

AN ORDINANCE

NO. _____

AN ORDINANCE To Amend The Zoning Code Of The Township Of Lower Merion To Create Two New Zoning Districts Grouped Together As The City Avenue District, The Two Districts Being Designated The City Avenue District - Regional Center Area (RCA), And The City Avenue District – Bala Village (BV); And Within Each District Providing Use Regulations, Dimensional Standards, Parking And Loading Requirements, Density Regulations, Development Design Standards, And Signage Regulations.

The Board of Commissioners of the Township of Lower Merion hereby ordains:

Section 1: The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, is hereby amended by the addition of a new Article XXXV, City Avenue District, to provide as follows:

ARTICLE XXXV, CITY AVENUE DISTRICT

§ 155-216. Purpose; division into two districts

City Avenue is the boundary between the City of Philadelphia and Lower Merion Township. The City Avenue District encompasses properties on both the Lower Merion and Philadelphia sides of the Avenue. The Township has worked cooperatively with the City to encourage development and redevelopment of the City Avenue District.

- A The intent of this Article is to encourage development that combines residential, institutional, and commercial uses in close proximity thus decreasing auto dependency, encouraging pedestrian access, transit-use and shared parking and accessways, and mitigating the effects of congestion, [vehicular traffic](#) and pollution. The regulations promote pedestrian-friendly development and protect the health, safety and general welfare of the citizens of Lower Merion Township. Further, this Article is designed to enhance the economic stability of the Township by promoting the growth, attractiveness, convenience and stability of the City Avenue area.
- B. The City Avenue corridor binds the uses within the City Avenue District into a unique configuration with many common development characteristics. However,

because of the diverse concentration of commercial, institutional, office and residential uses within the District’s geographical boundaries, the City Avenue District is being divided into two separate zoning districts, the Regional Center Area (RCA) and the Bala Village (BV).

§155 -217. City Avenue District - Regional Center Area (RCA)

The Regional Center zoning is designed to ~~be consistent with~~complement the new zoning on the Philadelphia side of City Avenue ~~and result in similar density of development.~~

A. Purpose and applicability.

- (1) General goals and objectives. The City Avenue District Regional Center Area (“RCA”) is intended to encourage higher density multiple-use pedestrian-oriented development, and more economically productive use of land parcels in the vicinity of City Avenue (U.S. Route 1) between Conshohocken State Road and the centerline of the Norfolk Southern Corporation railroad ~~beyond-northeast of~~ the Schuylkill Expressway (Map 1). It recognizes the importance of City Avenue as both a gateway and as an economic generator for Lower Merion Township, by permitting higher densities ~~and-with~~ a mix of land uses while providing sufficient off-street parking.
- (2) These general goals and objectives include the following specific purposes:
 - (a) ~~Enable the development of a~~A mix of commercial, institutional and residential uses.
 - (b) Minimize pedestrian and vehicular conflicts and encourage the renovation and erection of buildings that provide direct connections ~~from buildings~~ to the street and sidewalk.
 - (c) Discourage the dependence on automobile use by promoting alternate modes of transportation, including buses ~~and trains, and promoting-improving~~ connections and links to public transit and ~~improved-creating safe and inviting~~ pedestrian accessways thereby reducing traffic congestion.

- (d) Create transition in bulk and scale between higher density development and existing residential neighborhoods.
- (e) Enhance the visual character and identity of the district through ~~appropriate~~ building mass, scale and design, landscaping and signage, all appropriate to the goals and objectives of the RCA zoning.
- (f) Promote the smooth and safe flow of vehicular traffic through the corridor while reducing cut-through traffic in the neighboring residential districts, by creating pedestrian-scaled blocks, separated by public access streets with sidewalks.
- (g) Encourage the development of shared parking, wrapped structured parking, underground parking, and attractive and convenient off-street parking facilities to reduce on-street congestion and facilitate vehicular and pedestrian circulation.
- (h) Promote the creation and maintenance of landscaped open areas among buildings for Public Gathering Space.
- (i) Protecting the character and quality of existing residential neighborhoods proximate to the RCA.

Comment [A1]: Solicitor is okay with this being included

(3) Applicability

- (a) The Regional Center Area Regulations set forth in this section apply to all lots within the area of the RCA set forth on the zoning map appended (Map 1).

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- (b) Boundary Tolerances: The provisions of Section 155-8 shall not apply in the Regional Center District.

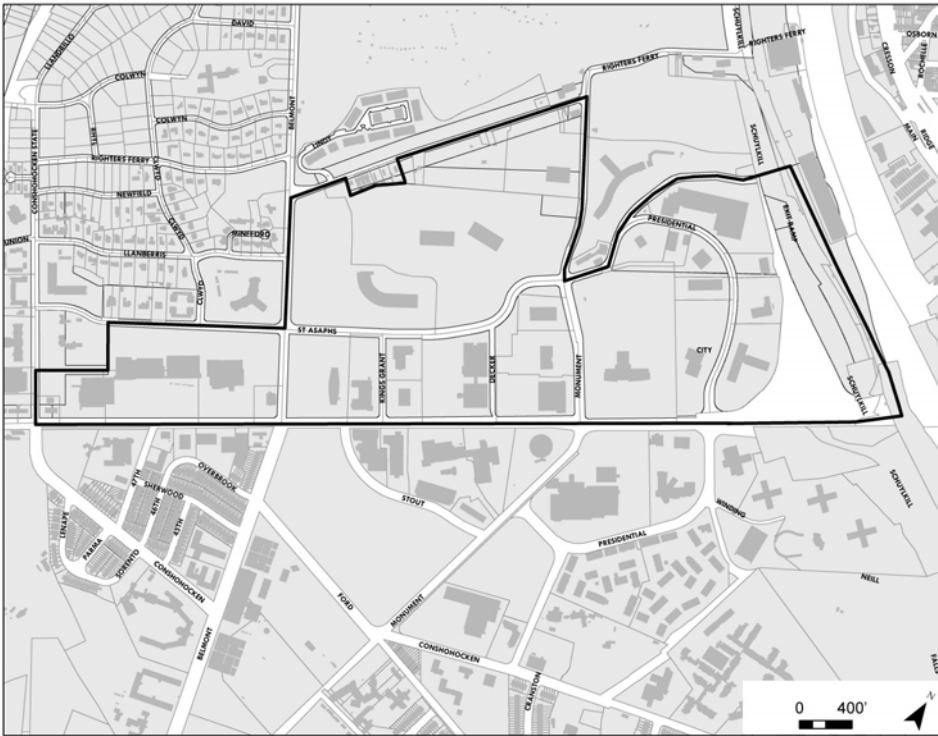
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- ~~(b)~~(c) Any new or expanded building or any building that is rehabilitated (where such rehabilitation is equal to or exceeds 50% of the existing area of the building) shall comply with the Development Design Standards. Based on building area as of what date? The development design standards in the RCA shall apply to all changes to exterior building materials and improvements requiring a Township Construction Permit.

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Comment [A2]: This language is also stated in Section 217F(2)(a) – Development design standards. Applicability. We reviewed it with the Solicitor and he was fine with it being in both locations as long as it is consistent

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Map 1 - Regional Center Area **THIS MAP WILL BE REVISED**

Comment [A3]: This map will have to be revised along Righters Ferry Road – This area will remain residential
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B. Use regulations. A building or group of buildings may be erected or used and a lot may be used or occupied only for the purposes listed below. ~~The applicant is encouraged to create a multiple use building or development (as defined in Section B(3) and B(4), except as noted in Section B(5). Buildings and Developments shall adhere to the Development Design Standards in Section F.~~

- (1) Residential Uses
 - (a) ~~Townhouse or~~ Townhouse Building(s)
 - (b) Apartment House

~~(c) Upper story residential uses above non residential uses.~~

Comment [A4]: Moved into Section 3
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~~(d)~~ Fitness Centers and Day-Care Centers.

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~~(e)~~(c) Accessory uses on the same lot with and customarily incidental to any of the above permitted uses, ~~including Parking Structure or Facility.~~

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~~(f)~~(d) Any residential use of the same general character as any of the uses hereinbefore specifically permitted, ~~but specifically excluding off-track betting parlors, slot parlors and other gaming uses.~~

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(2) Non-residential/~~Commercial~~ Uses

(a) Retail store, excluding a Drive-~~Through Thru~~Through Facility.

(b) ???Hotels???

Comment [A5]: Should hotels be permitted as a 1st floor use in a Mixed Use building? If not, this needs to be listed farther down.

(c) Indoor entertainment facilities, ~~including theaters, but not including arcades.~~

(d) Indoor recreational facilities ~~such as roller and skating rinks and bowling alleys.~~

(e) Restaurants, excluding a Drive-~~Through Thru~~Through FacilitiesFacility.

(f) Bakery, confectionery or custom shop for the production of articles to be sold at retail on the premises.

(g) Personal service shop, including tailor, barber, laundry, dry cleaning (excluding on-site cleaning operations), beauty salon, shoe repair or similar type use.

(h) Bank or other financial institution, excluding a Drive-~~Through Thru~~Through FacilitiesFacility.

(i) Professional office, such as medical-office, law, engineering, architecture, or accounting offices, and other offices of a similar nature.

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- (j) Business offices such as real estate sales, travel agency, advertising, hospital administrative office and other offices of a similar nature.
- (k) Business service facilities, including copy centers and job printing operating on a retail sales level.
- (l) Nursery school or similar non-residential use for more than six (6) children.
- (m) Educational uses.
- (n) Radio or television studio and broadcasting station.
- (o) ~~Research Facility, excluding animal, human or other biological or hazardous material experimentation.~~
- (p) Accessory use on the same lot with and customarily incidental to any of the above permitted uses, including above ground or below ground parking structures and excluding drive-through facilities.
- (q) ~~Rail~~-Transit Facilities.
- (r) Indoor storage use, as an accessory use to any permitted use, provided the storage area does not occupy more than 10% of the total floor area.
- (s) Cultural Studios.
- (t) Health Clinics.
- (u) Any use of the same general character as any of the uses herein before specifically permitted, but specifically excluding off-track betting parlors, slot parlors and other gaming uses.

Comment [A6]: All defined terms should be capitalized throughout the ordinance

Add new section to prohibit Drive-Through facilities in the RCA district

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(3) ~~Multiple~~Mixed-Use Building. A multiple-use building with one or more non-residential for purposes of this district has one or more of the following uses occupying a minimum of 75% of the ground floor level directly accessible from a public street or a Pedestrian wWay. Such uses must ~~occupy the ground floor level for~~ have a minimum depth of 60 feet. Upper floors of the same Mixed-Use building must be occupied by a different use than that on the ground floor but may also include an. ~~This shall not prohibit upper floor retail or restaurant use. (This section language last sentence for entire paragraph?) can be deleted once the definition for mixed use has been amended).~~

~~(+)(a) Uses permitted on the ground floor in a mixed use building shall be limited to those listed in Section 217 B (2) (a) through (h) listed above. Retail store, excluding a Drive Through Facility.~~ ← Formatted: Bullets and Numbering

~~(b) Any use permitted in Section 217 B (1) or (2) above shall be permitted on upper floors of a mMixed--Uase building.~~

~~(s)Hotels.~~ ← Formatted: Bullets and Numbering

~~(t)Indoor entertainment facilities, including theaters.~~ ← Formatted: Bullets and Numbering

~~(u)Restaurants, excluding Drive Through Facilities.~~ ← Formatted: Bullets and Numbering

~~(v)Bakery, confectionery or custom shop for the production of articles to be sold at retail on the premises.~~ ← Formatted: Bullets and Numbering

~~(w)Personal service shop, including tailor, barber, laundry, dry cleaning (excluding on-site cleaning operations), beauty salon, shoe repair or similar type use.~~ ← Formatted: Bullets and Numbering

~~(x)Bank or other financial institution, excluding Drive Through Facilities.~~ ← Formatted: Bullets and Numbering

~~(y)Nursery school or similar non-residential use for more than six (6) children.~~ ← Formatted: Bullets and Numbering

~~Upper story residential uses above non residential uses.~~ ← Formatted: Bullets and Numbering

~~Upper story residential uses above non residential uses.~~ ← Formatted: Indent: Left: 1.5"

~~(2)Multiple Use Development. A multiple use development for purposes of this district, shall be defined as an integrated, complementary development of~~ ← Formatted: Bullets and Numbering

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~~2 or more buildings constructed concurrently or phased???, that includes at least one mixed use building, both non-residential and residential occupancies as listed under B(1) and B(2). ???No single use shall occupy more than 80% of the total gross floor area of the development.???~~

(5)(4) Only residential uses are permitted ~~within the first~~ within the area located 50 to 1100 feet of depth from of the right of way curb line for parcels fronting on Righters Ferry Road between Belmont Avenue and Monument Road, and on Belmont Avenue between St. Asaphs Road and Righters Ferry Road and on St. Asaphs Road between Belmont Avenue and Conshohocken State Road.

Comment [A7]: Delete this paragraph & revise §217E(2) "Density Increase" to state that the incentive only applies when all buildings on-site meet the requirements for a Mixed-Use building.

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Comment [A8]: Gil should review this language as it may need to be rephrased as it sort of sits here and could be overlooked by a developer...Perhaps it should start w/the locations and then say what the regulation is???

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The proposed zoning boundary will be revised to exclude those portions of properties located within 100 feet of the curb line along Righters Ferry Road from Belmont Avenue to the boundary of the Commercial C1 property located at the intersection of Righters Ferry Road and Monument Road. This area will retain its residential zoning designation.

Section 217C(2) Build-to-Line (below) will state that no structures shall be permitted within the first 50 feet of the curb line for parcels fronting on Belmont Avenue between St. Asaphs Road and Righters Ferry Road and on St. Asaphs Road between Belmont Avenue and Conshohocken State Road.

Revisions will be made in the dimensional standards to ensure that the maximum height of the residential developments subject to section 217B(4) above is limited to 45'. In order to attain a 'wedding cake' effect, the maximum height for these properties will increase to 65' for the area located between 100' and 150' from the curb line along St. Asaphs Road and Belmont Avenue. The maximum height will increase to 120' for the portions of the properties located farther than 150' from the curb line.

C. Dimensional standards.

(1) Building Area. The Building Area shall be limited as follows:

(a) ~~Limited to 80% of the lot area.~~ Single use buildings. The Building Area is limited to 50% of the net lot area.

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- (b) Mixed-use buildings. The Building Area is limited to 60% of the net lot area. (The density increase standards will be amended to permit an increase in Building Area to 60% for single use buildings and 70% for Mixed Use Buildings.)

(2) Build-to-Line

- (a) The ~~street facing facade~~Primary Front Facade of a building in the RCA shall be set back from the curb line a distance sufficient to create a landscaped verge adjacent to the curb and, a ~~p~~Pedestrian sidewalk Way as required in Section 217 F (4) (e). The area between the Pedestrian Way and the building shall be improved with landscaping or hardscaping. , and landscaped area between the building and sidewalk. Easy-A safe and direct pedestrian access shall be provided from the ~~public sidewalk~~Pedestrian Way to the building entrance.

- (i) A Building facadesPrimary Front Facade facing City Avenue shall be located a minimum of 25', and a maximum of 40' from the curb line (Figure 1).
- (ii) Building-Primary Front fFacades facing ~~other~~ streets other than City Avenue shall be located a minimum of 20' and a maximum of 30' from the curb line (Figure 2) except as listed in (iii below).
- (iii) No structure shall be permitted within the first 50 feet of the curb line for parcels fronting on Belmont Avenue between St. Asaphs Road and Righters Ferry Road and on St. Asaphs Road between Belmont Avenue and Conshohocken State Road.

- ~~(a) No structure shall be permitted within the first 50 feet of the curb line for parcels fronting on Belmont Avenue between St. Asaphs Road and Righters Ferry Road and on St. Asaphs Road between Belmont Avenue and Conshohocken State Road. Residential Buildings under Use Regulation B(45) shall be setback a minimum of 450 feet from the curbline.~~

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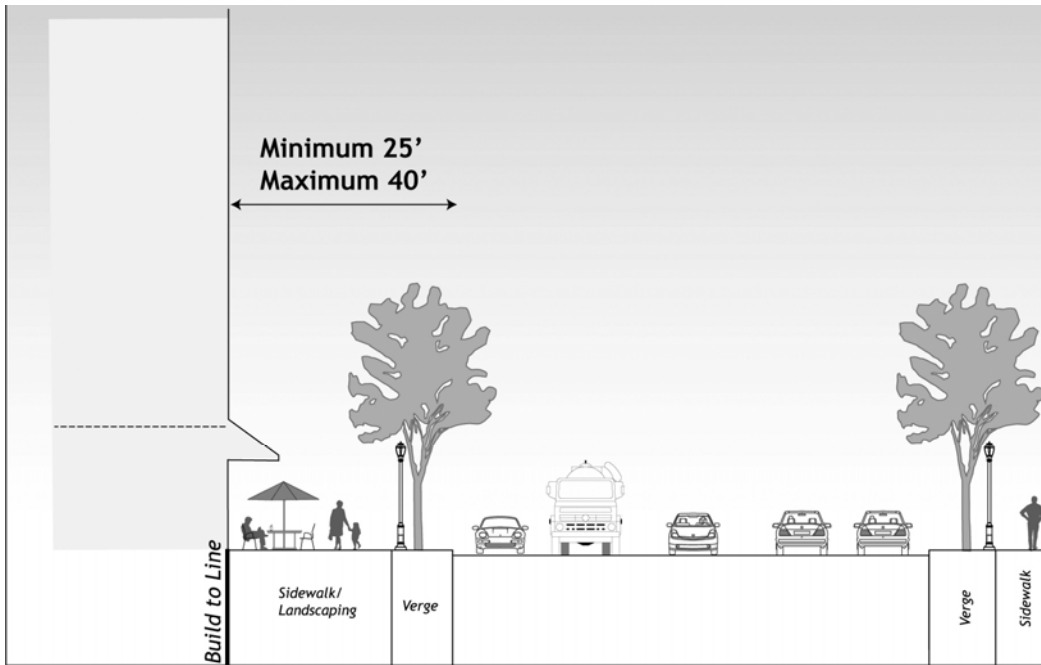


Figure 1 – Build-to-Line for Facades Facing City Avenue

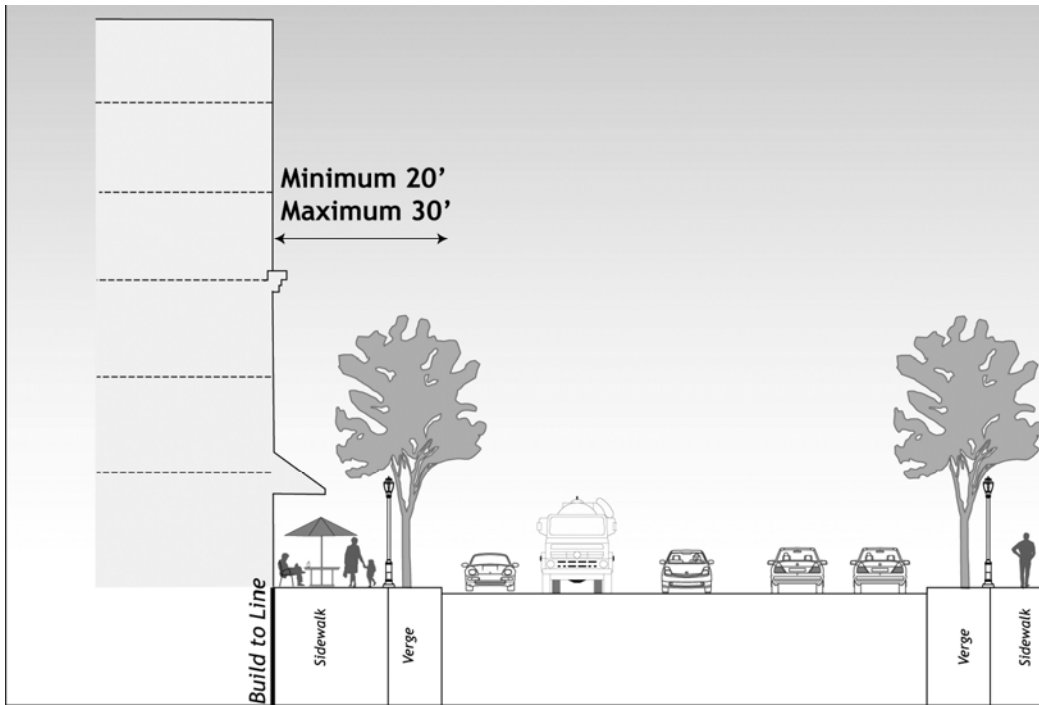


Figure 2 – Build-to-Line for Facades Facing Streets Other Than City Avenue

- (b) The primary pedestrian access point to buildings shall be located on one or more Primary Front Facade~~face onto the Build-to-Line~~, rather than onto rear or side of the building unless approved by the Board of Commissioners, by conditional use. Secondary access points may be located along other facades.
- (c) Parking lots, driveways, loading/unloading zones and other auto-related areas are prohibited in front of the building. Such access driveways shall not pass in front of the building, except as noted below:-
 - (i) The primary pick up and drop off area for hotel guests.
 - (ii) Transit Facilities, limited to passenger waiting areas and pick up and drop off areas.

~~(d) Where the front facade is set back from the street Right Of Way, the area between the front facade and the street Right Of Way shall be landscaped.~~

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~~(e)~~(d) The Build-to-Line may be extended up to twenty (20) feet further from the curb line if the additional area is used as Public Gathering Space or for outdoor dining.

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~~(f) Where a Street Line separates the RCA from a residential use in a residential zoning district, a twenty (20) foot planted landscaped front yard setback along the Build to Line is required between the building and street lot line, in accordance with the required landscaping provisions. (Should this reference which landscaping provisions?)~~

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(3) Side Yards

(a) Minimum. There is no required minimum side yard setback. However, if a new or expanded structure is not built up to the side lot line, the new or expanded portion of the building must be setback a minimum of ten (10) feet from the side lot line.

(b) For a lot immediately contiguous to a residential use in a Residential Zoning District, the side yard abutting the residential use shall be a minimum of 25 feet.

(4) Rear Yards

(a) When a new, expanded or redeveloped building is on a lot that backs up to a RCA or commercially zoned lot, a rear yard setback is not required.

(b) When a new, expanded or redeveloped building is on a lot that backs up to a residentially zoned lot, then the rear yard setback is ~~twenty-five~~ fifty (250) feet. The lot must also comply with the minimum buffer requirements. ~~Where this condition exists along the Righters Ferry Road corridor, the minimum setback shall be 50' from the residential property lines.~~

(5) Lot Width

(a) There is no minimum lot width.

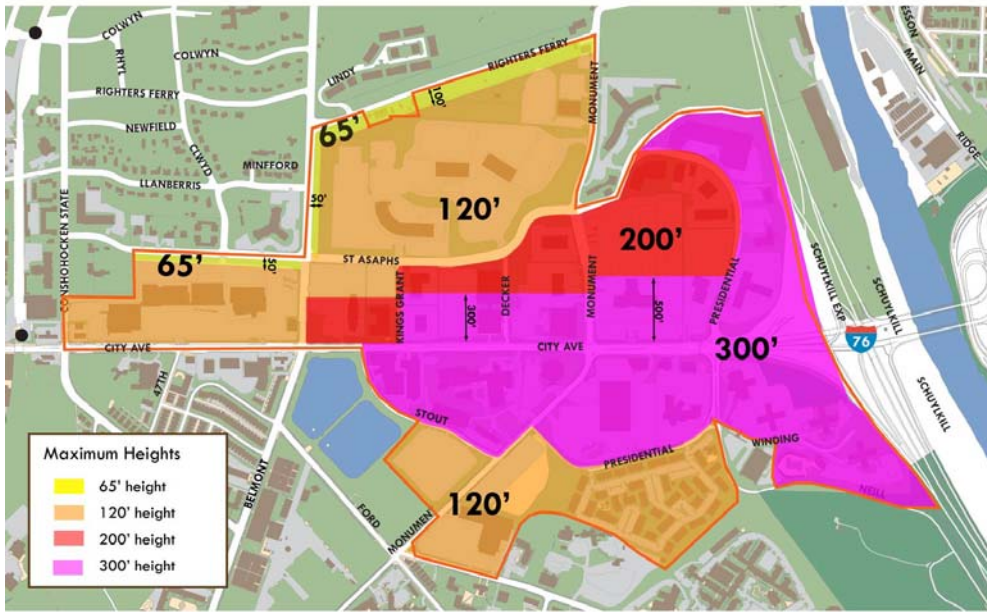
- (b) Maximum lot width is 700’ unless otherwise approved by the Board of Commissioners, by conditional use. Any lots wider than 700’ must provide a public or privately owned, public access 2-way vehicular and pedestrian route that provides a connection between existing streets, such that the maximum lot frontage between two streets is 700’.
- (c) Where additional development is proposed on an existing lot wider than 700’, new through streets shall be constructed to conform to the requirements for a maximum 700’ frontage between intersections with public or private access streets, unless otherwise approved by the Board of Commissioners by conditional use. This requirement shall not apply to additions to an existing building that is less than 210,000 square feet in total area. (Review this limit? Should we add a limit for new buildings?)
- (d) Where lots front on two streets, the 700’ maximum lot dimension applies to both street frontages.
- (6) Impervious Surface. The Impervious Surface shall be limited as follows:
 - (a) Single use buildings. The Impervious sSurface is limited to 60%80% of the net lot area.
 - (b) Mixed-use Buildings. The Impervious Surface is limited to 70% of the net lot area. (The density increase standards will be amended to permit an increase in impervious surface to 70% for single use buildings and 80% for Mixed-use Buildings.)
 - ~~(b)~~(c) Impervious surface may be increased to 90% of the net lot area for developments that incorporate accessible “Green Roofs” at the rate of one square foot of additional impervious surface for each two square feet of green roof. (Move this section to density increase section.)
- (7) Greeningery Standards. The Greeningery Standards set forth in Chapter 135, Subdivision and Land Development at 135.41.4 shall apply.
- (8) Building Height
 - (a) The minimum height of any building shall be two (2) stories or twenty-eight (28) feet above grade.

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- (b) The maximum height of any building in the RCA shall be as follows:
- (c) The maximum height of any building within the RCA shall be 120 feet, as measured from the mean grade of the parcel, except as noted below.
- (d) The maximum height of a building within the RCA boundary shall be as shown on Map 2, as measured from the mean grade of the parcel.
- (e) The maximum height of a building within the district boundary within the general area bounded by Presidential Boulevard, St. Asaphs Road, Belmont Avenue, and City Avenue, and identified on Map 2 shall be 200', as measured from the mean grade of the parcel.
- (f) The maximum height of any building within the RCA fronting on City Avenue between ~~Kings Grant Drive~~ the westerly side property line of 333 East City Avenue and the centerline of the Norfolk Southern Corporation railroad, and identified on Map 2 shall be 300', as measured from the mean grade at the parcel.
- (g) Penthouses. A penthouse shall not be included in measuring the height of a building if the enclosed area occupies less than 50% of the floor area of the story below and is set back a minimum of twenty (20) feet from the exterior walls of the building.

Comment [A9]: The map must be revised to reflect changes including the exclusion of properties within 100' of the ROW along Righters Ferry Rd and changes to the height requirements for those properties along St Asaphs Rd and Belmont Ave subject to 217B(4)

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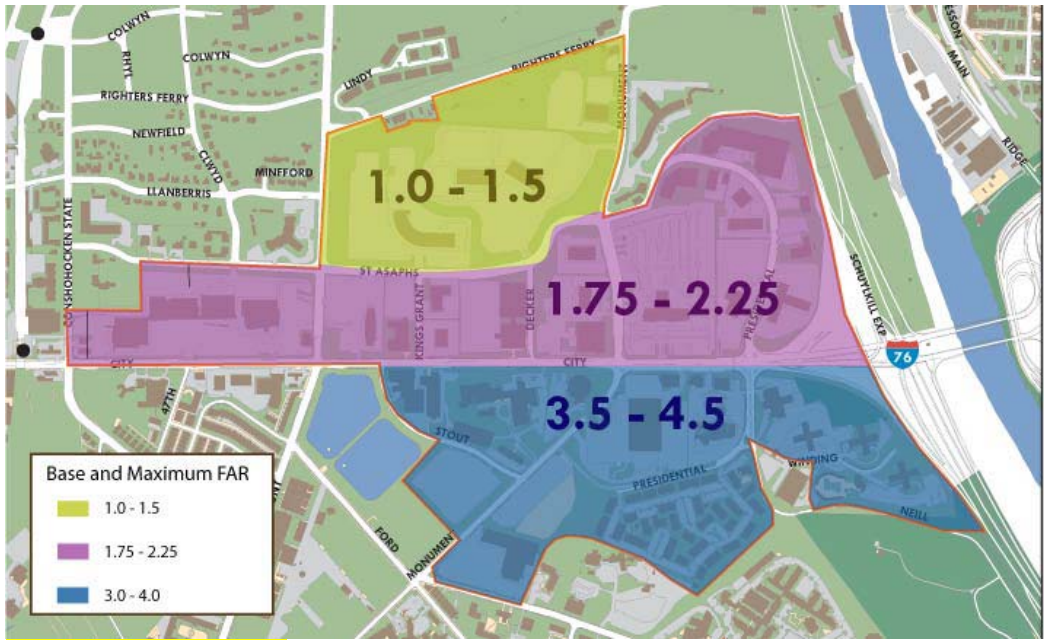


Map 2 – Building Heights – THIS MAP WILL BE REVISED

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- (9) Floor to Area Ratio (FAR)
 - (a) Base FAR in the RCA, in the area south of St. Asaphs Road, as shown on Map 3, shall be ~~40.75~~ 475% of lot area for single use buildings and 1.0 (100% of lot area) for Mixed-use Buildings. Total FAR with density increases as set forth in Section 155-217E hereof may not exceed FAR 2.25 (225% of lot area). Gross floor area of above ground or below ground parking structures are not included in FAR calculations.
 - (b) Base FAR in the RCA in the area north of St. Asaphs Road, as shown on Map 3 shall be ~~1-0.75~~ 10075% of lot area for single use buildings and 1.0 (100% of lot area) for Mixed-use Buildings. Total FAR with density increases as set forth in Section 155-217E may not exceed FAR 1.5 (150% of lot area). Gross floor area of above ground or below ground parking structures are not included in FAR calculations.

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Map 3 – Floor Area Ratio THIS MAP NEEDS TO BE REVISED

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(10) Building Bulk and Spacing

- (a) For buildings or portion of buildings 65 feet or less in height, the maximum diagonal dimension of the building footprint shall be 420' (Figure 3). For an "L" shaped building the diagonal dimensions shall be measured between the two furthest points of the "L." The minimum spacing between the building and another building 65 feet or less in height shall be 30 feet.

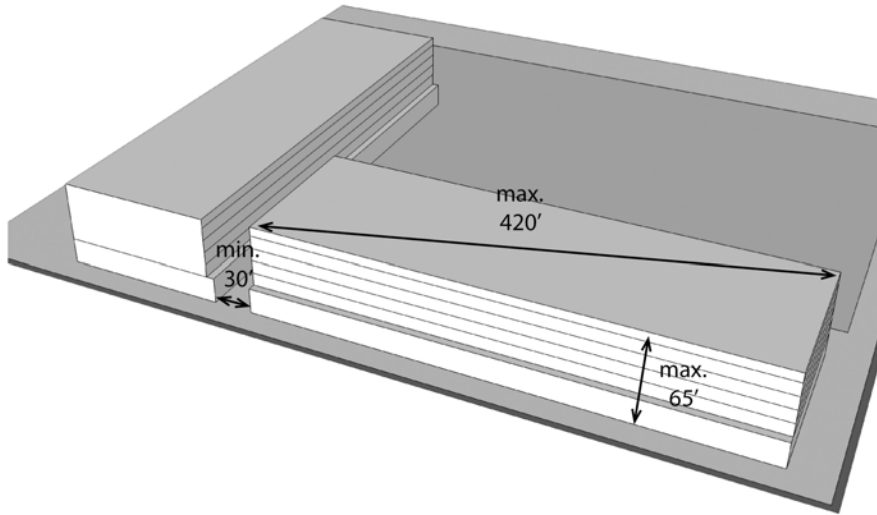


Figure 3 – Height, Bulk and Spacing for Buildings 65’ High

- (b) For buildings or portion of buildings over 65 feet and up to 120 feet in height, the maximum diagonal dimension of the building footprint shall be 320 feet. For an “L” shaped building, the diagonal dimension shall be measured between the two furthest corner points of the “L.” Minimum spacing between the building and another building that is less than 120 feet in height shall be 60 feet (Figures 4 and 5).

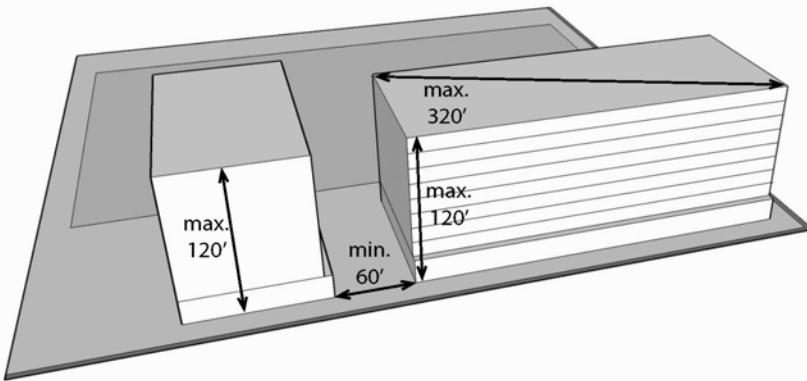


Figure 4 – Height, Bulk and Spacing for Buildings 65’ to 120’ High

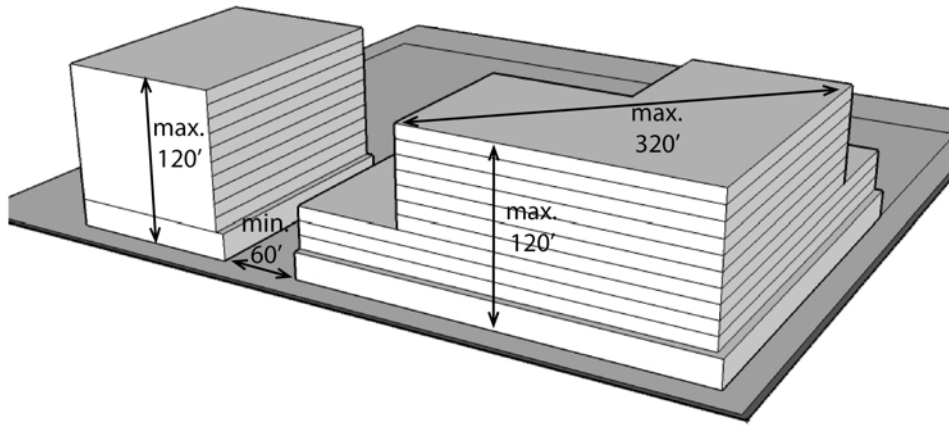


Figure 5 – Height, Bulk and Spacing for “L” Shaped Buildings 65’ to 120’ High

- (c) For buildings or portions of buildings over 120 feet and up to 200 feet in height, the maximum diagonal dimension of the building footprint shall be 250 feet (Figure 6). For an “L” shaped building, the diagonal dimension shall be measured between the two furthest corner points of the “L”. Minimum spacing between the building and another building under 120 feet in height shall be 60 feet (Figure 7). Minimum spacing between the building and another building between 120 feet and 200 feet in height shall be 200 feet (Figure 6).

[10/21/2010](#)[10/21/2010](#)[10/20/2010](#)[10/20/2010](#)[10/12/2010](#)[9/17/2010](#)[9/17/2010](#)[9/16/2010](#)[9/16/2010](#)[9/16/2010](#)[9/16/2010](#)[9/15/2010](#)[9/15/2010](#)[9/14/2010](#)[9/14/2010](#)[9/7/2010](#)[9/3/2010](#)[9/3/2010](#)[9/2/2010](#)[8/31/2010](#)[8/3/2010](#)[8/3/2010](#)[8/3/2010](#)[6/4/2010](#)[5/20/2010](#)[5/20/2010](#)[5/20/2010](#)[5/6/2010](#)[5/6/2010](#)[5/3/2010](#)[5/3/2010](#)[5/3/2010](#)[5/3/2010](#)[4/27/2010](#)[4/27/2010](#)[4/26/2010](#)

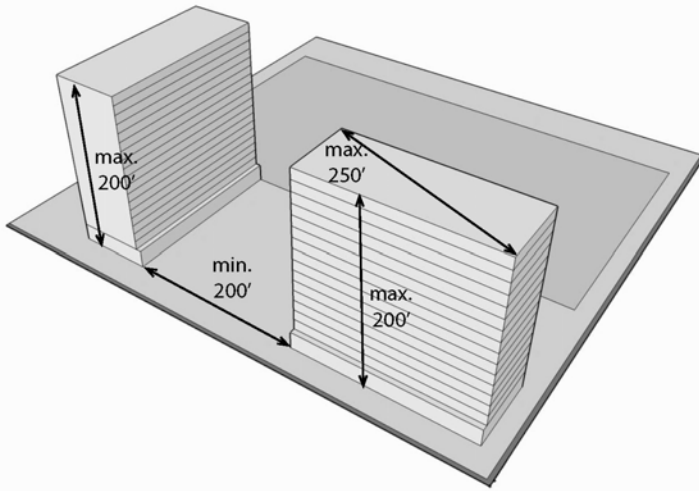


Figure 6 – Height, Bulk and Spacing for Buildings 120’ to 200’ High

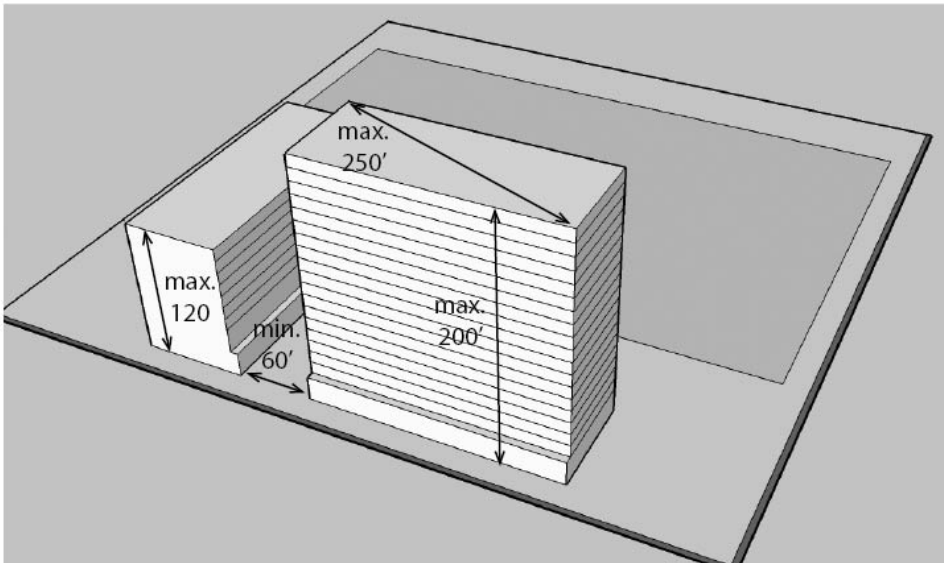


Figure 7 – Height, Bulk and Spacing for Buildings 120’ to 200’ High near a Building 65’ to 120’ High

- (d) For buildings or portion of building over 200 feet and up to 300 feet in height, the maximum diagonal dimension of the building footprint shall be 210 feet (Figure 8). For an “L” shaped building, the diagonal dimension shall be measured between the two furthest corner points of the “L”. Minimum spacing between the building and another building between 200 feet and 300 feet in height shall be 300 feet (Figure 8). Minimum spacing between the building and another building between 120 feet and 200 feet in height shall be 200 feet (Figure 9). Minimum spacing between the building and another building between 65’ and 120’ in height shall be 100’ (Figure 10). Minimum spacing between the building and another building less than 65 feet in height is 60 feet.
- (e) Buildings that incorporate portions of varying height are encouraged. Each portion of the building within the specified height limits shall be subject to the building bulk and spacing controls as described in 10(a) through 10(d) (Figure 11).
- (f) For L-shaped buildings, the maximum diagonal dimension and minimum spacing requirements are the same as for non-L-shaped buildings (Figure 11).

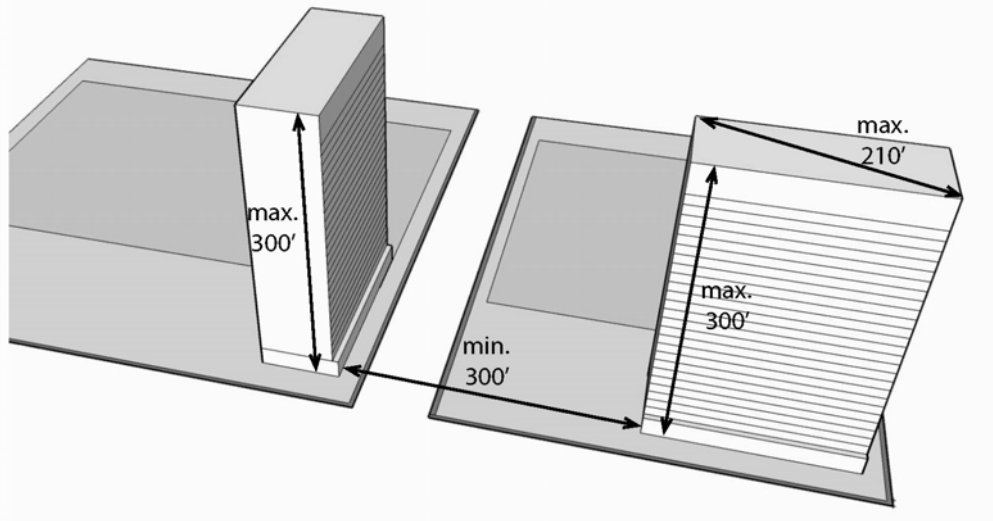


Figure 8 – Height, Bulk and Spacing for Buildings 200’ to 300’ High near a Building 200’ to 300’ High

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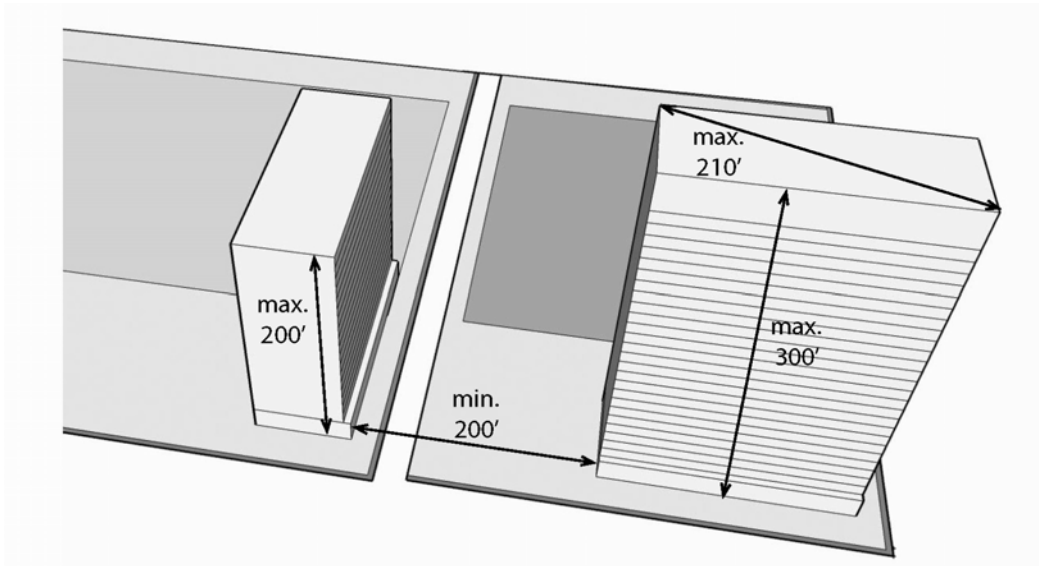


Figure 9 – Height, Bulk and Spacing for Buildings 200' to 300' High near a Building 120' to 200' High

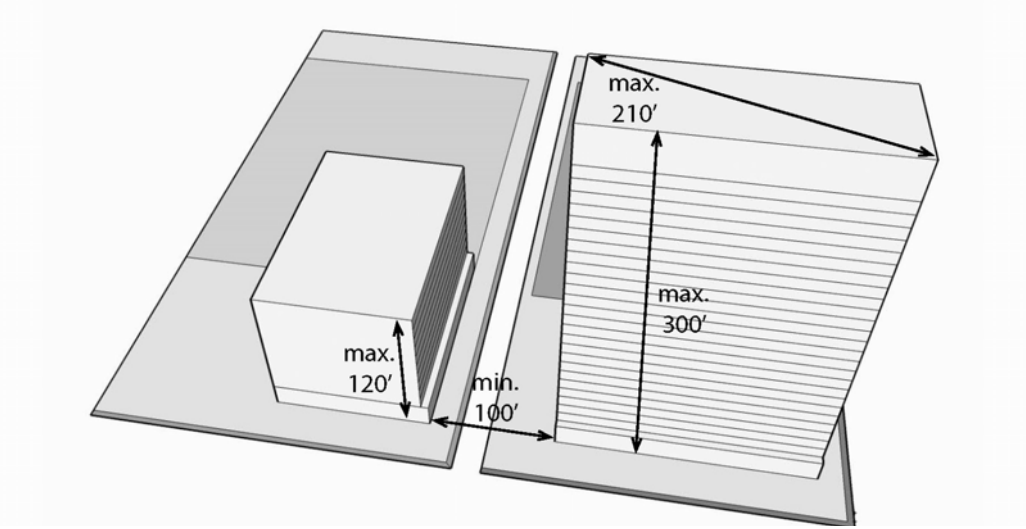


Figure 10 – Height, Bulk and Spacing for Buildings 200' to 300' High near a Building 65' to 120' High

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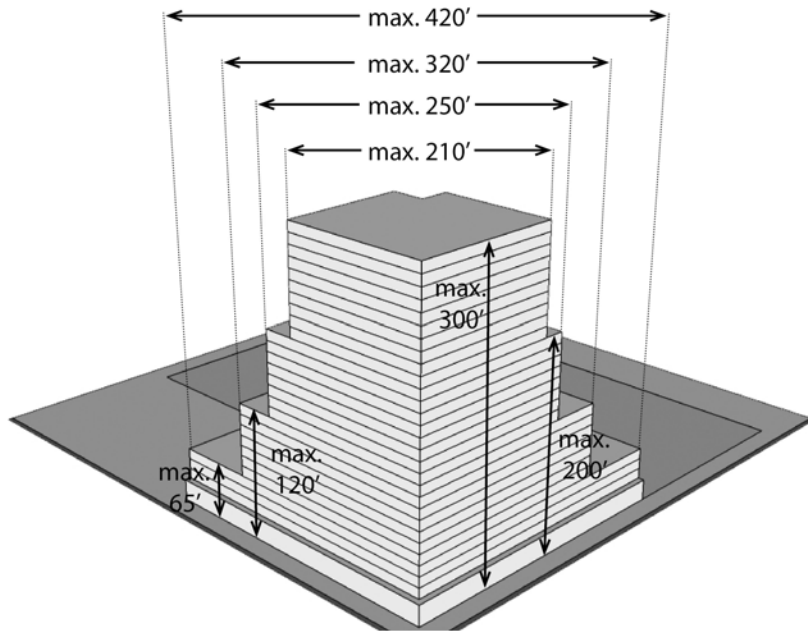


Figure 11 – Height and Bulk for Buildings with Portions of Varying Height

(11) Buffer [Area Regulations](#)

(a) Where development within the RCA abuts a residential use in a residential zoning district, there shall be a landscaped ~~bu~~ Buffer ~~a~~ Area at least 25 feet deep ~~along the district boundary line within the RCA (as per Section C above (Is this language needed?)-district. Where such a line is along a~~

~~(b) Where the district boundary line is the center of a s~~ Street or at a Street Line, there shall be a ~~twenty (20)????~~ foot wide planted landscape area along the Build- to-Line in the district between the building and ~~street lot line~~ the Pedestrian Way. ~~(Where is this located? Verge is 8', Pedestrian Way is 10'. Is this 20' area between the PW and the building? If so, should it be less than 20'? Is this standard still needed now that a larger~~

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[setback and a limit on uses is proposed where this condition exists? This requires further discussion.](#)

[\(e\)\(b\)](#) There may not be more than one vehicular point of ingress and egress lane through the landscaped area to any street. Such point of vehicular ingress/egress shall not exceed 2 lanes and 22 feet in width, except for transition areas at the curb face, unless a dedicated separate left turn egress lane is required based on a traffic study.

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