

ORDINANCE NO. 2014-14

AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64; AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, ARTICLE 3, GENERAL PROHIBITIONS AND REQUIREMENTS, SECTION 2.07.003, DESIGN OPTIONS, ARTICLE 5, ZONING DISTRICTS AND USE REGULATIONS, SECTION 03. PERMITTED USES, TABLE 5-1. PERMITTED USES & BASE ZONING DISTRICTS; SECTION 04. RESIDENTIAL LOT TYPES AND STANDARDS, SECTION 15, B-1, HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT, SECTION 16. MU-1, MIXED-USE DISTRICT, SECTION 17. B-2, HIGHWAY COMMERCIAL DISTRICT, SECTION 18. B-2R, HIGHWAY COMMERCIAL/RESTRICTED DISTRICT, SECTION 19. MU-2, MIXED-USE DISTRICT, SECTION 20. B-3, CENTRAL BUSINESS DISTRICT AND SECTION 24. PUD – PLANNED UNIT DEVELOPMENT, ITEM E. BUILDING SETBACK LINES.

WHEREAS, the City Council has received recommendations of the Planning and Zoning Commission concerning matters herein, which recommendations were made after holding a public hearing before said Commission; and

WHEREAS, the City Council held various workshops and public hearings on this matter; and

WHEREAS, the City Council of Boerne has determined that it is in the best interest of the Boerne community to take into consideration the public health, safety and welfare to adopt the amendments included herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

SECTION 04. RESIDENTIAL LOT TYPES AND STANDARDS

TABLE 5-2: RESIDENTIAL LOT AND DIMENSION STANDARDS														
LOT / DWELLING TYPE >		DETACHED DWELLING LOTS								ATTACHED DWELLING LOTS				
DIMENSION STANDARD		RURAL LOT	LARGE LOT	MANOR LOT	ESTATE	LOW-DENSITY LOT	STANDARD LOT	NEIGHBORHOOD LOT	SMALL LOT	DUPLEX LOT	ATTACHED	MULTI-DWELLING		MIXED-USE
MINIMUM LOT SIZE	AREA	10 acres	2 acres	45,000 s.f.	22,500 s.f.	12,500 s.f.	7,800 s.f.	5,400 s.f.	4,000	3,500 s.f.	2,000 s.f.	6,000 s.f. for first two units, plus 1,200 s.f. for each additional unit		
	FRONTAGE	300'	200'	150'	100'	80'	65'	50' 60' on corner lots	40' 50' on corner lots	35' 45' on corner lots	20' 25' on end lots 35' on end lots	50' 60' on corner lots		
MINIMUM BUILDING SETBACKS (PRINCIPAL) * Creative alternative design options may be approved by the Planning and Zoning Commission (see Section 3.07.001)	FRONT – CURVILINEAR SYSTEM [a]	80'	50'	50'	40'	30'	20' [a]	20' [a]	20' [a]	15' – 40' 30' [a]	0' – 30' 20' [a]	15' – 30'		
	FRONT – GRID SYSTEM [a]	80'	50'	50'	40'	30'	20' [a]	20' [a]	20' [a]	15' – 40' 30' [a]	0' – 30' 20' [a]	15' – 30'		
	GARAGE FRONT SETBACK	GARAGE FRONTS THAT FACE THE STREET SHALL BE SETBACK A MINIMUM OF 25 FEET FROM THE PROPERTY LINE. REFER TO SECTION 3.07.003 A AND C FOR ORIENTATION AND DESIGN STANDARDS (Ord. No. 2012-04, §5,4-24-2012)												
	MINIMUM 1 SIDE / MINIMUM COMBINED BOTH SIDES	50' / 100'	20' / 40'	20' / 40'	15' / 30'	10' / 20'	5' / 10' 10' additional street side of corner lots	5' / 10' 10' additional street side of corner lots	3' [b] / 10' 10' additional street side of corner lots	0' [c] • 5' end lots • 15' corner lots	• 0' [c] • 5' end lots • 15' corner lots	5' 15' corner structures		
	MINIMUM REAR / MINIMUM COMBINED FRONT AND REAR	150'	50'	50'	25'	25'	20' / 40' [e]	20' / 40' [e]	20' / 40' [e]	20' / 50' [e]	16' / 32' 15' / 35' [e]	25' 20' / 50' [e]		

- a. On any street where the City has formally adopted a specific setback or specific front building line map for a block face, that specific line established on that map shall control. If no setback has been established by a previous plat, then the current ordinance in place will apply. In a Grid system, staggered front setbacks are required under Section 3.07.003. In a Grid or Curvilinear system, encroachments into the front setbacks are permitted under Section 3.07.003.
- b. Setbacks lesser than 5' are allowed, including 0-lot line development provided a minimum 10' separation between buildings and any necessary maintenance easements are indicated on a recorded plat.
- c. 0' setbacks on attached dwelling lots requires a party wall meeting all building code standards and proper designation on a recorded plat
- d. Building heights of accessory buildings shall not exceed the actual height of the principle building on the same lot.
- e. If the front building line encroaches into the front setback as provided in Section 3.07.003, the rear setback will adjust reflective of the front encroachment thereby, the building envelope will not be increased.
- f. Structures built on 0' setbacks require row of gutters on the structure that faces the 0' lot line. (Ord. No. 2010-32, §5, 10-12-2010)

ARTICLE 5. ZONING DISTRICTS AND USE REGULATIONS.

SECTION 03. PERMITTED USES

PERMITTED USES BY DISTRICT	MU-1	MU-2
P= Permitted generally, subject to ordinance standards		
R= Restricted, subject to specific conditions in this Ordinance		
CC= Conditional, subject to City Council review and approval		
L= Limitations as provided in Article 3, Section 18		
Residential Use Category		
<i>Detached Dwelling</i>	R	R
<i>Attached Dwelling</i>	R	R
<i>Multi-Dwelling Structure</i>	R	R
<i>Mixed-Use Dwelling</i>	P	P
<i>Garden Home</i>	P	P
<i>Personal Care Home</i>	P	P
Employment Use Category		
<i>Home Occupation</i>	P	P
<i>Neighborhood Office</i>	P	P
<i>General Office</i>	CC	P
<i>Major Office or Office Complex</i>		CC

SECTION 15. B-1 - HIGH-DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT

- A. **Purposes.** These districts are composed of multi-family dwellings and structures occupied by or suitable for such uses as offices, studios and neighborhood-compatible commercial uses. Although usually located between residential areas and business areas, these districts are in some instances free-standing in residential areas or they may include hospital or college groups and related uses. The district regulations are designed to protect and encourage the transitional character of the districts by permitting a limited group of uses of a commercial nature while protecting the abutting and surrounding residential areas by requiring minimum yard areas and setbacks comparable to those called for in the residential districts.
- B. **Applicability.** The B-1 district is applicable to any area where small scale retail and services are desired to support adjacent non-retail land uses. The total area of the district should not exceed more than 20 to 30 acres without transitioning to the adjacent districts and land uses. The B-1 district requires a Grid Transportation Network with Avenue Street Design Types on the primary streets. Standard Street designs may be used on secondary or support streets if necessary.
- C. **Required Lot and Building Dimensions for Non-residential uses.**

MINIMUM LOT AREA	5,000 square feet
MINIMUM LOT WIDTH	50 feet
MAXIMUM LOT WIDTH	150 feet, or ½ of a block width, whichever is less; Except lots for Civic Uses shall have no maximum lot width.
MINIMUM FRONT YARD	0' to 10'; in Neighborhood Commercial 0' to 25' in a B-1 High Density Residential
MINIMUM SIDE YARD*	0 feet, if party wall; 5 feet, if no party wall;
MINIMUM REAR YARD	0' Neighborhood Commercial - See Combined Commercial Design Standards for rear/side location parking requirements 10' High Density Residential
MAXIMUM BUILDING HEIGHT	38'

** All permitted residential uses shall have the Lot Dimensions and Standards in Table 5-2.

D. **Permitted Uses.** The uses permitted in the B-1 district are specified in Table 5-1 as either “permitted” or “conditional” or “restricted.”

E. **Restrictions on Particular Uses.** The following “Restricted” uses have the additional requirements specified in this section. (*Ord. No. 2012-04, §5,4-24-2012*)

1. Mixed-use Dwelling Units must meet the following specific site and building design standards:

- a. Each unit, residential and commercial, shall have two clearly distinct areas.
- b. Each area shall separately and independently meet the required building codes applicable to the intended use for that portion of the building.
- c. Occupational or vocational uses allowed in the non-living portion may be any non-residential use allowed in the zoning district. The use shall not by reason of noise, odor, or physical operation create any impacts on adjacent lots that are adverse to adjacent uses. Uses with a tendency to create external impacts or visible signs of operation may be further limited in terms of site design or hours of operation in order to minimize potential impacts.
- d. Required parking shall be based on the greater of the parking required for the non-living area or the living area.

F. **Specific Site and Building Design Standards.**

1. Due to the more compact development pattern, and the important relationship between the design of buildings, sites, open spaces and streetscapes in creating a walkable, mixed-use environment integrated into adjacent neighborhoods, the Combined Commercial Design Standards in Article 3, Section 09 of the Zoning Ordinance shall apply to all lots in the B-1 District.

SECTION 16. MU-1 - MIXED-USE DISTRICT

A. **Purposes.** The MU-1 district is intended for walkable mixed-use areas at a small scale, primarily for a blended mix of residential, commercial service and retail uses that support adjacent neighborhoods. It maintains a compact form and significant connections between adjacent areas for vehicles, bicycles and pedestrians. It should include a balanced mix of street level retail and service uses, and permits employment or residential uses. The mixed use district serves to promote the health and well-being of nearby residential by encouraging physical activity, social interaction and alternative transportation. Civic uses may also occupy prominent locations in the district, but should not be the primary functions or destinations.

- B. **Applicability.** The MU-1 district is applicable as a focal point for residential neighborhoods. The overall district should primarily feature businesses that serve a typical target market area of ½ to 1 mile for the majority of its on-site business, and generally contains between 25,000 and 125,000 square feet of ground-level commercial district-wide. Retail and service uses typically found in a B-1 district, although one anchor or destination tenant may support the Mixed Use District. The district shall be composed of two or more use categories: Retail, Service, Employment, Residential and Civic.

The total area of the district should be between 5 to 15 acres (2 to 6 blocks).

C. **Required Lot and Building Dimensions.**

	DIMENSION	STANDARD	EXCEPTION
NON-RESIDENTIAL USES	LOT AREA	At least 2,000 sf, but no more than 25% of the block	Lots for an Anchor building, lots with multi-tenant building frontages, or lots for Civic uses, may occupy up to 50% of a block.
	LOT FRONTAGE	25' – 50'	Lots for an Anchor building, lots with multi-tenant building frontages, Cottage style/condominium and lots for Civic uses may occupy an entire block face.
	REQUIRED FRONT BUILDING LINE	0' to 10'	<ul style="list-style-type: none"> ▪ See Combined Commercial Design Standards
	SIDE SETBACK	0' if party wall; or 5' if no party wall	
	REAR SETBACK	0' if abutting commercial; 10' if abutting a residential	<ul style="list-style-type: none"> ▪ See Combined Commercial Design Standards for rear/side location parking requirements
	MAXIMUM BUILDING HEIGHT	28'	
RESIDENTIAL USES	Same as the residential lot types and standards as identified in Table 5-2		

- D. **Permitted Uses.** The uses permitted in the MU-1 district are specified in Table 5-1 as either “permitted” or “conditional” or “restricted.”

- E. **Restrictions on Particular Uses.** The following “Restricted” uses have the additional requirements specified in this section.

1. *Detached/Attached Dwelling Units and Multi-dwelling Structures.* Detached/Attached dwelling units and multi-dwelling structures shall be located on secondary or support streets of the District, and shall not be permitted on the primary retail and pedestrian-oriented streets. Apartments may be allowed in an MU District, provided they are located on the upper level of a commercial use and if they stand alone they do not exceed a height of 28 feet or two stories, are in small pods, and have no more than 50 units. They shall be separated from other apartment complexes by a distance of 1,000 feet. (Ord. No. 2010-10, §5, 5-25-2010)
2. Mixed-use Dwelling Units must meet the following specific site and building design standards: (Ord. No. 2012-04, §5, 4-24-2012)
 - a. Each unit, residential and commercial, shall have two clearly distinct areas.
 - b. Each area shall separately and independently meet the required building codes applicable to the intended use for that portion of the building.
 - c. Occupational or vocational uses allowed in the non-living portion may be any non-residential use allowed in the zoning district. The use shall not by reason of noise, odor, or physical operation create any impacts on adjacent lots that are adverse to adjacent uses. Uses with a tendency to create external impacts or visible signs of operation may be further limited in terms of site design or hours of operation in order to minimize potential impacts.
 - d. Required parking shall be based on the greater of the parking required for the non-living area or the living area.

4. **Automobile Convenience Stores.** Automobile Convenience Stores must meet the following specific site and building design standards in the MU-1 district:
 - a. Pump islands and service locations shall be limited to no more than two islands and no more than 8 service locations, and shall be set back at least 20 feet from any right-of-way or lot line.
 - b. Canopies shall be no more than 14 feet high gabled roofs with recessed lighting, shall be setback at least 10 feet from any property line, and shall cover no more than 1,500 square feet of area.
 - c. Gas stations shall be located only on secondary or support streets and shall otherwise meet the intent, guidelines, and design standards for buildings in the district.
 - d. Curb cuts and driveways shall be limited to no wider than 30 feet and no more than 30% of the lot frontage, whichever is less.
5. Restaurant (Convenience – non drive-thru and drive-thru) shall be approved by the Planning and Zoning Commission. (*Ord. No. 2010-10, §5, 5-25-2010*)

F. **Specific Site and Building Design Standards.** Due to the more compact development pattern, and the important relationship between the design of buildings, sites, open spaces and streetscapes in creating a walkable, mixed-use environment integrated into adjacent neighborhoods, the Commercial Center Design Standards in Article 3, Section 08 of the Zoning Ordinance shall apply in the MU-1 district.

SECTION 17. B-2 - HIGHWAY COMMERCIAL DISTRICT

- A. **Purposes.** The B-2 districts are located along principal arterial streets, adjacent to other non-residential districts. They are areas suitable for general retail trade and a wide variety of other commercial uses. The district regulations are designed to encourage these uses, while also protecting the abutting and nearby areas.
- B. **Applicability.** This district is applicable in areas where large scale and regional businesses are appropriate, and where the impacts on other more walkable development patterns can be minimized, both in terms of physical design and in terms of uses that have a regional draw. Therefore it should be limited in application to areas with good highway access, and away from areas where smaller-scale, and neighborhood oriented businesses are desired.

C. **Required Lot and Building Dimensions.**

MINIMUM LOT AREA	10,000 square feet
MINIMUM LOT WIDTH	60 feet
MINIMUM FRONT YARD	0 - 20 feet
MINIMUM SIDE YARD	0 feet, if party wall; 5' if not party wall;
MINIMUM REAR YARD	0' - See Combined Commercial Design Standards for rear/side location parking requirements
MAXIMUM BUILDING HEIGHT	40' See 3.05.001 for Height exceptions

- D. **Permitted Uses.** The uses permitted in the B-2 district are specified in Table 5-1 as either “permitted” or “conditional” or “restricted.”
- E. **Restrictions on Particular Uses.**

1. A trailer court must provide water and sewer service for each unit.
2. Mixed-use Dwelling Units must meet the following specific site and building design standards:
 - a. Each unit, residential and commercial, shall have two clearly distinct areas.
 - b. Each area shall separately and independently meet the required building codes applicable to the intended use for that portion of the building.
 - c. Occupational or vocational uses allowed in the non-living portion may be any non-residential use allowed in the zoning district. The use shall not by reason of noise, odor, or physical operation create any impacts on adjacent lots that are adverse to adjacent uses. Uses with a tendency to create external impacts or visible signs of operation may be further limited in terms of site design or hours of operation in order to minimize potential impacts.
 - d. Required parking shall be based on the greater of the parking required for the non-living area or the living area.
(Ord. No. 2012-04, §5,4-24-2012)

F. **Specific Site and Building Design Standards.**

1. Due to the more compact development pattern, and the important relationship between the design of buildings, sites, open spaces and streetscapes in creating a walkable, mixed-use environment integrated into adjacent neighborhoods, the Combined Commercial Design Standards in Article 3, Section 09 of the Zoning Ordinance shall apply to all lots in the B-2 District.
2. All lots in the B-2 District which are located in the Entrance Corridor Overlay as specified in Article 5, Section 25 of the Zoning Ordinance shall meet the standards of that section.

SECTION 18. B-2R - HIGHWAY COMMERCIAL – RESTRICTED DISTRICT

- A. **Purposes.** The B-2R districts are usually located between residential areas and business areas. They are areas suitable for general retail trade and a more limited range of uses than that of other commercial districts. The district regulations are designed to encourage these uses, while also protecting the abutting and nearby residential areas.
- B. **Applicability.** This district is applicable on the fringes of B-2 zoning, and in areas abutting large scale and regional businesses are appropriate in a limited and controlled manner. Limitations should be focused on minimizing impacts on other more walkable development patterns in adjacent areas or on adjacent residential neighborhoods, both in terms of physical design and in terms of uses that have a regional draw.
- C. **Required Lot and Building Dimensions.**

MINIMUM LOT AREA	10,000 square feet
MINIMUM LOT WIDTH	60 feet
MINIMUM FRONT YARD	0 - 20 feet
MINIMUM SIDE YARD	0 feet, if party wall; 5' if not party wall;
MINIMUM REAR YARD	0 feet - See Combined Commercial Design Standards for rear/side location parking requirements
MAXIMUM BUILDING HEIGHT	38' See 3.05.001 for Height exceptions

D. **Permitted Uses.** The uses permitted in the B-2R district are specified in Table 5-1 as either “permitted” or “conditional” or “restricted.”

E. **Specific Site and Building Design Standards.**

1. Due to the more compact development pattern, and the important relationship between the design of buildings, sites, open spaces and streetscapes in creating a walkable, mixed-use environment integrated into adjacent neighborhoods, the Combined Commercial Design Standards in Article 3, Section 09 of the Zoning Ordinance shall apply to all lots in the B-2R District.
2. The City Council may grant a waiver to the application of any or all of the Commercial Center Design Standards, after a recommendation by the Planning and Zoning Commission, if:
 - a. The particular standard or standards are not applicable to the specific lot by reason of its context of the lot;
 - b. Consideration of alternative methods of meeting the intent of the Combined Commercial Design Standards, and the Design Guidelines had been incorporated in the project design;
 - c. An alternative design that equally or better meets the intent of the Combined Commercial Design Standards is used; and
 - d. Waiver of the standard or standards does not compromise existing or potential future development on adjacent lots or the ability of the zoning district as a whole to best meet the intent of the district.
3. All lots in the B-2R District which are located in the Entrance Corridor Overlay as specified in Article 5, Section 25 of the Zoning Ordinance shall meet the standards of that section.

SECTION 19 MU-2 - MIXED-USE DISTRICT

A. **Purposes.** The MU-2 district is intended for walkable mixed-use areas at a moderate scale, primarily for commercial service and retail uses that support adjacent or nearby neighborhoods in an alternative format than the more conventional highway or large-scale commercial uses. It maintains a compact form and significant connections between adjacent areas for vehicles, bicycles and pedestrians. The mixed use district serves to promote the health and well-being of nearby residential by encouraging physical activity, social interaction and alternative transportation. It should include a balanced mix of street level retail and service uses, and permits upper level employment or residential uses. Civic uses may also occupy prominent locations in the district, but should not be the primary functions or destinations.

B. **Applicability.** The MU-2 district is applicable as a community focal point for several neighborhoods. The overall district should primarily feature businesses that serve a typical target market area of 1 to 2 miles for the majority of its on-site business, and generally contains between 100,000 and 350,000 square feet of ground-level commercial district-wide. Retail and service uses typically found in a B-2 district, although some tenants that occupy between 30,000 and 70,000 square feet may support the Center. The district shall be composed of three or more use categories: Retail, Service, Employment, Residential and Civic.

C. **Required Lot and Building Dimensions.**

	DIMENSION	STANDARD	EXCEPTION
NON-RESIDENTIAL USES	LOT AREA	At least 2,000 sf, but no more than 50% of the block	Lots for Civic uses, may occupy up to 100% of a block if it is a smaller block designed as a focal point of the Community center.
	LOT FRONTAGE	25' – 200'	Lots with multi-tenant building frontages, and lots for Civic uses may occupy an entire block face.
	REQUIRED FRONT BUILDING LINE	0' to 10'	See Commercial Center Design Standards for exceptions.
	SIDE SETBACK	0' if party wall; or 5' if not party wall	
	REAR SETBACK	0' if abutting commercial; 20' if abutting a residential	<ul style="list-style-type: none"> ▪ See Combined Commercial Design Standards for rear/side location parking requirements
	MAXIMUM BUILDING HEIGHT	4 stories, up to 48'	<ul style="list-style-type: none"> ▪ See 3.05.001 for Height exceptions
RESIDENTIAL USES	Same as the residential lot types and standards as identified in Table 5-2		

D. **Permitted Uses.** The uses permitted in the MU-2 district are specified in Table 5-1 as either “permitted” or “conditional” or “restricted.”

E. **Restrictions on Particular Uses.** The following “Restricted” uses have the additional requirements specified in this section.

1. **Detached/Attached Dwelling Units and Multi-dwelling Structures.** Detached/Attached dwelling units and multi-dwelling structures shall be located on secondary or support streets of the District, and shall not be permitted on the primary retail and pedestrian-oriented streets. Apartments may be allowed in an MU District, provided they are located on the upper level of a commercial use and if they stand alone they do not exceed a height of 28 feet or two stories, are in small pods, and have no more than 50 units. They shall be separated from other apartment complexes by a distance of 1,000 feet. (Ord. No. 2010-10, §5, 5-25-2010)
2. **Mixed-use Dwelling Units** must meet the following specific site and building design standards: (Ord. No. 2012-04, §5,4-24-2012)
 - a. Each unit, residential and commercial, shall have two clearly distinct areas.
 - b. Each area shall separately and independently meet the required building codes applicable to the intended use for that portion of the building.
 - c. Occupational or vocational uses allowed in the non-living portion may be any non-residential use allowed in the zoning district. The use shall not by reason of noise, odor, or physical operation create any impacts on adjacent lots that are adverse to adjacent uses. Uses with a tendency to create external impacts or visible signs of operation may be further limited in terms of site design or hours of operation in order to minimize potential impacts.
 - d. Required parking shall be based on the greater of the parking required for the non-living area or the living area.
3. **Automobile Convenience Stores.** Automobile Convenience Stores must meet the following specific site and building design standards in the MU-2 district:

- a. Pump islands and service locations shall be limited to no more than two islands and no more than 8 service locations, and shall be set back at least 20 feet from any right-of-way or lot line.
- b. Canopies shall be no more than 14 feet high, gabled roofs with recessed lighting, and shall be setback at least 10 feet from any property line, and shall cover no more than 1,500 square feet of area.
- c. Gas stations shall be located only on secondary or support streets and shall otherwise meet the intent, guidelines, and design standards for buildings in the district.
- d. Curb cuts and driveways shall be limited to no wider than 30 feet and no more than 30% of the lot frontage, whichever is less.

F. **Specific Site and Building Design Standards.** Due to the more compact development pattern, and the important relationship between the design of buildings, sites, open spaces and streetscapes in creating a walkable, mixed-use environment integrated into adjacent neighborhoods, the Commercial Center Design Standards in Article 3, Section 08 of the Zoning Ordinance shall apply in the MU-2 district.

SECTION 20 B-3 - CENTRAL BUSINESS DISTRICT

A. **Purposes.** This district is located at the convergence of the principal thoroughfares of the City, anchored by Main Street. It is generally surrounded by higher-density residential and other supporting non-residential districts. The area is suitable for a wide variety of retail uses and certain limited wholesaling and manufacturing uses that support the function and pattern of the walkable central business district of the city. The district regulations are designed to permit the further development of the area for these uses, subject to limitations designed to prevent further congestion of the area and to preserve the traditional and historical function and character of downtown as the heart of the city.

B. **Applicability.** The B-3 district is applicable in the traditional downtown area of the City as indicated in the Boerne Master Plan. It is intended that no other area of the city will have this zoning classification.

C. **Required Lot and Building Dimensions for Non-residential Uses.**

MINIMUM LOT AREA	5,000 square feet
MINIMUM LOT WIDTH	50 feet
MAXIMUM LOT WIDTH	150 feet, or ½ of a block width, whichever is less; Except lots for Civic Uses shall have no maximum lot width.
MINIMUM FRONT YARD	0' to 10'
MINIMUM SIDE YARD	0 feet, if party wall; 5 feet, if no party wall
MINIMUM REAR YARD	0 feet - See Combined Commercial Design Standards for rear/side location parking requirements
MAXIMUM BUILDING HEIGHT	40' See 3.05.001 for Height exceptions

** All permitted residential uses shall have the Lot Dimensions and Standards in Table 5-2.

D. **Permitted Uses.** The uses permitted in the B-3 district are specified in Table 5-1 as either “permitted” or “conditional” or “restricted.”

E. **Restrictions on Particular Uses.** The following “Restricted” uses have the additional requirements specified in this section.

1. Mixed-use Dwelling Units must meet the following specific site and building design standards:
(Ord. No. 2012-04, §5,4-24-2012)

- a. Each unit, residential and commercial, shall have two clearly distinct areas.
 - b. Each area shall separately and independently meet the required building codes applicable to the intended use for that portion of the building.
 - c. Occupational or vocational uses allowed in the non-living portion may be any non-residential use allowed in the zoning district. The use shall not by reason of noise, odor, or physical operation create any impacts on adjacent lots that are adverse to adjacent uses. Uses with a tendency to create external impacts or visible signs of operation may be further limited in terms of site design or hours of operation in order to minimize potential impacts.
 - d. Required parking shall be based on the greater of the parking required for the non-living area or the living area.
- F. **Specific Site and Building Design Standards.** Due to the more compact development pattern and the close relationship of the smaller lots to the public streetscape, the historic character and value of buildings, and the general focal point the downtown serves for the community, the following specific design standards apply in the B-3 district.
- 1. All lots in the B-3 District shall meet the Combined Commercial Design Standards in Article 3, Section 09 of the Zoning Ordinance.
 - 2. The City Council may grant a waiver to the application of any or all of the Combined Commercial Design Standards, after a recommendation by the Planning and Zoning Commission, if:
 - a. The particular standard or standards are not applicable to the specific lot by reason of its context of the lot;
 - b. Consideration of alternative methods of meeting the intent of the Combined Commercial Design Standards, and the Design Guidelines had been incorporated in the project design;
 - c. An alternative design that equally or better meets the intent of the Commercial Design Standards is used; and
 - d. Waiver of the standard or standards does not compromise existing or potential future development on adjacent lots or the ability of the zoning district as a whole to best meet the intent of the district.

SECTION 24. PUD - PLANNED UNIT DEVELOPMENT DISTRICT

- E. **Building Setbacks Lines.** The front, side or rear yard setback requirements in Table 5-2 may be modified in a planned unit development, as follows:
- 1. Along the perimeter of a planned unit development, all lots shall meet the same minimum setback requirements as those required in a subdivision that is not a PUD, unless the City Council approves a lesser setback in the PUD plan.
 - 2. On any corner lot, no wall, fence or other structure may be erected above a height of three feet, and no hedge, shrub, tree or other vegetation may be maintained above a height of three feet, within the triangular area formed by the intersecting street lines and a straight line connecting such street lines at points 25 feet from the point of intersection measured along such street line.
 - 3. A minimum of 10 feet of open space must be provided on all sides of every building between the building and the lot line, except that residential dwelling units may be built with one side wall located on a lot line when a minimum 10 foot side yard setback is provided on the adjacent lot and such side yard setback on the adjacent lot is noted on the final plat.
 - 4. Drainage easements and utility easements shall be provided as required by other provisions of this ordinance.

PASSED AND APPROVED on this the first reading the 27th day of May, 2014.

PASSED, APPROVED AND ADOPTED on this the second reading the 10th day of June, 2014.

APPROVED:

s/s Michael D. Schultz
Mayor

ATTEST:

s/s Lori A. Carroll
City Secretary

APPROVED AS TO FORM:

s/s Kirsten B. Cohoon
City Attorney