



The roof pitch may be interrupted by “dog-house” or “eye-brow” style dormers or sky-lights to provide for daylight and ventilation.

Accessory rooftop equipment may extend to 42 feet, provided that they are set back from the exterior wall(s) by at least 10 feet, and are enclosed or screened with materials compatible with the building and are not visible from the ground. Accessory equipment may not exceed 20% of the roof area.

#### **8.10 GENERAL REGULATIONS**

For the purpose of this section the Dennis Planning Board shall adopt **Dennis Port t Village Center Site and Architectural Design Guidelines** which shall constitute rules and regulations guiding the implementation of the standards of this by-law.

1. All requests for commercial development of over 2,500 sf, other than the re-use of floor space in existence on April 5, 2004, shall include residential development within the district at the minimum rate of one new dwelling per 5,000 square feet of commercial space. For partial units, less than 0.5 of a unit rounds down to the next lower whole number of units and 0.5 of a unit or greater rounds up to the next higher whole number of units.

2. All site development other than the re-use of space in existence on April 5, 2004 shall be required to include the provisions of “public” areas such as landscaped greenbelts, sidewalks, patios or courts. Such “public” areas may include areas such as outdoor café’s clearly identified for a private purpose that increases the street oriented activity of the site itself. These public areas should include a connected network of streets or walkways to ensure free movements of vehicles, pedestrians and bicycles within the Dennis Port Village Center District and connecting to adjacent neighborhoods. These public areas shall provide for pedestrian connections across the front of the site and between the front of the site and parking facilities located on the property. These connections may be provided either within the structure or immediately adjacent to the structure within the site’s setback area.

3. Landscaping: All developments, other than the re-use of space in existence on April 5, 2004, must be landscaped with appropriate low-water vegetation, including deciduous shade trees within 50 feet of parking areas. Decorative flower beds and containers are excluded from this restriction on water use.

Planting areas should serve as storm water treatment areas often referred to as “rain gardens”, as such they should be designed in a way that they are slightly depressed below adjacent parking or sidewalk grades with run-off directed to these areas. Plantings, while encouraging drought resistance, should be capable of withstanding seasonally wet conditions.

Shade trees in parking areas shall be minimum 1 ½ inch caliper at planting and shall be of a species that grows to a minimum of 25 feet in height. These trees shall be in a planting area with a minimum fifty square feet of permeable surface area (Trees located in sidewalk areas shall be allowed to be planted in areas with a minimum of 25 square feet of permeable area). Deciduous street trees shall be planted along streets no farther than 30 feet on center and shall be irrigated and maintained by the owner of the property. Abutting private property owners shall be responsible for maintaining street trees immediately in front of their property in the public right of way. Dead or damaged trees shall be replaced within 30 days of written notice. Street trees shall be a minimum of 1 ½ inch caliper at planting. Irrigation shall be provided and maintained for all landscaped areas. Trees shall not be planted in the ‘clear sight’ area at intersections and driveways. For the purposes of this requirement, alleys and unimproved rights of way are not considered streets.

4. Parking: To maintain a pedestrian-friendly environment, parking lots shall be located behind or beside buildings. On-site parking shall not exceed 5 spaces per 1,000 square feet of building and shall not be less than 50% of the number required based upon Section 3.1 unless authorized by a Special Permit by the Planning Board. Shared use of parking is strongly encouraged. A shared parking agreement shall be submitted with site development plans as part of any Special Permit request. Said shared parking agreement shall address issues such as the maintenance, striping and snow plowing of the shared parking area. Driveways shall not occupy more than 25% of the frontage of any parcel, except for lots less than 40 feet wide. No more than one curb cut on Route 28 shall be allowed for any lot. For lots with alternative access, driveways shall take their access off of the alternative access unless otherwise permitted by Special Permit. For traffic safety and to maintain traffic flow, no new driveways shall be permitted on Route 28 within 200 feet of any intersection.

5. Loading docks, trash compactors, and trash containers shall not be accessed directly from Route 28. Trash compactors shall be enclosed to minimize noise. Trash containers shall be fully enclosed on 3 sides with solid walls a minimum of six feet high with a solid gate, six feet high, which shall be kept closed.

6. Lighting: All developments in the Dennis Port Village Center shall use full cutoff light fixtures for exterior lighting. For the purpose of this section, a “full cutoff light fixture” is one in which no more than 2.5% of the total output is emitted at 90 degrees from the vertical pole or building wall on which it is mounted.

7. Primary Commercial Building Entrances: For visibility and accessibility, all primary commercial entrances used by the public shall be visible from the right-of-way and the sidewalk, shall have an entrance directly accessible from the sidewalk and shall be no more than 75 feet from the sidewalk.

8. For visibility of retail businesses all commercial facades shall have at least 70% transparent glass between 3 feet and 8 feet above the walking surface facing the right of way or parking lot. The sills of windows shall not be higher than 3 feet above the walking surface. Blank walls are prohibited along public right of ways. Up to one half of the window area may be used for temporary displays of merchandise or advertising. Outside of said advertising signs located within the windows; no other architectural features shall be used to block the view into the building. The Planning Board may, by Special Permit waive any of the requirements of this section.

9. The Dennis Port Village Center District shall have a consistent and distinct identity through the use of similar and compatible architectural design.

Architectural treatment of buildings, including materials, color and style, shall be compatible with the district's historical architectural character and with buildings located within the Dennisport Village Center District. Compatibility may be achieved through the use of similar building massing, materials, scale, colors, or other architectural features (detailing) as is present in adjacent and nearby structures within the same block or directly across any road which are representative of the history of Dennis Port. Facades facing Route 28 shall not include flat or shed roofs.

For the purpose of this section the Dennis Planning Board shall adopt **Dennis Port Village Center Site and Architectural Design Guidelines**

10. The following elements are prohibited:

- (a) structures which are of symbolic design for reasons of advertising
- (b) high intensity, metallic, or fluorescent colors
- (c) neon tubing, fiber optics or similar lighting
- (d) high gloss vinyl and plastic awnings
- (e) unpainted or plain/unfinished exterior facades other than natural wood or brick
- (f) smooth faced painted concrete masonry block
- (g) drive-through facilities (except for bank drive-throughs which are allowed by Special Permit).
- (h) use of storage containers except during construction or as regulated as a temporary use.

11. All junction and accessory boxes shall be minimized from view of adjacent property and public rights-of-way by landscaping or architectural treatment integrated with the building served.

12. Mechanical equipment, whether ground-level or rooftop, shall be screened from view of adjacent properties and public rights-of-way and designed to be perceived as an integral part of the building,

13. **Pedestrian Amenities.** One (1) pedestrian amenity for each one hundred thousand (100,000) gross square feet of floor area or fraction thereof shall be incorporated into the overall development to create a pedestrian friendly atmosphere. Suggested amenities include, but are not limited to:

- (a) public art
- (b) clock tower
- (c) water feature/fountain
- (d) outdoor patio, courtyard or plaza
- (e) tables with umbrellas for open air eating or outdoor furniture

14. The maximum area for any single tenant or occupant space shall be 60,000 square feet.

15. Within Dennis Port Village Center District Area A for any lot with frontage on Route 28, only commercial uses identified in Section 2.2.2.5 shall be allowed at ground floor on the Route 28 side of the building.

16. Within the Dennis Port Village Center District Area A for any lot with frontage on Route 28, the primary means of access to the upper stories of any structure shall be by means of a building entryway accessing Route 28. Said entryway area shall include any building lobby area, internal directory, and mail delivery facilities.

## **8.11 DEVELOPMENT PLANS AND STANDARDS**

Site development plans for approval shall include:

### 1. Urban Design features:

- a. Blocks, streets, alleys, parks, patios, sidewalks and planting strips, stormwater drainage features, outdoor seating areas for private commercial uses
- b. Building types (for example, patio house, townhouse, storefront retail built to sidewalk)
- c. Signage master plan
- d. Shared parking agreement

### 2. Architectural features:

- a. Building facades (should include photographs of similar structures for comparative purposes to meet the requirements of Section 8.10.9 above)
- b. Exterior features
- c. Building heights, setbacks and built-to lines
- d. Roofs and rooftop features
- e. Exterior materials, doors and windows
- f. Exterior colors
- g. Signage, flags and banners
- h. Sign design standards as applicable and consistent with the Town of Dennis Sign By-law

### 3. On-site and off-site improvements

- a. Fences and walls
- b. Patio, square or plaza
- c. Landscaping with areas and plants noted
- d. Special pavement and sidewalk treatments
- e. Setbacks and sidewalk and utility easements
- f. Street and parking lot lighting
- g. Street furniture, trash containers, benches, news racks, kiosks
- h. Parking standards including shared parking agreements
- i. Refuse storage and access
- j. Utilities: all utility lines shall be underground or provided from locations other than from Route 28 this provision may be waived or amended by the Planning Board.
- k. Traffic circulation plan and street improvements as needed to relieve excessive congestion.
- l. Water and Sewer availability study and infrastructure improvements as needed.

4. Permanent bicycle racks at the minimum rate of one bicycle space per every 5000 sf of gross floor area.

5. Specific operational standards for permitted hours of operation for any business, delivery of stock in trade or supplies for any business, permitted levels of noise, including amplified sound, from any business or any entertainment special event, and other operating restrictions needed to promote compatible coexistence of mixed uses in the Dennis Port Village Center. Note, this is not intended to prohibit amplified indoor or outdoor entertainment which may be important to the vitality of the Dennis Port Village Center, it is intended to understand the operation of the facility in relation to neighboring land uses to ensure compatible uses and hours of operation. All normal licensing requirements will remain under the jurisdiction of the Dennis Board of Selectmen.

#### **8.12 OTHER REVIEWS AND APPROVALS**

Construction approved in the Dennis Port Village Center District must commence within 12 months of the issuance of a special permit or such approval shall expire unless an extension is approved by the Planning Board upon written request. After approval of a specific development plan changes of tenants in the DPVC may be approved administratively by the Building Commissioner consistent with the requirements of this section, provided that any changes be certified in writing by the Building Commissioner to comply with the standards of this ordinance and the approved regulating or development plan.

#### **8.13 WAIVERS**

A waiver is an administrative procedure relating to a minor deviation from the specific language in the general regulations. The waiver allows a deviation that still meets the intent and purpose of the zoning ordinance. The Town Planner shall review waiver requests with the Planning Board, which allows the development plan to continue the streamlined approval process. The Planning Board may approve the waiver in review of the development plan, or may deny the waiver as not meeting the intent of the regulations. Along with the waivers specifically listed above, the Planning Board may consider waivers requests to parking area setbacks in Section 3.1.5.2 in order to promote a more cohesive development pattern within the Dennis Port Village Center and the provision of off-site parking within 300 feet of a principal structure (Section 3.1.7.1).