

## ARTICLE VI. - B-2 DOWNTOWN DISTRICT

## DIVISION 1. - ADMINISTRATION

## Sec. 98-401. - Statement of purpose.

The purpose of the B-2 district is to create clear and simple regulations on the design of new development or redevelopment in the traditional downtown district of the city. The regulations of this article require development to have a physical form that complements the historic nature of existing development in the downtown area. Specifically, these regulations encourage a pedestrian friendly and walkable character, permit a mixture of land uses; encourage streets that serve the needs of pedestrians, bicycles, and motorized vehicle traffic equitably; encourage places for informal social activity and recreation in the downtown area; and encourage building frontages that define the public space of streets. With proper physical form, a building can accommodate a wide range of uses without generating undue impact on neighboring properties or the downtown as a whole.

It is further the purpose of the B-2 district to:

- (a) Create a core downtown area that maintains the traditional physical form of a historic small city downtown.
- (b) Create a unique, historic, walkable mixed use district including residential, retail, entertainment, office, and other compatible uses.
- (c) Promote the orderly development, redevelopment, and continued maintenance of Tecumseh's central business district.
- (d) Encourage shared parking areas throughout the downtown area rather than requiring each individual property owner to provide physical parking space on their property.
- (e) Create quantitative and qualitative building design guidelines that ensure new development is compatible with the historic character existent in downtown.
- (f) Ensure buildings create a solid streetwall that helps to define streets as public spaces.
- (g) Ensure that permitted uses complement each other in terms of character and location, and to ensure that uses in the B-2 district do not have an adverse impact on the overall economic and social vitality of the downtown area, street capacity, public utilities or services, or the overall image and function of the district.
- (h) Prevent automobile-oriented development from eroding or destroying the character of the downtown area.

*(Ord. of 5-18-2009, § 6.101)*

## Sec. 98-402. - Instructions.

- (a) *Application of requirements.* The provisions of this article are activated by "shall" or "must" when required, "should" or "encouraged" when recommended, and "may" when optional.
- (b) *Applicability to sub-areas.* The regulations herein shall apply to both the downtown core and the downtown edge sub-areas of the B-2 district unless specifically noted otherwise herein.
- (c)

*Conflict.* Wherever there is or appears to be a conflict between the regulations of this article and other sections of this chapter (as applied to a particular development), the requirements specifically set forth in this article shall prevail. For development standards not addressed in this article, the other applicable sections of this chapter shall be used as the requirement.

(Ord. of 5-18-2009, § 6.102)

Sec. 98-403. - B-2 district sub-areas.

The location of the core and edge sub-areas within the B-2 district are shown on the City of Tecumseh Zoning Map.

(Ord. of 5-18-2009, § 6.103)

Sec. 98-404. - Approval process.

- (a) *Site plan approval.* Site plan approval shall be required in accordance with the requirements of Article II, Division 3 of this chapter, and shall follow the procedures established therein.
- (b) *Special land use approval.* Any development that contains a use requiring special land use approval shall be reviewed following the procedures and review criteria of Article III, Division 3.

(Ord. of 5-18-2009, § 6.104)

Sec. 98-405. - Existing development in the B-2 district.

(a) *Expansions of developed sites.*

(1) *Less than 25 percent of existing condition.* Any development activity on a developed site that would increase the floor area of the existing building or the area of existing site improvements by less than 25% need not comply with the requirements of this Article VI. However, any new building area or site improvements should result in the site being more compliant, and shall not result in the site being less compliant with the requirement of this Article VI.

(2) *More than 25 percent of existing condition.* Whenever a building or site improvement expansion of greater than 25 percent of the existing condition is proposed, the activity shall comply with the requirements of this article.

(3) *Expansions measured cumulatively.* For the purposes of determining compliance with this section, expansions shall be measured cumulatively, with the baseline being the building area and improved site area that existed at the date of adoption of this chapter.

(b) *Redevelopment.* Redevelopment of existing buildings shall comply with the following requirements, in addition to the requirements of subsection 98-405(a), above.

(1) Whenever 50 percent or less of the existing building will be demolished or replaced, the development activity need not comply with the requirements of this article. However, any site layout or building design changes that may occur as a result of the development activity should result in the site being more compliant with the requirements of this article.

(2) Whenever more than 50 percent of an existing building will be demolished or replaced, the development activity shall comply with all of the requirements of this article.

(Ord. of 5-18-2009, § 6.105)

Sec. 98-406. - Waiver of requirements.

(a)

*Purpose and limitations.* The reviewing authority for an activity in the B-2 district may grant a waiver from certain dimensional requirements contained in this article. Regulations that may be altered through the waiver process are described in the various sections of this article, along with the specific parameters by which the regulation may be altered.

Waivers are separate and distinct from dimensional variances in that they are limited in their bounds and are intended to permit reasonable use of property where the strict application of the requirements of this article would not further the public purpose, and a relaxed or altered dimensional standard will still meet the intent and purpose of the B-2 district.

Whenever a regulation may be altered through the waiver process, specific bounds are listed within which the waiver must be maintained. If an alteration to a dimensional requirement is requested that is greater than that listed in this article, the applicant must obtain a variance following the procedures and review standards Article II, Chapter 4.

B. *Application and review procedures.* The applicant shall clearly identify all requested waivers on the application and site plan. The reviewing authority shall evaluate the requested waivers and approve, approve with conditions, or deny the waiver request. In evaluating a waiver request, the reviewing authority shall take into account the following considerations:

- (1) Approval of the waiver will not result in development that is incompatible with or will negatively impact existing or potential future development in the vicinity of the property to be developed.
- (2) The requested waiver is consistent with the intent and purpose of this article.
- (3) The waiver will result in a superior development when compared with what could be achieved through the strict application of the requirements of this article.
- (4) A lesser waiver will not accomplish the same purpose as the requested waiver.
- (5) The waiver will not negatively impact the potential of adjacent parcels to develop according to the requirements of this article.

(Ord. of 5-18-2009, § 6.106)

Secs. 98-407—98-420. - Reserved.

DIVISION 2. - PERMITTED USES

Sec. 98-421. - Permitted use table.

The following uses are or may be permitted in the B-2 district. If a use is not listed in the following table, it is not permitted in the B-2 district.

<b>Key:</b>	<input checked="" type="checkbox"/> <b>Principal Permitted Use</b>	<input type="checkbox"/> <b>Special Land use</b>	<input type="checkbox"/> <b>Use Not Permitted</b>
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USE	SUB AREA		DESIGN STANDARD
	CORE	EDGE	
<b>RESIDENTIAL USES:</b>			

Assisted Living Facility	—	■	<u>section 98-240</u>
Attached One-Family Dwelling Unit	—	■	<u>section 98-238</u>
Bed and Breakfast	—	□	<u>section 98-223</u>
Detached One-Family Dwelling Unit	—	■	Permitted only along Pottawatamie Street
Housing for the Elderly	—	□	<u>section 98-234</u>
Nursing/Convalescent Home	—	■	<u>section 98-240</u>
Upper Story Dwelling Unit	■	■	<u>section 98-255</u>
<b>COMMUNITY and INSTITUTIONAL USES:</b>			
Municipal and Government Buildings and Uses	■	■	
Private Clubs and Lodge Halls	■	■	
Public Institutions	■	■	
Public Parks and Recreation Facilities	■	■	
Religious Institutions	■	■	<u>section 98-245</u> Not permitted on the ground floor in the Core area
Vocational Schools	■	■	Not permitted on the ground floor in the Core area
<b>COMMERCIAL, OFFICE and RETAIL USES:</b>			
Bakeries and Confectionaries	■	■	
Bank/Credit Union	■	■	
Banquet Hall/Conference Center	□	□	<u>section 98-222</u>

Commercial Recreation large scale indoor	□	□	
small scale indoor	■	■	
Drive-in or Drive-through facility	□	□	<u>section 98-227</u>
Gallery (art, photography, etc.)	■	■	
Health or Exercise Club	■	■	
Hotel or Motel	■	■	section 98-98-233
Micro Brewery/Winery	■	■	
Office, medical or professional (ground floor)	■	■	
Office medical or professional (upper story or rear ground floor)	■	■	
Personal Service Establishment	■	■	
Restaurant carry out	■	■	
drive-in or drive-through	—	—	
sit down	■	■	
sidewalk café or outdoor patio	■	■	<u>section 98-251</u>
Retail Sales <25,000 sq. ft. floorplate	■	■	
≥25,000 sq. ft. floorplate	—	—	<u>section 98</u>
outdoor	■	■	<u>section 98-443</u>
Studio (dance, martial arts, music, etc.)	■	■	

Theatre, live performance	■	■	
Theatre (movie)	■	■	3 or fewer screens permitted, more than 3 screens prohibited
Trades Showroom	■	■	<u>section 98-254</u>
Vehicle Sales/Rental	■	■	No outdoor display/storage permitted
Veterinary Clinic	■	■	<u>section 98-259</u>
<b>INDUSTRIAL, TRANSPORTATION and UTILITY USES:</b>			
Utility and Public Service Buildings	□	□	No outdoor storage permitted
Wireless Communication Facilities			See <u>section 98-260</u>

(Ord. of 5-18-2009, Art. VI, Div. 2; Ord. No. 6-13, 12-2-2013)

Sec. 98-422—98-430. - Reserved.

**DIVISION 3. - DIMENSION AND DESIGN STANDARDS**

Sec. 98-431. - In general.

The following dimensional and design standards regulate the physical characteristics of development in the B-2 district. The standards are broken into sections addressing a specific development characteristic: blocks and streets, lot requirements, and building requirements.

(Ord. of 5-18-2009, § 6.301)

Sec. 98-432. - Block and street design.

(a) *Blocks and street network.* The street network in and proximate to the B-2 district should be designed to foster a walkable, pedestrian scale environment. The existing street pattern is designed in such a manner. Existing blocks in the B-2 district have a length between 400-500 feet, and block perimeters are about 1,600 feet.

The existing block pattern should be maintained in the B-2 district in order to retain a pedestrian scale. If changes to the existing street network are proposed, the changes shall be designed according to the following requirements:

- (1) *Block length.* The maximum length for any block face between intersecting streets is 600 feet.
- (2) *Block perimeter.* The maximum block perimeter is 2,000 feet.

(b) *Street types.* There are two basic street types in the B-2 district: major and minor streets. The specific dimensional requirements for a building will depend on the type of street upon which it has frontage or frontages.

Major streets carry higher volumes of traffic and are typically more prominent. In many cases, major streets form the axes along which downtown areas are located.

Minor streets intersect with major streets, contain more residential uses, and provide local access to adjacent residential neighborhoods.

The following table identifies which streets are considered major and minor streets in the B-2 district. New streets shall be designated as a major or minor street by the reviewing authority for the proposed development.

STREET TYPE	STREETS
Major Street	• Chicago Boulevard
	• Evans Street
	• Ottawa Street
Minor Street	• Logan Street
	• Maumee Street
	• Oneida Street
	• Pearl Street
	• Pottawatamie Street
	• Shawnee Street
	• Wyandotte Street

(c) *Street design guidelines.*

- (1) *On-street parking.* On-street parking in the B-2 district is encouraged. All streets in the B-2 district should include a parallel parking lane on both sides of the street.
- (2) *Travel.* Two-way streets are encouraged in the B-2 district. One-way streets are discouraged, and should not be used in the downtown area.
- (3)

*Curb radius.* The curb radius at the intersection of two streets should be the minimum necessary to permit vehicle circulation. A smaller curb radius shortens the distance that pedestrians must travel to cross the street, and leads to a safer pedestrian environment by reducing the speed at which cars can travel around corners. It is recommended that the curb radius not exceed 30 feet at the intersection of any two streets.

- (4) *Sidewalks at driveway crossings.* When a sidewalk crosses a vehicle driveway, the driveway shall retain the elevation of the sidewalk. The appearance of the sidewalk shall be maintained across the driveway to indicate that the sidewalk is a part of the pedestrian zone and that pedestrians have the right-of-way.
- (5) *Pedestrian zone.* The pedestrian zone is considered to be the area in between the curb and the edge of the right-of-way, and includes area for sidewalks, landscape plantings, street furniture, and other pedestrian-scale uses and amenities. The treatment of the pedestrian zone determines the character of the street, and the quality of the public realm within the right-of-way. Streets are the most common public space in the City, and must be designed to be welcoming and accommodating for pedestrians as well as motorized traffic.

The pedestrian zone in the B-2 district should contain 4 distinct areas, an edge area that allows car doors to open freely and accommodates parking meters, streetlights; a furnishings area that accommodates amenities such as landscaping, planters, and sidewalk furniture; a walkway area where pedestrians walk; and a frontage area adjacent to the building. The following Figure 1 illustrates the four areas of the pedestrian zone:



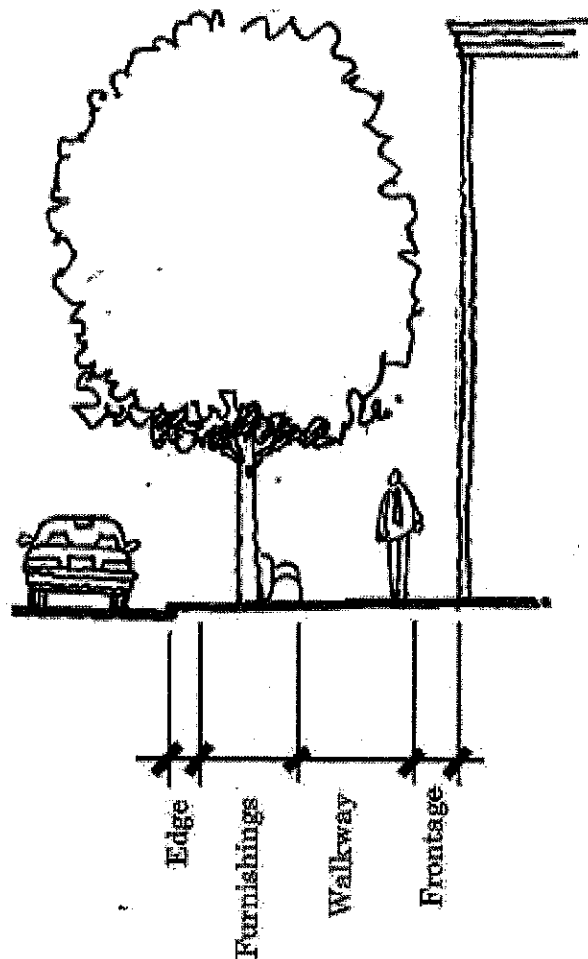


Figure 1. Pedestrian Zone

The following sidewalk design requirements and recommendations are intended to create an inviting public space alongside city streets.

- a. *Pedestrian zone width.* The pedestrian zone should have a minimum width of ten feet. A lesser width may be appropriate in constrained areas, and a larger width is appropriate along major streets.
- b. *Edge area.* The edge area should have a minimum width of 2.5 feet, and should remain clear of obstructions to permit the doors of parked cars to open freely. Streetscape elements such as parking meters, streetlights, traffic control signs, and tree grates may be located in the edge area. The edge area may be paved, or if a tree lawn is combined, it may be combined with the furnishings area and landscaped.
- c. *Furnishings area.* The furnishings area accommodates amenities such as street trees, planters, and sidewalk furniture. The furnishings area can be paved (with street trees located in tree grates), or it may be landscaped with a street lawn. Outdoor eating areas, sidewalk cafes, or other similar uses associated with a use in a directly adjacent building may be located in the furnishings area. The furnishings area should have a minimum width of five feet.
- d.

*Walkway area.* The walkway area is the basic sidewalk area where pedestrians walk. The walkway area must maintain a 5-foot wide clear path free of obstructions at all times to permit free pedestrian travel. No permanent structures or uses may be located in the walkway area.

- e. *Frontage area.* The frontage area is the portion of the pedestrian zone adjacent to the edge of the right-of-way. The frontage area is an optional area, and may be used for street furniture or other uses accessory to the use in the adjacent building. When a building is constructed at the lot line, as is often the case along Chicago Boulevard, the frontage area should have a minimum width of two feet to accommodate opening doors and window shopping.

(d) *Alleys.* Alleys and lanes that provide access to the rear of buildings or parking areas are permitted in the B-2 district. The intersection between an alley and a street should be separated at least 150 feet from any street intersection (measured from the point of intersection between the centerlines of the streets).

(e) *Driveways.* Driveways providing access to parcels or public areas such as parking lots may only intersect with minor streets in the Core area. A driveway may intersect with any street in the Edge area.

(Ord. of 5-18-2009, § 6.302)

Sec. 98-433. - Lot requirements.

The following requirements apply to the development of lots in the B-2 district. For the purposes of determining compliance with these regulations, lots that are assembled under one ownership may be considered a single lot.

- (a) *Lot width and area.* The minimum lot width in the B-2 district is 14 feet, and the minimum lot area is 1,246 sq. ft.
- (b) *Setbacks.* Buildings in the B-2 district shall comply with the following minimum and maximum setback requirements. When there is a minimum and a maximum requirement for a setback, the building must be located in the build-to area that is created by the minimum and maximum setback requirement.

SETBACK	CORE AREA		EDGE AREA	
	MIN.	MAX.	MIN.	MAX.
Primary Front Yard	0 ft.	5 ft.	5 ft.	20 ft.
Secondary Front Yard	0 ft.	10 ft.	5 ft.	25 ft.

Side Yard adjacent to B-2 zoning district	0 ft.	—	0 ft.	—
adjacent to any non B-2 zoning district	5 ft.	—	10 ft.	—
Rear Yard adjacent to B-2 zoning district	5 ft.	—	5 ft.	—
adjacent to any non B-2 zoning district	20 ft.	—	20 ft.	—

- (1) *Primary vs. secondary front yards.* When a lot is located on a corner lot, the primary front yard setback shall be measured from the street of higher pedestrian importance or intensity (e.g. traffic volume, number of lanes, etc.). Any lot line that borders on a street shall be considered a front yard.
  - a. The applicant shall identify primary and secondary front yards on any site plan for approval by the reviewing authority. In reviewing an applicant's designation of primary and secondary front yards, the reviewing authority shall consider the following:
  - b. Every lot shall have at least one primary front yard.
  - c. A lot may have more than one primary or secondary front yard.
  - d. A major street shall always be considered a primary front yard.
  - e. Chicago Boulevard shall always be considered a primary front yard whenever a lot has sufficient developable frontage on Chicago Boulevard.

- f. The yard facing a minor street may be considered a primary or a secondary front yard.
- (2) *Waiver.* The maximum setback requirements may be increased by up to 50 percent following the waiver procedures in section 98-406
- (c) *Building frontage in build-to area.* In order to maintain a pedestrian scale environment, it is important that buildings maintain a minimum frontage within the front setback area. This prevents buildings from being spaced too far apart, which creates gaps in the street wall. Building frontage is defined as the width of the building in the build-to area divided by the lot width at the front property line. By way of example, a building that is 70 feet wide in the build-to area located on a lot that is 100 feet wide would have a building frontage of 70 percent ( $70/100 = 70\%$ ).

STREET TYPE	BUILDING FRONTAGE REQUIREMENT	
	CORE AREA	EDGE AREA
Major Street	90%	70%
Minor Street	70%	60%

- (1) *Waiver.* The frontage requirements may be altered by the reviewing authority if the applicant can demonstrate that, in addition to the review considerations in section 98-406
  - a. The building is designed consistent with the intent of the frontage requirements and that
  - b. Reasonable development potential exists on adjacent lots or on the same lot in the future to fill in the streetwall over time.

(Ord. of 5-18-2009, § 6.303)

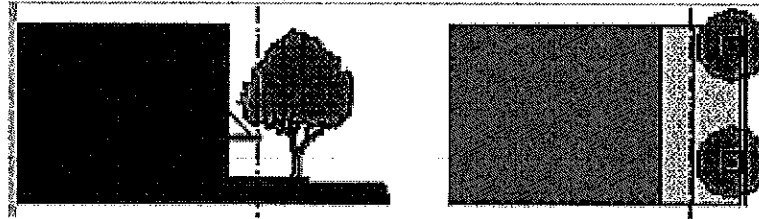
Sec. 98-434. - Building design.

Buildings in the B-2 district shall comply with the following requirements, in addition to any applicable requirements of section 98-474. The requirements of this section and section 98-474 are intended to be complimentary; however, in any instance where there is an apparent conflict, the provisions of this section shall control.

- (a) *Private frontage.* The private frontage is the area between the right-of-way and the principal building façade. Buildings must contain architectural elements consistent with one of the following four private frontages. Each frontage is designed to be consistent with some or all of the uses permitted in the B-2 district.  
 Note that the following table includes specific dimensional requirements for each of the frontages. Unless otherwise noted, the dimensional requirements are in addition to any other dimensional requirement of this article.

FRONTAGE TYPE	WHERE PERMITTED	DIMENSIONAL REQUIREMENTS
<p><b>Shopfront.</b> A frontage where the building facade is located close to the front lot line with the building entrance at sidewalk grade. This frontage type is suitable for nonresidential uses on the first floor.</p>	<p>Core area Edge area</p>	<p>The building shall be set back a maximum of 5 feet from the front lot line.</p>



Shopfront Illustration:



<p><b>Courtyard.</b> A frontage where a portion of the building facade is close to the front lot line with a portion set back. The courtyard may accommodate tree plantings or a vehicle drop-off area. This frontage is suitable for any building use.</p>	<p>Core area Edge area</p>	<p>The building shall be set back a maximum of 5 feet from the front lot line.</p> <p>The courtyard area shall be considered part of the front building facade for the purposes of determining compliance with the requirements of subsection <u>98-433(c)</u></p>
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Courtyard Illustration:



<p><b>Stoop.</b> A frontage where the first floor is elevated from the sidewalk to provide privacy for first floor windows. The entrance is usually from an exterior stair and landing. This frontage is suitable for ground-floor residential use.</p>	<p>Edge area</p>	<p>The building shall be set back a minimum of 7 feet from the front lot line. The stoop or porch area shall be set back a minimum of 2 feet from the front lot line.</p>
<p>Stoop Illustration:</p> 		
<p><b>Lawn.</b> A frontage where the building is set back from the street with a landscaped front yard area. This frontage is suitable for any building use.</p>	<p>Edge area</p>	<p>The building shall be set back a minimum of 10 feet from the front lot line. Unenclosed front porches shall be set back a minimum of 5 feet from the front lot line.</p>
<p>Lawn Illustration:</p> 		

(b) *Building height.*

- (1) *Maximum height.* The maximum building height permitted in Core Area of the B-2 district is 56 feet, and the maximum building height permitted in the Edge Area of the B-2 district is 45 feet. See subsection 98-524(a) for height exceptions.
- (2) *Minimum height.* The minimum building height in the Core Area of the B-2 district is 20 feet. All buildings in the Core Area shall have the appearance of being at least 2-story buildings. There is no minimum height requirement in the Edge Area.

(c) *Base, Middle, and Cap.* All buildings shall incorporate a base, middle, and cap, as is applicable.

- (1)

*Base.* The base shall include an entryway with transparent windows and a horizontal molding or reveal placed between the first and second stories or over the second story. The molding or reveal shall have a depth of at least two inches and a height of at least four inches. If a one story building is proposed, the molding or reveal is not required.

- (2) *Middle.* The middle may include buildings and/or balconies that are located between the reveal and the cap area.
- (3) *Cap.* The cap includes the area from the top floor to the roof of the building, and shall include a cornice or roof overhang.
- (d) *Alignment.* Windowsills, moldings, and cornices shall align with those of adjacent buildings. The bottom and top line defining the edge of the windows (the "windowsill alignment") shall not vary more than two feet from the alignment of surrounding buildings. If the adjoining buildings have windowsill alignments that vary by more than two feet from one another, the proposed building shall align with one of the adjoining buildings. This requirement may be waived per 98-406
- (e) *Building materials.* Buildings in the B-2 district shall comply with the following building material requirements:
  - (1) *Primary building materials.* Durable natural building materials such as brick, stone, exposed logs or timber, and other similar materials are preferred primary building materials in the B-2 district. Concrete block or similar masonry units (including CMU or split-face blocks) are prohibited as a primary building material unless covered with a veneer of natural building materials. Synthetic building materials that convincingly match the appearance of natural building materials may be used as a primary building material. Primary building materials shall be used on a minimum of 70 percent of the facade area of the building (excluding doors and windows).
  - (2) *Accent building materials.* Accent materials may be used on up to 30% of the facade area of the building (excluding doors and windows). Acceptable accent materials include decorative precast concrete block, metal, and glass. Non-durable building materials such as EIFS may be used as accent building materials on up to ten percent of the total wall area of any facade, but may not be used on the ground floor facade.
  - (3) *Waiver.* This requirement may be waived per section 6-106.
- (f) *Ground floor design.*
  - (1) *Building entrance(s).* All buildings shall have their principal entrance or entrances open onto a street, sidewalk, or public space. The principal building entrance shall not open onto a parking lot, although a secondary or subordinate entrance may be provided to a parking lot.
  - (2) *Entryway alignment.*
    - a. *Nonresidential uses.* For all buildings in the Downtown Core area of the B-2 district and buildings with nonresidential uses on the first floor in the Downtown Edge area, the ground floor of the principal entrance shall align with the elevation of the adjacent sidewalk. Sunken terraces or stairways to a basement shall not constitute principal entrances to a building for the purposes of this section. It is not the intent of this section to preclude the use of below or above grade entryways, provided that such entryways are secondary, not principal entrances.

- b. *Residential and live/work uses.* For first-floor residential and live/work uses in the Downtown Edge area of the B-2 district, the ground floor of the building (and consequently the principal entrance as well) may be raised up to 36 inches above the elevation of the adjacent sidewalk. This is intended to create greater privacy for first floor residential uses by elevating windows above the view of passing pedestrians.
- (g) *Windows and entryways.* The following requirements apply to facades of buildings facing a public street or public space such as a plaza or square.
  - (1) *Windows.* Windows above the ground floor shall have a height to width ratio of at least 2:1.
  - (2) *Ground floor facade transparency.*
    - a. All buildings with first floor nonresidential uses shall maintain transparency for at least 70 percent of the first floor facade area between two and eight feet above grade level. Doors and windows provide transparency.
    - b. All windows shall use transparent, non-reflective glass.
    - c. Areas of solid wall shall not exceed a length of 20 feet.
  - (3) *Recessed entrances encouraged.* Doors are encouraged to be recessed into the face of the building to create a sense of entry and to add variety to the streetscape.
- (h) *Encroachments.* The following building elements may encroach into a public right-of-way or setback area.
  - (1) *Balconies.* Balconies on upper stories may encroach up to 6 feet into any required setback area and up to 4 feet into any right-of-way area.
  - (2) *Stoops.* Unenclosed and uncovered front stoops may encroach up to 5 feet into a front yard setback area, provided that the stoop maintains a minimum setback of five feet from any right-of-way line.
  - (3) *Awnings.*
    - a. Ground-story awnings may encroach up to six feet from the face of the building into the setback or right-of-way area.
    - b. Awnings shall have a minimum of eight feet of clear space between the sidewalk and the bottom of the awning or any support structure, and shall not exceed a height of 12 feet to the highest point of the canopy.
    - c. If the awning encroachment of six feet would interfere with the placement of street lighting or street trees, the awning projection shall be reduced to resolve the conflict.
    - d. Awnings shall be constructed out of fabric, and may not be internally illuminated. Metal or other materials may be used for awnings if a waiver is approved per section 98-406
  - (4) *Bay windows.* Bay windows on the ground story may encroach up to three feet into any setback area, but may not encroach into a right-of-way area. Bay windows on upper floors may encroach up to 3 feet into any setback or right-of-way area.
  - (5) *Eaves.* Roof eaves may encroach up to 3 feet into any setback or right-of-way area.
- (i) *Service areas.* All service areas, including utility access, above ground equipment and dumpsters shall be located in side or rear yards and shall be screened from view from any street.



- (j) *Mechanical and utility equipment.* Mechanical equipment, electrical and gas meter and service components, and similar utility devices (whether ground level, wall mounted, or roof mounted) shall be screened from view from the front property line. Exterior screening materials shall be the same as the predominant exterior materials of the principal building.

(Ord. of 5-18-2009, § 6.304)

Secs. 98-435—98-440. - Reserved.

DIVISION 4. - GENERAL REQUIREMENTS

Sec. 98-441. - Parking.

The following parking requirements are applicable in the B-2, and replace any similar requirements set forth in Article XI.

- (a) *Minimum parking required.* All new development or expansions of existing sites shall provide off-street parking spaces for the use according to the following requirements. The parking spaces shall be provided within 500 feet of the building.
- (1) *Residential uses.* 1.5 parking spaces per residential dwelling unit.
  - (2) *Nonresidential uses.* One parking space per 500 square feet of nonresidential building space.
  - (3) *Waiver.* The minimum parking requirements may be waived by the reviewing authority per 98-406
- (b) *Payment in lieu of.* Instead of constructing parking spaces as required by subsection 6-441(a), development in the B-2 district may choose to make a payment into the city's parking fund equal to the demonstrated cost to construct the parking spaces required for the development (including land costs and construction costs). The applicant may also choose to construct some of the required spaces and to make a payment for the remainder of the required spaces.
- The city parking fund shall be used to construct and maintain common parking areas and to provide parking facilities to meet the demand for parking in the B-2 district, and may be administered by the city, the DDA, or another public agency.
- (c) *On-street parking.* On-street parking shall not be counted toward the minimum parking requirement.
- (d) *Parking lot layout.* Off-street parking lot layout, maintenance, and construction shall comply with all of the requirements of Article XI.
- The planning commission may modify the dimensional requirements of Article XI based on evidence submitted by the applicant indicating that the modification will result in superior site design, will achieve the same purpose as if the parking lot were designed according to conventional standards, and will function in a safe and efficient manner.
- (e) *Parking lot access.* Entrances to parking lots or parking structures may not be located along a major street in the core area of the B-2 district.
- (f) *Parking structures.* Parking structures are permitted in the B-2 district, provided that they comply with the following requirements:
- (1) *Setback from a major street.* The parking structure and all parking spaces within shall be set back a minimum of 80 feet from any major street.

- (2) *Setback from minor streets.* Parking structures shall be set back a minimum of seven feet from any minor street.
- (3) *Height.* Parking structures may be no taller than any adjacent building located within 20 feet of the structure. Stand alone parking structures set back 20 or more feet from any adjacent building may not exceed the maximum height permitted for a building at that location in the B-2 district, or the height of the tallest building within 150 feet of the parking garage, whichever is lower.
- (4) *Design guidelines.* Any parking structure facade that will be visible from a street, civic/open space, or building shall comply with the following design guidelines:
  - a. The facade shall comply with the building material requirements of subsection 98-434(e).
  - b. The parking structure shall have the appearance of a flat-roofed building with a parapet cap type.
  - c. The ground floor of the structure shall be differentiated from upper floors through the use of a horizontal expression line.
  - d. Exterior elevator towers or stair wells shall be open to public view, or enclosed with transparent glazing.
  - e. Views into the parking structure shall be minimized. Facades of parking structures shall be designed without continuous horizontal parking floor openings. Decorative trellis work or another architectural element that will screen the view of parked cars in the structure shall be provided on all exterior openings.
- (g) *Loading space.* There are no specific loading requirements in the B-2 district; however, buildings and sites should be designed such that trucks and large delivery vehicles may be accommodated on the site without encroaching into a public right-of-way. Further, loading facilities such as truck docks shall be located and screened such that they are not visible from any street.

(Ord. of 5-18-2009, § 6.401)

Sec. 98-442. - Outdoor amenity space.

Any development or redevelopment of a building with more than 20,000 sq. ft. of floor area in the B-2 district shall provide outdoor amenity space. The outdoor amenity space shall have a minimum area of two percent of the gross floor area of the building. The size and disposition of the amenity space shall be proportionate to the size and scale of the development, and any amenity space used to satisfy this requirement shall be adjacent to or visible and accessible from a public right-of-way. The emphasis of the amenity space requirement is on the quality rather than the quantity of the space.

(Ord. of 5-18-2009, § 6.402)

Sec. 98-443. - Outdoor retail sales.

Outdoor retail sales are permitted in the B-2 district, subject to the following requirements:

- (a) *No permit required.* Temporary or moveable outdoor retail sales activity or displays accessory to a principal use in the B-2 district are permitted, subject to the following requirements:
  - (1) *Area.* The total of all outdoor sales display areas on the site shall not exceed 0.75 square feet per linear foot of building frontage in the build-to zone.

- (2) *Location.* Outdoor sales areas may be located in the build-to zone, in an area adjacent to and not extending farther than 20 feet from the rear of the building, and/or in the right-of-way. Outdoor sales in the right-of-way shall be located in the frontage or furnishings area of the pedestrian zone directly adjacent to the building containing the use to which it is accessory.
- (3) *Time.* The outdoor sales display shall only be set out during business hours, and shall be moved indoors for storage overnight or when the business is closed. A minimum 6-foot wide clear pedestrian pathway on the sidewalk shall be maintained at all times.
- (b) *Permit required.* A permit from the building official is required for outdoor sales that exceed the area limitations in subsection (a), above; for special outdoor sales events that will be located anywhere besides the frontage or furnishings area of the pedestrian zone; or for times outside of normal business hours. The permit will specify the permitted size and duration for the outdoor sales event.

(Ord. of 5-18-2009, § 6.403)

Sec. 98-444. - Outdoor storage.

Limited outdoor storage of merchandise, materials, or equipment is permitted in the rear yard in the B-2 district if it is not visible from any pedestrian or vehicle circulation area open to the public. In no case shall materials or merchandise being stored outdoors in the B-2 district exceed a height of 6 feet.

(Ord. of 5-18-2009, § 6.404)

Sec. 98-445. - Landscaping and buffering.

All landscaping requirements of Article X of this chapter shall apply in the B-2 unless an alternate landscape requirement is specifically identified in this Article VI.

(Ord. of 5-18-2009, § 6.405)

Secs. 98-446—98-450. - Reserved.

DIVISION 5. - DEFINITIONS

Sec. 98-451. - Definitions used in this article.

This division provides definitions for terms that are used in this article that are technical in nature or that might not otherwise reflect a common usage of the term. Where a definition in this section conflicts with a definition provided in Article XII, the definition presented in this section shall prevail for the purposes of administering the B-2 district requirements. If a term is not defined in this section, the planning and development director shall determine the correct definition of the term.

*Balcony:* An open portion of an upper floor that extends beyond or indents into a building's exterior wall.

*Block:* The aggregate of private lots, pedestrian pass-throughs, rear lanes and alleys, the perimeter of which abuts perimeter or internal streets.

*Block perimeter:* The linear distance around a block measured along the right-of-way line or road easement.

*Buffer:* An area of land, including landscaping, walls, and fences located between land uses of different characters and which is intended to mitigate negative impacts of the more intense land use on the less intense land use.

*Build-to area:* An area at the front of the lot in which a front building facade must be located.

*Floorplate:* The total indoor floor area of any given story of a building, measured to the exterior of the wall or balcony.

*Frontage lot line:* The lot line that coincides with the public right-of-way or edge of a space dedicated for public use. Building facades parallel to frontage lines define public space and are therefore subject to a higher level of regulation than the elevations that face other lot lines.

*Habitable space:* Building space that involves human presence with direct view of the enfronting streets or public or private open space. Habitable space does not include parking garages, storage facilities, warehouses, and display windows separated from retail activity.

*Liner shop or Liner building:* A building or part of a building with habitable space specifically designed to enfront a public space while masking a function without the capacity to monitor public space such as a parking garage, storage facility, or large building exceeding the building width limitations of this article.

*Tree lawn:* A grassed or landscaped area located between the sidewalk and the curb of the street intended to accommodate street tree plantings.

*(Ord. of 5-18-2009, § Art. 6, Chapter 5)*

Secs. 98-452—98-470. - Reserved.