

## Section II

### 1. Names and Purposes of Zoning Districts

In order to fulfill the purpose of this Ordinance, the Town of Ancram establishes and is hereby divided into the following zoning districts:

#### Hamlet Districts

AH-R2	Ancram Hamlet Residential District
AdH-R2	Ancramdale Hamlet Residential District
BCH-R2	Boston Corner Hamlet Residential District
AH-B/R	Ancram Hamlet Business/Residential District
AdH-B/R	Ancramdale Hamlet Business/Residential District

Ag	Agriculture District
RhoR1	Lower Rhoda Residential District
CarsRd	Carson Road Residential District
I-1	Light Industrial District

#### Special Districts

FBD	Floating Business District
F	Area of Flood Concern
SCOZ	Scenic Corridor Overlay Zone

District Purposes. The districts have been established to meet the following purposes:

Hamlet Residential Districts, including:

Ancram Hamlet Residential District	AH-R2
Ancramdale Hamlet Residential District	AdH-R2
Boston Corner Hamlet Residential District	BCH-R2

In addition to the general purpose of promoting the health, safety, and general welfare of the residents of the Town, these hamlet districts are established to:

- recognize these hamlets as traditional concentrations of settlement in Ancram;
- facilitate a higher density of residential development consistent with the existing residential character of these hamlets;
- reinforce these hamlets as principal locations for residential, commercial, and cultural uses;
- ensure new development has a building scale, massing, layout and design that are pedestrian oriented and consistent with the traditional character and environment of each hamlet;
- provide for and encourage a mixture of housing types and opportunities to meet the housing needs of Town residents;
- and thereby build and maintain these hamlets as vital town centers.

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Hamlet Business/Residential Districts, including:

Ancram Hamlet Business/Residential District	AH-B/R
Ancramdale Hamlet Business/Residential District	AdH-B/R

These are established as mixed use districts within the Ancram and Ancramdale hamlets in order to encourage a mix of residential and appropriately scaled commercial uses designed to be compatible with each other and that also reflect the traditional scale, density and character found in those areas.

Agricultural District Ag

In addition to promoting the health, safety, and general welfare of the residents of the Town, the purpose of this district is to:

- conserve, protect, and encourage the development and improvement of agricultural land for the production of food and other products, and also conserve, protect, and encourage open space for its natural, ecological, and scenic benefits;
- maintain a critical mass of agricultural land and prevent further fragmentation of the Town's existing farms and farmland;
- encourage a development pattern that keeps farmland in productive use or available for future agricultural use consistent with the town of Ancram Comprehensive Plan;
- promote active agricultural land uses;
- encourage land uses that are compatible with agricultural uses;
- promote agriculture as a major component of the local economy.

Lower Rhoda Residential District RhoR1

The purpose of this district is to accommodate higher density residential development in a manner consistent with lot size configurations in this area and with protection of environmentally sensitive areas, open spaces, and lake shore areas.

Carson Road District CarsRd

The purpose of this district is to allow for low density residential development in a manner consistent with the existing long and narrow lot configurations and subdivisions in this area.

Light Industrial District I-1

The purpose of this district is to allow light industry and manufacturing that improve the town's economic base while being of a nature and scale that are compatible with the town's character.

Floating Business District FBD

The principal purpose of an FBD overlay district is to allow for light manufacturing uses in appropriate locations where the nature, scale, and intensity of such use are compatible with the physical, scenic, and environmental characteristics in the neighborhood and Town. An additional purpose of an FBD is to flexibly site service and non-retail business uses of greater intensity or scale than allowed in the use table for a particular district, provided the

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nature, scale, and intensity of such uses are compatible with the physical, scenic, and environmental characteristics of the neighborhood and town.

### Area of Flood Concern            F

The purpose of this overlay district is to ensure the safety, health and welfare of Ancram residents and land uses in areas subject to flooding as mapped on the official Town of Ancram FIRM maps.

### Scenic Corridor Overlay Zone                    SCOZ

The purpose of this overlay district is to protect important scenic areas along Route 22 and the Harlem Valley known to contribute to the beauty, rural character, and quality of life of Ancram residents. It is the intent of this District to protect views from public roads and to regulate land uses so that they will complement rather than detract from a scenic experience. It is further the purpose of this district to improve the town of Ancram's economic vitality by preserving one of the significant scenic resources within the Town, enhancing the Town's attractiveness to its visitors as well as its citizens.

### B. Zoning Map

The location and boundaries of said zoning districts are shown on the map entitled 'Zoning Map' certified by the Town Clerk as adopted. Said map together with everything shown thereon and all amendments thereto is hereby adopted and is declared to be an appurtenant part of this Ordinance.

### C. Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the centerlines or right-of-way lines of streets, highways, public utility easements and aqueducts, or watercourses, said boundaries shall be construed to be coincident with such lines. Such boundaries shall be deemed to be automatically moved if a centerline or right-of-way line of such street, highway, public utility, aqueduct or watercourse is moved a maximum distance of 50 feet.
2. Where district boundaries are indicated as approximately following the Town boundary line, property lines, lot lines or projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereof.
3. Where district boundaries are so indicated that they are approximately parallel to the Town boundary line, property lines, lot lines, right-of-way lines, or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the Zoning Map or as shall be determined by the use of the scale shown on the Zoning Map.
4. Where a district boundary line divides a lot in a single or joint ownership of record at the time such line is established, the regulations for the less restricted portion of such lot shall ex-tend not more than 30 feet into the more restricted portion.

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5. In all other cases, where not dimensioned, the location of boundaries shown on the Map shall be determined by the use of the scale appearing thereon.

### D. Application of District Regulations Except as hereinafter provided:

1. No land or building shall hereafter be used, occupied, erected moved or altered unless in conformity with the regulations, hereinafter specified for the District in which it is located.
2. No building shall hereafter be erected or altered.
  - a. To exceed the maximum height;
  - b. To occupy a greater percentage of lot area;
  - c. To accommodate or house a greater number of families; or
  - d. To have narrower or smaller front yard, rear yard, side yard or other open space than is required for the District in which such building is located.
3. No part of a yard or other open space required about any building shall be included as part of a yard or other open space similarly required for another building.
4. No more than one single family dwelling or two family dwelling shall be permitted on each lot unless otherwise specified by this Ordinance.
5. No off-street parking or loading space required for one building or use shall be included as meeting, in whole or part, the off-street parking or loading space required for another building or use except as provided in Section V.
6. No off-street parking or loading space shall be so reduced in area that it does not meet the requirements of this Ordinance.

### E. Establishment of a Floating Business District

#### **1. Purpose.**

The Town of Ancram desires to encourage light manufacturing projects that will improve the economic base of the community and, at the same time, protect the town's character. The principal purpose of an FBD is to allow for light manufacturing uses in appropriate locations where the nature, scale, and intensity of such use are compatible with the physical, scenic, and environmental characteristics in the neighborhood and Town. Any application for, or development within, a FBD must recognize that protection of Ancram's scenic rural character will be a prime consideration for approval or denial.

An additional purpose of an FBD is to flexibly site service and non-retail business uses of greater intensity or scale than allowed in the use table for a particular district, provided the nature, scale, and intensity of such uses are compatible with the physical, scenic, and environmental characteristics of the neighborhood and town.

#### **2. Applicability.**

A FBD zoning district only exists within the text of this zoning ordinance and is not placed on the Ancram Zoning Map until the Town Board approves an application to create a particular FBD and to affix that zoning district designation to a specific property(s). The provisions of an FBD

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will apply only to a specific property(s) that is rezoned to an FBD designation by the Town Board.

FBD designation shall only be available to and shall be limited to property having primary vehicular access to State Highways 22 and 82 and to County Highways 3, 7, and 8 outside of any hamlet district. In no case shall access be approved if it shall be deemed by the Town Board to be hazardous or deleterious to a residential area or an impediment to agricultural activities.

Upon the Town Board's decision to rezone a property(s) to FBD designation, a unique, numbered zoning district classification (FBD #[ ]) will be created on the Zoning Map of the Town of Ancram. The plan approved by the Town Board in conjunction with the map amendment shall become an integral part of the zoning for land included within that FBD. The Town Board shall establish the zoning standards for that FBD.

Subsequent to the Town Board's approval of the zoning change and FBD designation, a site plan application, and any special use permit application required by the Town Board, must be approved by the Planning Board before site development may begin. Such detailed site plan must comply in all respects with Town of Ancram site plan requirements, special use permit requirements, standards established by the Town Board for the FBD, and any other applicable provisions of this zoning ordinance.

### **3. Relationship to Zoning Regulations.**

Unless expressly prescribed by this ordinance, all uses, dimensional, architectural, bulk, location, landscaping, parking, and lighting requirements for a FBD shall be established by the Town Board in its sole legislative discretion as part of an approved plan for that zone. The Town may also require FBD uses to meet the specific development standards of Section (J) (10) Manufacturing.

### **4. Criteria for Decision Making.**

In order to grant approval of a FBD, the Town Board must make the following findings:

- a. That the site is adequate in size to support the proposed quantity of development.
- b. That the site is suitable in terms of topography, soils and other physical attributes and location for the proposed use(s).
- c. That the proposed method of sewage disposal, provision of water and provision of surface water drainage are adequate in accordance with the County and/or New York State Department of Health standards.
- d. That utilities and public services are adequate to serve the needs of the proposed uses.
- e. That ground water supply levels and other natural resources, including critical habitats, are protected to the maximum extent practical and that the project does not disrupt scenic vistas, historic or archaeologically sensitive areas, or other important cultural areas to a significant degree.
- f. That the proposed FBD encourages the conservation and enhancement of the rural character of undeveloped areas by protecting open space, farmland, and natural

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resources, and minimizes flooding and erosion by protecting the functions of wetlands, wetland buffers, water bodies, water courses, floodplains, areas of high water table, steep slopes, and natural vegetative cover.

- g. That the proposed uses within the FBD are compatible with one another and with adjacent uses, including agriculture.
- h. That the project's impact on traffic flow on surrounding roads and intersections does not reduce levels of service below the current service level.
- i. That the project's visual, noise, light, and other impacts on neighborhood character are acceptable compared to the benefits of the project to the community.
- j. That the proposed plan will not have adverse effects which overbalance its beneficial effects on either the neighborhood, nearby agricultural uses, or the Town.

### **5. General Requirements.**

- a. The minimum gross land area required for a FBD is five (5) contiguous acres on one or more parcels. In the event a proposed FBD consists of more than one (1) parcel, each parcel must have a minimum one hundred (100) foot boundary with another parcel in order to be included in the FBD. There shall be a maximum of 70% lot coverage. The maximum building footprint for any building within the FBD shall not exceed 20,000 square feet. As an incentive to promote growth near B/R districts, the Town Board may reduce the minimum lot size, or increase the maximum lot coverage when a FBD is proposed to be located within ½ mile of the B/R districts within the hamlets of Ancram or Ancramdale or immediately adjacent to an existing FBD, but only if community character and environmental issues are adequately addressed. No FBD shall abut an R2 district anywhere in Ancram.
- b. All new utilities shall be installed underground, unless waived by the Planning Board during site plan/special use permit review due to physical constraints or other special circumstances. Utilities that are not customarily installed underground, such as transformer boxes, are not required to be installed underground.
- c. Any structure within the FBD must be located at least one hundred (100) feet from the boundary line of the property. Where existing topography, site conditions, property ownership and/or landscaping will effectively screen the buildings from an abutting residential structure, the Planning Board may modify these building setbacks during site plan/special use permit processes.
- d. The maximum building height of any structure in a FBD shall be forty-five (45) feet.

### **6. Uses Permitted in the FBD.**

- a. Light manufacturing, service, and non-retail business uses as permitted in the Use Table, but which are of greater intensity or scale than permitted in the Use Table, the dimensions table, or by the criteria of Section 10 (J), shall only be allowed at such greater intensity or scale in a FBD approved by the Town Board pursuant to this section. This shall not be construed to constrain the ability of a landowner from seeking an area variance. No retail use shall be approved of in a FBD.

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- b. A FBD is to be established to accommodate one use or one application. If, subsequent to the establishment of a FBD, other uses are proposed to be added to the location, the following procedures shall be followed:
  1. The addition of new uses shall be considered an amendment to the FBD.
  2. All new uses shall be decided by the Town Board, after public hearing pursuant to Section G, below.
  3. The applicant shall be required upon approval of the FBD zoning amendment by the Town Board to make a complete application to the Planning Board for site plan, subdivision, and/or special use permits, as may be required by the Town Board.
- c. The Town Board shall approve all land uses proposed for the FBD prior to establishment of the FBD. All land uses allowed within the FBD, whether in separate buildings or in mixed use buildings, shall be reviewed and approved pursuant to Section J (Special Use Permits) and/or Section XIII (Site Plan Approval)

### **7. Procedures to Amend the Zoning Ordinance to Create a Floating Business District.**

- a. Informal Meeting with Town Board. Prior to submission of an application, the Applicant shall schedule one or more preliminary meetings with the Town Board to discuss its proposal to determine if the Town Board is willing to commence the FBD review and decision process. The Town Board, in its sole discretion, may decide at any time not to discuss the proposal with the Applicant, nor to accept, process, and review any proposal or application.
  1. If the Town Board decides to commence the FBD review, it shall establish an escrow account to cover all costs related to the review of the FBD application including, but not limited to site visits, review of the site plan, studies, reports, analysis, or other information that may be required or submitted. All costs shall be borne by the applicant. This escrow account shall be in addition to any application fees established by the Town Board. All procedures and standards of LL#1 of 2004, shall be followed in establishment and management of an escrow account. The applicant shall supply the Town Board information as may be required to calculate the dollar amount required for the escrow account.
- b. Town Board Petition. The applicant shall petition the Town Board for a zoning amendment to create a FBD in accordance with Section X (Amendments) of this zoning ordinance. Five copies of this petition, along with any fee as may be established by the Town Board shall be submitted to the Town Board and shall include the following information:
  1. If a proposed FBD contains more than one parcel, the owner of each parcel must sign the application.
  2. The purpose of the FBD, a written description of the proposed land uses in the FBD, and to what extent it meets criteria established in this section.
  3. A site plan that contains the following information:

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- a. A boundary survey of the land to be included in the district at a scale no smaller than 1" = 50 feet, and prepared by a New York State Licensed Land Surveyor;
- b. Existing topography with 2' contours to show the general gradient of the site, existing structures, existing roads and rights-of-way, major topographic features;
- c. Existing land uses within five hundred (500) feet of the area to be rezoned;
- d. Names of all property owners located within five hundred (500) feet of the boundary of the property to be rezoned, as listed on the Town Assessor's records;
- e. An Ag Data Statement with all adjacent agricultural land uses identified.
- f. Limits of wetlands, watercourses and floodplains;
- g. Identification of any known natural and/or cultural resources (e.g., stone walls, foundations, archeological sites, significant natural features including, but not limited to, streams, wetlands, steep slopes, floodplains, critical habitats, heritage trees, etc) on the site.
- h. Location and size of proposed buildings and structures, including:
  - the square footage of each proposed building;
  - the allocation of uses for each type of building;
  - the height of each building or structure;
  - the location and use of existing buildings or structures, and the intended use thereof; and
  - the architectural design of each building or structure.
- i. Proposed building design showing the exterior materials and finishes to be used, roof lines and materials, fenestration, color palette; building and site illumination; signs, street furniture, and such other design and architectural details.
- j. General proposed water supply needs, documentation on availability of water supplies (such as well data from existing wells on or near the site) and proposed sewage disposal facilities, including test pit data and suitability for on-site disposal; or, for public sewers, the capacity of the treatment plant, the general route of sewer trunk lines, and other preliminary feasibility information. Final engineering design, final governmental approvals, or physical construction of water or effluent disposal facilities shall not be required with the application for zoning amendment and FBD designation, but shall be required prior to the issuance of any Site Plan or Special Permit in accordance with this zoning ordinance.
- k. Analysis of existing and proposed peak rates of storm water discharge from the property for 2, 10, 25, 50 and 100 year storm events;





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- c. **Planning Board Opinion.** If the Town Board agrees to proceed with the FBD review process, the Town Board shall refer the FBD petition and all accompanying application information to the Planning Board for written report and recommendation. The Planning Board may request such additional documentation and information from the Applicant as it deems necessary to prepare its report and recommendation to the Town Board. The report and recommendation of the Planning Board shall include a recommendation as to whether the FBD application should be granted, denied or granted with conditions. The Planning Board shall make its report to the Town Board within 62 days of receipt of the FBD referral application. This timeframe may be extended upon request and mutual consent among the Planning Board, Town Board and applicant.
- d. **SEQRA.** If the Town Board agrees to proceed with the FBD review process, the Town Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations after the Town Board receives the advisory opinion from the Planning Board. The FBD application shall not be deemed complete until such time as the Town Board issues a negative SEQRA determination or a Draft Environmental Impact Statement is accepted as complete for purposes of commencing public review. Any petition for a FBD shall be designated a Type 1 action, requiring the submission of the full Environmental Assessment Form (Long Form).
- e. **Public Hearing**
  1. If the Town Board agrees to proceed with the FBD review process, the Town Board shall conduct a public hearing on any application for a FBD. The Town Board shall give public notice of the hearing in a newspaper of general circulation in the town at least ten (10) days prior to the date of the hearing.
  2. In addition, the Town Board shall provide notice of such hearing by mail to all property owners within five hundred (500) feet of the parcel for which a Zone change is requested. Such mailing shall be sent to at least one owner of each such property not more than fifteen (15) days nor less than ten (10) days before the date set for the public hearing, by transmitting the text of the public hearing notice as provided by the Town Board or its agent. The applicant shall provide a copy of the list of property owners within five hundred (500) feet including names of all the property owners, street address per the Assessor's map and Assessor's map(s) and parcel number(s) for each property. Such list shall be provided at the time of application submission.
- f. **Referrals**
  1. At least ten days before any public hearing, the Town board shall refer the application thereof to the Columbia County Planning Board as required by Section 239-m of the General Municipal Law.
  2. The Town Board shall refer the application thereof to the Town of Ancram Conservation Advisory Council for an advisory opinion on any environmental issues related to any application being considered for FBD approval. Any CAC advisory

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opinion must be submitted to the Town Board prior to any SEQRA declaration by the Town Board.

### g . Approval

1. The Town Board, in its sole discretion, may reject any request for a FBD at any time during the petition review process. The Town Board, within 62 days of the close of the public hearing and upon completion of the SEQRA findings, shall make its decision to approve, disapprove, or approve with conditions, the FBD zoning change. The Town Board may attach any conditions required to ensure that the FBD is consistent with the Comprehensive Plan and the intent of the zoning ordinance. If the Town Board disapproves the FBD zoning change, the Town Board shall make a written statement that sets forth the reasons for the Board's decision not to approve the application. Upon disapproval of the FBD zoning change, the Town Board shall, within five (5) business days, file the statement with the Town Clerk and mail a copy thereof to the applicant by certified mail, along with a letter stating the Town Board's reasons for disapproval.

If the Town Board determines to approve or approve with conditions the FBD request, the Town Board shall, in writing:

- a. State the criteria used for decision making set forth in sub-section D of this Section and state its finding as to what extent the proposed FBD meets these criteria and to what extent it benefits the Town of Ancram.
  - b. Shall determine the number, type, scale, size, and intensity or other bulk dimensions of uses which shall be allowed in the FBD.
  - c. Shall identify which uses shall require special use permits, in addition to site plan approval.
  - d. Shall establish such other conditions and requirements which the Applicant must adhere to in the development of the FBD.
- h. Filing of Approved FBD and Zoning Map Amendment. Following approval by the Town Board of a FBD, the zoning text and zoning map shall be duly amended by the Town Board to reflect the development location, standards, and requirements as approved by the Town Board. Such map and text shall be filed, as required, as local law with the State of New York Department of State, and a copy shall be filed in the Columbia County Clerk's Office, and Office of the Town Clerk. The approved map amendment shall be identified on the Zoning Map with a numbered FBD designation (e.g. FBD 1, FBD 2).
- i. Site Plan and Special Use Review and Approval by the Planning Board. The zoning of the property as a FBD by the Town Board does not create any vested rights in the applicant or property owner. The applicant shall be required upon approval of the FBD zoning to make a complete application to the Planning Board for site plan, subdivision, and/or special use permits, as may be required by the Town Board. The Planning Board

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may utilize all information submitted to the Town Board by the applicant in preparation for site plan and/or special use permit applications. The Planning Board may, at its own discretion, require such additional information as needed for conducting the special use and/or site plan reviews.

- j. Expiration of FBD District. The applicant shall submit an application for site plan, special use or subdivision approvals, as the case may be, within 1 year of the date of approval by the Town Board of the FBD zoning. If this application is not made within one (1) year of the date the FBD zoning is granted, the rezoning shall become null and void and the land which is the subject of the FBD rezoning shall revert to the underlying zone. Prior to said one year (1) period, the applicant may request from the Town Board an extension of time for the submission of a plan and reasons for such extension. The Town Board, in its discretion, may approve or deny the extension. Special Permit approval for one or more phases of an approved FBD or the entire FBD must be obtained no later than three (3) years following the approval of the FBD. All components of the FBD shall be completed no later than five (5) years after final approval of the FBD, provided that the Town Board may grant extensions of time where the developer demonstrates that it is making a good faith effort to complete the development and there are no outstanding violations of this zoning ordinance with respect to the FBD. Any failure to meet these deadlines shall result in the expiration of the FBD which shall become null and void.

If the FBD becomes null and void, the Town Board shall notify the owners of land within the FBD of such change, place notice of such change in the official newspaper of the Town, and cause the official zoning map to be amended to remove the FBD designation. Any map change related to removal of a FBD shall follow all procedures of Section X of this ordinance.

- k. Changes. Any significant changes to building location, sizes, type, use, configuration, site plan, or changes which the Planning Board deems may have the potential to have a significant impact or represents a significant deviation from the plans upon which the FBD zone is based, shall be referred back to the Town Board for its review and consideration. The Town Board shall determine whether any changes require amendments to the FBD plan.

### **8. Design Standards**

- a. Building Placement. Buildings shall define the streetscape through the use of setbacks along the build-to line. The build-to line shall be generally continued across side yard setback areas between buildings by using landscaping. The streetscape shall also be reinforced by lines of closely planted shade trees, and may be further reinforced by walls, hedges or fences which define front yards.
- b. Architectural Character. Buildings may be either traditional in their architectural character, or be a contemporary expression of traditional styles and forms respecting the scale, proportion, character and materials of historic village and hamlet structures.
- c. Architectural Variety. A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.

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- d. Scale. The scale of new construction, including the arrangement of windows, doors and other openings within the façade, shall be compatible or similar with historic buildings in the region.
- e. Building Mass. Buildings of eighty (80) feet or more in width shall be visually divided into smaller increments to reduce their apparent size and contribute to a human scale development. The mass of these buildings shall be de-emphasized in a variety of ways through architectural details such as divisions or breaks in materials, window bays, separate entrances and entry treatments, variation in rooflines, awnings, or the use of sections that may project or be recessed up to ten (10) feet.
- f. Consistent Cornice Lines. Attached buildings shall maintain cornice lines in buildings of the same height.
- g. Fenestration. Windows and other openings shall have proportions and a rhythm of solids to voids similar to historic buildings in the region.
- h. Roof Materials. Roof materials and color should be traditional, meaning they should be within the range of colors found on historic buildings in the region. The use of fascias, dormers and gables is encouraged to provide visual interest.
- i. Exterior Wall Materials. Exterior wall materials and texture should be similar to that found on historic buildings in the region.
- j. Colors. Colors on exterior surfaces shall use pallets that blend with the surrounding landscape, or that are harmonious with surrounding development, whichever the Town Board determines to be most compatible with the scenic rural character of the neighborhood and the Town.
- k. Accessory Structures. All accessory structures, screen walls and exposed areas of retaining walls shall be of a similar type, quality and appearance as the principal structure.
- l. The Planning Board may require:
  - 1. Pedestrian facilities, including hiking or bicycle trails.
  - 2. Streetscape and landscaping standards, including materials, street furniture, illumination, cross walks, and preservation of existing specimen trees.
- m. All other development standards of this zoning ordinance for commercial structures including, but not limited to, lighting, landscaping, and signage standards shall be met.