

## Zoning Module 2 - Neighborhood Market Place Districts

Neighborhood Market Place Districts are designed to make the best use of transitional areas where there are skipped over or disinvested parcels by introducing the possibility of developing complimentary uses by right (i.e., without the need for a rezoning or special discretionary approval process such as Planned Unit Development) in locations where the community has agreed it makes sense and has completed a rezone to Neighborhood Market Place District. These standards are designed to allow market places uses to be integrated closely with existing residential uses on a small scale. Allowing neighborhood serving commercial uses integrated into neighborhoods at appropriate locations and at the same scale as the existing residential uses makes more efficient use of existing infrastructure capacity and also improves walking and biking accessibility to these services by nearby residents.

**Purpose:** To support a compact walkable neighborhood with nearby services

1. Encourage development of small scale special uses to complete neighborhoods and provide service destinations and jobs close to existing housing;
2. Promote neighborhood preservation and enhancement through redevelopment of blighted, distressed, and underutilized properties;
3. Provide flexibility in use, lot size, configuration, and vehicle access to facilitate infill development, especially on hard to develop or skipped over parcels;
4. Provide clear development standards that promote compatibility between market place uses and existing residential development; and
5. Utilize unused existing capacity in infrastructure and services.

**Comment:** *Use this zone at locations identified within neighborhoods as Neighborhood Market Place Districts that are appropriate for small scale mixed use through the introduction of neighborhood serving non-residential uses. Locations should include the following characteristics: located on arterial or collector roadways or corners where larger scale development is not compatible or desirable; where there have been non-residential uses historically, where there are properties that are disinvested; where there are skipped over or hard to develop properties; where the city has service capacity (i.e. sewer, water, roadway, fire) available; where introducing neighborhood services can encourage walking and biking trips from the surrounding residential areas (i.e. it is well connected to the surrounding area); and where the surrounding areas within walking and biking distance have enough residents (or are planned to have enough) to support non-residential uses. Determine locations using a public process and include support for the districts in the comprehensive plan and include them in the comprehensive plan land use map. Applying this zone to the area(s) identified is the last step in the process and can be done proactively by the community or as part of a development application process. Proactive rezoning will likely encourage the market place uses, especially in locations that the community has identified as appropriate. In addition or alternately you may permit these uses as conditional uses in all residential zones if they meet the locational, dimensional and design standards of the zone. The conditional use process may make this type of infill more difficult and less certain, however allowing it will also allow particular parcels that have been underutilized skipped over to develop or redevelop appropriately. The uses are presented as both a table and a list, use either or both as needed.*

**A. Uses Permitted:** The following uses are permitted as neighborhood convenience infill in areas designated with the Neighborhood Market Place District zone. They may be permitted by Conditional Use on residentially zoned lots by applying the requirements of this zone.

Uses are shown in matrix and as a list, use the method that best fits other portions of your zoning code. There are examples of uses allowed in the list section. Add those examples to the matrix if needed.

Uses	Neighborhood Special Use District
Residential	Single–family as allowed in underlying zone
	2-unit (duplex), group residential 4-unit multi-family, conditional use only if adjacent to single family residential
Other Mixed Uses	Personal and Professional Services: Professional offices Personal Services
	Neighborhood Retail: Food Sales Consumer Repair Services General Retail Sales-Convenience Markets
	Restaurant, excluding drive-through service
	Laundromats and dry cleaners
	Lodging: Bed and Breakfast – 4 bed maximum
	Child Care Center serving 12 children or
	Public Uses
	Live-Work Units

**Comment:** *If the neighborhood pattern supports higher density you should consider allowing multi-family 8-units in this zone and by conditional use if adjacent to single family.*

- A1. **Residential Uses** permitted as listed subject to conformity with standards in Section B.
  - A 1.1. Attached and detached Single–family
  - A 1.2. 2-unit (duplex), group residential
  - A 1.3. 4-unit multi-family, conditional use only if adjacent to single family residential.
- A2. **Neighborhood Retail Sales and Services** permitted as listed subject to conformity with design standards below. All other uses are prohibited, including drive-in services, fast food restaurants and all auto-oriented uses.
  - A 2.1. Child Care Center serving 12 children or less.
  - A 2.2. Neighborhood Convenience Retail as listed below. Sale of gasoline, kerosene or diesel fuel is prohibited.
    - 2.2.1. Food Sales (i.e., groceries, bakeries, candy shops, delicatessens)
    - 2.2.2. Consumer Repair Services (i.e., watch, jewelry, musical instrument) except for auto related repair and services
    - 2.2.3. General Retail Sales-Convenience (i.e., health & beauty products, apparel, fabrics, arts, antiques)
  - A 2.3. Markets (i.e., farmers and local crafts) except for sales of mass market goods.
  - A 2.4. Restaurant, excluding drive-through service.
  - A 2.5. Laundromats and dry cleaners.
- A3. **Lodging:** Subject to conformity with the design standards below.
  - A 3.1. Bed and Breakfast Inns - 4 bed maximum
- A4. **Personal and Professional Services** permitted as listed subject to conformity with design standards below.

- A 4.1. Professional offices (i.e., medical or dental offices and clinics, counseling services, attorneys, life insurance, real estate sales, design and other similar professional services)
- A 4.2. Personal Services (i.e. barber shops, beauty shops, nail and pedicure, seamstress/alterations, and similar uses.)

A5. **Uses similar to the above** when approved by the Planning Director.

**Comment:** *Similar uses as approved are meant to accommodate unforeseen uses that impose no adverse impact. The zoning code may already allow Planning Director approval of exceptions such as these. If so you don't need to include this clause here.*

**B. Design Standards for Permitted Non-Residential Uses.** Uses permitted above shall conform to the following design guidelines:

B1. **Architectural Standards:** All new development (residential and non-residential) shall be of a design that compliments residences located on the same block and shall follow these design standards;

**Comment:** *Compatibility may be in the eye of the beholder. These standards are meant to make the decision more objective. If you already have compatibility standards make sure these are consistent with them.*

- B 1.1. Building materials shall be of siding, brick, stone or other materials that are similar in composition and otherwise in common with other buildings located on the same block face.
- B 1.2. Colors shall compliment other buildings on the block face.
- B 1.3. The primary entrance shall be from the front sidewalk, front corner entrances may satisfy this requirement. Secondary entrances may be allowed in the rear where there is rear parking.
- B 1.4. To support the privacy of existing residences, windows on the portion of a side wall directly opposite an existing residence shall be limited to obscure glass or similar material approved by the Building Inspector, or windows (such as clerestory) that are above sightline in both buildings.
- B 1.5. The total amount of glazed area on any new or enlarged building shall be within 25% of the average amount of glazed area on buildings on the block face.

**Comment:** *The placement and design of windows on the proposed building shall support privacy for the occupants of buildings on the abutting lots and be similar in proportion to other buildings on the block face. Retail stores (especially on corner locations) may be designed with large windows on the front face; the rest of the building should have less glazing.*

- B 1.6. New buildings shall be compatible with the existing residential uses on the block face and must use at least three design elements found in other buildings along the block face on facades facing public streets: (i.e., dormers, gables at a similar pitch as found on the block face, porches, cupolas, pillars or posts, bay or bow windows with similar projection as others found on the block face)

B2. **Signage:** Shall be of a scale and of materials that are compatible with the existing residential uses while allowing the business to be identified from the sidewalk and street.

- B 2.1. Maximum sign area allowed shall be the one half of the building width in square feet:  $\text{building width}/2 = X \text{ sq. ft}$
- B 2.2. May not be translucent or lighted from within. They may be lighted with exterior lights during hours of operation
- B 2.3. Window signs may not be larger than 1 square foot

B.2.3.1 Lighted window signs may only be lit during hours of operation

B.2.3.1 Lighted signs may not flash, blink or otherwise move.

**B3. Exterior Lighting:** Shall be compatible with residences located on the same block and;

B 3.1. Exterior lighting must be hooded or shielded. There should be no disability glare and no direct light source should be visible from ground level or above across the source property line if it is adjacent to residential or vacant property.

**Comment:** *The reason for these standards is to prevent light trespass to adjacent properties. This is especially important if residential properties in mixed use areas are to be successful. You may have lighting standards in other parts of your ordinance that are as restrictive as or more restrictive than this one. If so you may not need to include this section.*

**C. Building, Lot, Location and other Standards:** Uses permitted above shall conform to the following guidelines:

**C1. Location and Access:**

C 1.1. Permitted non-residential uses shall be located in a adopted Neighborhood Special Use District, or must meet one of the following conditions; have frontage on an arterial or collector, be located on a corner lot across from other commercially zoned property, be located along a street abutting office or commercial development on at least one side, not including the rear property line.

C 1.2. Conditionally approved non-residential uses outside Neighborhood Special Use Districts shall be found to be compatible with and to impose no adverse impact upon adjacent residential uses.

C 1.3. When two or more such uses abut one another, driveways shall preferably be provided by a shared driveway subject to a cross-access easement, or be at least 100 feet apart. Where there is alley access no driveway will be allowed.

**Comment:** *In order to conditionally allow non-residential uses outside the boundaries of adopted Neighborhood Special Use Districts you must add those uses to your general use table in residential districts as conditionally allowed referencing this code for criteria and standards.*

**C2. Non-residential Buildings and Lots**

C 2.1. Shall not exceed 3,000 square feet.

C 2.2. Buildings may be new construction or alterations to existing residential structures.

C 2.3. Lots must have at least 30 feet of frontage.

C 2.4. More than one use may share a building. If more than one neighborhood special use or a special use and residence share a single building, no single use shall contain less than 1,000 square feet including the residential use.

**C3. Parking:** The following vehicle parking standards shall be met:

C 3.1. On-street parking may be credited toward the minimum parking requirements.

C 3.2. All off-street parking must be provided in the rear or side yards and screened by an opaque wall or landscaping at least [three] feet in height. No parking is allowed in the front setback.

C 3.3. Parking reduction allowed: spaces required shall be reduced by [25%] of adopted standards for like uses.

C 3.4. No commercial vehicle may be parked on the street or on the premises over night except in an enclosed garage.

**Comment:** *Parking should not dominate the district and should be accommodated on street or to the rear of buildings whenever possible. Parking in a sideyard should be setback and screened to reduce its impact on pedestrians. Driveways or curb cuts should be minimized as these impede*

*pedestrian safety. Reducing parking by a percentage that makes sense locally (C.3.3, 25% for example) allows neighborhood marketplaces to draw customers from nearby who will arrive on foot or bike. Requiring higher levels of parking may require spreading uses further apart. Communities should examine off-street parking ratios in standard parking requirements with an eye toward reducing the amount of off-street parking required overall.*

**C4. Bicycle Parking:** Shall be provided near the front entrance and covered where possible.

C 4.1. For multifamily residences there shall be one bicycle space or locker for each two dwelling units.

C 4.2. For all other uses, there shall be one bicycle parking space for each ten (10) required automobile parking space(s) or fraction thereof. This bicycle parking requirement may be met with shared bicycle parking at a larger rack within [100] feet.

C 4.3. Each bicycle parking space shall be sufficient to accommodate a bicycle at least six (6) feet in length and two feet wide, and shall be provided with some form of stable frame permanently anchored to a foundation to which a bicycle frame and both wheels may be conveniently secured using a chain and padlock.

**Comment:** *Bicycle parking needs to be visible, accessible, easy to use, convenient, and plentiful. Racks need to support the whole bike (not just one wheel) and enable the user to lock the frame and wheels of the bike with a cable or U-shaped lock. Parking should preferably be covered, well lit, and in plain view without being in the way of pedestrians or motor vehicles. And if any of these criteria aren't met, there's a good chance cyclists won't use what is provided and will park wherever they think their bike will be safe. (see APBP Guidelines in Resource section)*

**C5. Other Standards**

C 5.1. Hours of Operation: shall be 6 a.m. to 10 p.m. with the exception of Bed and Breakfast Inns which shall be required to have quiet hours from 10 p.m. to 6 a.m.

C 5.2. Outdoor Storage: No outdoor storage shall be permitted.

C 5.3. Waste containers: All waste containers larger than allowed residential containers or numbering more than two per building shall be enclosed by a wall or opaque screening.

**D. Setbacks, Height Requirements for New or Enlarged Buildings:**

**Comment:** *The intent of these provisions is to provide flexibility in meeting the setback and height requirements, so that lots that have remained undeveloped and parcels legally existing prior to adopted zoning and which do not conform to present-day lot width and lot area requirements, may be developed without the necessity for variances. Oftentimes utility easements are located in the setback area, so reduced setbacks should not be approved without first researching the location of existing easements.*

**Setbacks:** The setback for a new or redeveloped building shall be:

**D1. Front Yard Setback**

D 1.1. No more than five feet less than the average setback of the two closest buildings on the same side of the street, or

D 1.2. No more than five feet less than the average of the front yard setback of the adjacent building and the minimum front setback required by the underlying zoning district, in the case of a corner lot, or where an adjacent lot is vacant.

D 1.3. Outdoor seating may be located in the front yard setback, but must be screened from adjacent residential uses.

**D2. Side Yard Setback:**

- D 2.1. No less than five feet, or; On the property line if the adjoining properties on the block face follow a zero-lot line pattern, and;
- D 2.2. No less than ten feet from an abutting residential use, or; Meet all fire code standards with an abutting non-residential use that is closer than ten feet.
- D 2.3. The sideyard setback shall be met by all portions of the applicable side of the building except for roof overhangs, gutters, downspouts, cornices, chimneys, and uncovered or unenclosed decks, driveways, or porches.
- D 2.4. No portion of a side wall of a proposed structure, including roof overhangs, gutters, downspouts, cornices, chimneys, and uncovered, or unenclosed decks, driveways, or porches shall be closer than fire code allows from the adjacent structure.
- D 2.5. Zero-lot line buildings require an access easement not less than five feet in width running the entire length of the side wall to be granted by the adjacent property owner and filed as a covenant running with the titles for both properties.

**D3. Building Height:** For a proposed new or enlarged building. Chimneys, flues, vents, pipes, antennae, and other small projections less than 24 inches in width shall not be included in the measurements below.

- D 3.1. When located between two existing buildings the maximum height measured at the highest point along a roof or highest ridge line of the proposed building may be no higher than five feet above the average height of the adjacent buildings measured in a like manner.
- D 3.2. When located adjacent to one existing building and on a corner lot or next to a vacant lot the maximum height measured at the highest point along a roof or highest ridge line of the proposed building may be no higher than five feet above the adjacent building or the average height of the adjacent building and the underlying zone measured in a like manner.
- D 3.3. When located between two vacant lots or on a corner lot and next to a vacant lot the maximum height measured at the highest point along a roof or highest ridge line of the proposed building may be no higher than five feet above the average height of all buildings on the block face measured in a like manner or of the underlying zone.

**Comment:** *For neighborhood infill compatibility, building heights need to reflect those of adjacent buildings, or in the absence of adjacent buildings of nearby buildings or the underlying zone. For flexibility choices are provided on corner lots and next to vacant lots.*

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