

Adopted 8/21/24
Effective 9/10/24

Section 470-1901 Definitions

Amend existing term **Private Open Space** –

Existing: “An area on grade within the buildable area and behind the PSL, accessible only to occupants of the building or site, and open to the sky. Additional specifications for the private open space may be included in each BFS. Private open space shall not be built-upon, used to satisfy minimum stormwater BMP area, parked or driven upon (except for emergency access).

Proposed: “The portion of a Design Plan that meets the criteria of Section 470-1603 required by Dimension G for Non-Residential Projects. Private Open Space areas are areas on grade within the buildable area and behind the PSL, accessible only to occupants of the building or site, and open to the sky. Additional specifications for the private open space may be included in each BFS. Private open space shall not be built-upon, used to satisfy minimum stormwater BMP area, parked or driven upon (except for emergency access).

Add new term “**Private Outdoor Leisure and Recreation Area** – The portion of a Design Plan that meets the criteria of 470-1603 required by Dimension G in Sections 470-1301-1305 for Residential Projects. Private Outdoor Leisure and Recreation Areas are intended for residents (and their guests) located within the buildable area of any Design Plan that includes seven or more dwelling units. There is no requirement that such areas be open or visible to members of the public other than residents (or their guests). Minimum required areas are designated in each Building Form Standard, subject to the standards of **Section 470-1603**. Two categories of Private Outdoor Leisure and Recreation Areas are recognized, Softscape and Hardscape.

- (1) Softscape – has a ground or equivalent surface that is generally appropriately vegetated or otherwise surfaced with appropriate soft yielding material such as sand, wood chips, or playground surfacing material, and is intended for use for typical lawn/yard activities. Representative activities include sitting or reclining (in chairs, hammocks or on the ground, etc.), activities one might undertake at an appropriate table (whether at a table or on the ground) including eating, writing, playing table games, etc., small space exercising (stretching, yoga, calisthenics, etc.), and erecting a temporary open-sided lawn tent, gardening, playing lawn/yard games, etc.

(2) Hardscape – has a ground or equivalent surface that is generally hard, impervious, or abrasive. Representative examples include concrete, asphalt, brick or other unit pavers, gravel, stones, wood plank, tile or similar surface, athletic court surfaces, or manufactured surfaces that are intended to mimic or function similar to such surfaces. Balconies and enclosed patio areas intended to serve individual residential units are considered hardscape Private Outdoor Leisure and Recreation Area. Sidewalks and access paths not otherwise serving a Private Outdoor Leisure and Recreation Area shall not be counted towards meeting the requirements of this section.”

Add new term “**Residential Project** – Any Design Plan proposing the development of single-family detached, single-family attached, two-family, and multi-family dwelling units, without regard to whether such Design Plan also contains non-residential elements.”

Add new term “**Non-Residential Projects** - Any Design Plan proposing only the development of uses other than single-family detached, single-family attached, two-family, and multi-family dwelling units. “

Amend Dimension G of Section 470-1303 – 1305 as follows:

470-1303.A(2), Dimension G.

Existing: “Private open space” “10% of buildable area”

Proposed: “Private open space” “10% of buildable area”
“Private outdoor leisure and recreation area” “25 sf per bedroom”

470-1303.B(2), Dimension G.

Existing: “Private open space” “10% of buildable area”

Proposed: “Private open space” “10% of buildable area”
“Private outdoor leisure and recreation area” “25 sf per bedroom”

470-1304.A(2), Dimension G.

Existing: “Private open space” “20% of buildable area”

Proposed: “Private open space” “20% of buildable area”
“Private outdoor leisure and recreation area” “25 sf per bedroom”

470-1305.A(2), Dimension G.

Existing: “Private open space” “25% of buildable area”

Proposed: “Private open space” “25% of buildable area”
“Private outdoor leisure and recreation area” “25 sf per bedroom”

470-1305.B(2), Dimension G.

Existing: “Private open space” “25% of buildable area”

Proposed: “Private open space” “25% of buildable area”
“Private outdoor leisure and recreation area” “25 sf per bedroom”

Proposed new Section 470-1603 Private Outdoor Leisure and Recreation Area

- A. Intent - Private Outdoor Leisure and Recreation Area – The intent of Private Outdoor Leisure and Recreation Areas is to provide outdoor spaces for the benefit and enjoyment of residents (and their guests) for Design Plans for Residential Projects.
- B. Minimum required areas are designated in each Building Form Standard (**Section 470-1300**), subject to the standards of this section. Two categories of Private Outdoor Leisure and Recreation Areas are recognized, Softscape and Hardscape.
- C. Private Outdoor Leisure and Recreation Areas Standards
- (1) No more than 30% of area provided as Private Outdoor Leisure and Recreation Areas shall be Hardscape.
 - (2) At least 20%, or 200 square feet, whichever is greater, of the ground cover for Private Outdoor Leisure and Recreation Areas shall be lawn grass or garden. This area shall be:
 - (i) uniformly graded for the intended purposes, with a slope no greater than 10%;
 - (ii) accessible to all residents of the development;
 - (iii) not be less than 15 feet in any dimension;
 - (iv) connected to the curtilage of proposed residential buildings, and/ or an existing street or internal driveway, sidewalk, path, or greenway
 - (3) Private Outdoor Leisure and Recreation Areas not included under C.(1) and (2) may be landscaped or left in its natural state.
 - (4) Private Outdoor Leisure and Recreation Areas shall not be for parking, utility, stormwater, energy, or trash collection,
 - (a) Some infrastructure may be located within such area provided it does not interfere with the purpose of the area.
 - (5) Such areas shall be generally open to the sky, except for balconies, tree canopies, and general amenities such as open gazebos, pavilions, or similar features.
 - (6) Such areas may be located on the roof of a building, provided that a 5-foot buffer is provided between any such area, and any mechanical, or other similar, equipment.
 - (7) The percentage of Private Outdoor Leisure and Recreation Area required by Section 470-1603 shall not be required if all dwelling units within the development will be located within 1/8th mile of a public park, publicly accessible open space (whether publicly or privately owned), or greenway as measured along the street, or when present, an unobstructed accessible walking route.
 - (8) The total area of Private Outdoor Leisure and Recreation Areas required may be reduced by special permit provided such area is dedicated into a permanent conservation easement and the dedication protects one or more natural or cultural

resources, wildlife or natural resource corridors, or complement existing parks or areas of preserved open space.

- (9) Any development on a lot that is reusing buildings existing as of September 10, 2024, is exempt from the Private Outdoor Leisure and Recreation Areas requirement, provided that the cumulative building area envelope of any additions or expansions of any building on the lot does not exceed 15% of the building envelope area of the subject building as of September 10, 2024.