

**Section \_\_.** Chapter 223 of the City Code, Article IVD, Central Main Street (CMS) District, §223-41.18, entitled “Regulations” is hereby amended as follows:

**§ 223-41.18 Regulations.**

E. Dimensional regulations. All new construction or enlargement of existing structures in the CMS District shall be subject to the following minimum and maximum dimensional regulations. These may be modified as provided in Subsection J(15).

(7) Except for parcels facing East Main Street, a special permit may be granted by the Planning Board for a fourth story with a setback of at least 15 feet behind the facade along any street frontage. A fifteen-foot building setback above 38 feet shall also be required for any side of a four-story building within 40 feet of a lot line abutting another zoning district. Except for parcels facing East Main Street, a special permit may also be granted for a four-story tower without a setback at a corner facing an intersection and occupying no more than 25 feet of the corner frontage of the building.

- (a) For proposed buildings on CMS parcels in ~~or abutting~~ the Historic District and Landmark Overlay Zone, abutting a HDLO parcel, or directly across a street from a HDLO parcel, any fourth story or corner tower shall require a special permit by the City Council. The City Council may limit the length any such fourth floor or reduce a permitted building height to be no more than six feet higher than an existing building on an adjoining HDLO parcel for a distance of 30 feet along the frontage from the historic structure.
- (b) All such building height special permits in the CMS District shall require a finding that there are no substantial detrimental effects on shadows, parking, traffic, or specific views adopted as important by the City Council or in the Comprehensive Plan Update, that the new building will be compatible with the historic character of adjacent buildings, and that the conditions and standards in § 223-18B(1)(a) through (d) have been met.
- (c) ~~Although not required,~~ All such building height special permits shall also require a specific public benefit as determined by the City Council or Planning Board, such as additional below-market-rate housing above what would be otherwise mandated in Article IVB, commercial uses included on an upper floor, additional parking spaces available for general public use, green building or renewable energy features beyond what is required by code, or extra sidewalk width, the construction and/or maintenance of public plaza space, or green space that is accessible to the public may be a positive factor for consideration during the special permit review process.