

TOWN OF PORTSMOUTH, RI**ORDINANCE # 2008-02-04**

**New language and amendments or adaptations to existing language is underlined (except section titles, which are always underlined.
Deletions are ~~stricken~~. *Informational is in italics.***

ARTICLE II. DEFINITIONS

CALIPER: The trunk diameter measurement of nursery stock trees measured at 6 inches above the ground for trees up to and including 4 inches caliper size, and measured at 12 inches above the ground for trees larger than 4 inches caliper size. A tree may be deemed "destroyed" when any part of a tree is damaged to the point where that tree's survival beyond 3 full growing seasons is unlikely, as determined by a certified Arborist.

LARGE SCALE RETAIL DEVELOPMENT

Any new or expanded retail business, office or consumer service development totaling greater than 25,000 sq. ft., in one or more buildings as approved by the Planning Board as a Planned Retail / Service Development.

LEVEL OF SERVICE

The Highway Capacity Manual, published by the Transportation Research Board. lists the following levels of service:

- A= Free flow
- B=Reasonably free flow
- C=Stable flow
- D=Approaching unstable flow
- E=Unstable flow
- F=Forced or breakdown flow

The Level of Service for any road or intersection and the estimated Level of Service as a result of a proposed development shall be determined by methods described in the Highway Capacity Manual:

Level of Service (LOS)	Control Delay per Vehicle (sec/veh)	Description
A And B	10(A) > 10 and 20 (B)	No delays at intersection with smooth progression of traffic. Uncongested operations; all vehicles clear in a single cycle.
C	> 20 and 35	Moderate delays at intersection with satisfactory to good progressions of traffic. Light congestion; occasional back-ups on critical approaches.
D	>35 and 55	Forty (40) percent probability of delays of one cycle or more at every intersection. No progression of traffic along the roadway with 90 percent probability of being stopped at every intersection experiencing "D" condition. Significant congestion on critical approaches, but intersection functional. Vehicles required to wait through more than one cycle during short peaks. No long standing lines formed.
E	> 55 and 80	Heavy traffic flow condition. Delays of two or more cycles probable. No progression. 100 percent probability of stopping at intersection. Limit of stable flow. Blockage of intersection may occur if traffic signal does not provide for protected turning movements.
F	> 80	Unstable traffic flow. Heavy congestion. Traffic moves in forced flow condition. Three or more cycles to pass through intersection. Total breakdown with stop-and-go operation.

Source: The latest edition of Highway Capacity Manual (HCM) published by the Transportation Research Board, 2000.

ARTICLE IV. DIMENSIONAL REQUIREMENTS

SECTION C. SPECIAL YARD AND COVERAGE REQUIREMENTS

add new

10. In all districts, off-street parking provided and maintained as paved/impervious surface shall be counted as part of the allowable lot coverage as defined and specified herein and in Articles VII, VIII and IX of these regulations.

11. Parking areas composed of pervious surfaces are encouraged for all land uses and lots, unless there are overriding environmental limitations, and may be provided to meet part of any required parking spaces on a lot. 20% of such pervious surfaces which provide for grass surface shall be counted as part of the overall allowable lot coverage; otherwise 60% of such pervious surfaces shall be counted.

Ordinance # 2008-02-04 - Page 3

SECTION E. DENSITY AND COVERAGE IN MULTI-USE SITUATIONS

Except as otherwise provided herein, on any lot on which more than one type of use is allowed, either as a matter of right ~~or as~~, a special use permit or a Planned Unit Development, the amount of land needed to meet the area or coverage requirements for one use may not be used to meet the requirements of any other use. Where the ordinance may be interpreted in more than one manner, which interpretation shall be used which results in the least intensive use of the land and the most open space.

ARTICLE V. - USE TABLES

E. RETAIL BUSINESS AND CONSUMER SERVICE ESTABLISHMENTS USES	<u>R10</u>	<u>R20</u>	<u>R30</u>	<u>R40</u>	<u>R60</u>	<u>C-1</u>	<u>I-L</u>	<u>I-H</u>	<u>WD</u>	<u>TC</u>
<u>14.4 New or expanded retail business, office or consumer service development of totaling over 25,000 square feet building gross floor area of the first floor in one or more buildings as approved by the Planning Board as a Planned Retail/Service Development (See Article VIII. Section D).</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
<u>14.5 Single retail or consumer service establishment of over 45,000 square feet gross floor area.</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>14.5 New or expanded single use retail business of over 45,000 square feet building foundation area in one building abutting the Traffic Sensitive District.</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

ARTICLE VII SPECIAL USE PERMITS

Section A. GENERAL

4. In granting a special-use permit, the Zoning Board of Review may grant one (1) or more dimensional variances, per the provisions of Article VI. Section D. Variances.

a) Dimensional variances granted in conjunction with a special-use permit shall be supported by independent evidence on the record satisfying each of the requirements for a dimensional variance, and the Board shall vote on each dimensional variance before voting on the special-use permit.

SECTION G. MEW RETAIL BUSINESS, OFFICE OR CONSUMER SERVICE COMPLEX, ALTERATION OR SUBSTANTIAL IMPROVEMENT

Ordinance # 2008-02-04 – Page 4

1. A new retail business, office or consumer service complex use...
 - a) Multiple principle and/or accessory buildings may be permitted within a single lot, subject to the provisions of ~~this section and~~ Article VIII. Section D. Planned Unit Developments.

10. Development Standards

ADD:

r) Outdoor Display Areas. Exterior display areas shall be permitted only where clearly depicted on the approved site plan. All exterior display areas shall be adequately separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians. Display areas on building aprons must maintain an adequate minimum walkway width between the display items and any vehicle drives.

Merchandise may not be displayed or stored in parking areas or on sidewalks adjacent to façade walls, except in screened display, sales, and storage areas, except short term seasonal events as approved by the Building Inspector.

Display, sales, and storage areas, such as nursery departments, must be enclosed by screening with a solid base with a minimum height of three feet ~~under~~ a wrought iron or tubular steel fence (black or green vinyl coated only) with a minimum height of five feet. The screening may also be composed of materials and colors matching the main building. No merchandise other than trees may be visible above the screening from eye level at grade.

These provisions shall not be applicable where the sale of nursery and agricultural products are the principle use of the building.

ARTICLE VIII, SECTION D. (*Planned Unit Developments Regulations*)1. PURPOSE

The purpose of this section is to provide a procedure for the evaluation and approval of integrated developments focused on planned employment uses, including industrial, light industrial, office and research and development uses, ~~and~~ retail/service developments, marina and resort-style development, and addressing the particular needs of marine trade uses.

Ordinance # 2008-02-04 - Page 5

The regulations are intended to foster developments which are compatible with surrounding areas and which incorporate buffers or transition areas to reduce potential negative impacts on ~~non-commercial/industrial properties~~ single family residential areas. The regulations are intended to encourage a mixture of compatible uses to create a sustainable and attractive environment for a wide variety of trades and businesses.

A coordinated design approach with an emphasis on compatibility with the natural environment and surrounding land uses and the allowance of a sufficient mix of uses and accessory uses to create a self-contained or self-sustained development park is encouraged. Planning of a project and calculation of densities over the entire project rather than on an individual lot-by-lot basis is permitted. A coordinated design approach should:

- Break up the apparent mass and scale of large structures, as well as large paved areas, in order to ensure that such development is compatible with and does not detract from Portsmouth's character, scale, and sense of place;
- Help integrate large-scale development with its surroundings;
- Promote and facilitate a safe and comfortable pedestrian scale environment;
- Encourage a mixture of uses and sizes of structures; and
- Reduce the visual impact of large areas of parking.

The regulations are intended to be flexible, to allow for innovative design techniques, accommodate unique land uses and encourage creative approaches to development issues. It is anticipated that public officials will have considerable involvement in determining the nature of the development through the development plan review process which will include consideration and application of aspects of both subdivision and zoning regulations.

Where the requirements of any part of this section may conflict with any other section, this section shall prevail.

2. APPLICABILITY AND PROCEDURE

d) In granting a planned unit development under this section the Planning Board shall, immediately upon receipt of an application hereunder, refer the site plan and related documents to the Design Review Board for review and advice, per the stipulations of Article XI. Development Plan Review.

Ordinance # 2008-02-04 - Page 6

3. MINIMUM LAND AREA

- a) A Planned Unit Development shall consist of not less than 200,000 square feet, except Planned Retail/Service Developments which shall consist of not less than 100,000 square feet, or 80,000 square feet in the Town Center District, of developable land area which may be subdivided into lots as set forth in section 6 hereof.

6. DEVELOPMENT/PERFORMANCE STANDARDS

a) General Intensity Regulations

	Min. lot size	Min. frontage*	Min. front setback	Min. side setback	Min. rear setback	Max. Lot/Bldg coverage	Max. Bldg. height
PID	40,000	200'	60'	30'	50'	40%	40' **
PCD	40,000	200'	50'	30'	50'	40%	40' **
PMTD	30,000	110'	30'	20'	30'	40%	40' **
PMVD	20,000	110'	30'	15'	20'	50%	40' ***
PRD	20,000	110'	30'	15'	20'	50%	40'
PRSD	20,000	110'	30'	15 25'	20 30'	25%	35'
<u>PRSD in TC zone</u>	<u>20,000</u>	<u>110'</u>	<u>5'</u>	<u>15'</u>	<u>20'</u>	<u>35%</u>	<u>35'</u>

* Shown for reference purposes:

PID = Planned Industrial Development

PCD = Planned Corporate Development

PMTD = Planned Marine Trade Development

PMVD = Planned Marina Village Development

PRD = Planned Resort Development

PRSD = Planned Retail/Service Development

PRSD in Town Center Zone corrects an earlier omission.

Maximum Building, parking and travelway coverage: 70%

85% in the Town Center District (same as Spec. Use Permit)

- (1) The Board shall have the power to modify the above provisions in the event the Board finds that granting such modification allows the applicant to provide other amenities or features in furtherance of the purposes and intent of this section such as, but not limited to, preservation of existing trees, groves, water bodies or scenic points; public access to the coastline, coordinated access to utilities, facilities and roadways by neighboring property owners, provision of additional public infrastructure of benefit to property owners beyond development limits, or protection of proximate residential areas or, if necessary, to accommodate the particular need of a use allowed hereunder.

Ordinance # 2008-02-04 - Page 7

- (2) In all districts, off-street parking provided and maintained as paved/impervious surface shall be counted as part of the allowable lot coverage as defined and specified herein and in Articles IV of these regulations.
- (3) Parking areas composed of pervious surfaces are encouraged for all land uses and lots, unless there are overriding environmental limitations, and may be provided to meet part of any required parking spaces on a lot. 20% of such pervious surfaces which provide for grass surface shall be counted as part of the overall allowable lot coverage; otherwise 60% of such pervious surfaces shall be counted.
- a) Pervious surfaces shall not be used in travel lanes, fire lanes, or within 60 ft. (2 parking lanes plus aisle) of any building except for employee parking.
- (4) Measures that shall be considered to reduce the amount of impervious surfaces in all proposed parking lots include:
- Provide pervious parking stall surfaces
 - Provide pervious overflow parking
 - Provide pervious snow-storage space
 - Conserve existing natural areas, including trees on-site
 - Minimize clearing to the extent practicable while retaining access, sight distances, and safe vehicle flows.

Minimum side and rear building setbacks for a Planned Retail/Service Development not in the Town Center zone may be increased by the Planning Board for developments that abut residential zones and contain any building greater than 25,000 SF gross area. Increase in such setbacks shall be intended to mitigate negative impacts on abutting properties, and shall be based upon:

1. size and intensity of proposed use;
2. relative topography of the proposed development to adjacent residential development;
3. placement of parking, loading and service areas;
4. landscaped and/or solid screening.

In no case may the minimum distance between any principal building in a PUD and the nearest lot line of an adjacent parcel outside the PUD and located in a residential district, be less than the rear yard setback required in Article IV. for the respective, adjacent residential district. (This sentence is also in D.6.c. Site Design Criteria.)

(c) Site Design Criteria

- ~~(5) No structure shall be located within one hundred (100) feet of the nearest lot line of any residentially zoned property. A parking area with adequate visual screening may be located no closer than fifty (50) feet to the nearest lot line of any residentially zoned property, except that a PRSD shall conform to the requirements of Article VII. Section C. of this ordinance. (Amended 2003 07 14).~~

Ordinance # 2008-02-04 – Page 8

add: (11) In any PID, PCD, or PRSD not in the Town Center District, where any façade of any building over 25,000 SF faces any adjacent residential parcel within 100 ft., a permanent berm containing at a minimum evergreen trees or arborvitae at least 6 feet in height when planted, planted at intervals of 20 feet on center. Height and width of berm as well as type and locations of plantings shall be designed by a registered landscape architect or certified arborist, and shall be designed to create an effective visual screen from said residential use. Depending upon the size and nature of the development, the Board may require up to a double row of six foot high evergreen trees planted at minimum intervals of 10 feet on center or in clusters or clumps shall be provided. Existing trees and shrubbery, or other suitable visual barrier, may substitute for this requirement, at the discretion of the Board.

add: (12) Planned Retail/Service Developments shall adhere to the requirements of Article VII. Section G. Planned Retail/Service Development. In case of conflict, this section shall prevail, but in no case shall the standards herein be less stringent than that section.

add new 6. (d) TRAFFIC IMPACT.

Subparagraph (d) is applicable to PRSD only.

(1) The principle vehicular access to the site shall be directly from an arterial street. The Board may waive this requirement if there is no reasonable alternative or it is deemed advantageous to the Town, and a traffic impact study demonstrates that the Level of Service on collector road or residential street(s) serving as the principle access will not be reduced below level C weekdays 7-9 AM or 4-6 PM, or Saturdays noon to 5:00 PM.

(2) Vehicle access shall be designed to accommodate peak on-site traffic volumes to minimize traffic impact on public streets and maximize pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number; and traffic control devices.

(3) The site design shall provide, or make provisions for, direct connections to adjacent land uses in locations used or likely to be used for parking unless expressly waived by the Board.

(4) For proposed retail developments with greater than 25,000 SF of gross floor area of the first floor, the Board may, at its option and at the expense of the applicant, employ a transportation planner or transportation engineer to determine the traffic impact of the proposed development through a traffic impact analysis using the Institute of Transportation Engineers' trip generation guidelines. In no instance may a proposed development reduce 1) the existing Level of Service on the adjacent arterial road, or 2) below Level C on the nearest non-arterial through streets weekdays 7-9 AM or 4-6 PM, or Saturdays noon to 5:00 PM.

Ordinance # 2008-02-04 - Page 9

12. DEVELOPMENT AGREEMENT

Within 60 days of approval by the Planning Board, or such further time as granted by the Planning Board, the parties shall enter into a Development Agreement which shall include agreements on phasing of the development and/or major portions of the development, including any provisions, as applicable, whereby Applicant agrees to provide certain benefits within the development or off-site that contribute to public infrastructure beyond those needed for the development, public capital facilities, land dedication and/ or preservation, affordable housing, community or recreational facilities, or any other benefit intended to serve the proposed development or the town. Said Development Agreement may, at the option of the Planning Board, grant to the Town the right of self-help for the town to complete public infrastructure and/or other agreed upon improvements on or off-site that are designed to protect adjacent properties, mitigate traffic, or provide other public benefit or protections, together with lien rights as provided under RIGL Chapter 34-28 with respect to all work or improvements performed by or on behalf of the Town. The Planning Board may also require the Applicant to provide the Town with a surety bond, irrevocable letter of credit, escrow account or other security in the form and amount the Planning Board deems necessary to guarantee the full performance of the Applicant's obligations under the Development Agreement.

- a) The Development Agreement shall contain a clause defining the duration of the Development Agreement.
- b) The Development Agreement shall contain a clause providing that should any building greater than 25,000 SF in area become vacant, it shall be maintained on the exterior as if they are occupied, including such activities as cleaning the windows regularly.
- c) The Development Agreement shall contain a clause requiring landscaping to be continuously maintained. It shall provide: that vegetation planted in accordance with an approved site plan shall be maintained by the owner, any heir, or assignee; plants or trees that die or are damaged shall be replaced within 30 days; and that such replacement landscaping shall be equivalent in species and size to the original landscaping, or with another acceptable replanting plan.

ARTICLE IX. A. PARKING REQUIREMENTS

Unless otherwise noted, parking requirements apply to all developments regardless of size or type. Requirements for parking lots > 100 spaces are so noted.

SECTION A. OFF-STREET PARKING AND LOADINGⁱ

Ordinance # 2008-02-04 - Page 10

2. GENERAL

f) All off-street parking and loading facilities shall be suitably sloped and drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys, so as not to cause any nuisance to adjacent or public property. In no case shall an off-street parking area exceed 5% in slope. The design of all parking lot drainage shall conform to the drainage requirements herein, and utilize the Town of Portsmouth Subdivision Design Standards and the Rhode Island Stormwater Design and Installation Standards Manual, as applicable.

add new

k) Overnight parking of RV's, mobile homes and other vehicles providing transient residency is prohibited.

add new 7. and move other numbering down

7. PARKING LOT LOCATION AND ORIENTATION FOR PARKING LOTS GREATER THAN 100 SPACES

a) Parking areas should provide safe, convenient, and efficient access for vehicles and pedestrians. They should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. If buildings are located closer to streets, the scale of the complex is reduced, pedestrian traffic is encouraged, and architectural details take on added importance.

b) No more than 60 percent of the off-street parking area for the entire property shall be located between the front facade within the front yard of the principle building(s) and the primary abutting street unless the principle building(s) and/or parking lots are screened from view by out-lot or pad development (such as restaurants) or additional tree plantings and/or berm.

c) Smaller retail/service buildings less than 20,000 square feet and located within a large retail complex as a separate building pad(s) should incorporate into their design structural enhancements similar to the principle structure in order to provide visual consistency and a greater sense of place within the center.

d) The location of all off-street parking spaces shall be on the same lot as the principle use or not over 400 feet from the principle use, unless permitted under "shared parking" or satellite parking provisions.

e) A designated Park and Ride area may be required. If required, Park and Ride areas shall be a minimum of 10 parking spaces (not to be included in satisfying minimum parking lot space requirements), and shall be located as near to the principle vehicular access and public transit facilities as possible.

Ordinance @ 2008-02-04 - Page 11

f) An off and/or on-street bus stop for customers and employees shall be provided when the site is located on an established or planned transit route.

g) Cart Returns. Where shopping carts are to be provided, a minimum of one 200 square foot cart return area shall be provided at suitable intervals within the parking area for every 100 parking spaces. Cart corrals shall be of durable, non-rusting, all season construction, and shall be designed and colored to be compatible with the building and parking lot light standards. There shall be no exterior cart return or cart storage areas located in the parking lot within 25 feet of the building.

(1) Shopping cart storage areas adjacent to facade walls (not in parking lots) must be screened with landscaping or materials matching the materials of the primary facade wall. No more than two shopping cart storage areas (one on each side of an entrance) may be provided on any facade wall. Shopping cart storage areas may not exceed 20 feet in length.

renumbered 8. 8. SHARED PARKING FACILITIES

- a) Required off-street parking for any number of separate uses may be combined in a shared parking facility under the conditions of this section, subject to the approval by the Zoning Board of Review or Planning Board, as applicable. Such parking space shall be established by a recorded covenant or agreement as parking space to be used in conjunction with the principle use and shall be reserved as such through an encumbrance on the title of the property to be designated as required parking space. Removal of such encumbrance may be permitted only by the Zoning Board of Review or Planning Board, as applicable.
- b) The total number of spaces provided shall not be less than the sum of the individual requirements for all uses, unless otherwise permitted as follows:
- (1) Up to ~~50~~75 percent of the parking spaces required for theaters, public auditoriums, banquet facilities, and church auditoriums may be provided and used jointly by offices, retail, service establishments, schools, and similar uses not normally open, used, or operated during the same hours as those uses listed above.
 - (2) Up to 30 percent of the parking spaces required for the predominant use on a site may be shared with other uses operating during the same time of day and days of the week. The predominant use is considered to be that which requires the most parking of those sharing the parking facilities.

Ordinance # 2008-02-04 – Page 12

renumbered 9. OFF-STREET LOADING REQUIREMENTS

- c) No loading bay shall be located within fifty feet (50') of a residential district. Trash collection or compaction areas shall not be located within 20 feet of any public street, public sidewalk.
- d) Staging, loading, or idling of commercial vehicles in a service area is prohibited between the hours of 9:00 p.m. and 7:00 a.m. Signs prohibiting staging, loading, or idling of commercial vehicles between the hours of 9:00 p.m. and 7:00 a.m. must be posted every 100 feet adjacent to the service area.

renumbered 10. LANDSCAPING REQUIREMENTS

- a) A landscaping and lighting plan to be submitted as part of the development application is required for all parking spaces areas.
- (1) The plan will specify plant materials and will illustrate how landscape provisions will visually screen and divide parking areas.
 - (2) Illumination levels and placement of light sources will be shown.
 - (3) Lighting must be full cut-off lighting directed away from residential uses and no more than 20 ft. high at the perimeter of the parking area, with a brightness of no more than ½ foot-candle at any property line with the exception of vehicular entrances and exits.
- e) Landscaping Dimensions and Material
- (6) All landscaped islands shall be situated below the grade of the parking spaces and driving aisles such that stormwater runoff flow is directed to and trapped by such islands.
- f) Perimeter Buffer and Screening
- The intent of perimeter buffers and screening is to minimize, to the greatest extent practicable, visual and noise impacts on abutting residential properties from buildings, parking lots, and accessory uses and equipment (lighting, loading, traffic, etc.). For parking lots over 100 spaces, the intent is to screen such items from view from adjacent residential properties, to the greatest extent practicable, and from the street, while still allowing sufficient visibility for the intended use of the property.
- Perimeter buffer and screening should be minimized for developments within the Town Center zoning district, except within rear setbacks that abut residential zones.
- (1) Parking areas must be screened along lot lines bordering institutional or residential uses or residential zones and along street frontages. A landscaped buffer area at least 20 feet wide to the rear lot line and 10 feet wide to the side lot lines is required. For parking lots over 100 spaces, the **Zoning Board of Review** or Planning Board, as applicable, may require a landscaped buffer up to 50 ft. wide. Such width shall be based upon:

Ordinance # 2008-02-04 - Page 13

- size and intensity of proposed use;
- relative topography of the proposed development to adjacent residential development;
- placement of parking, loading and service areas;
- landscaped and/or solid screening.

(2) (moved from f) The front landscaped buffer along a public street shall be the depth of the required front yard or 20 feet, whichever is less. All trees shall be a minimum of 2" caliper (trunk diameter) when planted. Native trees and shrubs shall be planted wherever possible, in order to capture the "spirit of the locale" through indigenous species. Trees shall be of a type that will survive urban conditions with little or no maintenance.

(3) For parking lots over 100 spaces, up to 75% of the lot frontage adjacent to any arterial street, not including vehicular and pedestrian entrances, may be required to include screening of on-site parking by means of on-site buildings, which may include the primary structure, as well as dense landscaping, or a combination.

(4) For parking lots over 100 spaces, 75% of the lot frontage adjacent to all other streets shall provide screening of on-site parking.

(5) Lot frontage adjacent to residential use or residential zoning districts shall provide screening of on-site parking by means of walls, landscaping, landscaped berms, or buildings.

(6) (was 1) Upon variance, a landscaped buffer of not less than at least six (6) feet wide may be permitted provided it is densely planted with a mixture of deciduous and evergreen trees and shrubs to create an effective visual barrier.

(7) Any fire lane and setback of the fire lane from a building required by the Portsmouth Fire Dept. may not count toward the landscaped buffer requirement.

(8) Maintenance of Significant Trees

(i) Removal of viable live trees greater than 12 inches in caliper is expressly prohibited within any required landscaped buffer, except invasive species that tend to choke out other growth. An area of six feet on all sides of such trees may not be paved.

(ii) Removal of viable live trees greater than 12 inches in caliper within the proposed building footprint or within the parking area may be approved by the Board if no reasonable alternative is available.

(iii) A tree deemed "destroyed" by a certified arborist chosen by the Town at the applicant's expense may be removed with the approval of the Zoning Enforcement Officer.

Ordinance # 2008-02-04 - Page 14

g) Screening Material *(move lettering of rest of landscaping section down)*

(1) Suitable temporary visual screening at least six feet in height shall be installed within any required buffer prior to the commencement of any other construction, excavation, land clearing or grading activities.

(2) Where any parking lot or section of a parking lot greater than 100 spaces faces residential uses on adjacent lots within 100 ft., a permanent berm containing at a minimum evergreen trees or arborvitae at least 6 feet in height when planted, planted at intervals of 20 feet on center. Height and width of berm and locations of plantings shall be designed by a registered landscape architect or certified arborist to meet the intent of this section. Depending upon the size and nature of the development, the appropriate Board may require up to a double row of six foot high evergreen trees planted at minimum intervals of 10 feet on center or in clusters or clumps shall be provided. Existing trees and shrubbery, or other suitable visual barrier, may substitute for this requirement, at the discretion of ~~the~~ said Board. At its option, ~~the~~ said Board may require a solid wood fence of 6 ft. in height in addition to or in place of said berm, but not in place of the evergreen trees or arborvitae. Wood fences on the perimeter of a lot shall be installed with the finish side of the fence slats facing toward the neighboring property.

(3) Chain link or wire mesh fence may not be used as a screening material.

SECTION D. DESIGN REVIEW STANDARDS ⁱⁱ

1. PRE-APPLICATION MEETINGS - CONCEPT PLANS

One or more pre-application meetings shall be held for all developments to be reviewed by the Design Review Board according to Articles VII and VIII of this ordinance...

FOOTNOTES

ⁱ Adopted September 9, 1997. New language supersedes any previous language on parking requirements in other articles in this Ordinance.

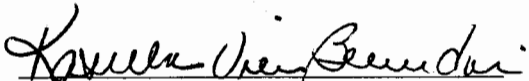
ⁱⁱ Design Review along with a separate document entitled "Design Review Guidelines" was adopted on January 21, 2004. References to the Guidelines and the Design Review Board are contained in Articles VII, IX, and XI.

**AS SUBMITTED BY THE
TOWN PLANNER.
CURRENTLY WORKING ON
BEING INSERTED INTO THE
ZONING ORDINANCE.**

**APPROVED BY TOWN COUNCIL
ACTION ON FEBRUARY 4, 2008.**

Kathleen Viera Beaudoin, Town Clerk

APPROVED BY TOWN COUNCIL
ACTION ON FEBRUARY 4, 2008.

A handwritten signature in black ink, reading "Kathleen Viera Beaudoin". The signature is written in a cursive style with a horizontal line drawn underneath the name.

Kathleen Viera Beaudoin, Town Clerk