

**CHAPTER 11**  
**ARTICLE E. DOWNTOWN VILLAGE (DV) ZONE**

**10-11E-1: PURPOSE AND OBJECTIVES:**

The Downtown Village Zone is established to provide a district in which the primary function of the land is to create a livable, and walkable Downtown. The Downtown Village Zone is to foster a revitalization of its commercial/retail base, while preserving the Downtown's historical image, and increasing the livability, and protecting the existing single-family resident's quality of living. It is further intended to maintain the historical Downtown Village image as the "heart of the city" with which residents and visitors of the city can identify. This is to be accomplished through two separate zoning sub-districts (Downtown Commercial Sub-district and the Transitional Sub-district), and the Downtown Mixed Use Overlay (see Chapter 10-11, Article G). The Downtown Commercial Sub-district is intended to be located only in the central core area of the city. The Transitional Sub-district is to comprise all other properties between the Commercial Sub-district and the boundary of the Downtown Village Zone.

The Downtown Village Zone and its Sub-districts are to be characterized by clean, well lighted streets, ample pedestrian-ways, and vehicular parking lots for the convenience and safety of the public. Attractive, inviting and well maintained shops, stores, offices and other buildings are also characteristic of this zone, and are to follow the "Turn of the 20<sup>th</sup> Century" design theme, as explained in this Chapter. This will encourage an architectural theme which will strengthen the continuity of the downtown area and give it "character" with which the citizens of the city can identify. This zone will discourage the removal of buildings with historical character, and if these historical buildings are unfit to populate or remain erect, then the character of the building façade is to be integrated into a new building development according to the design theme for the Zone.

**10-11E-2: PERMITTED, CONDITIONAL AND ACCESSORY USES FOR THE DOWNTOWN COMMERCIAL SUB-DISTRICT:**

Downtown Commercial Sub-district is located only in the central historic area of the city. Please refer to the Official Zoning Map.

- A. Uses Listed Permitted:** Those uses or categories of uses as listed herein, and no others, are permitted in the Downtown Commercial Sub-district (see section 10-15-2 of this title for establishment of uses not specified).
- B. Standard Land Use Code:** All uses contained herein are listed by a four (4) digit number as designated in the standard land use code published and maintained by the community development department.
- C. Permitted With Limitations:** All such categories listed herein and all specific uses contained within them in the standard land use code will be permitted in the Downtown Commercial Sub-district, subject to the limitations set forth.
- D. Permitted Principal Uses:** The following principal uses and structures, and no others, except as noted in subsection F of this section, are permitted in the Downtown Commercial Sub-district:

<b>Use Number</b>	<b>Use Classification</b>
<b>1300</b>	Residential hotels (guest stays less than 30-days)
<b>1500</b>	Lodging, hotels/motels (does not include transient apartments)
<b>4210</b>	Bus transportation, excluding 4214 (Bus garaging & maintenance)
<b>4290</b>	Motor vehicle transportation
<b>4600</b>	Automobile parking, excluding 4603 (Long term storage)
<b>4923</b>	Travel agencies
<b>5230</b>	Paint, glass and wallpaper
<b>5240</b>	Electrical supplies
<b>5250</b>	Hardware and supplies, excluding swimming pool supplies (5256)
<b>5311</b>	Department stores (includes major and junior chain department stores)
<b>5312</b>	Discount department stores
<b>5313</b>	Surplus stores (inside only)
<b>5330</b>	Variety stores
<b>5390</b>	Retail trade, general merchandise
<b>5392</b>	Computer supplies and parts, retail
<b>5400</b>	Food stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy products, bakeries, etc.)
<b>5490</b>	Miscellaneous retail food establishments
<b>5600</b>	Apparel and accessories
<b>5700</b>	Furniture, home furnishings and equipment (no combined warehousing)
<b>5743</b>	Computer/fax equipment and services, retail
<b>5810</b>	Eating places (restaurants)
<b>5910</b>	Drug and proprietary stores
<b>5930</b>	Antiques and secondhand merchandise (indoor only), excluding second hand auto parts (5935), junk dealers and salvage operation (5938), and second hand stores NEC (5939)
<b>5940</b>	Books, stationery, art and hobby supplies
<b>5950</b>	Sporting goods, bicycles and toys
<b>5970</b>	Jewelry
<b>5990</b>	Miscellaneous retail stores, excluding pet sales and supplies (5998).
<b>6100</b>	Banks, insurance and real estate (office only), excluding bank-related functions (6112).
<b>6220</b>	Photographic Services
<b>6230</b>	Beauty and Barber Services
<b>6250</b>	Apparel repair; Alteration and cleaning pickup services; Shoe repair services
<b>6291</b>	Clothing rental

<b>6292</b>	Costume rental
<b>6339</b>	Stenographic services and other duplicating and mailing services NEC (includes computer graphics, typing, court reporting, etc.)
<b>6393</b>	Detective and protective services (living quarters for business and residential security services)
<b>6493</b>	Watch, clock, jewelry repair, engraving
<b>6496</b>	Locksmiths and key shops
<b>6497</b>	Gunsmiths
<b>6595</b>	Computer desktop publishing
<b>6597</b>	Business and management consulting services (including computer installation, programming, networking, system designing, etc.)
<b>6710</b>	Executive, legislative and judicial function
<b>6720</b>	Protective functions and related activities
<b>6730</b>	Postal services
<b>7100</b>	Cultural activities, excluding zoos (7124) and other nature exhibitions NEC (7125).
<b>7398</b>	Video rental shops
<b>7492</b>	Picnicking areas

**E. Accessory Uses and Structures:** Accessory uses and structures are permitted in the Downtown Commercial Sub-district, provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

1. Accessory buildings such as garages, carports, equipment storage buildings and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the Downtown Commercial Sub-district.
2. Storage of materials used for construction of buildings, including the contractor's temporary office. Such use must be on the building site or immediately adjacent thereto. Such use shall be permitted only during the construction period and thirty (30) days thereafter.

**F. Conditional Uses:** The following uses and structures are permitted in the Downtown Commercial Sub-district only after a conditional use permit has been issued, and subject to the terms and conditions thereof:

<b>Use Number</b>	<b>Use Classification</b>
<b>1113</b>	Single-family dwelling (attached to commercial or other nonresidential use)
<b>1123</b>	Two-family dwelling (attached to commercial or other nonresidential use)
<b>3438</b>	Computer training, instruction
<b>4815</b>	Electric utility company office

**4825** Gas company office  
**5220** Heating and plumbing equipment (no outside storage)  
**5320** Mail and phone order houses  
**5340** Merchandise vending machine operators  
**5496** Food to go delivery and pickup (includes moveable street vendors)  
**5350** Direct selling organization  
**5520** Automobile accessories, excluding tire recapping and vulcanizing  
**5530** Service stations  
**5594** Motorcycles, motor scooters, parts, accessories and supplies  
**5810** Eating places (with alcohol served)  
**5920** Liquor, package  
**5969** Garden supplies (entirely within a building only)  
**5984** Ice dealers (automated machines or pick up stations only)  
**5998** Pet sales and supplies  
**6210** Laundering; Dry cleaning; and Dyeing  
**6297** Health club facilities  
**6299** Personal services (wedding chapels and receptions centers only)  
**6310** Advertising services (includes public relations, layout and copy preparation  
**6340** Dwelling and building services, excluding sewer maintenance, and cesspools (6345).  
**6350** News syndicate services  
**6381** Auction houses  
**6390** Business services, excluding commercial testing laboratories and service (6391), equipment rental and leasing services (6394), automobile, truck and trailer rentals (6397), and other business services NEC (6399)  
**6411** Automobile repair (see section 10-15-24 of this title)  
**6416** Auto washing and polishing  
**6419** Automobile services, excluding repair and wash (motor clinics)  
**6420** Electrical appliance repair and services, excluding heavy appliance repair (6426)  
**6494** Reupholstering and furniture repair  
**6498** Saw, knife, lawn mower and tool sharpening and repair  
**6499** Miscellaneous small item repair  
**6500** Professional services (office only), excluding behavior, drug and alcohol treatment (6515)=  
**6600** Contract construction services (office and retail only)  
**6800** Educational services, excluding military academies (6819) and university,

- college, junior college, and professional school education (6820)
- 6900** Miscellaneous service organizations
- 7210** Entertainment and assembly (subject to the standards of section 10-15-34 of this title), excluding drive-in movies (7213)
- 7230** Public assembly (subject to the standards of section 10-15-34 of this title)
- 7391** Coin operated amusements
- 7396** Dance halls, ballrooms (subject to the standards of section 10-15-34 of this title) (non-alcoholic)
- 7399** Other amusements (limited to astrologers, bicycle rental, laser tag, paint ball, arcades, tourist guides, shooting galleries, and leisure fishing)
- 7397** Billiards and pool halls
- 7414** Ice skating and skate boarding (subject to the standards of section 10-15-34 of this title)
- 7415** Roller skating (subject to the standards of section 10-15-34 of this title)
- 7417** Bowling alleys
- 7420** Playgrounds and athletic areas
- 7451** Archery
- 7611** Developed park land, general recreation

**10-11E-3: LOT AREA:**

The minimum area of any lot or parcel of land in the Downtown Commercial Sub-district shall be five thousand (5,000) square feet. =

**10-11E-4: LOT WIDTH:**

Each lot or parcel of land in the Downtown Commercial Sub-district shall have a width of not less than fifty feet (50').

**10-11E-5: LOT FRONTAGE:**

Each lot or parcel of land in the Downtown Commercial Sub-district shall abut on a public street for a minimum distance of fifty feet (50') on a line parallel to the center of said street.

**10-11E-7: AREA OF ZONE:**

No requirement, except that the Downtown Commercial Sub-district shall be expanded contiguously from the Downtown Commercial Sub-district zoning established in the center core area of the city. Said expansion shall be accomplished in an orderly manner.

**10-11E-8: YARD REQUIREMENTS:**

The following minimum yard requirements, or otherwise referred to as “setbacks,” shall apply in the Downtown Commercial Sub-district (Note: All setbacks are measured from the property line

and except that no part of any building shall overhang the public right of way and no drainage shall be diverted into said public right of way) (see subsection 10-11E-15D of this article for canopy and marquee requirements):

**A. Front Yard:** Buildings which front on arterial and collector streets must be built to the back of sidewalk or front property line. However, buildings may be setback no more than ten (10') from the property line only if the space within the setback is used as an open space amenity, such as an outdoor patio, etc.

**B. Side Yard:** No minimum requirement from building foundation to building foundation for commercial zoned properties. For developments adjacent to residential use or zoning, the side yard setback must be a minimum of thirty (30') feet.

**C. Corner Lot; Side Yard:** Except as provided in sub-sections A and B; there shall be no setback requirement on the street sides of a corner lot.

**D. Side Yard Used For Access:** When used for access to any garage, carport or parking area having less than five (5) parking spaces, a side yard shall be wide enough to accommodate an unobstructed twelve foot (12') paved driveway. When used for access to a loading dock or a garage, a side yard shall be wide enough to provide an unobstructed twelve foot (12') paved driveway for one-way traffic, or sixteen foot (16') paved driveway for two-way traffic. In cases where commercial abuts a residential zone or use, the drive space may be included as part of the required setback.

**E. Accessory Building; Side Yard:** An accessory building may be located on a side property line if, and only if, the following conditions are met:

1. The accessory building has no openings on the side which is contiguous with the property line, and the wall of said building adjacent to the property line has fire resistant ratings in compliance with the international building code.
2. The accessory building has facilities for the discharge of all roof drainage onto the lot or parcel on which it is created.
3. Accessory buildings are not to be located on a property line shared with a lot that is used as a residence. In such cases, the provisions of Section 10-9B-7E shall apply.

**F. Rear Yard:** No minimum requirement from building foundation to building foundation for commercial zoned properties. For developments adjacent to residential use or zoning, the side yard setback must be a minimum of thirty (30') feet.

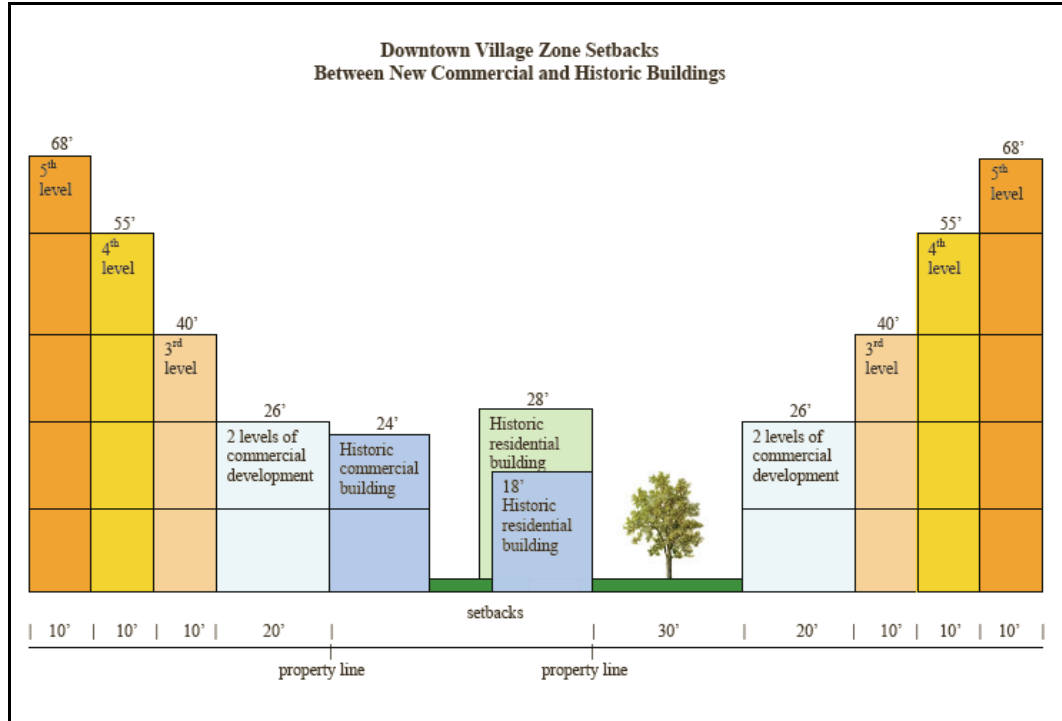
**G. Accessory Building; Rear Yard:** As listed in sub-section E.

**H. Historic Buildings:** The following minimum setbacks from property line shall be required of new development adjacent to historic buildings listed on National or State Historical Registries (see Diagram A):

1. Non-residential use historic buildings:
  - a. 1<sup>st</sup> and 2<sup>nd</sup> levels – no requirement.

- b. 3<sup>rd</sup> level – twenty (20) feet.
  - c. Above the 3<sup>rd</sup> level – an additional ten (10) feet for each level.
2. Residential use historic buildings:
- a. 1<sup>st</sup> and 2<sup>nd</sup> levels – thirty (30) feet.
  - b. 3<sup>rd</sup> level – fifty (50) feet.
  - c. Above the 3<sup>rd</sup> level – an additional ten (10) feet for each level.

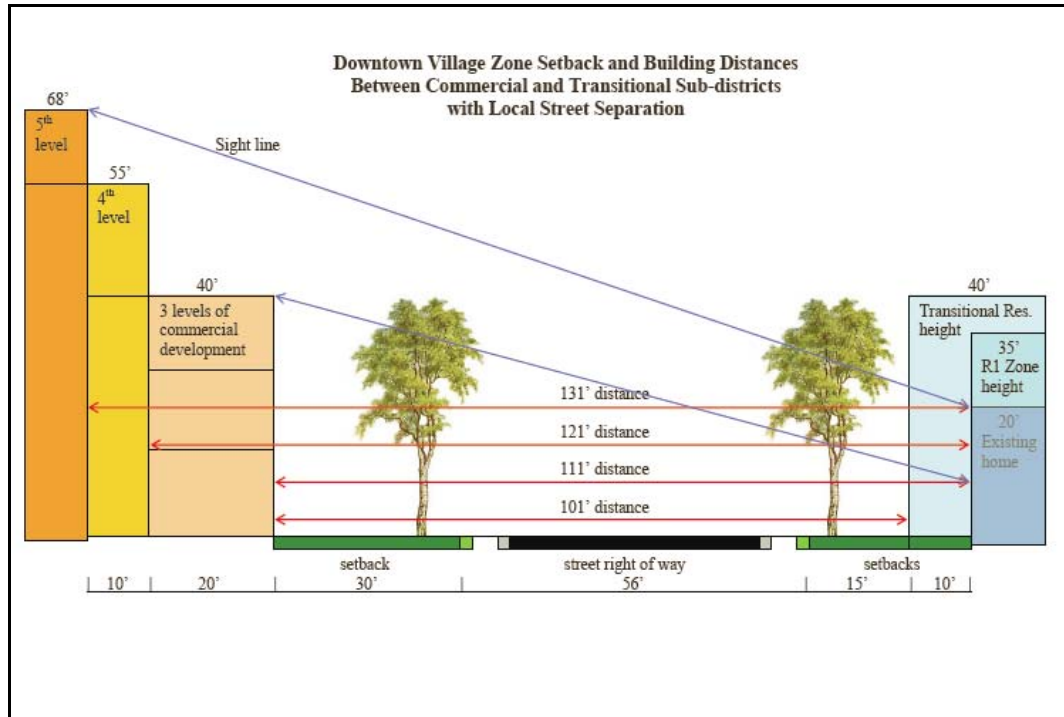
**Diagram A.**



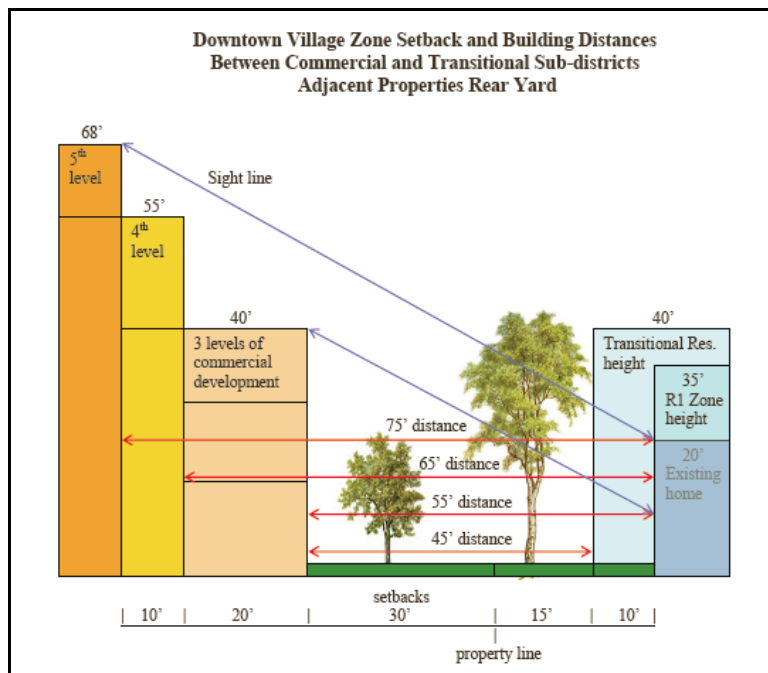
**I.** The following are the minimum graduated setbacks from for buildings taller than three levels, unless sub-section H applies (See Diagrams B and C).

- 1. Above the 3<sup>rd</sup> level – twenty (20) feet the front property line.
- 2. Above the 4<sup>th</sup> level – thirty (30) feet the front property line.

**Diagram B.**



**Diagram C.**



**J.** A minimum fifty (50') setback is required, from any property line adjacent to an area designated as residential or transitional residential zoning, for portions of new commercial or mixed use development buildings which exceed 40 feet in height.

**K.** All ground level setback areas shall be properly landscaped with living plant materials and trees. Parking and drive areas may encroach upon side and rear setbacks. Please also refer to Section 10-11E-15C of this Chapter.

**10-11E-10: BUILDING HEIGHT:**

The maximum height allowed for any structure in the Downtown Commercial Sub-district shall be fifty five feet (55'). The Planning Commission may authorize heights up to a maximum of sixty-eight (68') feet through the issuance of a conditional use permit.

1. A waiver to the height requirements may be granted by City Council, through the issuance of a Conditional Use Permit, after reviewing the recommendations of the Planning Commission.

**10-11E-11: DISTANCE BETWEEN BUILDINGS:**

No requirement, except as regulated in Section 10-11E-8H, and by the provisions of the latest edition of the international building code as adopted by the City Council.

**10-11E-13: PARKING, LOADING AND ACCESS:**

Each commercial/retail and office development in the Downtown Commercial Sub-district shall provide parking according to Chapter 10-18 of this title, including the following requirements:

**A.** Parking stalls located in front of commercial/retail and office uses shall be reserved exclusively for those uses. These parking stalls shall also be angled on all streets where parking is permitted.

**B.** Shared parking between businesses and other developments is encouraged. These standards can be found in Chapter 10-18-2/R of this Title.

**C. Bicycle parking:** A minimum of one bicycle rack with four (4) spaces is required for each vehicular parking area. The bicycle rack must not take the place of a vehicular parking stall, but must be located within the site development, adjacent to a landscaped area adjacent to the parking lot, rear of a building, or plaza.

**D. Residential:** for residential parking, please refer to the Downtown Village Mixed Use Overlay found in Chapter 10-11/Article G.

**E.** Commercial and mixed use developments shall provide primary site access only on arterial or collector roads.

**10-11E-14: PROJECT PLAN APPROVAL:**

Prior to the construction or remodeling of any building in the Downtown Commercial Sub-district, a Site Plan or Amended Site Plan shall be submitted and approved. Said project plan shall be drawn to scale and shall contain all required information designated on the application checklist maintained by the community development department. This plan shall be generally in

consonance with the “Turn of the 20th Century” theme of the Downtown Village Zone, and as outlined in the Downtown 2020 Action Plan. Provisions for design review shall apply to any development in this zone. Please review the following:

1. Refer to Chapter 11-7 for Concept Plan, Site Plan, Amended Site Plan, Subdivision, and Condominium Plat approvals; and
2. Any Site Plan, Amended Site Plan, and Condominium Plat proposals shall require a recommendation from the Downtown Advisory Board (DAB) prior to a public hearing.

**10-11E-15: OTHER REQUIREMENTS:**

**A. Signs:** All monument and freestanding signage in the Downtown Commercial Sub-district shall be uniform in design, with the same or similar support materials (brick, stone, wrought iron, concrete, and concrete facsimiles) with each sign having the Downtown brand or symbol visible on the support of the sign. Please refer to Chapter 10-19 for all other regulations on signage permitted in this Sub-district.

**B. Uses Within Buildings:** All uses established in the Downtown Commercial Sub-district shall be conducted entirely within a fully enclosed building, except those uses deemed by the planning commission to be customarily and appropriately conducted in the open, and other uses which are allowed by the planning commission to be conducted in the open through the granting of a conditional use permit.

**C. Landscaping:** The following landscaping provisions shall apply in the Downtown Commercial Sub-district:

1. Any open areas or courts located on the property, except those portions devoted to driveways, walkways, buildings, hardscape, open space amenities, and parking, shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials. This landscaping shall be planned and accomplished in accordance with an approved project plan as required by section 10-11E-14 of this article. Landscaping materials shall be in character with and shall complement the landscaping accomplished in the adjacent public rights of way. Landscaping islands are encouraged along all interior streets. They shall be designed, maintained and located to allow a reduced speed, and safe traffic flow.
2. Parking areas shall be landscaped where possible, around the periphery and at the end of parking rows in accordance with landscaping plans approved as part of the project plan approval under section 10-11E-14 of this article. Please refer to Chapter 10-18-2/U for additional landscaping requirements for parking areas.
3. Landscaping is to be installed (or bonded for if occupancy is in a non-planting season) prior to issuance of certificate of occupancy (certificate).
4. Xeriscape landscaping is encouraged to provide more water-wise landscapes within the Downtown area.
5. Streetscapes shall be incorporated in sidewalk areas, adjacent to all public streets, within the Downtown Village Zone. At least one streetscape feature shall be installed every thirty

(30') lineal feet along sidewalks, on both sides of the street, nearest to the curb. Acceptable streetscape features include, but are not limited to the following: trees, planters, benches, drinking fountains, decorative garbage canisters, outdoor clocks, and water features. As part of the overall requirement set forth above, at least one tree shall be planted in a straight line, every sixty (60') feet on center, within the sidewalk.

6. Trees; both deciduous trees at least two (2') inches in caliper, measured six inches above ground level, and evergreen trees, at least seven (7') feet in height, are required one per five hundred (1/500) square feet of landscaped area.

7. Shrubs; a mixture of evergreen and deciduous shrubs, at least five (5) gallons in size are to be located in planter beds, and on the perimeter of landscaped areas adjacent to permanent structures, and plazas.

8. A mixture of deciduous and evergreen trees are to be planted along property lines shared between commercial/retail or office, and a residential use or zone, for proper screening and softening between uses.

**D. Awnings, Canopies and Marquees:** Please refer to Chapter 10-19 for all awnings, canopies and marquees proposed for the Downtown Commercial Sub-district.

**E. Trash Storage:** No trash, used materials or wrecked or abandoned vehicles or equipment shall be stored in an open area. All trash is to be stored within a dumpster and the dumpster is to be enclosed with a solid metal gate, and walls matching the masonry used for the buildings, or must be stored in a fully enclosed building. The dumpster enclosure shall not have frontage on a public street, and is to be located towards the rear of a development. Enclosure constructed in the Downtown Commercial Sub-district must be a minimum of ten (10') feet from a residential zoned property line. Outside storage of commercial goods or materials is expressly prohibited. Containers for trash storage of a size, type and quantity approved by the city shall be screened by a sight obscuring fence and maintained in a location approved by the planning commission in conjunction with approval of a Site Plan.

**F. Walls and Fences:**

1. No wall, fence or opaque hedge or screening material higher than thirty six inches (36") shall be maintained within an area which would tend to inhibit a safe sight distance of traffic traveling upon a public street, or entering into the public street from a private driveway or alley. For additional clarification please refer to Chapters 10-15-10 (Clear Vision Areas), and 10-15-38 (fencing near a driveway).

2. A pre-cast concrete or decorative masonry wall, at least eight feet (8') in height, shall be erected along all property lines which lie adjacent to a residential zone. In the case where there is mutual agreement between the property owners of the commercial zone and the adjacent residential zone, the masonry wall requirement may be modified to allow other suitable materials. A signed agreement must be submitted to the planning commission or its designee, indicating this agreement. In the case where there is no mutual agreement, the masonry wall will be required.

3. See also section 10-15-38 of this title.

**G. Transitional Development Standards:** Where a nonresidential use in the Downtown Commercial Sub-district borders a residential zone, the standards set forth in section 10-15-29 of this title shall apply, except for sub-items A, B, C, and J.

**H. Infrastructure Improvement Schedule:** Permits will be issued upon successful completion of infrastructure improvements according to the following schedule:

<b>Completion Required Before Issuing A Permit</b>	<b>Building Permit</b>	<b>Occupancy Permit</b>
1. Fire protection to the site	X	
2. Emergency vehicle access to the site	X	
3. Construction vehicle access to the site	X	
4. Implement storm water management plan	X	
5. Storm water infrastructure		X
6. Storm water detention basin (if required)		X
7. Sewer lines		X
8. Water lines		X
9. Electrical lines		X
10. Cable service conduit		X
11. Road base		X
12. Curb/gutter		X
13. Gas lines		X
14. Sidewalk		X
15. Final road asphalt		X
16. Street signs and street lighting		X
17. Landscaping		X

Within each phase any building desiring a building or an occupancy permit shall have all improvements directly related to the building's completion as determined by the community development supervisor or city engineer. This will include, but not be limited to, subsections H5 through H17 of this section.

**I. Historic Buildings:** Demolition of buildings with historic character shall be discouraged, except as may be considered by the planning commission by the issuance of a conditional use permit with the advice of the historic preservation commission. The demolition will not commence until sixty (60) days after the action of the planning commission to permit historic documentation. Time limit may be reduced by approval from the community development director.

**J. Phasing:** Development phases are permitted provided that all phases include, in accordance with City policies and procedures:

1. Significant traffic circulation for the development phase to existing dedicated streets;
2. Sufficient infrastructure, such as sewer and culinary water;
3. Surface water detention, either in a site specific plan or as a contribution to a regional detention plan, if applicable; and
4. Appropriate amenities for that phase as specified on the Site Plan are provided.

**K. Commercial/retail and Office uses:** Ground level floor space of the portion of buildings fronting an arterial or collector street, in the Downtown Village Zone, shall be exclusively used for retail uses. All other commercial and office uses, as permitted in this Chapter, may be located on ground level floor spaces in buildings which do not front onto arterial or collector streets.

**L. Design:** The following are the design requirements that all new, and modified or amended Site Plans shall require:

1. Walkability: the Site layout is to foster walkability with commercial space immediately fronting streets and parking areas located on the interior or in the underground of the property as is practical. Only open space amenities or plazas, are allowed to extend to the public right-of-way where normally a building would be located;
2. Architecture/Exterior materials: all architecture and exterior materials are to follow the adopted turn of the 20<sup>th</sup> Century design theme, as outlined in the Downtown 2020 Action Plan;
3. Streets: All public streets shall be laid out, and constructed according to City specifications. All arterial and collector streets shall be required to have a minimum five (5') foot park-strip and a minimum six (6') sidewalk. The park-strip is to be located between the top-back of curb and the sidewalk. Sidewalks between ten (10') and twenty (20') feet shall be designated for outdoor activities and/or outdoor seating. Sidewalks shall be on both sides of all streets; and
4. Public Transportation Facilities: All forms of public transportation, where deemed appropriate, are to be provided in association with new or amended site development.

**M. Lighting:** Each site shall include a Lighting Plan that is designed to discourage crime, enhance safety, and prevent glare onto adjacent properties. For the Downtown Village Zone, all lighting fixtures and lamps are to follow the design theme for the Downtown area. The following regulations are to be followed:

1. For all private streets and pathways, within a development, a light fixture shall be placed every sixty (60') feet;
2. Design theme/style; all lighting design is to be turn of the 20<sup>th</sup> Century, as outlined in the Downtown 2020 Action Plan.
3. For all other lighting regulations, please refer to Chapter 10-15-44 of this Title.

**10-11E-16: PURPOSE OF THE TRANSITIONAL SUB-DISTRICT:**

Purpose: To act as a transition zone between more intensive commercial and mixed use projects and traditional single-family homes located on the periphery of the Downtown area. This is accomplished by allowing less intensive uses, such as professional office and medium-density residential, the main priority of the sub-district.

**10-11E-17: PERMITTED, CONDITIONAL AND ACCESSORY USES FOR THE DOWNTOWN TRANSITIONAL SUB-DISTRICT:**

- A. Uses Listed Permitted:** Those uses or categories of uses as listed herein, and no others, are permitted in the Downtown Transitional Sub-district (see section 10-15-2 of this title for establishment of uses not specified).
- B. Standard Land Use Code:** All uses contained herein are listed by a four (4) digit number as designated in the standard land use code published and maintained by the Community Development Department.
- C. Permitted with Limitations:** All such categories listed herein and all specific uses contained within them in the standard land use code will be permitted in the Downtown Transitional Sub-district, subject to the limitations set forth.
- D. Permitted Principal Uses:** The following principal uses and structures, and no others, except as noted in subsection F of this section, are permitted in the Downtown Transitional Sub-district:

<b>Use Number</b>	<b>Use Classification</b>
<b>1110</b>	Single-family dwellings (excluding 1114, 1115, and 1116)
<b>1120</b>	Two-family dwellings (excluding 1123)
<b>4923</b>	Travel agencies
<b>6100</b>	Banks, insurance and real estate (office only), excluding 6112
<b>6220</b>	Photographic Services
<b>6393</b>	Detective and protective services (living quarters for business and residential security services)
<b>6493</b>	Watch, clock, jewelry repair, and engraving (only within historical buildings)
<b>6496</b>	Locksmiths and key shops (only within historical buildings)
<b>6511</b>	Physician’s offices and services in single offices or medical centers, but not including clinics.
<b>6512</b>	Dental offices and services
<b>6521</b>	Legal services, attorneys
<b>6530</b>	Engineering, Architectural, and Planning Services
<b>6590</b>	Professional Services (excluding 6594, and 6599)
<b>6710</b>	Executive, legislative and judicial functions (excluding 6719)

**E. Accessory Uses and Structures:** Accessory uses and structures are permitted in the Downtown Transitional Sub-district; provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

1. Accessory buildings such as garages, carports, equipment storage buildings and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the Downtown Transitional Sub-district.
2. Storage of materials used for construction of buildings, including the contractor's temporary office. Such use must be on the building site or immediately adjacent thereto. Such use shall be permitted only during the construction period and thirty (30) days thereafter.

**F. Conditional Uses:** The following uses and structures are permitted in the Downtown Transitional Sub-district only after a conditional use permit has been issued, and subject to the terms and conditions thereof:

<b>Use Number</b>	<b>Use Classification</b>
<b>1132</b>	Multi-family dwellings (attached)
<b>1133</b>	Multi-family dwellings (above a non-residential use, excluding commercial/retail.
<b>1140</b>	Apartments (low rise/garden type detached or attached, including condominiums, excluding 1143)
<b>1210</b>	Rooming and boarding houses
<b>1241</b>	Retirement homes
<b>1292</b>	Residential facility for handicapped persons
<b>1300</b>	Residential hotels (guest stays longer than 30-days)
<b>4600</b>	Automobile parking
<b>4815</b>	Electric utility company office
<b>4825</b>	Gas company office
<b>6100</b>	Banks, insurance and real estate (office only), excluding 6112
<b>6800</b>	Educational services (excluding 6819 and 6820)
<b>6910</b>	Religious Activities, excluding 6919
<b>7110</b>	Cultural Activities, excluding 7114
<b>7191</b>	Historic and monument sites
<b>7414</b>	Ice skating (as part of a public open space only)
<b>7420</b>	Playgrounds and athletic areas, as part of a public open space only (7421 & 7422 only)
<b>7492</b>	Picnicking areas (as part of a public open space only)
<b>7621</b>	Developed park land, leisure and ornamental

**10-11E-18: LOT AREA:**

The minimum area of any lot or parcel of land in the Downtown Transitional Sub-district shall be five thousand (5,000) square feet.

**10-11E-19: LOT WIDTH:**

Each lot or parcel of land in the Downtown Transitional Sub-district shall have a width of not less than fifty feet (50').

**10-11E-20: LOT FRONTAGE:**

Each lot or parcel of land in the Downtown Transitional Sub-district shall abut on a public street for a minimum distance of fifty feet (50') on a line parallel to the center of said street.

**10-11E-21: PRIOR CREATED LOTS:**

Lots or parcels of land which were created prior to the application of this zone shall not be denied a building permit solely for reason of non-conformance with the lot requirements of this section.

**10-11E-22: AREA OF ZONE:**

If expanded, the Downtown Transitional Sub-district shall be expanded contiguously from the Downtown Transitional Sub-district zoning boundary. Said expansion shall be accomplished in an orderly manner.

**10-11E-23: YARD REQUIREMENTS:**

The following minimum yard requirements, or otherwise referred to as “setbacks,” shall apply in the Downtown Transitional Sub-district (Note: All setbacks are measured from the property line and except that no part of any building shall overhang the public right of way and no drainage shall be diverted into said public right of way) (see Chapter 10-19 of this Title for canopy and marquee requirements):

- A. Front Yard:** All buildings within this Sub-district shall have a minimum setback of fifteen (15) feet.
- B. Side Yard:** The minimum side-yard setback shall be ten (10) feet for residential uses up to 2-stories or thirty-five (35') feet tall, whichever is less. For mixed developments adjacent to exclusive residential use or zoning, the side yard setback must be a minimum of twenty (20) feet for the first two levels. A graduated setback shall be required for structures extending beyond the second level. Please refer to sub-section I.
- C. Corner Lot; Side Yard:** The minimum setback shall be the same as the required Front Yard setback (15 feet), for the street side of a corner lot. Please refer to sub-section B for the interior side yard setback requirement.

**D. Side Yard Used For Access:** When used for access to any garage, carport or parking area having less than five (5) parking spaces, a side yard shall be wide enough to accommodate an unobstructed twelve foot (12') paved driveway. When used for access to a loading dock or a garage, a side yard shall be wide enough to provide an unobstructed twelve foot (12') paved driveway for one-way traffic, or sixteen foot (16') paved driveway for two-way traffic. In cases where a mixed developments about a residential zone or use, the drive space may be included as part of the required setback.

**E. Accessory Building; Side Yard:** An accessory building may be located on a side property line if the following conditions are met:

1. The accessory building has no openings on the side which is contiguous with the property line, and the wall of said building adjacent to the property line has fire resistant ratings in compliance with the International Building Code.
2. The accessory building has facilities for the discharge of all roof drainage onto the lot or parcel on which it is created.
3. Accessory buildings are not to be located on a property line shared with a lot that is used as a residence.

**F. Rear Yard:** The minimum rear yard setback shall be fifteen (15) feet for residential uses only. For mixed developments adjacent to exclusive residential use or zoning, the rear yard setback must be a minimum of twenty-five (25) feet. A graduated setback shall be required for structures extending beyond the second level. Please refer to sub-section I.

**G. Accessory Building; Rear Yard:** As listed in sub-section E.

**H. Historical buildings:** Please see setback requirements under sub-section A-G.

**I.** The following are the minimum graduated setbacks for buildings taller than two levels:

1. Above the second level – ten (10) feet to all sides.
2. An additional ten (10) feet shall be required to all sides, for each additional floor level.

**J.** All ground level setback areas shall be properly landscaped with living plant materials and trees. Parking and drive areas may encroach upon side and rear setbacks. Please also refer to Section 10-11E-28C of this Chapter.

#### **10-11E-24: BUILDING HEIGHT:**

The maximum height allowed for an office structure in the Downtown Transitional Sub-district shall be two (2) levels or thirty-five (35) feet. The planning commission may authorize heights up to a maximum of forty (40) feet through the issuance of a Conditional Use Permit, for a third level residential use or projects that are exclusively residential.

1. A waiver to the height requirements may be granted by City Council, through the issuance of a Conditional Use Permit, after reviewing the recommendations of the Planning Commission.

**10-11E-25: DISTANCE BETWEEN BUILDINGS:**

As regulated in Section 10-11E-22/H, and by the provisions of the latest edition of the International Building Code as adopted by the City Council.

**10-11E-26: PERMISSIBLE LOT COVERAGE:**

No more than sixty percent (60%) of the lot or parcel is to be covered with building structures of any kind in the Downtown Transitional Sub-district.

**10-11E-27: PARKING, LOADING AND ACCESS:**

Each office, residential or mixed development in the Downtown Transitional Sub-district shall provide parking according to Chapter 10-18 of this title, including the following requirements:

**A.** Shared parking between businesses and other developments is encouraged. These standards can be found in Chapter 10-18-2/R of this Title.

**B.** Bicycle parking: A minimum of one bicycle rack with four (4) spaces is required for each vehicular parking area. The bicycle rack must not take the place of a vehicular parking stall, but must be located within the site development, adjacent to a landscaped area adjacent to the parking lot, rear of a building, or plaza.

**10-11E-28: SITE PLAN/PLAT APPROVAL:**

Prior to the construction or remodeling of any building in the Downtown Transitional Sub-district, a Site Plan or Amended Site Plan shall be submitted and approved. Said project plan shall be drawn to scale and shall contain all required information designated on the application checklist maintained by the community development department. This plan shall be generally in consonance with the turn of the 20th Century theme of the Downtown Village Zone, and as outlined in the Downtown 2020 Action Plan. Provisions for design review shall apply to any development in this zone. Please review the following:

1. Refer to Chapter 11-7 for Concept Plan, Site Plan, Amended Site Plan, Subdivision, and Condominium Plat approvals; and
2. Any Site Plan, Amended Site Plan, and Condominium Plat proposals shall require a recommendation from the Downtown Advisory Board (DAB) prior to a public hearing.

**10-11E-29: OTHER REQUIREMENTS:**

**A. Signs:** All freestanding signage in the Downtown Transitional Sub-district shall be prohibited. Monument, wall, suspended, awning, and canopy signs shall be permitted under regulated conditions in this Sub-district, and must obtain Conditional Use Permit approval from the Planning Commission at a public hearing. A recommendation regarding the proposed

signage must come from the Downtown Advisory Board, prior to a public hearing. Monument signs are to be uniform in design, with the same or similar support materials (brick, stone, wrought iron, concrete, and concrete veneers) with each sign having the Downtown brand or symbol visible on the support of the sign. Please refer to Chapter 10-19 for all other regulations on signage permitted in this sub-district.

**B. Uses Within Buildings:** All uses established in the Downtown Transitional Sub-district shall be conducted entirely within a fully enclosed building, except those uses deemed by the planning commission to be customarily and appropriately conducted in the open, and other uses which are allowed by the planning commission to be conducted in the open through the granting of a conditional use permit.

**C. Landscaping:** The following landscaping provisions shall apply in the Downtown Transitional Sub-district:

1. Any open areas or courts located on the property, except those portions devoted to driveways, walkways, buildings, hardscape open space amenities, and parking, shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials. This landscaping shall be planned and accomplished in accordance with an approved project plan as required by section 10-11E-27 of this Article. Landscaping materials shall be in character with and shall complement the landscaping accomplished in the adjacent public rights of way.

2. Parking areas shall be landscaped where possible, around the periphery and at the end of parking rows in accordance with landscaping plans approved as part of the Site Plan approval under section 10-11E-27 of this Article. Please refer to Chapter 10-18-2/U for additional landscaping requirements for parking areas.

3. Landscaping is to be installed (or bonded for if occupancy is in a non-planting season) prior to issuance of certificate of occupancy.

4. Xeriscape landscaping is encouraged to provide more water-wise landscapes within the Downtown area.

5. Trees; both deciduous tree at least two (2') inches in caliper, measured six inches above ground level, and evergreen trees, at least seven (7') feet in height, are required one per five hundred (1/500) square feet of landscaped area.

6. Shrubs; a mixture of evergreen and deciduous shrubs, at least five (5) gallons in size are to be located in planter beds, and on the perimeter of landscaped areas adjacent to permanent structures.

7. A mixture of deciduous and evergreen trees are to be planted along property lines shared between office or mixed developments, and a residential use or zone, for proper screening and softening between uses.

**D. Awnings, Canopies and Marquees:** Please refer to Chapter 10-19 for all awnings, canopies and marquees proposed for the Downtown Transitional Sub-district.

**E. Trash Storage:** No trash, used materials or wrecked or abandoned vehicles or equipment shall be stored in an open area. For office and mixed developments, all trash is to be stored within a dumpster and the dumpster is to be enclosed with a solid metal gate, and walls matching the masonry used for the buildings, or must be stored in a fully enclosed building. The dumpster enclosure shall not have frontage on a public street or a single-family residential property line, and is to be located towards the rear of a development. Enclosure constructed in the Downtown Transitional Sub-district must be a minimum of ten (10') feet from a residential zoned property line. Outside storage of commercial goods or materials is expressly prohibited. Containers for trash storage of a size, type and quantity approved by the city shall be screened by a sight obscuring fence and maintained in a location approved by the planning commission in conjunction with approval of a Site Plan.

**F. Walls and Fences:**

1. No wall, fence or opaque hedge or screening material higher than thirty six inches (36") shall be maintained within an area which would tend to inhibit a safe sight distance of traffic traveling upon a public street, or entering into the public street from a private driveway or alley. For additional clarification please refer to Chapters 10-15-10 (Clear Vision Areas), and 10-15-38 (fencing near a driveway).
2. A pre-cast concrete or decorative masonry wall, at least eight feet (8') in height, shall be erected along all property lines which lie adjacent to a single-family residential zone. In the case where there is mutual agreement between the property owners of the commercial zone and the adjacent residential zone, the masonry wall requirement may be modified to allow other suitable materials. A signed agreement must be submitted to the Community Development Director indicating this agreement. In the case where there is no mutual agreement, the masonry wall will be required.
3. See also section 10-15-38 of this title.

**G. Transitional Development Standards:** Where a non-residential use in the Downtown Transitional Sub-district borders a single-family residential zone, the standards set forth in section 10-15-29 of this title shall apply.

**H. Infrastructure Improvement Schedule:** Permits will be issued upon successful completion of infrastructure improvements according to the following schedule:

<b>Completion Required Before Issuing A Permit</b>	<b>Building Permit</b>	<b>Occupancy Permit</b>
1. Fire protection to the site	X	
2. Emergency vehicle access to the site	X	
3. Construction vehicle access to the site	X	
4. Implement storm water management plan	X	
5. Storm water infrastructure		X
6. Storm water detention basin (if required)		X
7. Sewer lines		X

8. Water lines	X
9. Electrical lines	X
10. Cable service conduit	X
11. Road base	X
12. Curb/gutter	X
13. Gas lines	X
14. Sidewalk	X
15. Final road asphalt	X
16. Street signs and street lighting	X
17. Landscaping	X

Within each phase any building desiring a building or an occupancy permit shall have all improvements directly related to the building's completion as determined by the community development supervisor or city engineer. This will include, but not be limited to, sub-items H5 through H17 of this section.

**I. Historic Buildings:** Demolition of buildings with historic character shall be discouraged, except as may be considered by the planning commission by the issuance of a conditional use permit with the advice of the historic preservation commission. The demolition will not commence until sixty (60) days after the action of the planning commission to permit historic documentation. Time limit may be reduced by approval from the community development director.

**J. Phasing:** Development phases are permitted provided that all phases include, in accordance with City policies and procedures:

1. Significant traffic circulation for the development phase to existing dedicated streets;
2. Sufficient infrastructure, such as sewer and culinary water;
3. Surface water detention, either in a site specific plan or as a contribution to a regional detention plan, if applicable; and
4. Appropriate amenities for that phase as specified on the Site Plan are provided.

**K. Density:** The maximum density allowed for any residential or mixed residential development shall be twelve (12) units per-acre.

**L. Design:** The following are the design requirements that all new, and modified or amended Site Plans shall require:

1. Walkability: Where possible, office and mixed developments are to provide connectivity to the Downtown Commercial Sub-district by way of a trail, path, or open space amenity.

2. Architecture/Exterior materials: All architecture and exterior materials are to follow the adopted turn of the 20th Century design theme, as outlined in the Downtown 2020 Action Plan;

3. Non-Residential Uses in the Downtown Transitional Sub-district: All buildings constructed for non-residential uses in the Downtown Transitional Sub-district shall be designed to be compatible with adjacent residential uses.

4. Streets: All public streets shall be laid out, and constructed according to City specifications. All arterial and collector streets shall be required to have a minimum five (5') foot park-strip and a minimum six (6') sidewalk. The park-strip is to be located between the top-back of curb and the sidewalk. Sidewalks between ten (10') and twenty (20') feet shall be designated for outdoor activities and/or outdoor seating; and

5. Public Transportation Facilities: All forms of public transportation, where deemed appropriate, are to be provided in association with new or amended site development.

**M. Lighting:** Each site shall include a Lighting Plan that is designed to discourage crime, enhance safety, and prevent glare onto adjacent properties. For the Downtown Transitional Sub-district, all lighting fixtures and lamps are to follow the design theme for the Downtown area. The following regulations are to be followed:

1. For all private streets and pathways, within a development, a light fixture shall be placed every sixty (60') feet;

2. Design theme/style; all lighting design is to be turn of the 20th Century, as outlined in the Downtown 2020 Action Plan.