[ **calculated**. **Net** floor areas shall be computed from the outside of **the** finished outside walls.

**Section 26 Andover Mixed Use Floating Zone**

**26.1 PURPOSE** - A floating zone is designed to permit and encourage variety and flexibility in uses but also retaining the Commission’s legislative authority to guide and ensure proper development in accordance with the Plan of Conservation and Development and these regulations. The Commission may approve, disapprove or approve with modifications an application for floating zone. Once a floating zone designation has occurred the Commission can then approve a detailed site plan for the development of the land which plan may deviate from the standards in the underlying zone in accordance with this section.

**26.2 APPLICABILITY** – This floating zone may be applied to any lot or assemblage of lots (with owner consent) located in the area designated Business or Industrial on the Andover Zoning Map or which has fee simple frontage on Route 6. The recommended minimum size is three (3) acres, however Commission will consider smaller lots.

In rendering a decision on a zone change the Commission acts in a legislative capacity and shall be afforded wide and liberal discretion. The Commission shall use its knowledge of the area, public comment, its Plan of Conservation and Development and the Comprehensive Plan as reflected in the Zoning Regulations.

**26.3 RELATIONSHIP TO ZONING REGULATIONS**

Uses within the Mixed Use Floating Zone shall be subject to all provisions and definitions of these regulations. However, because the intent of the Mixed Use Floating Zone is to provide flexibility in design standards in order to achieve important design objectives as described herein, in cases of conflict with other provisions of these Regulations including the zoning definitions, the provisions of this Section shall prevail.

**26.4 PROCEDURE-APPLICATION PROCESS MASTER PLAN REQUIREMENTS** –

 **26.41.** **Procedures.** The procedures to amend the Zoning Map to a mixed use Floating Zone are described in Section 25 of these Regulations. If a proposed Mixed Use Floating Zone contains more than one parcel, the owner of each parcel must sign the application. For these purposes, the Master Plan shall not be construed as a “site plan” (per Section 23) but as a component of the zoning map change and subsequent special permit application.

 **26.42. Informal Review.** All prospective applicants considering development within the Mixed Use Floating Zone are encouraged to review with the Commission, on an informal and pre-application basis, a draft preliminary master plan and drafts of other information required by these Regulations. Although this process may enable a prospective applicant to obtain meaningful preliminary feedback, this informal review is not intended to include evaluation of application specifics. Neither the pre-application conference nor the formal consideration of the preliminary plan shall be deemed to constitute any portion of the official and formal procedure of applying for a change of zone or a Master Plan approval. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application for a Mixed Use Floating Zone. Similarly, silence by Commission members during an informal review should not be construed as assent or acceptance of what is presented. Following any informal discussion, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for change of zone.

**26.43 Formal Application.** An application for approval of a Mixed Use Floating Zone shall be made in writing to the Commission signed by the owner or owners of the land which are the subject of the application, together with any other applicant. The application shall include ten prints of a Master Plan and other supporting documents in accordance with Section 26.4.4 below. The Commission shall hold a public hearing on the proposal in accordance with Section 25 of these Regulations. The Commission may modify the Master Site Plan or reduce the area of the zone change as it considers necessary in order to assure continued conformance with the zoning regulations.

 **24.44. Application Requirements**. Petitions to amend the Zoning Map to Mixed Use Floating Zone shall provide the following information:

**(A) Master Plan** for the area to be rezoned, including the following elements:

(i) Boundary survey of the land to be included in the district at a scale no smaller than 1” = 50 feet, and prepared at the A-2 standard of accuracy by a Connecticut Licensed Land Surveyor;

(ii) Existing topography with 2’ contours to T-2 or T-3 level of accuracy showing the general gradient of the site, existing structures, existing roads and rights-of-way, major topographic features, and limits of inland wetlands, watercourses and floodplains as mapped in the field by a qualified Soils Scientist and plotted by a Connecticut Licensed Land Surveyor;

(iii) Existing land uses and zoning within five hundred (500) feet of the area to be rezoned;

(iv) Names of all property owners located within five hundred (500) feet of the boundary of the property to be rezoned, as listed on the Town Assessor’s records;

(v) Location of proposed land uses within the area to be rezoned;

(vi) The number of residences, and the allocation among various types of residences; the aggregate square footage of each type of dwelling unit; the aggregate maximum number of bedrooms for each type of residential use; the residential density and the method used to calculate it;

(vii) Proposed contours with intervals adequate to indicate drainage and grades;

(viii)Location and size of proposed buildings and structures, including: the square footage of each proposed building; the allocation of uses for each type of building; the height of each building or structure; the location and use of existing buildings or structures, and the intended use thereof; and the architectural and site Design Guidelines; See “Design Guidelines” below;

(ix)Public and private streets and circulation patterns and potential traffic improvements proposed by the applicant;

(x) General locations of on and off-street parking, loading and delivery areas;

(xi) Existing and proposed pedestrian facilities and circulation routes;

(xii)Potential location of public transit connections or stops;

(xiii)Public and private open spaces, both improved and natural, and the square footage or acreage thereof;

(xiv)General locations of utilities and drainage facilities to serve the area to be rezoned;

(xv)General landscaping plans, including existing vegetation to be preserved and general location of landscape buffers;

(xvi)Proposed project phasing of residential and retail components, including phasing of public improvements and provisions to address construction traffic;

(xvii)The location of all inland wetlands and watercourses as delineated by a certified soil scientist in Connecticut;

(xviii)Any exposed area of ledge or rock outcroppings in excess of two hundred (200) square feet, and

(xix)Identification of any known natural and/or cultural resources (i.e., stone walls, foundations, archeological sites, etc).

**(B)** **Comprehensive parking study** (“Master Parking Study”) for the area to be rezoned. The following information should be included in the Master Parking Study:

1. Overall analysis of parking demand for the area to be rezoned, including share uses analysis if applicable;
2. Types, approximate locations and number of parking spaces to be provided; and,
3. Comparison of parking demand and parking to be provided.

**(C) Comprehensive traffic study** (“Master Traffic Study”) for the area to be rezoned. The following information should be included:

1. Existing and projected background traffic counts on major streets located in and adjacent to the area to be rezoned;
2. Analysis of anticipated traffic to be generated by the land uses proposed for the area to be rezoned, including projected levels of service and queuing at key intersections;
3. Description of traffic improvements, including pedestrian; public transit improvements, to mitigate traffic impacts;
4. Anticipated phasing of traffic improvements within project area, and
5. The Study shall be prepared by a licensed, State of Connecticut Professional Engineer. Said document shall be signed and sealed by the licensed preparer.

**(D)** **Comprehensive stormwater drainage study** (“Master Stormwater Drainage Study”). The following information should be included:

1. Analysis of existing and proposed peak rates of storm water discharge from the property for 10, 25, 50 and 100 year storm events;
2. Description of stormwater drainage improvements to be constructed, including phasing based on a 50 and 100-year storm event;
3. Preliminary description of stormwater quality measures to be incorporated into the area to be rezoned, and
4. The Study shall be prepared by a licensed, State of Connecticut Professional Engineer. Said document shall be signed and sealed by the licensed preparer.

**(E) Documentation of the availability of potable water and sanitary sewer service**. The documentation shall be prepared by a licensed, State of Connecticut Professional Engineer. Said documentation shall be signed and sealed by the licensed preparer.

1. This documentation shall include but not be limited to the proposed water supply (well data) and sewage disposal facilities, including test pit data and suitability.

**(F) Design guidelines** (“Design Guidelines”) for the district, including information on the following:

(i) **Design intent and project vision**; **A “Pattern Book”** that shall establish the building design standards, including, but not limited to, dimensional requirements; setbacks; architecture, including the exterior materials and finishes to be used, roof lines and materials, fenestration, color palette; building and site illumination; and such other design and architectural details as will allow the Commission to ensure that the individual components of the Master Plan will be clear and enforceable after approval of the Mixed Use Floating Zone.

1. .All new buildings shall meet the following minimum architectural design standards:
	* **Building Placement:** Buildings shall define the streetscape through the use of setbacks along the build-to line for each block. The build-to line shall be generally continued across side yard setback areas between buildings by using landscaping. The streetscape shall also be reinforced by lines of closely planted shade trees, and may be further reinforced by walls, hedges or fences which define front yards.
	* **Architectural Character:** Buildings may be either traditional in their architectural character, or be a contemporary expression of traditional styles and forms respecting the scale, proportion, character and materials of historic village and hamlet structures.
	* **Architectural Variety:** A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.
	* **Scale:** The scale of new construction, including the arrangement of windows, doors and other openings within the façade, shall be compatible with historic buildings in the region.
	* **Building Mass**: Buildings of forty (40) feet or more in width shall be visually divided into smaller increments to reduce their apparent size and contribute to a human scale development. The mass of these buildings shall be de-emphasized in a variety of ways through architectural details such as divisions or breaks in materials, window bays, separate entrances and entry treatments, variation in rooflines, awnings, or the use of sections that may project or be recessed up to ten (10) feet.
	* **Consistent Cornice Lines:** Attached buildings within the same block shall maintain cornice lines in buildings of the same height.
	* **Fenestration**: Windows and other openings shall have proportions and a rhythm of solids to voids similar to historic buildings in the region.
	* **Roof Materials:** Roof materials and color should be traditional, meaning they should be within the range of colors found on historic buildings in the region. The use of fascias, dormers and gables is encouraged to provide visual interest.
	* **Exterior Wall Materials:** Exterior wall materials, color and texture should be similar to that found on historic buildings in the region.
	* **Colors**: Colors found on exterior surfaces shall be harmonious with surrounding development and shall visually reflect the traditional colors of historic structures in the region.
	* **Accessory Structures:** All accessory structures, screen walls and exposed areas of retaining walls shall be of a similar type, quality and appearance as the principal structure.

The design standards listed above are intended to give a general direction to the Pattern Book with regards to design intent. In the event that a specific design proposal varies from the standards listed above, the Commission may allow changes based on a reasonable compliance with the overall intent of the Pattern Book.

**(iii) Site Circulation.**

* Pedestrian, including materials to be used for walkways and the location thereof;
* Bicycle trails, and the location and construction method thereof;
* Public Transit Access, including the design of bus shelters and the location thereof;
* Motor vehicles, including the hierarchy of road widths and specifications and the width of each type of roadway; the location of parking areas and the methods of screening or buffering them from public areas, and the methods of illuminating them so to avoid glare on adjoining parcels;

**(iv) Streetscape and landscaping standards**, including materials, street furniture, illumination, cross walks, and preservation of existing specimen trees.

**(v) Lighting and signage standards**, including an overall sign plan, with method of illumination specified; and a signage plan that will ensure that all new or replacement signage will be compatible. Such conceptual plan shall identify existing and proposed attached and detached signs and shall specify locations, mounting, overall size, colors, materials, fonts and lighting. Signage must conform to section 15.

**(vi) Waste disposal facilities** such as dumpster areas and the screening or enclosure thereof;

**(vii) Treatment of service areas**, loading and delivery areas and above-ground utilities such as transformer boxes;

The Commission shall conduct a public hearing on any application for a Mixed Use Floating Zone in accordance with the provisions of Section 25 of these Regulations.

**26.5. Approval Considerations.**

As an exercise of its legislative authority, the Commission may approve, approve with modifications, or deny any application to amend the Zoning Map to Mixed Use Floating Zone. The Commission may also require that certain amenities, such as improved or natural open space areas or community facilities, be allocated to particular phases of the development so as to ensure that such amenities proceed apace with the other components of the development. In considering any petition to amend the Zoning Map to Mixed Use Floating Zone, the Commission shall make a finding, in addition to the findings required by Section 23 for Special Permits, that the Master Plan, including Master Stormwater Drainage Study, Master Parking Study, Phasing Plan, Master Traffic Study and Design Guidelines are consistent with the standards and purposes of an Mixed Use Floating Zone set forth in this Section.

**26.6. Filing of Approved Master Plan and Zoning Map Amendment.**

 Following approval of an Mixed Use Floating Zone amendment to the Zoning Map, the Master Plan, together with the approved Master Parking Study, Master Traffic Study, Phasing Plan, Master Stormwater Drainage Study and Design Guidelines, shall be filed in the office of the clerk of the Town of Andover. The approved map amendment shall be identified on the Zoning Map with a numbered Mixed Use Floating Zone designation (e.g. Mixed Use Floating Zone 1, Mixed Use Floating Zone 2, etc,).

**26.7. Modification of Approved Zoning Map Amendments.**

 Approved Mixed Use Floating Zone zoning map amendments may be modified by the Commission following the procedure to approve a zoning map amendment to Mixed Use Floating Zone. The Commission may waive any of the application requirements contained in this Section in the event of minor modifications for which such requirements are not necessary in the opinion of the Commission to adequately review and decide the application for modification.

**26.8. Expiration of Mixed Use Floating Zone District.**

 Special Permit approval for a phase of an approved Mixed Use Floating Zone Master Plan or the entire Mixed Use Floating Zone must be obtained no later than five (5) years following the approval of the Mixed Use Floating Zone or, in the event of an appeal of such approval, within five (5) years following the final adjudication of the appeal that the Mixed Use Floating Zone is valid (“final approval”). All components of the Mixed Use Floating Zone shall be completed no later than ten (10) years after final approval of the Mixed Use Floating Zone , provided that the Commission may grant extensions of time where the developer demonstrates that it is making a good faith effort to complete the development and there are no outstanding violations of these regulations or the Inland Wetlands and Watercourses Regulations with respect to the Mixed Use Floating Zone. Any failure to meet these deadlines shall result in the expiration of the Master Plan which shall become null and void. If the Plan becomes null and void, the Commission, following notice and the opportunity to be heard to the current owner, may place notice of such, on the land records of the Town.

**26.9 Site Plan or Special Permit Review.**

Following approval of an Mixed Use Floating Zone Master Plan, all applications for Site Plan or Special Permit approval for the structures and other improvements within such Plan shall be filed with the Commission pursuant to the following process:

**29.1 Informal Review.**

All applicants are encouraged to review all Site Plan or Special Permit applications with the Commission’s advisory staff on an informal basis prior to the filing of any application.

**26.9.2 Application Process.**

(1) Applications for Site Plan or Special Permit approval in an Mixed Use Floating Zone district must be filed with the Commission and conform to Section 23 of these Regulations, except as provided otherwise in this Section 26. Each proposed use, site plan, building or structure, and other component of the application shall include all structures and other improvements within the entire Master Plan or within a project phase as approved by the Commission as part of its approval of the Master Plan, and shall substantially conform to such Master Plan.

(2) The Commission shall conduct a public hearing on any application for Special Permit approval in accordance with the provisions of Section 23.

(3) If any of the activities proposed in the Site Plan or Special Permit application are regulated by the Andover Inland Wetlands and Watercourses Agency (IWWA) by authority granted by the State of Connecticut General Statutes, the Commission shall not render a decision on the application until the IWWA has rendered a decision on the application to conduct such regulated activities.

**26.10 Special Permit Requirements.**

26.10.1 Site Plan or Special Permit Application:

All applicants for Site Plan or Special Permit approval shall provide the application materials required by Section 23 of these Regulations. The following additional information shall also be submitted:

**(1)** **Summary zoning table** demonstrating compliance with all zoning requirements applicable to the Master Plan.

**(2)** **Plan sheets** including all applicable information required by the Regulations for site plans, as well as the following information, if applicable:

1. **Location or key map**, depicting the location of the Site Plan within the area that is zoned Mixed Use Floating Zone, if the application pertains to an area that is less than the entire area zoned for Mixed Use Floating Zone.
2. **Roadway and right-of-way widths**, sidewalk widths, roadway cross-sections and paving materials.
3. **Identification of all land and improvements** intended to be dedicated to the Town of Andover.
4. **Parking plan**, including on-street parking areas.
5. **Exterior building elevations** of all sides of each building, including building height and exterior building materials.
6. **Interior floor plans** of each floor of each building, provided that the location of interior walls and partitions shall be considered preliminary and subject to change.

**(3) Soil Erosion and Sediment Control Plan** in compliance with Section 4.10 of these Regulations.

**(4) Statement of Consistency with Plans**, **Studies and Guidelines.** A statement shall be provided demonstrating reasonable consistency with the following documents that were approved as part of the Mixed Use Floating Zone map amendment:

(i) Master Plan

(ii) Master Parking Study

(iii) Master Traffic Study

(iv) Master Stormwater Draining Study

(v) Design Guidelines

**(5)** The applicant shall submit a **permanent maintenance plan** that establishes a yearly maintenance plan which establishes a schedule of maintenance activities to ensure the aesthetic quality and cleanliness of the site. The maintenance plan shall include, but not be limited to, a timetable for all maintenance activities with respect to private storm drainage systems, utilities and other infrastructure including, but not limited to, landscaping and screening, roads, parking areas, sidewalks, trails and berms, lighting, signage, storage, refuse and litter control, snow removal and other site amenities proposed in the plans. If the development is intended to be a common interest ownership community pursuant to the Common Interest Ownership Act (the “Act”), the applicant shall submit proposed language to be included in the Declaration of the community under the Act binding each unit owner and the unit owner’s association to the requirements of the approved maintenance plan. If the development is intended to be something other than a common ownership community, the applicant shall submit a restrictive covenant and easement document which details maintenance responsibilities or another sufficient legal document which stipulates maintenance, covenants and easement arrangements to the satisfaction of the Commission.

 **26.10.2 Site Plan or Special PermitApproval Considerations.** In reviewing any proposed Site Plan or Special Permit, the Commission shall determine the following, in addition to the applicable criteria of Section 23 of these Regulations:

**(1)** That the application is consistent with the criteria set forth in Section 23, except as provided in the following subsection.

**(2)** That the application is reasonably consistent with the Master Plan, Master Parking Study, Master Traffic Study, Phasing Plan, Master Stormwater Drainage Study and Design Guidelines. A determination of reasonable consistency with the Master Plan shall constitute a conclusive presumption that the use, the location of a building, the square footage, height and size of a building, and the density of any residential use, are in compliance with the criteria of Section 23.4 of these Regulations. If, in its judgment, the Commission determines that changes have been made to the Master Plan, including without limitation the size, density, mix of uses, site plan, appearance, and/or design of the development that effect the application’s fulfillment of the objectives of a Mixed Use Floating Zone, the application may be found not reasonably consistent with the Master Plan.

**(3)** That all other applicable provisions of these Regulations have been satisfied, except as otherwise provided by this Section 26.

**26.10.3 Approval Conditions.**  The Commission may approve, or approve with modifications, or deny any proposed Special Permit.

**26.10.4 Bonding.** The Commission may require the posting of bonds pursuant to the provisions of the Connecticut General Statutes and Section 8 21.10 of these Regulations, and/or other forms of security deemed appropriate to a particular project at the discretion of the Commission.

**26.10.5 Modification of Approved Plans.** Modifications of approved Special Permit plans in an Mixed Use Floating Zone shall be governed by Section 21.7 of these Regulations.

**26.11 ANDOVER MIXED USE FLOATING ZONE USE AND BULK REGULATIONS**

26.11.1 **Goal.** The goal of the Mixed Use Floating Zone is to allow for the creation of pedestrian friendly, mixed use developments, which include office, retail, commercial and residential land uses, that are in keeping with the scale and character of the Town of Andover and as discussed in the 2015 Plan of Conservation and Development, as amended.

26.11.2 **Permitted Uses**

a. Accessory Uses in connection with an approved use, provided that all such uses shall be consistent with the architectural, signage and landscaping of the approved principal uses.

b. Pre-Existing, Non-Conforming Structures or Uses.

c. All uses allowed in the existing Andover Business and Industrial Zones by Site Plan Review shall be permitted in the Mixed Use Floating Zone by Site Plan Review, and all uses allowed in the existing Andover Business and Industrial Zones by Special Permit shall be permitted in the Mixed Use Floating Zone by Special Permit;

1. Multi-family units integrated into an overall mixed use development
2. 55 and over Active Adult and Senior Housing/Assisted Living

26.11.3. **Height and Area Requirements.**

a. Maximum height of buildings: 35 feet. See section 24.3 for definition.

b. Minimum height of buildings: Two floors of finished space with a minimum ceiling height of eight (8) feet. Each floor shall have one side completely set above grade, on which side shall be located the primary entrance to the building.

c. Yards:

Front Yard: 10 feet unless otherwise specified by the Commission. Parking between the buildings and Route 6 is discouraged unless site conditions and design requirements make it unavoidable.

Rear Yard: 10 feet unless abutting a residential zone where the Commission may require a 25 foot buffer area

Side Yard: side yard 10 feet, unless abutting a residential zone where the Commission may require a 25 foot buffer yard.

Side Yard Along a Street: 10 feet..

d. Recommended minimum lot size: 3 acres

e. Minimum frontage: 50 feet on Route 6.

f. Maximum floor area: No building constructed after the effective date of the approval of a mixed use floating zone shall contain a retail business or office use having a gross floor area greater than 5,000 square feet. The Commission may approve an increase in the allowable gross floor area for a retail business or office use to a maximum of 15,000 square feet upon the Commission’s finding that the proposed plan does not result in the demolition of any historic building and that the building design shall resemble and be in harmony with Andover’s historic rural character through the use of architectural features such as:

1. staggering the depth from the street to the face of the building;

2. changing roof heights;

3. use of different but complimentary building materials;

4. changes in fenestration;

5. use of awnings/canopies

. h. Lot Coverage. No more than60 percent of the lot may be covered with impervious surfaces.

26.**12 “Stormwater Quality.** Management of stormwater shall be in accordance with the stormwater management standards of Section 4.17 of these Regulations.

26.13 **ARCHITECTURAL DESIGN.**  The architectural design, scale and mass of buildings and other structures, including among other elements the exterior building material, color, roof line and building elevations shall be of such character as to harmonize and be compatible with, and to enhance, the iconic or traditional buildings in the Zone and surrounding properties as to preserve and improve the appearance and beauty of the community. The following are encouraged.

1) Buildings designed to achieve a small scale and residential/historic appearance shall be encouraged.

 2) Pitched roofed buildings shall be encouraged.

 3) Roof top mounted mechanical equipment shall be concealed from all sides.

 4) Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible; and

5) Section 23.4m – 23.5 of these regulations shall be considered as part of all Master Plan and Special Permit site plan reviews and sign applications.

6) During the Special Permit review process Section 23 guidelines shall also apply.

**26.14 RESIDENTIAL USE.**

There shall be no residential uses located at the ground level of any building which is located within one hundred (100) feet of the Route 6 Street Line.

Soundproofing shall be designed and installed to isolate the normal sounds of business activity from the residential uses.

In no case shall the net floor area of all residential units combined exceed 66% of the net floor area within the entire proposed development.

Residential units shall consist of a mix of efficiency, one-bedroom and two-bedroom units distributed within the entire proposed development.

26.15. **OFF STREET PARKING.**  All off street parking must comply with the requirements of Section 12. In determining the number of spaces, enclosed garage spaces and garage apron spaces meeting the dimensional criteria of a parking space set forth in these Regulations shall be considered to be acceptable provided, however, that such apron spaces are under the same ownership or control, by lease or otherwise, as the garage space.

Provisions for parking within the zone are based upon the concept of shared parking. The Commission may require that as part of an approval for a development in this zone legal rights of access and use of such parking areas be provided for others within the development, or for the general public. No owner or tenant shall designate a parking space for their own or other’s exclusive use without the approval of the Commission.

In calculating the required number of parking spaces for a use or uses on a particular site or offsite (see next paragraph), the Commission may consider overlapping use of parking spaces based upon the various hours of operation and peak usage for each use.

26.16. **COMBINED USE.** The development plan shall integrate residential and non-residential uses so that they share the site in harmony and so that parking areas, landscaped areas, and other site amenities benefit all the uses on the site. Mixed use is not segregating the residential units away from the commercial uses. Mixed use developments shall demonstrate an effective mixing of uses throughout the site.

26.17. **LIGHTING**: A zone change/site plan application shall include specifications of height, color, and materials for all lighting fixtures, so as to achieve uniformity, and a photometric plan. The Commission may require a reduction in lighting after 10:00 p.m. or when otherwise found to be warranted in order to protect nearby residential properties. All lighting shall be Dark Sky compliant and shall also comply with the requirement of section 23.5B

26.18. **SIDEWALKS**: Newly constructed sidewalks shall be handicapped accessible and installed throughout the development to provide pedestrians access among all buildings.

26.19 **ADDITIONAL REGULATIONS:**

1. Public bus stops shall be located so as to be most accessible to all buildings and access points.
2. Delivery and pick-up locations shall be specifically identified.
3. Exterior mechanical equipment such as cooling towers and chillers shall be screened or color-coordinated to match the buildings served.
4. Locations shall be identified for installation of outdoor eating tables or other amenities including consideration of how the development will contribute to the overall pedestrian circulation in the immediate neighborhood.
5. The site plan shall identify all areas for dumpsters and rubbish removal and adequate landscaping and screening to protect adjacent residentially zoned properties.
6. .

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