

22.112 - C4A—North downtown business district.

- (a) Purpose and Legislative Intent. In accordance with the north downtown design plan, an additional component of the City's comprehensive plan, the purpose of the C4A north downtown business district is to establish a land-use and development transition area along the York Road corridor between the downtown core and the service-oriented commercial area to the north. A legislative finding was made through the adoption of the north downtown design plan that the geographic area subject to these regulations requires unique development guidance and control to:
 - (1) Help ensure the development of a pedestrian-oriented environment similar to the downtown core;
 - (2) Permit a more flexible range of commercial service, mixed-use and residential uses;
 - (3) Establish a more traditional downtown development pattern and design character along the York corridor;
 - (4) Ensure the provision of a reasonable amount of off-street parking; and
 - (5) Permit site design flexibility to accomplish these objectives.
- (b) Boundaries of the C4A North Downtown Business District. The boundaries of the C4A district are: North Avenue on the north, Third Street on the south, Addison Avenue on the west, and the alley immediately east of York Road on the east. It is intended these boundaries not be modified, except as may be recommended through an official amendment to the City's comprehensive plan.
- (c) Conditions of Use.
 - (1) Dwelling units and rooming units, other than those located in a hotel or watchman's quarters located on the premises where employed, are not permitted below the second floor except when approved as a conditional use and/or planned development.
 - (2) All business, servicing, or processing, except for off-street parking, loading or such drive-in facilities as are specifically authorized herein, shall be conducted within completely enclosed buildings. Sidewalk cafes and sidewalk area seating located on property under the control of the City may be approved, subject to appropriate terms and conditions, by the City Council. Outdoor cafes, beer gardens and outdoor service areas, wherein the service being provided is not within completely enclosed structures located on private property may only be approved by conditional use permit as outlined in Section 22.26. The Zoning and Planning Commission review of an application for a conditional use permit for the purpose of establishing an outdoor service area shall include consideration of the effects on residential properties including, but not limited to, the following:
 - (A) Proximity of proposed outdoor service area to residential property;
 - (B) Hours of operation;
 - (C) Lighting location and levels of illumination;
 - (D) Noise attenuation;
 - (E) Screening; and
 - (F) Access.
 - (3) Establishments of the "drive-through" or "drive-in" type, offering products or services to customers who remain in motor vehicles, are allowed only by conditional use permit.
 - (4) The unenclosed parking of trucks as an accessory use, when used in the conduct of a permitted business listed hereafter in this section, shall be limited to vehicles of not over one and one-half tons capacity when located within the setback required under subsection (f). Otherwise, the parking of trucks shall be permitted only inside approved structures or enclosures.
- (d) Permitted Uses. The following uses are permitted in the C4A district:

(Numbers within parentheses () indicate parking class of each permitted or conditional use. For specific parking requirements, see subsection 22.242(b).)

- (1) Adult day center (08).
- (2) Air conditioning, refrigeration and heating shops (29).
- (3) Antique shops (09).
- (4) Art and school supply stores (09).
- (5) Art galleries (not including auction rooms) (08).
- (6) Art, sculptor and composer studios (08).
- (7) Automobile accessory stores (09).
- (8) Bakeries, retail (09).
- (9) Banks and financial institutions (09).
- (10) Barber shops (09).
- (11) Beauty shops (09).
- (12) Bicycle sales, rental and repair shops (09).
- (13) Blueprinting, photostating and copying services (08).
- (14) Book and stationery stores (09).
- (15) Brewpubs (11).
- (16) Business machine sales and service (08).
- (17) Camera and photographic supply stores (09).
- (18) Candy and ice cream stores (09).
- (19) Carpet, rugs, linoleum, tile, wall and floor covering/sales and service (08).
- (20) Catering establishments (08).
- (21) China and glassware stores (09).
- (22) Clothing and costume rental stores (08).
- (23) Coin and philatelic stores (08).
- (24) Confectionery stores (09).
- (25) Currency exchange (09).
- (26) Custom dress making (08).
- (27) Department stores (09).
- (28) Diaper services (09).
- (29) Drug stores/pharmacies (09).
- (30) Dry cleaning and/or laundry facilities (08).
- (31) Dry good stores (09).
- (32) Dwelling units, above ground floor (02).
- (33) Employment agencies (09).
- (34) Express mail agencies (08).
- (35) Florist shops (09).

- (36) Food-grocery stores, meat-fish markets, dairy prod-beverage stores, delis (09).
- (37) Furniture stores, including upholstering (09).
- (38) Furrier shops, including the incidental storage and conditioning of furs (09).
- (39) Gift and card curio, and stationery shops (09).
- (40) Glass shop (09).
- (41) Hardware stores (09).
- (42) Hearing aid stores (09).
- (43) Heating and plumbing/sales and service (29).
- (44) Hobby and craft stores (09).
- (45) Home furnishings stores (09).
- (46) Household appliance/electrical appliance stores (09).
- (47) Interior decorating shops (08).
- (48) Jewelry stores, including watch repair (09).
- (49) Launderettes, automatic, self service only or hand laundries (09).
- (50) Leather goods/luggage stores (09).
- (51) Locksmith shops (08).
- (52) Machine sales office (08).
- (53) Medical and dental clinics and related laboratory facilities (09).
- (54) Meeting halls (11).
- (55) Millinery shops (09).
- (56) Motor vehicle sales (except trucks)—display only, excluding service and repair (9).
- (57) Musical instrument sales and service (09).
- (58) Newspaper distribution agencies for home delivery and retail trade (08).
- (59) Office—Business and professional (09).
- (60) Office supply and office equipment stores (08).
- (61) Optical products, sales and service (09).
- (62) Orthopedic and medical appliance stores (09).
- (63) Package liquor and party supply stores (09).
- (64) Painting and decorating stores (09).
- (65) Party supply stores (09).
- (66) Pet shops (09).
- (67) Phonograph record and cassette stores, including sale of compact discs, sheet music (09).
- (68) Photography including development of film when conducted as part of the retail business (09).
- (69) Physical fitness facilities (11).
- (70) Physical therapy, speech therapy and related facilities (11).
- (71) Picture framing store and art gallery (08).
- (72) Plumbing showrooms and shops (29).

- (73) Printing shops (29).
 - (74) Radio and television sales and repair (09).
 - (75) Real estate office (09).
 - (76) Recording and sound studios (08).
 - (77) Repair, rental and servicing of any article the sales of which is permitted in this district.
 - (78) Restaurants, excluding entertainment and dancing (11).
 - (79) Restaurants—Carry out with no food consumed on premises (11).
 - (80) Restricted production and repair, limited to the following: art needlework, clothing, custom manufacturing and alterations, for retail only; jewelry form precious metals; watches, dentures and optical lenses (26).
 - (81) Schools—Music, dance, martial arts and other cultural events (08).
 - (82) Seasonal or temporary uses, consistent with the character of the district and in conformance with all pertinent requirements of this Code (30).
 - (83) Secondhand stores and rummage shops (09).
 - (84) Sewing machine sales and service (09).
 - (85) Shoe stores (09).
 - (86) Shoe, clothing and hat repair stores (08).
 - (87) Small animal grooming establishment (08).
 - (88) Sporting goods stores (09).
 - (89) Tailor shops (08).
 - (90) Taxidermists (08).
 - (91) Telegraph office (08).
 - (92) Ticket agencies/amusements and sports (08).
 - (93) Tobacco shops (09).
 - (94) Toy shops (09).
 - (95) Travel bureaus and transportation ticket offices (08).
 - (96) Variety stores (09).
 - (97) Video cassette sales and rental (09).
 - (98) Wearing apparel shops (09).
 - (99) Accessory uses, incidental to and on the same zoning lot as the principal use.
- (e) Conditional Uses. The following conditional uses are allowed in the C4A district, subject to the provisions of Section 22.26:
- (1) Amusement establishments: bowling alleys, pool halls, dance halls, swimming pools, skating rinks (28).
 - (2) Automobile service stations (excluding junkyards) (26).
 - (3) Day care centers and pre-schools (13).
 - (4) Drive-in establishments (30).
 - (5) Dwelling units and rooming units below the second floor (02).
 - (6) Hotels and motels (04).

- (7) Masseur/masseuse services (in accordance with the provisions of Title 18) (09).
 - (8) Microbreweries, microdistilleries, microwineries (30).
 - (9) Motorcycle and motor scooter sales, including service and repair (9).
 - (10) Non-alcoholic drinking and entertainment establishments (11).
 - (11) Parking garages or structures, other than accessory (30).
 - (12) Parking lots, open and other than accessory, for the storage of private passenger automobiles (30).
 - (13) Physical fitness facilities (09).
 - (14) Planned developments (30).
 - (15) Public libraries, museums and art galleries (07).
 - (16) Public utility and service uses (30).
 - (17) Radio and television stations and studios (13).
 - (18) Recreations buildings and community centers, noncommercial (08).
 - (19) Restaurants, including entertainment and dancing (11).
 - (20) Senior citizen housing with a maximum density of seventy-five (75) dwelling units per acre (30).
 - (21) Taverns and cocktail lounges (11).
 - (22) Theatres (indoor) (24).
 - (23) Accessory uses, incidental to, and on the same zoning lot as a principal use.
- (f) Yard Requirements.
- (1) Front and Corner Side Yards. None.
 - (2) Interior Side Yard. None.
 - (3) Rear Yard. None, except that a sixty-five (65) foot rear setback measured from the westerly edge of the alley right-of-way, as it existed on August 21, 2000, is required for the parcels fronting along the east side of York Road between Third Street and North Avenue.
 - (4) Transitional Yard. None.
- (g) Floor Area Ratio/Building Height. In the C4A business district, floor area ratio shall not exceed 4.0; maximum building height shall not exceed four stories or forty-five (45) feet; provided that for properties located on the east side of Addison Street between Third Street and North Avenue, the maximum building height shall not exceed three stories or thirty-five (35) feet except by conditional use permit only; and in no event shall any conditional use permit for such properties allow a building height greater than four stories or forty-five (45) feet.
- (h) Lot Area Per Dwelling Unit. There shall be provided not less than one thousand five hundred (1,500) square feet of lot area per dwelling unit, except that senior citizen housing developments shall provide not less than five hundred eighty (580) square feet of lot area per dwelling unit.
- (i) Site Development Plan Review Required. Except as provided in paragraph (b) hereof, prior to the issuance of a zoning certificate, all development and redevelopment proposals in the C4A business district shall require site development plan approval in accordance with Section 22.49. Site development plan approval shall be in accordance with the following regulations.
- (1) Authority. The City Council has the authority, upon recommendation of the Zoning and Planning Commission, to approve, approve with modifications, or disapprove site development plans required to be submitted for approval under this section.

- (2) Approved Plan—When Required. Site development plan approval shall be required under the following situations:
 - (A) Any new principal structure(s).
 - (B) Expansion of an existing principal structure.
 - (C) For any new or modified building and/or site improvement for a zoning lot, which has previously received site development plan approval under this Chapter, re-approval of the plan is required for components of the plan which depart from the approved site development plan. The extent of required documentation of any proposed changes to be incorporated in the submittal for re-approval shall be determined by the Planning and Zoning Administrator.
 - (D) Any new or modified off-street parking or loading area improvements, including any proposed changes to public right-of-way access, and parking lot area layout and design.
- (3) Site Development Plan Not Required. A site development plan shall not be required under the following circumstances:
 - (A) Solely because of a change of use except where such change of use results in increased off-street parking requirements which cannot currently be met on the site.
 - (B) The legal reconstruction of legally non-conforming buildings, when such buildings and related improvements are substantially restored to their prior condition in accordance with Article V.
 - (C) Where there is prior planned development approval (subsection 22.26(k)); provided that site development plan approval may be required for development of individual sites following approval of a planned development, as controlled by the ordinance granting planned development approval.
- (4) Initiation. Site development plan approval shall be initiated by the owner, or a duly authorized agent of the owner, of any property for which any required zoning certificate or building permit is sought and for which development has not been previously approved under the requirements of this section.
- (5) Procedure for Initiation.
 - (A) The owner of the property, or a duly authorized representative of the owner, for which a building permit is sought and which development has not been previously approved under the requirements of this section, shall file an application for site development plan approval along with an application for such zoning certificate or building permit.
 - (B) The owner of the property, or a duly authorized representative of the owner, shall file an application for site development plan approval with Planning and Zoning Administrator. It shall be accompanied by a nonrefundable fee established from time to time by the City Council and shall contain the following information:
 - (i) Name, address and telephone number of the applicant including the name and address of each person or entity owning an interest in the property or business and the extent of such ownership interest unless any of such entities is a corporation or a partnership, in which case only those persons owning an interest in excess of ten (10) percent in such corporation or partnership need be identified by name, address and extent of interest. For purposes of this section, the term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application. The application shall include the signature of the owner(s).
 - (ii) A site development plan of the size and containing the information required by subsection (i)(6).

- (6) Contents of Application. The application shall include the following information and material for sites and development projects which have not received site development plan approval under this Chapter.
 - (A) A completed application form provided by the Planning and Zoning Administrator.
 - (B) Each application shall include thirty (30) copies of all full sized documents and drawings. For all graphic and plan drawings, a scale of not less than one-inch equals one hundred (100) feet shall be used. In no event shall individual sheets or drawings exceed thirty (30) inches by thirty-six (36) inches. In addition, one set of reduced copies sized at eleven (11) inches by seventeen (17) inches shall be submitted. All sets of drawings submitted shall be folded.
 - (C) The names and addresses of the persons responsible for preparing the plan.
 - (D) Site plan details as required for site plans submitted under subsection 22.49(a).
 - (E) Any other information that may reasonably be required by the City Council, Zoning and Planning Commission or the Zoning and Planning Administrator to adequately assess the proposal.
- (7) Procedure for Decision—Zoning and Planning Commission and City Council Action. Site development plans shall be approved under the following procedure:
 - (A) Zoning and Planning Commission Action. Within sixty (60) days of the date the site development plan first appears on the agenda of the Zoning and Planning Commission for action, the Zoning and Planning Commission may vote to recommend approval or denial of the site by a majority of those Zoning and Planning Commissioners present and voting. If the Zoning and Planning Commission fails to vote within ninety (90) days after the item has first appeared on the Zoning and Planning Commission's agenda, the Zoning and Planning Commission shall be deemed to have recommended denial, unless such date is extended as mutually agreed upon by the applicant and the Zoning and Planning Commission.
 - (B) City Council Action. The City Council shall approve, approve with modifications, or deny the site development plan. Approval shall be made by adoption of an ordinance authorizing such site development plan and any conditions thereon.
- (8) Conditions on Plans. In considering any site development plan, the Zoning and Planning Commission may recommend and City Council may establish reasonable conditions upon the approval of a site development plan which further advance the City's objectives of the north downtown design plan.
- (9) Lapse of Plan Approval. Site development plan approval shall lapse if no site work nor building construction has commenced within one-year of the date the City Council has granted such plan approval.
- (j) Development Guidelines. Proposed development plans will be reviewed for general conformance with the City's comprehensive plan and the north downtown design plan. The following specific criteria shall be considered in the review and approval of site development plans. These criteria are in addition to the criteria for the approval of site plans identified in Section 22.49.
 - (1) Building and Site Development.
 - (A) The facades of new buildings on properties abutting York Street should be oriented toward York Street and its intersections with North Avenue and Third Street, and should be located close to the street right-of-way. Ideally, buildings should be within one or two feet of the right-of-way line unless a larger setback provides for improved pedestrian circulation and safety.
 - (B) New building development should emphasize the use of street level windows and entrances traditional to the downtown. Long, "blank" walls fronting public streets should be avoided.

- (C) Sensitivity should be used in considering the design of the rear of structures, as these areas may face residential property and may also serve as entry to structures. Rear facades should have a finished appearance.
- (2) Parking, Circulation and Access.
- (A) New parking lot development along the York Road frontage should be strongly discouraged to maintain the "streetwall" building pattern.
 - (B) New building and site development should be designed for service vehicle access to the rear of the structure to avoid use of public streets for loading.
 - (C) Where possible, curb cuts should be eliminated along the frontage of York Road.
 - (D) Off-street parking areas should be redesigned and coordinated with adjoining properties, utilizing cross access easements or other means of accessing adjoining parking areas.
 - (E) Under certain conditions, as authorized under subsections (l) and (m), the City may permit a reduction in required off-street parking.
- (3) Existing Single Family Residential Structures. Existing single-family detached residential structures may not be converted to or used for commercial uses.
- (k) Off-Street Parking Requirements. The parking requirements for uses located within the C4A district are outlined in subsection 22.242(b), except that parking classes (8) and (9) shall require two parking spaces per one thousand (1,000) square feet of gross floor area.
- (l) Reduction in Off-Street Parking Requirements. The City may authorize, through the approval of a site development plan, a reduction in required off-street parking on the basis of shared parking with adjoining uses and off-street parking areas. This policy supports the north downtown design plan recommendations for the efficient design and use of off-street parking. The grant of a reduction in required off-street parking is at the sole discretion of the City, and is subject to the following conditions:
- (1) It shall be demonstrated to the satisfaction of the City, through the preparation of a professionally prepared parking demand analysis, that the proposed uses will be provided adequate parking at all times.
 - (2) A reduction of not more than fifty (50) percent of the off-street parking otherwise required for each individual use, as would normally be required under Article X, as modified by this subsection, pursuant to the procedures outlined in Section 22.23.
 - (3) A reduction in the required off-street parking shall not be granted for residential uses.
 - (4) Any other conditions the City finds appropriate for the control of parking or protection of surrounding land uses.
- (m) Payment In-Lieu of Off-Street Parking. At its discretion, City Council may permit owners, lessees, successors and assigns in possession of property to waive the requirements for off-street parking for specific uses(s) of a zoning lot. Any such waiver of parking shall be subject to a fee of ten thousand dollars (\$10,000.00) for each required off-street parking space sought to be waived.

The total required payment in lieu of off-street parking space development shall be approved by the City Council and shall be paid prior to the issuance of a building permit or a certificate of occupancy. Funds collected for this purpose will be used for the construction or improvement of off-street parking within the north downtown business district. This provision shall not apply to properties which have received approval from the City for shared parking under the provisions of subsection (l).

(Ord. No. ZO-07-2015, § 2, 8-3-2015)