

**ARTICLE 5**

**DEVELOPMENT REQUIREMENTS**

**5-100 LOT SIZE & BULK REQUIREMENTS**

The purpose of lot size & bulk requirements are to ensure that the use of the property does not infringe on the rights of adjacent property owners. These requirements also ensure that there is adequate light and air for the health and safety of residents, business operators, and patrons. In addition, open space is required to make the entire area an attractive and pleasant place to live and work. Finally, certain setbacks are required to ensure that fire and rescue personnel and equipment will have sufficient access to the side and rear of the structures in an emergency.

The lot size and building requirements which follow shall apply to new construction. The Zoning Administrator may approve, in accordance with Article 6 and Section 7-102 of this Ordinance, exterior additions to structures existing at the date of adoption of this Ordinance which do not meet the minimum side yard setbacks as indicated in Section 5-102 below, as long as the structural additions do not further reduce a side yard setback that is less than the minimum required.

**5-101 Lot Size<sup>1</sup> and Lot Width**

	Zoning Districts						
	R-1	R-2	R-3	C-1	C-2	W	PR
A. Minimum Lot Size (sf)	5,000	5,000	5,000	2,500	2,500	2,500	5,000
B. Minimum Lot Area Per Dwelling Unit (sf) <sup>1</sup>	-	3,500		2,500			-
C. Minimum Lot Width (ft)	50	50	50	25	25	25	50

<sup>1</sup>Applies only to single-family attached, duplex, townhouse and multi-family dwellings.

**5-102 Setbacks and Height**

	Zoning Districts						
	R-1	R-2	R-3	C-1	C-2	W	
A. Minimum Front Yard Setback (ft)	15	15	15	15	10	10	
B. Minimum Side Yard Setback (ft)	8	8	8	8	5	8	
C. Minimum Rear Yard Setback (ft)	20	20	20	20	15	20	
E. Maximum Building Height (ft)	40	45	40	40	50	50	

5-103 Open Space and Floor Area Ratio

	Zoning Districts					
	R-1	R-2	R-3	C-1	C-2	W
D. Minimum Open Space (%) <sup>1</sup>	40	30	40	15	15	15
E. Maximum Floor Area Ratio	-	-		1.5	2.0	2.0

<sup>1</sup>Minimum percent of gross lot area to be landscaped or natural open space.

5-104 Exceptions to Lot Size and Bulk Requirements

A. Minimum Front Yard Setbacks

1. Adjustment of Front Yard Setbacks in the R-1, R-2, and C-1 Districts. Where the majority of existing lots fronting onto a street block in the R-1, R-2, and C-1 districts have front yard setbacks equal to or less than 15 feet, the required front yard setback shall be reduced to the average of those existing setbacks.
2. Adjustment of Front Yard Setbacks in the C-2 Districts. Where a majority of lots fronting on that street block have front yard setbacks that are less than 10 feet, the front yard setback may be reduced to zero.

B. Side or Rear Yard Setbacks

1. Where a side or rear yard lot line of a non-residential use coincides with the side or rear yard lot line of a residential use, a side or rear yard setback shall be provided along such lot line not less than that which would be required under this Article for a residential use on the adjacent lot.
2. Where a side or rear lot line of a non-residential use coincides with a side or rear lot of another non-residential use, the side or rear lots line may be reduced to zero provided the following conditions are met.
  - a. Emergency vehicle access and maintenance are addressed.
  - b. The adjoining property has a compatible use.

C. Structures Exempt from Maximum Building Height

The following structures are exempt from the maximum building height restriction:

1. Roof structure for housing stairways, air conditioning, or similar equipment required to operate and maintain the building.
2. Roof ornamentation such as cupolas, widow's walks, and steeples.
3. Television aerials and masts and satellite receiver stations.
4. Flag poles, transmission line poles, monument, and similar structures.

D. Open Space Requirement Reduction for Non-Residential Uses

For Non-Residential uses in the C-1 and C-2 Districts, the open space requirement may be reduced to ten (10%) percent if the lot size is 10,000 sq ft or less.

5-105 *Editor's Note: Intentionally Left Blank*

5-106 Accessory Buildings in Side and Rear Yards

- A. Except as provided in Section 5-206(A4) of this Ordinance, detached uninhabitable accessory buildings may occupy required side and rear yards, but shall not be located closer than five (5) feet from any side or rear property line.
- B. Accessory apartments shall meet the dimension requirements of the principle structure, except that habitable accessory buildings may be as close as 15 feet from the rear lot line when the lot abuts an alley with a right-of-way width of 15 feet or greater.

5-107 Mix of Uses

Where a given use or building contains a mix of commercial and residential uses, the development requirements in this Part for commercial uses apply.

5-108 Extensions into Yard Areas

The following features may extend into required minimum yards, but only as qualified below:

- A. Cornices, canopies, awnings, eaves, or other such similar features, all of which are at least eight (8) feet above grade, may extend three feet into any required yard in any district, except the C-2 district.
- B. Side Yard Extension in C-2 District. No extension of cornices, canopies, awnings, eaves, or other such similar features into any required side yard in the C-2 district shall be permitted.
- C. Front Yard Extensions into C-2 District. In the C-2 district, cornices, canopies, awnings, eaves, or other such similar features, all of which are at least eight feet above grade, may extend five feet into any required front yard.
- D. Any uncovered and completely unenclosed patio, terrace, or deck with its floor no higher than that of the first floor level of the building may extend:
  - 1. Six (6) feet into any required side yard, but not nearer to any side yard lot line than a distance of two feet, or
  - 2. Six (6) feet into any required front yard, but not nearer to any front yard lot line than a distance of nine feet, or
  - 3. Fifteen (15) feet into any required rear yard, but not nearer to any rear yard lot line than a distance of five (5) feet.

- E. An outside stairway that only services the lowest living level, unenclosed above and below the steps, may extend four (4) feet into any required yard, but not nearer to any side lot line than a distance of four feet.

## 5-200 SPECIAL REGULATIONS FOR TOWNHOUSE AND MULTI-FAMILY DWELLINGS

### 5-201 Purpose

- A. Purpose: The purpose of this section is to help ensure that townhouse and multi-family developments will be designed to protect the health, safety and welfare of the residents within these communities as well as residents in the surrounding area; to protect the environment and to promote road safety and adequate vehicular and pedestrian circulation. The standards below are designed to be flexible in order to promote innovative, high quality design.
- B. Applicability: The following special regulations shall apply in any district where townhouses and multi-family dwellings are permitted.
- C. The special requirements for townhouse and multi-family dwellings set forth in this section shall be in addition to those otherwise noted in this Ordinance.

### 5-202 Lot Size & Lot Width

- A. The multi-family building shall comply with minimum lot requirements contained in Section 5-101. In addition, each dwelling unit of a multi-family building must comply with the minimum lot area per dwelling unit specified in Section 5-101. Each dwelling unit need not be located on a lot complying with minimum lot area per unit requirements in the table if the average for all dwelling units in the building or project equals or exceeds the minimum requirements.
- B. Acreage Required for Townhouse Development: The total acreage must be a minimum of 15 contiguous acres gross tract area for a townhouse development.

### 5-203 Setbacks

- A. Purpose: The purpose of requiring setbacks is to ensure that residents in the community and surrounding area will receive adequate light and air and will be able to maintain privacy and freedom from undesirable disturbance from neighbors. However, the strict application of setback requirements can discourage innovation and promote unnecessarily monotonous site designs. Therefore, flexibility is incorporated into the following provisions in order to enable designers to address the problems of light, air, privacy and freedom from disturbance from traffic and neighbors through the use of techniques other than setback requirements.

B. Basic Requirements: Building-to-Building Setbacks:

1. Front building to front building: 35 feet
2. Rear building to rear building: 50 feet
3. Side building to side building: 30 feet\*
4. Front building to rear building: 75 feet
5. Front building to side building: 50 feet
6. Rear building to side building: 30 feet
7. Corner to corner: 30 feet\*

\*A break between clusters of four or fewer units may be reduced to a minimum of seven feet provided the space is surfaced as a walkway.

C. Exceptions: If all of the following conditions are met, building-to-building setback requirements may be waived:

1. Private outdoor spaces, if provided, are visually screened from each other and from public travel ways (vehicular and pedestrian) to a height of at least four feet. (To qualify, screening must be permanent, year-round and require little to no maintenance).
2. Windows of individual units do not directly face each other unless a minimum of 25 feet is provided between windows.
3. At least one wall of each unit is provided with windows looking onto a space at least 50 feet square (50 feet by 50 feet).
4. Each unit is designed to ensure adequate ventilation.
5. No distinction is made, in terms of exterior siding and trim, between fronts, sides, and rears of buildings.
6. The waiver of building-to-building setbacks substantially improves the design and aesthetic quality of the project.

D. Building Setback from Adjacent Property

1. Purpose: To protect the privacy of existing residents; to provide a visual transition between different housing densities and to help ensure compatibility with the existing character of the neighborhood.
2. When abutting a property in an R-1 District, the minimum setback shall equal the height of the building, excluding the roof, or 30 feet, whichever is greater. If variable roof heights are utilized, the average height of the building at the boundary to adjacent property shall be used to establish minimum setbacks.

5-204 Building Arrangement and Site Design

- A. Purpose: The purpose of imposing regulations governing building arrangement and site design is to help promote a sense of neighborhood and community identity and reduce the visual impact of high density residential developments on the surrounding area.
- B. Size and Scale and Building Mass
  - 1. To avoid monotonous linear development, townhouse development shall be in small clusters designed as neighborhood units. A cluster shall not include more than 50 units.
  - 2. The number of units in a row is to be limited to a maximum of eight units.
  - 3. Offsets at party walls and/or front and rear facades and/or similar devices are required to visually reduce building mass and create individualized spaces (courtyards, seating areas, etc.) for both townhouse and multi-family projects. If techniques other than offsets are utilized, building elevations prepared by a registered architect will be required.
  - 4. The facades of dwelling units in a multi-family building shall be varied by changed front yards of not less than three (3) feet and variation in materials or design, so that no more than three (3) abutting units will have the same front yard depth or the same or essentially the same architectural treatment of facades and roof lines.

5-205 Separate Dwelling Unit Sales

The dwelling units and individual lots may be sold separately if separate utilities systems are provided and if separate lots for all dwelling units in a building are created at the same time and in conformance with the applicable regulations and standards governing the subdivision of land.

5-206 On-site Pedestrian and Bicycle Circulation

- A. Purpose: the purpose of these requirements is to ensure adequate and safe pedestrian circulation.
  - 1. Walkways and bicycle paths shall be provided to link residences with parking lots, recreation facilities (including park land and open space), school and church sites and commercial developments.
  - 2. The design and construction of walkways will be evaluated on the basis of safety, accessibility, suitability for use by motor-impaired individuals, and surface suitability in terms of anticipated use and maintenance requirements. The applicant may be required to install hard surface walkways adjacent to units and along pedestrian circulation routes connecting units with each other and with recreation or commercial areas. In less intensive areas, other pervious and non-erodible surface materials may be approved.
  - 3. Outdoor lighting is encouraged along all major pedestrian walkways and required between parking lots and residences. Lighting is to be limited to residential scale lighting fixtures. No pole type security lighting will be permitted except at the entrance to a development if it intersects an existing public road.

5-207 Parking and Parking Lots

- A. Purpose: The purpose of this Section is to provide for adequate parking for townhouse/multi-family developments.

1. A minimum of one parking space for one-bedroom units and two parking spaces for two or more bedroom units is required. A minimum of an additional fifteen (15) percent of the total number of spaces provided for residents within a building cluster shall be provided for guests and overflow parking.
2. Parking lot surfaces are to be a minimum of two inches of bituminous concrete. Alternative surface materials may be approved by the Town Engineer where they equal or exceed these standards.
3. Individual garages will not be counted as parking spaces. Individual driveways may be counted as parking spaces provided parking space size requirements are met.
4. No detached garage, carport, or other detached accessory building shall be permitted on a lot occupied by a multi-family building.
5. To avoid large expanses of paved parking area, the following provisions shall apply:
  - a. No more than 12 parking spaces will be permitted in a continuous row and the break between rows (island) must be landscaped with a minimum of one shade tree.
  - b. The ends of parking rows and landscape islands shall be a minimum of eight feet wide and shall be adequately landscaped with shade trees and shrubs.
  - c. Double rows of parking shall be separated by a minimum eight-foot planting strip adequately landscaped with shade trees and shrubs. If only one double row of no more than a total of 24 spaces is provided in any given parking lot, this requirement may be waived.
6. Parking area design shall include provisions for compliance with the Maryland Accessibility Code (MAC).

5-208 Outdoor Storage

A. General requirements.

1. Outdoor trash receptacles for individual residences are to be screened from neighboring residences.
2. Large outdoor trash receptacles, such as dumpster boxes, shall be adequately screened and located so as to provide easy truck access and not conflict with parking or through traffic. Trash receptacles may not be located in residential parking spaces and must be on concrete or asphalt pads large enough to accommodate trash pick-up trucks.

5-209 Landscaping

A. Purpose: Landscaping is required in order to promote attractive development, to protect and preserve the appearance and character of the surrounding area and to help delineate and define vehicular and pedestrian passageways and open space within the development.

B. General Requirements.

The front yard shall be landscaped with trees, grass, shrubs, and maintained in a neat and attractive condition.

1. All plant material installed shall be undamaged and of the best quality.
2. All plant material installed shall be balled and burlapped or container grown. Bare-root plant material is acceptable, provided it is installed by a licensed nurseryman.
3. All trees shall be a minimum three-and-a-half-inch caliper at installation, measured four inches above the root ball.

4. A maintenance agreement for the plant material shall be included in the property covenants.
5. Plant material shall be bonded for one year. A planting schedule shall be included in the bond and shall be based on seasonal considerations.

C. Screening.

1. Purpose: the purpose is to protect residents and motorists from noise, glare, and uses which are visually incompatible with neighboring uses.

2. High Screening (minimum six feet).

- a. High screening is to be used where the objective is to completely conceal a use from general view. High screening is required to conceal loading areas, outdoor storage areas, trash disposal sites, and any other uses which are visually incompatible with neighboring land uses.

- b. Materials:

Evergreens.

The minimum height is five feet to six feet at time of installation and where the plantings are capable of creating a continuous screen within three to five years. Evergreens may be planted in a close single row, staggered or offset rows or in clumps or groupings.

Masonry.

Solid/opaque wood fencing or other alternatives may be substituted for plant material screening with the approval of the Planning Commission.

Chain link and picket fences are unacceptable. Berms may be utilized in conjunction with any of the above or combinations of the above.

3. Low Screening

- a. Low screening is required along the perimeter of parking lots in cases where the parking lots are visible from roads or adjacent (off-site) properties to conceal accessory uses that are four feet or less in height and to "enclose" outdoor spaces (such as pre-school play areas and playgrounds).

- b. Materials.

Evergreens

The minimum height at time of planting is 12 inches to 18 inches and two-and-a-half feet to four feet within three to five years and where the plantings are capable of creating a continuous screen within three to five years.

Masonry.

Solid/opaque wood fencing or other alternatives may be substituted for plant material screening with the approval of the Planning Commission.

- D. Landscaping within parking lots. Parking islands and ends of parking rows are to be landscaped with ground cover and at least one shade tree per island. A variety of shrubs and flowers are recommended in addition to the above.
- E. Landscaping along roadways. All roadways are to be planted with deciduous trees planted a minimum of every 40 linear feet on both sides of the roadways. Where divided roadways are provided, the median strip is to be landscaped.

5-210 Open Space & Recreation Requirements

- A. Purpose: The purpose of these requirements is to ensure that open space and basic recreational facilities are available on suitable land at appropriate locations within multi-family and townhouse communities.
- B. Basic minimum requirements: 0.05 acres of common open space per unit of which ten (10) percent (200 square feet per unit) is developed for active recreation.
- C. Land developed for active recreational uses must be level, open ground, good drainage; must be visible from residential units, and must be accessible to children without crossing arterial or collector roads; must not be adjacent to public roads unless physical barriers adequate to prevent children from running out into streets are provided. These playing fields shall be graded at the time of base road construction.
- D. The remaining required acreage may be utilized to provide a variety of open space and recreational facilities including but not limited to: fishing piers, waterfront parks, outdoor theatre/concert areas, gazebos, racquet courts, tennis courts, fitness trails, garden plots, playgrounds, handball courts. Approval will be based on appropriateness to the age groups and population to be served, location, and construction and maintenance standards.

5-211 Construction and Maintenance Requirements

- A. In cases where common area and/or facilities are required, all required common area facilities must be completed by the time fifty (50) percent of the total number of units have been issued use and occupancy permits. If a project is developed in sections, all open space requirements for the number of units in each section must be completed by the time fifty (50) percent of the total number of units in each section have been issued use and occupancy permits. The number of units in a section may be no more than the number of units allocated for sewerage each year.
- B. Prior to the transfer of title of any individual units, the applicant must submit verification that covenants are incorporated and in effect and that they contain the following provisions:
  - 1. All common areas and facilities and all residential unit areas are defined in the legal description and are consistent with the approved site plan. Common areas are not to be deeded to the association until they are fully completed.
  - 2. All owners within the development have a legal obligation to share the responsibilities for expenses associated with the management and maintenance of common areas and facilities.
  - 3. All owners are granted perpetual easements or rights to the use of all common areas and facilities and all open space restrictions and reservations are permanent.

4. Owners are responsible for common areas and facilities as well as paying local taxes where applicable. The Town will not be liable for recreation facilities or common areas.
5. A system for assessing all units, including those still owned by the developer, and collecting dues sufficient to maintain the common facilities is provided.
6. A statement that the Town government has the right, under extreme circumstances, where the owners are unable to perform their responsibilities to protect health and safety, to maintain and operate the common areas or require a court-appointed trustee to administer the affairs of the owners, to assess the homeowners for the cost of this service and to provide a vehicle by which the homeowners can reassume management. The Town shall seek any advice necessary to insure compliance with this provision.

In addition, a statement must be provided and signed by the developer stating that all purchasers of units are to be fully informed of the existence of covenants, the extent of the common areas and facilities and the responsibilities of each homeowner to participate in the costs and maintenance of the common areas and facilities.

#### 5-300 PARKING AND LOADING REQUIREMENTS

##### 5-301 Applicability

The parking and loading requirements that follow shall apply to all new construction, to additions, to existing buildings and structures, and to buildings for which the use is being changed. Structures and uses in existence at the date of adoption of this Ordinance shall not be subject to the requirements of this Part so long as the kind or extent of use is not changed, provided that any parking or loading facility now serving such structures or uses shall not in the future be reduced below such requirements.

##### 5-302 Parking Space Requirements

In all districts, space for parking and storage of vehicles off-street shall be provided in accordance with the Schedule of Minimum Off-Street Parking Requirements By Land Use set forth in Table 2 of this Ordinance.

**Table 2 Schedule of Minimum Off-Street Parking Requirements by Land Use**

<b>Land Use</b>	<b>Parking Space Requirement</b>
<b>Residential Uses</b>	
Single Family Detached	2/dwelling unit
Single Family Attached, Duplex	2/dwelling unit
Townhouse	2/dwelling unit
Accessory Apartment	See Section 3-300 A
Multi-family	See Section 5-207
Senior Housing	1/dwelling unit
Boarding House, Lodging House	*
Dwelling Unit in Combination with Commercial Use	*
Group Home	*
<b>Institutional, Recreational and Educational Uses</b>	
Churches and Other Buildings for Religious Assembly	1/4 seats in main assembly hall
Convalescent, Nursing Home	1/3 beds + 1/staff
Cultural Uses: Library, Museum, Community Center	1/ 300 s.f. GFA + 1/staff
Clubs, Fraternal, and Service Organizations	1/4 seats in main assembly hall
Day Care Center, Nursery School	3/classroom
Funeral Homes	1/4 seats in main assembly hall
Home Day Care	1/staff
Studios for instruction of dance, art, crafts, music; professional	1/5 students
Public or government building or structure; Post Office	*
Public/ Private Schools	1/5 students + 1/staff
a) Elementary School	3/teaching station
b) Middle School	3/teaching station + 1/6 seats in assembly
c) High School	3/teaching station + 1/4 seats in assembly
<b>Commercial Uses</b>	
Repair Services - Electrical, Appliance, Upholstery, Etc.	1/400 s.f. GFA
Artists and Photography Studios and Galleries	1/500 s.f. GFA
Gasoline Station, service station	1/pump + 1/service bay + 1/staff
Bed and Breakfast	1/unit
Business Services such as advertising, copying, printing	1/400 s.f. GFA
Indoor Recreational Facilities for swimming, tennis, etc.	1/250 s.f. GFA
Bank, Insurance, and Financial Institutions	1/300 s.f. GFA
Laundromat, Dry cleaning receiving shop	1/300 s.f. GFA
Marina	3/5 boat slips; 5/boat ramp + 10/boat ramp
Massage Therapy	2/ station
Motel/Hotel	1/unit + 1/staff
Parking Facility / Lot	*
Offices for business, professional, or governmental purposes	1/400 s.f. GFA
Outdoor entertainment and amusement	*
Personal Services such as beauty salons, shoe repair, etc.	1/400 s.f. GFA
Professional Office in Residence	2/professional
Restaurant , Tavern	1/100 s.f. patron area
Specialty Food Sales, Beverage Sales	1/350 s.f. GFA
Retail establishments carrying one type of inter-related good	1/500 s.f. GFA
Retail convenience, supermarket, department store, etc.	1/350 s.f. GFA
Motor Vehicle Sales and Rental	1/ 300 s.f. GFA
<b>Unclassified Uses</b>	
Utility Building / Facility	*
Accessory Building or Use	*
Garage Sales, Yard Sales, Estate Sales	N/A
Home Occupation	*
Outside Storage in Connection with Commercial Uses	*
Temporary Structure Incidental to Construction	*

\* To be determined by the Planning Commission at site plan review.

GFA means Gross Floor Area. Staff means a full time non-residential employee or the equivalent thereof.

5-303 Size of Parking Spaces

A required automobile parking space shall not be less than one hundred sixty-two (162) square feet in area and a minimum of nine (9) feet in width and 18 feet in length.

If more than twenty (20) parking spaces are required, a maximum of forty Percent (40%) of the required parking spaces may be designated as compact car spaces. A compact car parking space shall be not less than one hundred twenty-eight (128) square feet in area and a minimum of eight (8) feet in width and sixteen (16) feet in length. Such parking spaces shall be visibly marked as "compact car" parking spaces.

5-304 Location of Parking Spaces

Except as provided in this section, all parking spaces shall be located on the same lot with the buildings or structures they are intended to serve. The exceptions follow:

- A. Accessory Parking Location. Under provisions of Article 6, the Planning Commission or the Zoning Administrator may approve a parking plan that permits the required parking to be located elsewhere on private property, under the following conditions:
  - 1. Such required parking space shall be located on land in the same ownership as the proposed use, or there shall be a binding covenant in the deed to assure future availability of the parking space,
  - 2. If the proposed use is in a C-1, C-2, or W district then such parking spaces shall be in one of the following districts: C-1, C-2, or W. Otherwise, the parking spaces shall be in the same zoning district as the proposed use.
  - 3. Such required space shall be located to furnish reasonable and convenient parking facilities for the occupants or guests of the building or structures that they are designed to serve.
    - a. The parking shall not be located at an unreasonable walking distance from the proposed use for its employees and customers/visitors with 500 feet being a preferred maximum distance.
    - b. A convenient pedestrian connection between the properties exists.
- B. Joint Parking Spaces. Joint use of parking spaces are permitted subject to the following conditions:
  - 1. The individual establishments sharing the joint parking spaces shall not normally be opened or used during the same principal operating hours. If they are, then it must be shown to the satisfaction of the Zoning Administrator that the peak-period of parking use does not coincide.
  - 2. There shall be an arrangement that will assure the permanent availability of such spaces to the satisfaction of the Zoning Administrator.
  - 3. Each joint parking space may fulfill the requirement for one (1) off-street parking space required for each establishment bound by the written agreement.
- C. Transfer of Parking Requirement to Public Parking Facility. This provision shall not become effective until a Public Parking Management Program is implemented by vote of the Town Council. Some or all of the parking requirements for a non-residential use located in Zoning Districts C-1, C-2, W and PR may be transferred to a public parking facility located nearby. The following conditions apply:

1. Up to fifty percent (50%) of the parking requirement may be transferred to a public parking facility located nearby upon payment of the first installment of an annual parking fee to the Town. The Town Clerk will maintain the current parking fee schedule.
2. Up to one hundred percent (100%) of the parking requirements may be transferred to a public parking facility located nearby after application and approval by the Planning Commission or Zoning Administrator under the provisions of Article 6, and upon payment of the first installments of an annual parking fee to the Town. In making its determination, the Planning Commission or Zoning Administrator will consider:
  - a. The consistency of the project with Town adopted plans,
  - b. The impact of the project on vehicular and pedestrian circulation in the Town, and
  - c. The overall project parking plan; to be sure it furnishes reasonable and convenient parking facilities for the occupants or guests of the building or structures that they are designed to serve.

5-305 Parking Facility Access and Circulation

Each parking space shall have access to a street or alley open to use by the public via adequate interior aisles and entrance and exit driveways. Parking facilities shall be designed so that each vehicle may proceed to and from the parking spaces provided for it without requiring the moving of any other vehicle.

- A. Driveways. Driveways for one-way movements shall be at least ten feet in width to allow safe and expeditious movement of vehicles. If entrance and exit driveways are combined, the combined driveway shall be not less than twenty feet in width.
- B. Aisles. Aisles shall have the following minimum widths based on the configuration of the adjacent parking spaces:
 

1.	Perpendicular	22 feet
2.	60-75 Degrees	18 feet
3.	45-59 Degrees	16 feet
4.	Parallel	10 feet
- C. Drainage. All off-street parking facilities shall be drained so as to prevent damage to abutting properties and public streets, and shall be constructed of material which will assure a surface resistant to erosion.
- D. Lighting. Adequate lighting shall be provided for surface parking facilities used at night and for structure parking as required by the Standard Building Code. Lighting shall be installed and maintained in a manner not to cause glare or reflection into abutting or facing residential premises, not to interfere with safe operation of vehicles moving on or near the premises.
- E. Minimum landscaping and screening requirements for parking facilities are given in Section 5-500.

5-306 Off-Street Loading and Unloading Space Requirements

All buildings or structures shall be provided with off-street loading and unloading spaces as specified below:

- A. Dwelling, Multi Family: One space for the first 200 dwelling units, plus one space for each additional 200 dwelling units or major fraction thereof.
- B. Commercial Retail Uses: No spaces required for uses with less than 2,000 sq ft of gross floor area. One space for between 2,000 and 10,000 sq ft of gross floor area plus one space for each additional 25,000 sq ft or fraction thereof.
- C. Commercial Services: One space for the first 10,000 sq ft of gross floor area.
- D. Institutional Uses: Floor area plus one additional space for each additional 100,000 sq ft or major fraction thereof.

5-307 Size of Off-Street Loading and Unloading Spaces

A required off-street loading and unloading space shall be not less than fifteen (15) feet wide, twenty-five (25) feet long and fifteen (15) feet high.

5-308 Location of Off-Street Loading and Unloading Spaces

Except as provided in this section, all off-street loading and unloading spaces shall be located on the same lot with the buildings or structures they are intended to serve. The exception follows:

- A. Sharing of Loading and Unloading Spaces: Required off-street loading and unloading spaces may be provided cooperatively for two or more uses, subject to the following conditions:
  - 1. The individual establishments sharing the joint loading and unloading spaces shall normally receive shipments at different times.
  - 2. There shall be an arrangement that will assure the permanent availability of such spaces to the satisfaction of the Zoning Administrator.
  - 3. Each joint loading and unloading space may fulfill the requirement for one (1) off-street loading and unloading space required for each establishment bound by the written agreement.

5-309 Off-Street Loading and Unloading Facility Access and Circulation

Each off-street loading and unloading space shall have access to a street or alley open to use by the public via adequate entrance and exit driveways.

- A. Driveways. Driveways for one-way movements shall be at least ten feet in width to allow safe and expeditious movement of vehicles.
- B. Aisles. Access aisles leading to an off-street loading and unloading space shall have a minimum width of twelve (12) feet.
- C. Drainage. All off-street loading and unloading spaces shall be drained so as to prevent damage to abutting properties and public streets, and shall be constructed of material which will assure a surface resistant to erosion.

- D. Lighting. Adequate lighting shall be provided for surface parking facilities used at night and for structure parking as required by the Standard Building Code. Lighting shall be installed and maintained in a manner not to cause glare or reflection into abutting or facing residential premises, nor to interfere with safe operation of vehicles moving on or near the premises.
- E. Landscaping. Minimum landscaping and screening requirements for off-street loading and unloading facilities are given in Part 4 of this Article.

5-310 General Provisions for Parking and Loading/Unloading Spaces

- A. Maintenance of Parking and Loading/ Unloading Spaces. All required parking and loading/unloading spaces shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking and loading/unloading facilities shall not be reduced after their provision, except when such reduction is in conformance with the requirements of this Part.
- B. Computation of Parking and Loading/Unloading Spaces. In computing the number of parking and loading/unloading spaces required, that portion of the gross floor area or cellar area devoted to parking spaces, loading berths, loading platforms, service/delivery loading spaces and vehicular access to parking spaces, may be excluded.
- C. Combination of Uses. Where a given use of building contains a combination of uses, the parking and loading/unloading spaces required shall be the sum of the requirements for the various individual uses computed separately in accordance with this Article.
- D. Fractional Spaces. Whenever calculations based on the schedule set forth in this Article result in a fractional space, any fraction under one-half shall be disregarded, and any fraction of one-half or over shall require one (1) parking space.
- E. Alteration of Structure or Use. Whenever there is an alteration of a structure or use, which increases the parking and loading/unloading requirements in accordance with this Article, the total additional parking and loading/unloading required for the alteration, change or extension shall be provided.
- F. Other Uses Prohibited. All off-street parking and loading/unloading facilities shall be used solely for the parking and loading/unloading of vehicles in operating condition by patrons, occupants, or employees for the use to which such parking is accessory. No motor vehicle repair work except any required off-street parking or loading/unloading facilities.
- G. Uncertainty About Requirements. If there is uncertainty with respect to the amount of space required by the provisions of this Ordinance because of indefiniteness as to the proposed use of a building or of land, the maximum requirement for the general type of use that is involved shall govern.
- H. Interpretation. Where the required number of spaces is not set forth for a particular use in this Article, and where there is no similar general type of use listed, the Zoning Administrator shall determine the basis of the number of spaces to be provided.

5-311 Departures from the Number of Parking and Loading Spaces Required

A. Authorization

In order to accomplish the purposes of this part, the numbers of off-street parking and loading spaces required by Sections 5-202 and 5-206 shall generally be provided. The Planning Commission in accordance with this section may permit a departure from these minimum numbers of spaces only in the C-1, C-2 and W districts. In these districts, the Planning Commission may approve a maximum 10% reduction of required spaces as part of the site plan approval process.

B. Procedures

1. Application
  - a. All requests for a departure shall be in the form of an application filed with the Zoning Administrator.
  - b. The application form shall be accompanied by the following:
    - i. A site plan and other graphic illustrations which are considered necessary to clearly indicate what is being proposed.
    - ii. A written statement by the applicant addressing the requirements of paragraph (7), below. The applicant shall be responsible for providing all information that is necessary for the Planning Commission to make its decision under Paragraph (7).
2. Fees: Upon filing the application, the applicant shall pay to the Town Clerk a filing fee to help defray the costs related to processing the application.
3. Hearing: Prior to making a decision in the departure, the Planning Commission shall hold a public hearing on the matter. The Planning Commission shall determine the procedures under which the hearing will be held.
4. Notice:
  - a. Notice of Public hearing
    - i. Notice of the date, time, and place of the hearing shall be in accordance with Section 7-106.
  - b. Posting:
    - i. The Planning Commission shall post the property with a durable sign at least fifteen (15) days prior to the scheduled hearing date. The sign shall be provided by the Planning Commission, who shall determine the contents of the sign.
    - ii. If the property has frontage on one (1) or more improved streets, there shall be one (1) sign posted for each one hundred (100) feet (or fraction) of frontage on each street.
5. Record
  - a. The record shall consist of:
    - i. The application form and accompanying data;
    - ii. All correspondence relative to the application;
    - iii. All testimony at the public hearing; and
    - iv. Other items which the Planning Commission deems necessary.
6. Planning Commission Decision
  - a. After the close of the record, the Planning Commission shall take action on the request. The decision of the Planning Commission shall be based on the record, and shall be embodied in a resolution adopted at a regularly scheduled public meeting.

- b. The Planning Commission shall give written notice of its decision to the applicant and the Town Council.
7. Required Findings
- a. In order for the Planning Commission to grant the departure, it shall make the following findings:
    - i. The departure is the minimum necessary, given the specific circumstances of the request;
    - ii. The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the Town which were predominantly developed prior to January 9, 1975.
    - iii. All methods for calculating the number of spaces required (Sections 5-202, 5-206) have either been used or found impractical; and
    - iv. Parking and loading needs of adjacent residential areas will not be infringed upon, if the departure is granted.
  - b. In making its findings, the Planning Commission shall consider the following:
    - i. The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of available on - and off-street spaces within one hundred eighty (180) feet of the subject property;
    - ii. The recommendations of the North Beach Comprehensive Plan and North Beach Waterfront Revitalization Plan, regarding the subject property and its general vicinity;
    - iii. Public Parking Facilities, which are proposed in the Town's Comprehensive Plan within the general vicinity of the property.
  - c. In making its findings, the Planning Commission may consider the following:
    - i. Public transportation available in the area;
    - ii. Any alternative design solutions to off-street facilities, which might yield additional spaces;
    - iii. The specific nature of the use (including hours of operation if it is a business and the nature and hours of operation of other (business) uses within one hundred (100) feet of the subject property.
8. Appeal
- a. The Planning Commission's decision may be appealed to the Town Council upon petition of any person of record. The petition shall be filed with the Town Clerk within thirty (30) days after the date of the notice of the Planning Commission's decision. The Town Council may vote to review the Planning Commission's decision on its own motion within thirty (30) days after the date of the notice.
  - b. The Town Clerk shall notify the Planning Commission of any appeal or review decision. Within seven (7) calendar days after receiving this notice, the Planning Commission shall transmit to the Town Council a copy of the file on the proposed departure from Parking and Loading, all written evidence and materials submitted for consideration by the Planning Commission, a transcript of the public hearing on the proposed departure, and any additional information or explanatory material deemed appropriate.
  - c. The Town Council shall schedule a public hearing on the appeal or review. The hearing shall be held in accordance with the Town Charter. The Town Clerk shall give at least fourteen (14) calendar days notice of the hearing to all persons of record and the Planning Commission, all of whom shall be entitled to appear at the hearing. Testimony at the hearing shall be limited to the facts and

information contained within the record made at the hearing before the Planning Commission.

- d. After the close of the Council's hearing, the Council shall affirm, reverse, or modify the decision of the Planning Commission, or return the proposed departure to the Planning Commission to take further testimony or reconsider its decision.
  - e. The Council shall give its decision in writing, stating the reasons for its actions. Copies of the decisions shall be sent to all persons of record and the Planning Commission.
9. Applicability of the departure
- a. An approved departure shall apply only to the use specified in the application.

C. Facilities for the Handicapped

A departure from the number of spaces required for the physically handicapped shall not be granted unless an exception from the requirements for the handicapped in applicable building codes has been obtained from the State and County agencies responsible for administering those codes.

5-312 Bicycle Parking

The Planning Commission shall address the adequacy and convenience of use of on-site bicycle parking during site plan review as provided in Section 6-202 M of this Ordinance.

5-400 SIGNS

5-401 Purpose and Intent

The purpose of this Part is to regulate all exterior signs and interior signs placed for exterior observance to protect property values, to protect the unique character of North Beach, and to improve and protect the public health, safety, convenience, and general welfare.

Any sign erected on a lot or building for the purposes of identification or for advertising a use conducted thereon or therein shall be deemed to be accessory and incidental to such land, building or use, and shall be regulated in accordance with the provisions in this Part.

It is further intended that all signs in the Town of North Beach be coordinated with the architecture of the principal use in such a manner that the overall appearance is harmonious in color, form and proportion and the signs shall be structurally sound so as to ensure the safety of the general public. Signs in the Design Standards Overlay District (see Article 4, Part 2) shall also comply with the "Town of North Beach Design Standards".

5-402 Permit Required

All signs are deemed accessory uses, and, unless specifically qualified, shall be located on the same lot with the principal use. No sign, except for those signs listed in Section 5-303 below, shall be painted, constructed, erected, remodeled, relocated, or expanded until a sign permit for such sign has been obtained in accordance with the provisions of Section 5-309 below. No permit for any sign shall be issued unless the

sign complies with the following regulations: Part 3 of this Article; the Standard Building Code; and the Town of North Beach Design Standards, if applicable.

5-403 Sign Permit Not Required

- A. Not Creating a Sign. The following operations shall not be considered as creating a sign and therefore shall not require a sign permit.
1. The changing of the advertising copy or message on an approved painted or printed sign, which are specifically designed for the use of replaceable copy.
  2. Painting, repainting, cleaning and other normal maintenance and repair of an approved sign or sign structure, unless a structural alteration is made.
- B. Permanent Signs. No sign permit shall be required for any of the following signs, except that all other applicable regulations of this Zoning Ordinance and those set forth in the Standard Building Code and the Town of North Beach Design Standards shall apply to such signs.
1. Official traffic signs or sign structures, when erected by a governmental agency.
  2. Directional or informational signs of a public or quasi-public nature, such as: those which identify the location of restrooms or parking areas; those which contain the meeting date of a community or civic association; or those that advertise seasonal events of public interest.
  3. Seasonal displays and decorations not advertising a product, service, or entertainment.
  4. Small signs which display address numbers. In addition, small signs which identify the name and/or address of the occupant of a single family dwelling unit, provided such sign is limited to one (1) per dwelling unit and does not exceed two (2) sq ft in area.
- C. Temporary Signs. No sign permit shall be required for any of the following temporary signs, except that all other applicable regulations of this Zoning Ordinance and those set forth in the Standard Building Code and the Town of North Beach Design Standards shall apply to such signs. A sign permit is required for temporary signs exceeding six (6) sq ft in size.
1. Official notices or advertisements posted by or under the direction of any public or court officer in the performance of his official duties, provided that all such signs shall be removed not later than ten (10) days after the end of the period for which the same are required to be displayed in order to accomplish their purpose.
  2. Temporary political signs, subject to State regulations.
  3. Temporary real estate signs located on and advertising subject property for sale, lease, or rental, provided such signs do not exceed six (6) sq ft in size. Such signs shall be removed within seven (7) days of the settlement, lease, or rental.
  4. Temporary signs advertising a subdivision or development. Such sign shall be limited to one (1) in number and shall be limited to a maximum sign area of six (6) sq ft.
  5. Temporary construction signs identifying the general contractor, subcontractor, architect, engineer and other individuals or firms involved with the construction, alteration or remodeling of any building. Such sign shall be limited to one (1) per project and shall be limited to a maximum sign area of six (6) sq ft. The sign shall be located on the site of construction or remodeling and shall be removed within fourteen (14) days following completion of construction or remodeling.

#### 5-404 Sign Regulations

The following regulations shall apply to all signs, which require a sign permit by the provisions of this Part. The regulations are based on the use for which the sign is an accessory.

##### A. Commercial and Institutional Uses

1. A total sign area of one (1) sq ft for each one (1) linear foot of building frontage shall be permitted.
2. Signs that do not exceed two (2) sq ft in area are permitted for Home Occupation uses in Zoning Districts R-2, C-1, C-2, and W. Signs are not permitted for Home Occupation uses in Zoning District R-1.
3. No single face sign shall exceed thirty two (32) sq ft.

##### B. Residential Uses

1. Freestanding signs, which identify the name of a residential subdivision or development, shall be permitted at each major entrance thereto. Such signs shall not exceed thirty (30) sq ft in area or eight (8) feet in height.
2. Building-mounted signs identifying the name and the address of a multi family residential building shall be permitted. Such signs shall be flush against the building and shall not exceed twelve (12) square feet in area per building nor be located at a height exceeding 30 feet above grade.
3. Signs that do not exceed four (4) ft in area are permitted for Bed & Breakfast Facility and Boarding House uses.

#### 5-405 Size Measurements and Location

##### A. Sign Area Calculation

1. The area of a sign shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
2. For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols together with any backing of a different color than the finish material of the building face.
3. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall, or window, the area shall be considered that of the smallest rectangle or other geometric shape, which encompasses all of the letters and symbols.
4. Every face of a projecting or freestanding sign shall be considered as a separate sign for purposes of calculating the allowable sign area. Double faced sign, where the lettering on each side is identical, will only count the sq. ft. of one side on same surface. Double faced signs are signs, which are back to back. V-shaped signs are not double signs.

##### B. Location of Signs

1. Flat Wall Signs. Flat wall signs may be located anywhere on any wall of a building; except that above the first floor, no window or part of a window shall be situated within the sign area or its supporting structure, nor shall any such sign or part of such sign or it's supporting structure cover any window or part of a window.
2. Projecting Signs. Projecting signs may project over the public right-of-way only where there is no building setback, and then may project no more than forty-two (42) inches

beyond the right-of-way line, and must have a minimum clearance of ten (10) feet above the finished grade of a sidewalk and no sign shall project above any road, driveway or alley. Above the first floor, no window or part of a window shall be situated within the sign area to its supporting structure, nor shall any such sign or part of such sign or its supporting structure cover any window or part of a window or obstruct the light and vision of a window.

3. Freestanding Signs. Signs may be freestanding or ground supported and may be located anywhere on the subject lot. No part of the sign shall extend beyond a property line or right-of-way line.
4. Roof Signs. Roof signs shall not be permitted nor shall any sign extend above the roof line.

#### 5-406 Sign Structural Requirements- Maintenance and Removal

- A. Structural. No sign shall be erected unless it complies with the structural requirements as specified in the Standard Building Code and the standards in this Part.
- B. Maintenance. All signs and components thereof shall be maintained in good repair and in a safe, neat, and clean condition.
- C. Removal or Repair Requirements, The Building Inspector may cause to have removed or repaired immediately without written notice any sign which, in his opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such action shall be borne by the owner of the sign.

#### 5-407 Prohibited Signs

The following signs are prohibited in any zoning district. Where applicable, these prohibitions shall apply to those signs permitted by the provisions of Section 5-303.

- A. Any sign which by reason of its location, position, size, shape or color may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control signal or device erected by a public agency.
- B. Any sign displaying flashing or intermittent lights, or lights or changing degrees of intensity of color or moving copy. This prohibition shall not apply to signs, which display time, temperature, or environmental conditions.
- C. Any sign of which all or any part is in motion by any means. This prohibition shall not apply to the hands of a clock, a weathervane, or those seasonal signs approved by the Zoning Administrator as provided in Paragraph B2 and B3 of Section 5-303 above.
- D. Any sign which advertises an activity, business, product, or service no longer produced or conducted on the premises upon which the sign is located. Where the owner or lessor of the premises is seeking a new tenant, such signs may remain in place for not more than thirty (30) days from the date of vacancy.
- E. Any sign which is pasted or attached to utility poles, trees, fences, or other signs.
- F. Any sign containing statements, words, or pictures of an obscene, indecent, or immoral character, such as will offend public morals or decency.

- G. Any sign or illumination that causes any direct glare into or upon any building other than the building to which the sign may be related.
- H. Any sign painted on or permanently affixed to a window that covers an area in excess of twenty (20) percent of the window.
- I. Any portable sign except such signs that are permitted by the provisions of Section 5-303 above.
- J. Any outdoor advertising sign, commonly referred to as bill-boards or poster panels, which advertise products or businesses not connected with the site or building on which they are located.

5-408 Nonconforming Signs

Signs lawfully existing on the effective date of this Ordinance which do not conform to the provisions of this Ordinance, and signs which are necessary to a nonconforming use shall be deemed to be nonconforming signs, such signs shall not be enlarged, extended or structurally reconstructed or altered in any manner.

5-409 Sign Permit Procedure

- A. Permit Requirements. Except as otherwise provided herein, no sign shall be erected, altered, or refaced unless a sign permit has been approved by the Zoning Administrator.
- B. Permit Application. The permit application shall contain the identification and address of the property on which the sign is to be erected; the name and address of the sign owner and the sign erector; drawings showing the design, dimensions, and location on the building/site of the sign and such other pertinent information as the Zoning Administrator may require to ensure compliance with the provisions of this Ordinance and other applicable regulations.
- C. Fess. Fees for sign permits shall be determined by resolution of the Town Council.
- D. Expiration of a Sign Permit. A sign permit shall expire and become null and void if the sign is not erected within a period of 12 months from the date of the permit. A permit may be renewed and an additional fee shall be collected for the renewal.

5-500 LANDSCAPING AND SCREENING REQUIREMENTS

5-501 Purpose and Intent

The purpose and intent of this Part is to preserve and promote the health, safety, and general welfare of the public; to facilitate the creation of an attractive Town; to conserve natural resources including adequate air and water; to conserve properties and their values; and to encourage the appropriate use of land. More specifically this Part is intended to make incompatible uses compatible by requiring a screen or buffer between the uses in order to minimize the harmful impact of noise, dust and other debris, artificial light intrusion, and other objectionable activities or impact conducted or created by adjoining or nearby use. Additionally, this Part is intended to require the landscaping of certain parking lots in order to reduce the harmful effect of heat and noise, and the glare of motor vehicle lights; to preserve underground water reservoirs and to permit the return of precipitation to the ground water strata; to act as a natural drainage

system and improve storm water drainage problems; to prevent soil erosion; to provide shade and to enhance the blighted appearance to parking lots.

5-502 Applicability

The provisions of this Article shall apply to all development where Category 1 site plans are filed in accordance with the provisions of Article 6 and to all public and private parking facilities.

5-503 Landscaping Requirements

- A. A landscaping scheme shall be submitted as part of every Category 1 site plan required by the provisions of Article 6.
- B. Such landscaping schemes shall include dimensions and distances and clearly delineate all existing and proposed parking spaces or other vehicle areas, access aisles, driveways, and the location, size and description of all landscaping materials to be used.
- C. The landscaping measures shall be completed according to specifications prior to approval of any zoning and occupancy permit.

5-504 Screening Requirements

In all districts except for the C-2 District, all developments for which Category 1 site plans are filed in accordance with the provisions of Article 6 shall be effectively screened on each side that adjoins a residential use. Required screening shall consist of plant material at the minimum height of six feet at time of installation and where the plantings are capable of creating a continuous screen within three to five years. Evergreens may be planted in a close single row, staggered or offset rows or in clumps or groupings. Solid/opaque wood fencing or other alternatives such as a masonry wall may be substituted for plant material screening with the approval of the Planning Commission, provided the fencing reaches a minimum height of six feet. Chain link and picket fences are unacceptable. Berms may be utilized in conjunction with any of the above or combinations of the above, with Planning Commission approval.

5-505 Perimeter Parking Lot Landscaping

All off-street parking facilities, whether or not located on the same lot as the use to which it is accessory, containing six (6) or more parking spaces shall meet the following perimeter landscaping requirements.

- A. A landscaping strip four (4) feet in width shall be located between the parking facility and the adjoining lot lines.
- B. A minimum of one shade tree for every forty (40) feet of lot perimeter shall be planted in the landscaping strip. Deciduous shade trees with ground cover or low shrubs shall be used as the primary landscape material.
- C. On the landscaping strip adjacent to a street right-of-way, or to a R-1 or R-2 district, a compact evergreen hedge, an ornamental wall, or a wooden fence of not less than forty-two (42) inches high is required to reduce the visual impact of the parking facility.

5-506 Internal Landscaping of Surface Parking Facility

Any surface parking facility of twenty-five (25) or more spaces shall be landscaped with shade trees of not less than five (5) percent of the internal area of the surface parking facility. The internal area of a parking facility is defined by the perimeter of the curbs or edge of paving. Planting area should be wide enough to protect the trees from a vehicle's swinging doors and bumper overhang.

5-507 Lighting in Parking Lots

Any lighting used to illuminate any parking area shall be so arranged as to direct the light away from adjoining premises located in a R-1 or R-2 zoning district, and from public roads.

5-508 Maintenance

- A. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris. Fences and walls shall be maintained in good repair.
- B. The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all landscaping and screening materials as may be required by the provisions of this Part.

5-509 Waiver or Modification

The Planning Commission or Zoning Administrator, under the provisions of Article 6, may approve a waiver or modification of the requirements of this Part. Such waiver or modification may be approved:

- A. For an interim use of a specified duration, and/or where deemed appropriate due to the location, size, surrounding area or configuration of the lot; and
- B. When such waiver or modification will not have any deleterious effect on the existing or planned development of adjacent properties.