

**Section 1400: Purpose**

The Traditional Downtown District is intended to provide an alternative to the conventional zoning process. This alternative will allow the mixing of uses within a single district as well as flexibility in density, height, setback and other standards. In return, excellence in layout, architecture, landscape, and amenities will not only be expected, they are required.

The TD district is designed and intended to promote the development of a pedestrian accessible, commercial service district in which a variety of retail, commercial, office, civic and residential uses are permitted the result being a modern downtown with mixed land uses and shared parking with tradition architectural and design features.

**Section 1410: Principal Uses Permitted**

In the TD Traditional Downtown Districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided for in this Ordinance:

1. Single family residential dwellings.
2. Multiple family residential dwellings.
3. All uses permitted in the RO, Restricted Office District.
4. All uses permitted in the C-1 district.
5. All retail business, service establishments or processing uses as follows:
  - a. Any retail business whose principal activity is the sale of merchandise in an enclosed building.
  - b. Restaurants or other places serving food or beverage, not including drive through uses.
  - c. Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
6. Hotels, subject to the following conditions:
  - a. Each unit shall contain no less than two hundred and fifty (250) square feet of floor area.

- b. No guest shall establish permanent residence at a motel for more than thirty (30) consecutive days within any calendar year.
7. Outdoor cafes under the following terms and conditions:
- a. Outdoor café shall not:
    - i. Interfere with the use of the street for pedestrian or vehicular travel.
    - ii. Unreasonably interfere with the view of, access to or use of property adjacent to said street.
    - iii. Reduce any sidewalk width to less than five (5) feet.
    - iv. Interfere with street cleaning or snow removal activities.
    - v. Cause damage to the street or to sidewalks, trees, benches, landscaping or other objects lawfully located therein.
    - vi. Be principally used for off-premises advertising.
    - vii. Be attached to or reduce the effectiveness of or access to any utility pole, sign or other traffic control device.
  - b. All businesses selling food or beverages to be consumed in a public sidewalk area or outdoor area adjacent to the business shall enclose the area with a temporary structure approved by the Building Inspector. Prior to approval, written plans shall be submitted to the Building Inspector. All construction shall conform with existing building codes and regulations of the city and shall not be permanent. Such plans shall also include the location of adequate trash receptacles.
  - c. Prior to the issuance of an occupancy permit for an outdoor café the applying business must provide the city with a certificate of liability insurance in an amount to be determined solely by the city. The certificate of insurance must be in effect for at least the period of the permit to be issued. In addition, the applying business shall, by written agreement with the city, indemnify and hold harmless the city from all claims or damages incident to the establishment and operation of an outdoor café.
8. Other uses similar to the above uses subject to conditions noted.
9. Accessory structures and uses customarily incidental to the above permitted uses.

**Section 1420: Required Conditions**

1. General Requirements
  - a. The use patterns of the areas involved shall provide a desirable environment and shall be harmonious to the general surrounding uses permitting flexibility in overall development while ensuring the highest of safeguards and standards for public health, safety, convenience and general welfare.
  - b. Such Traditional Downtown Districts should embrace a mixture of one or more distinct uses or zoning categories, in the vertical or horizontal plane.
  - c. A Planned Development District shall encourage the use of land in accordance with its character and adaptability and conserve environmental features. Natural and historical features of the district should be protected and preserved.
  - d. Landscaping shall be provided so as to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. The city may, if deemed appropriate, require for traditional downtown developments more or less landscaping than may be required by this Ordinance.
  - e. Vehicular and pedestrian circulation, allowing safe, convenient, uncongested and well-defined circulation within and to the district shall be provided.
  - f. Residential neighborhoods and commercial nodes are interconnected to all development areas by street and pedestrian ways with emphasis on making the area part of a walkable community.
2. Development Standards
  - a. Off-street parking sufficient to meet the minimum required by Article 18 Off-street Parking and Loading Requirements, shall be provided.
  - b. Drive-in and drive through uses shall not be permitted.
  - c. Height: No Structure shall exceed three (3) stories or forty (40) feet in height.
  - d. Setbacks for single family residential dwellings shall be in accordance with Section 450, One Family Clustering Option, of this Ordinance.

- e. Setbacks for multiple family and commercial buildings.

	Interior	Perimeter
Front:	0'	30'
Side:	0'	30'
Rear:	30'	30'
Adjacent to single family:	75'	75'

The setback requirements may be reduced where strict adherence would serve no good purpose or where the overall intent of the TD District would be better served by allowing a lesser setback, provided the conditions listed below are found to exist.

- i. That a reduction in setback, or waiver of a setback altogether, will not impair the health, safety or general welfare of the City as related to the use of the premises or adjacent premise;
  - ii. That waiver of the setback along a common parcel line between two premises would result in a more desirable relationship between a proposed building and an existing building; and
  - iii. The adherence to a minimum required setback would result in the establishment of nonuseable land area that could create maintenance problems.
- f. **Parking Setbacks.** Off-street parking areas shall be set back a minimum of twenty (20) feet from the right-of-way line of any street or roadway. Surface parking lots shall be screened from all public rights-of-way and internal roads by either a two and one-half (2.5) foot; 1) ornamental brick-on-brick wall, or 2) a landscaped berm.
- g. **Residential Density**
- i. The maximum permitted residential density for single-family dwelling shall not exceed five (5) units per acre.
  - ii. The maximum permitted residential density for multiple-family areas shall not exceed thirty (30) units per acre.
  - iii. Density calculations shall meet the following requirements:
    - a) Land areas to be used in calculating gross densities as provided in this Section shall each be delineated on the preliminary and final plan so that the acreage and density computations can be confirmed.

- b) The land area used for calculating gross residential density shall include the total residential land area designated on the plan, where applicable less any area within existing public street rights-of-way.
  - c) The Planning Commission may require, as part of a final site plan review of a phase of a TD, that land shown as open space on the approved plan to be held in reserve as part of the phase to be developed, in order to guarantee that density limits for the entire approved TD will not be exceeded when the subject phase is completed. Such reserved land may be included in the development of subsequent phases if the density limits will not be exceeded upon completion of that phase or if other land is similarly held in reserve.
  - d) The surface area of lakes, streams, ponds (natural, manmade, or storm water retention), marshlands, and similar areas may be included in the acreage used for calculating density if at least fifty (50%) percent of the frontage of such areas are part of lands devoted to parks and open space used for and accessible to all residents to the TD District.
- h. Residential occupancy shall be permitted in buildings of two (2) stories in height or greater subject to the following:
- i. In buildings used for mixed business and residential occupancy, no dwelling unit shall occupy any portion of the floor at grade level.
  - ii. The business uses may occupy any number of total floors, but no business shall be located on the same floor as a residential use
  - iii. No floor may be used for business purposes which is located above a floor used for residential purposes.
- i. Open Space. A minimum of fifteen (15) percent of the gross site area of a development shall be devoted to permanently landscaped open spaces and pedestrian plaza areas accessible to the public.
- j. Design Standards
- i. *Facades.* Exterior building facades shall be primarily of brick or stone, which may be augmented by materials complementary to brick or stone. All exterior walls of any accessory building shall be composed of the same architectural building facade materials as the main building. When facade materials other than brick or stone are proposed for a building within a TD

District, the Planning Commission may permit such alternative facade materials provided it finds that all of the following conditions are satisfied:

- a) The selected facade materials and material combinations will be consistent with and enhance the building design concept.
  - b) The selected facade materials and material combinations will be complementary to existing or proposed buildings within the site and the surrounding area.
  - c) The use of the selected facade materials and material combinations will not detract from the future development in the Districts of buildings with facades of brick and stone, augmented by materials complementary to brick and stone.
- ii. Architectural amenities shall include pedestrian walkways, brick or other approved decorative paving, coordinated pedestrian scale lighting, benches, trash receptacles, small scale landscape treatments, and major architectural features at entranceways and focal points of the development.
- k. Parking and Loading shall be provided in accordance with Article 18, Off-street Parking and Loading Requirements, of this Ordinance. However, parking requirements may be reduced when the Planning Commission determines that given parking areas serve dual functions by providing parking capacity for separate uses which have peak parking demand periods which do not overlap.
- l. Street and Roadway Rights-of-Way. Nonresidential streets within TD Districts shall provide rights-of-way of 70 feet, consisting of (1) Sidewalks (12.5 feet x 2) of 25 feet; (2) Areas for parallel parking (8 feet x 2) of 16 feet; (3) Street lanes (13 feet x 2) of 26 feet; and (4) Curbs and gutters (1.5 feet x 2) of 3 feet. Parallel parking shall be eliminated at intersections to provide for center turn lanes. Utilities may be provided within such rights-of-way. Additional rights-of-way areas shall be provided where boulevards, squares or traffic circles are created.
- m. Regulations pertaining to the number, size, and height of all signage within a TD district shall be set according to a plan approved by the Planning Commission.
- n. All applicable regulations of Article 16, General Provisions, of this ordinance shall apply.

**Section 1430: Review and Approval Process**

1. Application shall be made to the city for consideration under this district. The person applying shall be required to make a submittal of the following material for review and recommendation by the Planning Commission:
  - a. A property area survey of the exact area being requested (scale: 1" = 100').
  - b. A proof of ownership of land being requested for rezoning.
  - c. A topography map of the entire area at a contour interval showing two foot changes in elevation. This map shall indicate all natural and man-made features (scale 1" = 100'). In those instances where more detailed topography is deemed necessary the City may request a contour interval of one foot. Where extreme slopes exist the City may allow a contour interval of five (5) feet.
  - d. A preliminary plan in accordance with Section 1670, Site Plan Review. Such plan shall cover the entire area and shall be carried out in such detail as to show the land uses being requested, the densities being proposed where applicable, the system of collector streets, and off-street parking system. It is not the intent to submit a detailed site plan, but instead to gain an understanding of the size and relationships of the proposed land uses and general architectural character of the proposed development.
  - e. An overlay of the preliminary plan on a currently available aerial photo of the site and its immediate surroundings.
  - f. A written statement explaining in detail the full intent of the sponsor indicating the specifics of the development plan as it relates to the type of dwelling units contemplated and resultant population; the extent of nonresidential development and the resultant traffic generated and parking demands created; and providing supporting documentation such as but not limited to: market studies, supporting land use request, and the intended scheduling of development and such other studies as the City Council or Planning Commission may require.

2. Public Hearing

A public hearing shall be held in accordance with Section 2240, Public Hearing, of this Ordinance and applicable State statutes. The hearing shall have two functions: (1) to receive input on the merits of the preliminary plan and (2) The suitability of the subject property to a Traditional Downtown District.

**3. Approval of Preliminary Site Plan**

- a. The preliminary plan shall be reviewed by the Planning Commission. Upon arriving at a mutually agreeable plan, the Planning Commission shall make a recommendation to the City Council relative to the suitability for rezoning of the property to a TD District.
- b. Approval of the preliminary plan by the Planning Commission shall be effective for a period of two (2) years and such accepted plan may be renewed upon expiration of said two (2) year period provided conditions have not changed that would be cause for denial of such extension. In reviewing and approving the plan, the following procedures and conditions shall be followed:

**4. Rezoning**

- a. Such rezoning shall be contingent on approved final plans becoming part of such rezoning.
- b. Once an area has been rezoned to a TD District, no development shall take place therein nor use made of any part thereof except in accordance with the preliminary plan as originally approved, or in accordance with an approved amendment thereto.
- c. Rezoning of the property by the City Council shall not constitute approval of the final site plan. It shall be deemed as approval of the land use plan submitted and shall serve as a guide in the preparation of the final plan.
- d. The proposed TD District shall be of such area as to represent a sound carrying out of the Master Plan of Land use, it not being the intention of this district that an unrelated parcel by parcel rezoning be effectuated.
- e. The Zoning Ordinance Amendment which effectuates the rezoning to the TD District, shall refer to and incorporate by reference, the preliminary site plan and the final site plan and such zoning amendment shall be carried out in accordance with rezoning procedures of this Ordinance.

**5. Final Plan Submittal**

- a. The final plan shall reflect and adhere to those use patterns as approved in the preliminary plan.
- b. A presentation of the final site plan or plans shall be made to the Planning Commission. Such plan shall be worked out in detail showing specific uses, building

location, off-street parking, street alignments, open spaces and other physical plan details being proposed. Supporting documentation in the form of building plans, and schedule of construction shall be submitted.

- c. The final site plan shall conform to all site plan requirements and all site plan review requirements of this Ordinance. However, it is not the intent that final plans be provided for the entire development at one time. Final plans are required for each phase prior to construction.
- d. Before approving a final plan, the Planning Commission shall determine that the cost of installing all streets, sidewalks, bike paths, street lights, park areas and necessary utilities and maintenance thereof has been assured by a means satisfactory to the city. The city shall have the option of requiring suitable guarantee in a form suitable to the City for the provision of any or all site improvements.
- e. Approval of the final site plan shall be effective for a period of one (1) year. Extensions of the approval period may be granted in one year increments upon request of the applicant with the approval of the Planning Commission, if such extension is deemed in to be in the best interest of the city.
- f. All dedications of public rights-of-way or planned public open spaces shall be made prior to any construction taking place on the site and shall be recorded by the developer.
- g. In residential use areas, any prorated open space shall be committed by dedication to an association of residents, either as rights-in-fee, easement, or in a master deed and retained as open space for park, recreation and related uses. All lands dedicated in fee or easement shall meet the requirements set forth by the City Council. Provisions satisfactory to the City Council shall be made to provide for the financing of any improvements shown on the plan for open spaces and common use areas which are to be provided by the applicant, and including maintenance of such improvements by a means satisfactory to the City Council. This may include a development agreement. Such documents shall be recorded with the County Register of Deeds.
- h. In those instances where a subdivision plat is being utilized as a planned development or a part of such development, the procedures and expiration dates of the Land Division Act, as amended shall govern.