



Portales, New Mexico

**PUBLIC REVIEW DRAFT**

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# ARTICLE VIII. DOWNTOWN DISTRICTS

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## Section 601 General Provisions

### A. Intent

Redevelopment within a Downtown District as hereinafter defined shall be regulated as set forth in this Article in order to achieve the intent and vision set forth in the Portales Downtown Master Plan. This Article provides the specific means to guide implementation of the citizen-endorsed vision for the development and redevelopment of all properties within the Portales Downtown District.

### B. Applicability

1. The provisions of this Article apply to all new construction including parking lot construction and/or expansion within a Downtown District.
2. All building expansion with removal of more than 25 percent of existing walls facing a public street (applies to individual street frontage on a corner lot), or a street-facing elevation if the project is landlocked; or removal of more than 50 percent of all existing exterior walls shall be included.

### C. Permitting and Compliance

1. All construction performed under this Article must, in addition to the terms and conditions set forth herein, comply with any and all other applicable city codes.
2. If otherwise required, a building permit must be obtained for any and all building or expansion.
3. Unless specifically modified or otherwise addressed herein, all other terms, conditions and provisions of the City of Portales Municipal Code, the City's Building Code and any and all other state building codes, apply to redevelopment within a Downtown District.

### D. Definitions

The following terms are defined for the purpose of this Article. Terms not defined may be defined in Article II, Definitions. In such case, the definition contained in Article II should be used.

**Accessory Structure:** A structure that is subordinate in area, extent and purpose to the principal use and building that is customarily used in conjunction with a permitted accessory use.

**Accessory Use:** A use that is subordinate in area, extent and purpose to the principal use that is customarily found in conjunction with a permitted principal use.

**Arcade:** An arched, roofed-in-gallery or covered passageway supported on piers or columns.

**Awning:** A projecting shading device suspended over a sidewalk.

**Balcony:** A platform projecting from an upper story of building and enclosed by a railing.

**Blank Wall Area:** A portion of the exterior façade of the building which does not include a substantial material change (paint color is not considered a substantial change); windows or doors; or columns, pilasters or other articulation greater than one foot in depth.

**Bay Window:** Generally, a U-shaped enclosure, extending the interior space of the building outward of the exterior building wall.

**Building Coverage:** The maximum area of the lot that is permitted to be covered by buildings, including principal structures, structured parking and roofed accessory structures. Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, swimming pools or pool cages, porte-cochere, or roof overhangs of two feet or less.

**Front Setback Area:** The front setback area is the area of land within the minimum front setback line and the maximum setback line.

**Ground Floor:** The floor level closest to grade along the street.

**Multifamily:** Three or more dwelling units consolidated into a single structure. Units within a building may be situated either wholly or partially over or under other dwelling units.

**Porch:** A ground floor structure attached to the exterior of a building often forming a covered entrance.

**Required Street Frontage:** The required street frontage is the minimum percentage of the front building façade that must be located within the front setback area. The building façade must be located within the setback area for a minimum of percentage of the lot width.

**Single-Family Detached:** A single residential dwelling unit located on a single lot with private yards on all four sides.

**Single-Family Attached:** Two or more dwelling units consolidated into a single structure. Units are more than one story in height; however units are not vertically mixed.

**Stoop:** A narrow, roofed or unroofed raised platform that serves as entrance to a building, commonly built of stone, brick or concrete.

**Story:** A horizontal division within a building, above grade, that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above.

**Transparency:** The minimum percentage of transparent material (windows and doors) that must cover a ground or upper floor facade.

**Upper Floor:** A floor above the ground floor.

**Upper-Story Multifamily:** A residential unit located on any floor above a ground floor residential use.

## Section 602 Administration

### A. Application Requirements

#### 1. Forms and Fees

- a. Any person or entity, before the start of any redevelopment within a downtown district must obtain an application for redevelopment a check list.
- b. The applications and check list, when completed, shall be submitted to the Planning Director on forms and in such numbers as required by the City.
- c. A filing fee of \$25.00, or such other amount as may be determined by the Portales City Council from time to time, shall be paid in full at the time that the completed application and check list are submitted to the Planning Director.

#### 2. Completeness Review

- a. All applications and check lists shall be completed before the Planning Director is required to review the application. Within 20 working days of the receipt of the application, the Planning Director shall notify the applicant in writing whether or not the application is complete or whether additional information is required.
- b. If the Planning Director determines that the application is not complete and additional information is required, then the applicant shall provide any and all additional information requested. However, if the applicant does not submit the additional requested information or otherwise complete the application within 45 days after the Planning Director has notified the applicant in writing that additional information is required, the application will be deemed to be denied and the application fee and any other fee submitted shall be forfeited. Nothing herein will prevent any applicant from resubmitting an application if the same has been denied, so long as all of the above-steps are completed.

#### 3. Concurrent Applications

- a. Any application that also requires a variance shall not be eligible for final approval until the variance has been granted.
- b. Applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

### B. Site Plan Review

#### 1. Purpose

Site plan review is intended to ensure that all development within a Downtown District complies with this Article.

#### 2. Applicability

All proposed development, including new construction or expansion of an existing structure or building, is subject to the site plan review process as set forth below.

#### 3. Authority

The Planning Director is authorized to approve site plans within a Downtown District. No building permit shall be issued or structure or building shall be erected, and no existing building or structure shall be altered, remodeled, or enlarged or extended until the Planning Director has approved the site plan.

#### 4. Application Requirements

An application for site plan review shall be submitted at the same time that an application and fee are submitted to the Planning Director.

#### 5. Planning Director Action

- a. Upon submission of a completed application, the Planning Director shall review the site plan for consistency with the requirements of this Article.
- b. Upon completion of the technical review, the Planning Director may meet with the applicant to discuss any changes in development design.
- c. Within 20 working days after the application has been determined complete, the Planning Director shall determine whether the site plan conforms to the applicable requirements of this Article.

#### 6. Approval Criteria

In approving a site plan, the Planning Director shall consider the following:

- a. Compliance with the applicable district standards;
- b. Compliance with all other applicable requirements of Appendix A, Zoning; and
- c. Compliance with all applicable requirements of Chapter 23, Subdivisions.

#### 7. Administrative Deviations

##### a. Permitted Deviations

During the site review process, where, owing to special conditions, where strict enforcement would be physically impractical, the Planning Director is authorized to approve an administrative deviation for the following standards:

- (1) Setback encroachment. Increase of up to ten percent of the maximum permitted front setback.
- (2) Required street frontage. Reduction of up to five percent of required length.
- (3) Parking setback. Decrease of up to five percent of the minimum required setback.
- (4) Transparency. Decrease of up to five percent.
- (5) Blank wall area. Increase of up to ten percent of the maximum permitted blank wall area.
- (6) Building entrance. Reduction of up to ten percent of the minimum required transparency.
- (7) Recessed entry. Increase of up to ten percent of the maximum permitted depth.
- (8) Minimum and maximum floor heights. Up to ten percent for any one floor; limit of five percent for any cumulative increase or decrease in building height.
- (9) Ground floor elevation. Decrease of up to ten percent.
- (10) Minor modification of no more than five percent change in:
  - (a) Floor area;
  - (b) Number of units;
  - (c) Parking area; and
  - (d) Parking spaces.

**b. Unlisted Standards**

Any request for relief from a required standard, other than those listed above, shall be reviewed in accordance with Article VII, Variances.

**C. Alternative Compliance Review****1. Purpose**

Alternative compliance is intended to permit innovative, high quality developments that would not otherwise be allowed under a strict interpretation of this Article but nevertheless comply with the intent of the Portales Downtown Master Plan.

**2. Authority**

The Planning Commission, with review by the Planning Director, is authorized to approve applications for alternative compliance within a Downtown District. No building permit shall be issued or structure or building shall be erected, and no existing building or structure shall be altered, remodeled, or enlarged or extended until the Planning Commission has approved the application for alternative compliance.

**3. Applicability**

Any applicant, whose development does not meet the requirements of this Article, may submit an application for alternative compliance.

**4. Planning Director Action**

Upon submission by an applicant for redevelopment that would not otherwise be allowed under a strict interpretation of this Article, the Planning Director shall prepare a report that reviews the application in light of the Portales Downtown Master Plan and the general requirements of this Article. The report and any related application materials shall be forwarded to the Planning Commission.

**5. Planning Commission Action**

- a. The Planning Commission shall schedule a public meeting within 20 days after receipt of the report from the Planning Director, after notification as set forth in Section 284 of this Zoning Code.
- b. At the public hearing, the Planning Commission shall approve or disapprove the application, or send the application back to the Planning Director for additional consideration.
- c. In the exercise of its approval, the Planning Commission may impose such conditions regarding the location, character or other features of the proposed buildings as it may deem advisable in the furtherance of the general purposes of the Portales Downtown Master Plan.

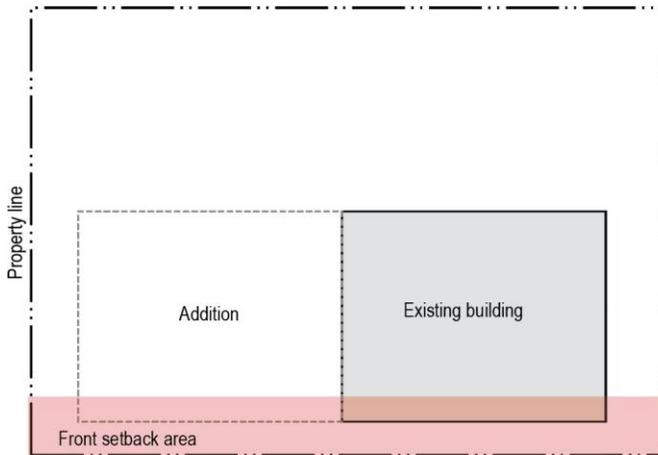
## 6. Approval Criteria

In reviewing an application for alternative compliance, the Planning Commission shall consider the following:

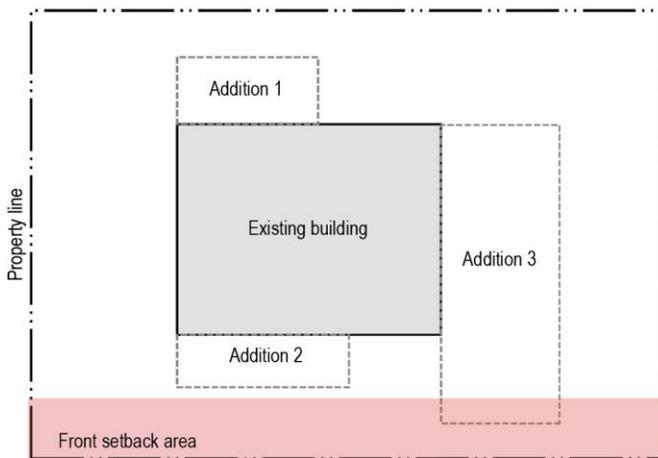
- a. Consistency with the Portales Downtown Master Plan;
- b. That the development will not have a substantial or undue adverse effect upon any adjacent neighborhood, the character of downtown, traffic conditions, parking, public infrastructure, and other matters affecting the public health, safety and general welfare;
- c. That the development will be constructed and operated to be compatible with any adjacent neighborhood;
- d. That the proposed development can be adequately served by public facilities;
- e. That the proposed development will not result in the destruction, loss, or damage of any significant natural, scenic, or historical district, site, or feature;
- f. To the maximum extent feasible, compliance with the applicable district standards;
- g. To the maximum extent feasible, compliance with all other applicable requirements of Appendix A, Zoning; and
- h. To the maximum extent feasible, compliance with all applicable requirements of Chapter 23, Subdivisions.

## D. Existing Buildings

Existing buildings shall meet the maximum setback and street frontage requirements as set forth below.



**Addition to Building Partially in Conformance**  
100 percent of addition must be within the front setback area until the street frontage requirement for the entire site has been met.



**Addition to Building not in Conformance**  
Addition 1: Not allowed, moves building further out of conformance.  
Addition 2: Allowed, brings building closer to conformance.  
Addition 3: Increases length of street-facing facade, 100 percent of addition must be within the front setback area until the street frontage requirement for the entire site has been met.

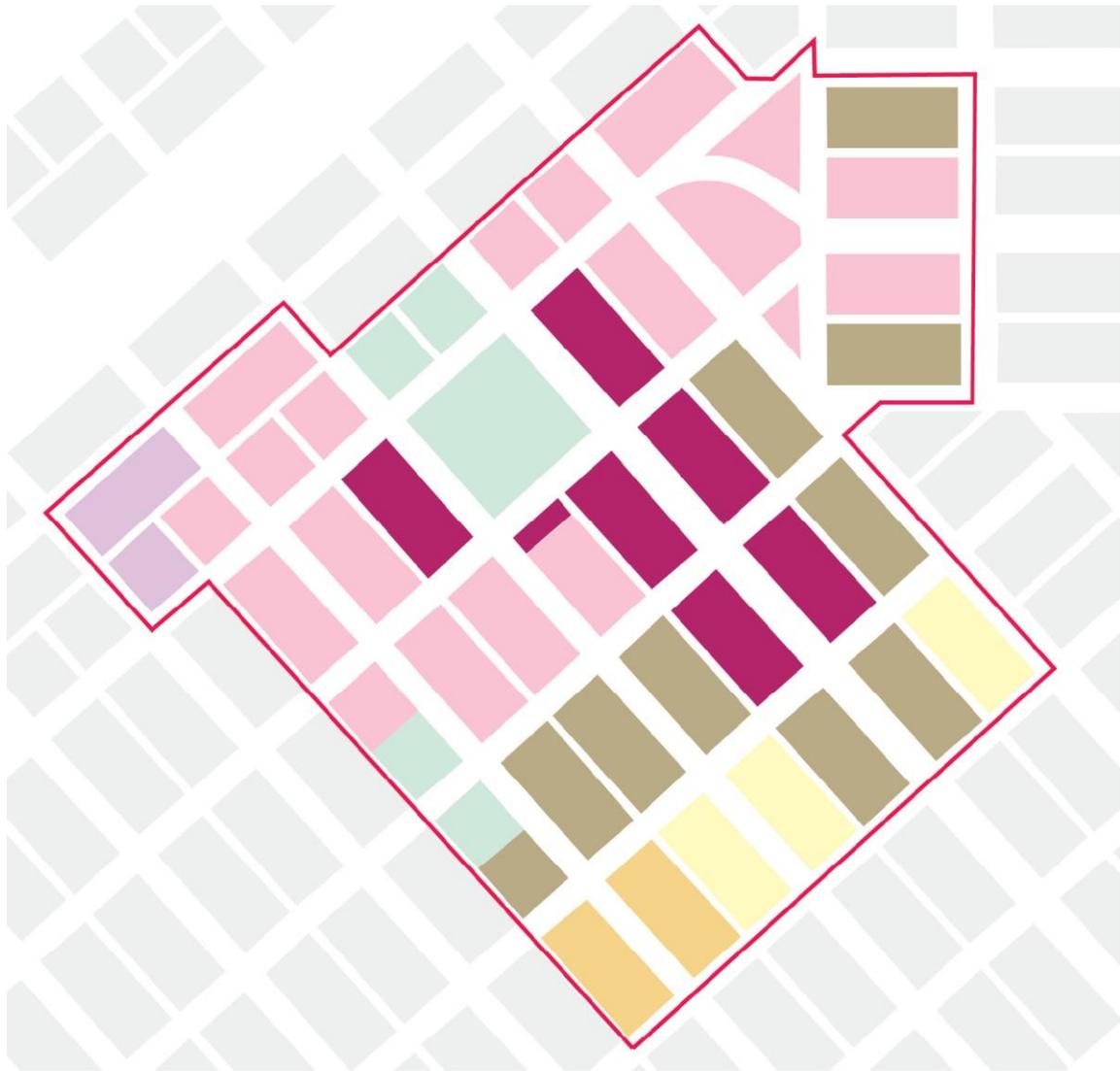
## Section 603 Downtown Districts

### A. Districts Established

To implement the Portales Downtown Master Plan, the following Downtown Districts (D-) have been established and are applied to property as shown on Official Zoning Map and as set forth in Section 603B, Downtown Zoning Map.

-  **D-1: Downtown Shopfront**  
Intended to create pedestrian shopping streets within downtown.
-  **D-2: Downtown Mixed Use**  
Intended to create a mix of compatible uses (residential, civic, retail, office) downtown.
-  **D-3: Downtown Live-Work**  
Intended to create small-scale employment opportunities within close proximity to household living.
-  **D-4: Downtown Residential**  
Intended to create a mix of higher density housing options within close proximity to the downtown core.
-  **D-5: Downtown Edge**  
Intended to create a land use transition between downtown and the residential neighborhood situated just south of downtown.
-  **D-6: Downtown Commercial**  
Intended to provide for commercial uses where access by automobile is desired but some level of walkability is maintained.
-  **D-7: Downtown Civic**  
Intended to provide for civic and government uses that serve the surrounding community.

## B. Downtown Zoning Map



- D-1: Downtown Shopfront
- D-2: Downtown Mixed Use
- D-3: Downtown Live-Work
- D-4: Downtown Residential
- D-5: Downtown Edge
- D-6: General Commercial
- D-7: Downtown Civic

# Section 604 District Standards

## A. Building Details

### 1. Arcades

- a. Arcades may extend into a required front setback area. Arcades may extend forward of the required front setback area or into the right-of-way to the extent specifically provided for by the City during the site plan approval process.
- b. Arcades shall have a clear width from their support columns to the building's primary facade of at least eight feet and a clear height above the sidewalk of at least ten feet. Arcades shall extend over at least 75 percent of the width of each primary facade and shall be placed to allow at least two feet and up to three feet from their outer face to the curb.

### 2. Awnings

- a. Awnings or overhangs may extend into a required front setback area.
- b. Awnings or overhangs over a sidewalk shall be a minimum of ten feet clear height above the sidewalk and shall be a minimum of six feet deep.

### 3. Balconies

- a. Balconies shall project no less than five feet from the building facade and shall be no less than seven feet in width.
- b. Balconies may extend up to six feet into a required setback. Balconies shall not project within five feet of a common lot line.
- c. Balconies may extend forward of the required front setback area or into the right-of-way.

### 4. Building Entrances

- a. A functioning entrance, operable during normal business hours, is required to meet all primary street entrance provisions. Additional entrances off another street, pedestrian area or internal parking area are permitted.
- b. An angled entrance may be provided at either corner of a building to meet the primary street entrance provisions provided the entrance spacing requirements can still be met.
- c. A minimum of 50 percent of a required entrance shall be transparent.
- d. Recessed entrances shall not exceed three feet in depth and one floor in height.

### 5. Floor and Story Heights

- a. The minimum ground floor height provisions apply to a minimum building depth of 35 feet measured from the front facade of the building inward.
- b. At least 80 percent of each upper floor shall meet the minimum upper floor height provisions.
- c. Mezzanines having a floor area greater than half of the floor area of the story in which the mezzanine is situated shall be counted as a full story.
- d. Additional habitable space is permitted within the roof where the roof is configured as an attic story. An attic story shall be considered half a story and count toward the calculation of maximum building height; basements shall not be considered a story.
- e. If a raised ground floor is more than five feet above the adjacent sidewalk, the space below counts as the ground (first) story for purposes of measuring building height.

## 6. Roof Treatments

- a. Dormers are permitted in a habitable attic story. Dormers shall not break the primary eave line, shall not be individually less than 15 feet wide, and shall collectively not be more than 60 percent of the facade length.
- b. For pitched roofs, simple hip and gable roofs shall be symmetrically pitched between 4:12 and 10:12.
- c. For flat roofs (less than 4:12), a parapet wall shall extend no more than three feet above the measured height limited.

## 7. Stoops and Porches

- a. A stoop shall be no more than five feet deep and six feet wide (plus steps). Stoops may be roofed, but shall not be enclosed. Partial walls and railings on stoops may be no higher than 3½ feet.
- b. Stoops may extend a maximum of four feet into a required front setback area. Stoops may extend forward of the required front setback area or extend into the right-of-way to the extent specifically provided for by the City during the site plan approval process.
- c. A front porch shall be a minimum of six feet deep, with a width not less than 50 percent of the building facade from which it projects. Front porches may be roofed, but shall not be enclosed. Partial walls, screened areas, and railings on porches may be no higher than 3½ feet.
- d. Front porches may extend a maximum of six feet into a required front setback area. Front porches may extend forward of the required front setback area to the extent specifically provided for by the City during the site plan approval process.

## B. Site Details

### 1. Access

Street facing garages are not permitted in any district except for single family residences.

### 2. Parking Setback Line

Except for D-6, no on-site parking is permitted between a building and the street, on-site parking areas shall be located behind the parking setback line. This requirement shall not restrict on-street parking.

## C. Parking and Loading Details

### 1. Loading Areas

- a. Loading areas shall be located either to the rear or side of a building provided it is not located within a required side or rear setback. Loading areas shall not be located between a building and a street (including the side of a building on a corner lot).
- b. In no case shall loading and unloading activity encroach on or interfere with the public use of streets, sidewalks, and lanes by automotive vehicles or pedestrians. Whenever practicable in any remodeling, adequate space shall be made available for the unloading and loading of goods, materials, items or stock for delivery and shipping so as not to encroach or interfere with the public use of streets, sidewalks and lanes by automotive vehicles or pedestrians.

## **2. Service Areas**

Service areas shall be located either to the rear or side of a building provided it is not located within a required side or rear setback. Service areas shall not be located between a building and a street (including the side of a building on a corner lot). See Section 608D for screening requirements.

## **3. Structured Parking**

Structured parking is permitted fronting on any street provided that all building form standards are met. Such buildings shall contain active ground floor uses along the primary street for minimum depth of least 30 feet.

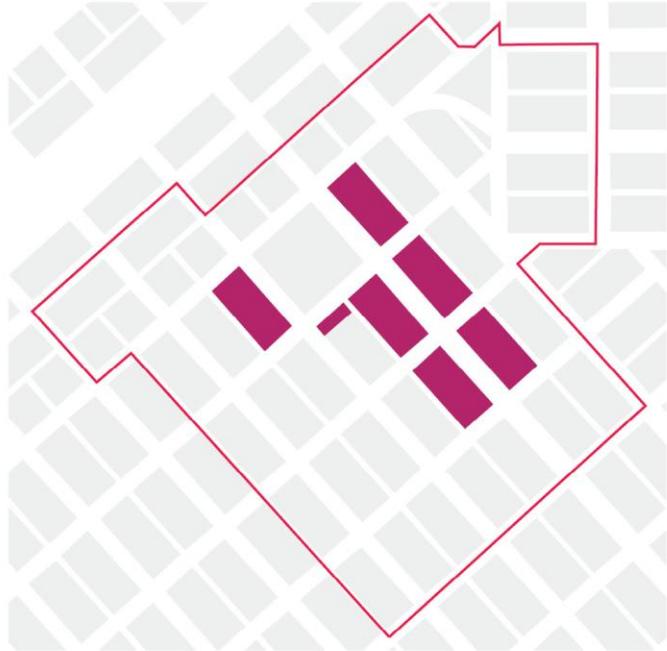
D-1

shopfront

## D. Downtown Shopfront (D-1)

### 1. Intent

D-1 is intended to create pedestrian shopping streets within downtown. Shopfronts with wide sidewalks are pulled up to the street, creating a “main street” like environment. Buildings are intended to be vertically mixed. Ground floor spaces should be flexible enough to accommodate a variety of retail and office uses. Upper stories should be used for offices or residential apartments. There is no on-site parking between the building and the street. On-site parking areas are located to the rear of the building. Entrances are prominent and street facing. Large storefront windows are provided to encourage interaction between the pedestrian and the ground floor retail space. The district only allows buildings with ground floor retail shopfronts.



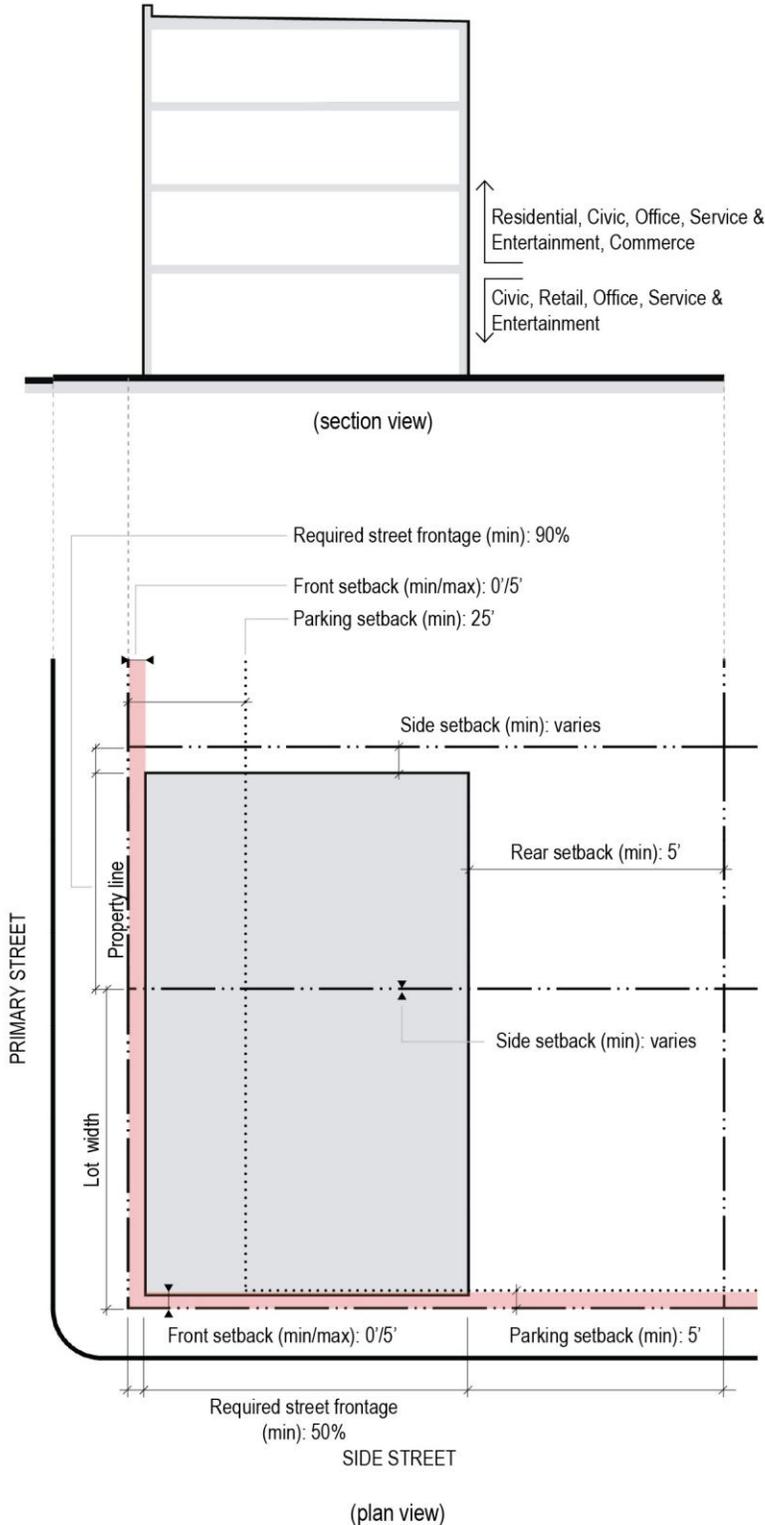
*For illustrative purposes, character examples are provided below.*



**D-1**

shopfront

**2. Building Function and Placement**



**BUILDING FUNCTION**

A summary of permitted uses by floor is shown on the left. For a complete list of permitted uses by district, see Section 605 Building Function. No nonresidential use is permitted above a residential use.

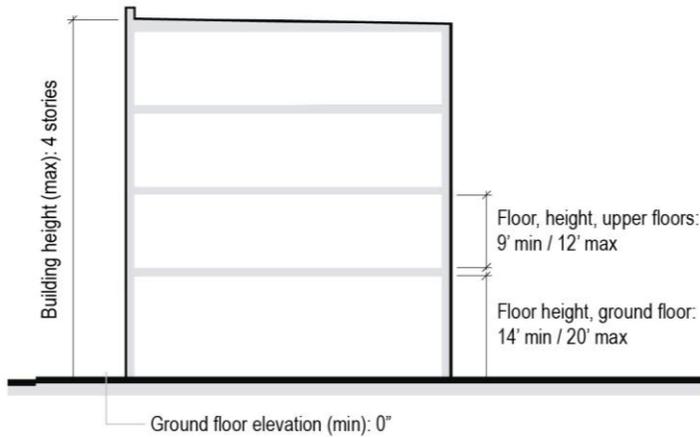
**BUILDING PLACEMENT**

LOT	
Area (min sf)	--
Width (min ft)	--
Building coverage (max)	90%
FRONT SETBACK AREA	
Primary street (min/max ft)	0/5
Side street (min/max ft)	0/5
REQUIRED STREET FRONTAGE	
Primary street (min)	90%
Side street (min)	50%
PARKING SETBACK	
Except as listed below (min ft)	5
From primary street (min ft)	25
From side street (min ft)	5
REAR & SIDE SETBACKS	
Rear setback (min ft)	5
Side setback, except as listed below (min ft)	0 or 5
Abutting alley (min ft)	5

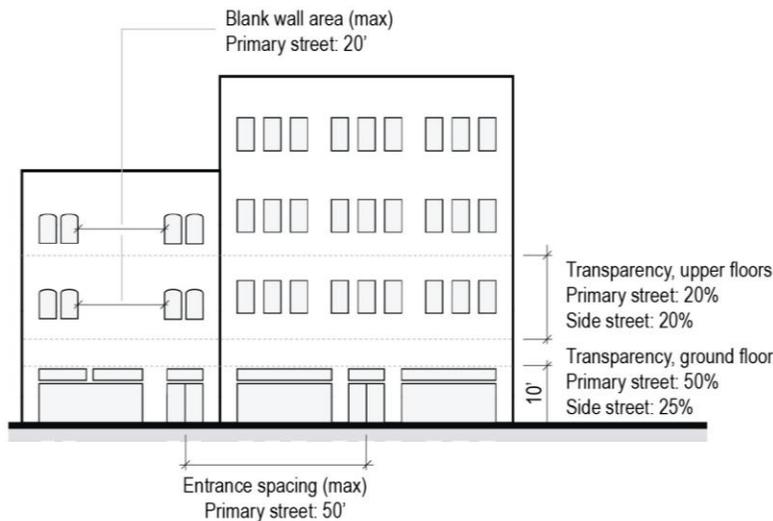
**D-1**

shopfront

**3. Building Height and Elements**



(section view)



(elevation view)

**BUILDING HEIGHT**

**HEIGHT**

Building height (max stories)	
Flat roof	4
Pitched roof	3½
Building height (min stories)	1
Ground floor elevation (min inches)	0

*Ground floor elevation is measured from top of the final grade to the top of the finished ground floor.*

**FLOOR HEIGHT**

Ground floor (min/max ft)	14/20
Upper floors (min/max ft)	9/12

*Measured from the top of the finished floor to the start of the ceiling above.*

**BUILDING ELEMENTS**

**TRANSPARENCY, GROUND FLOOR**

Primary street facade (min)	50%
Side street facade (min)	25%

*Measured between 0 and 10 ft above adjacent sidewalk.*

**TRANSPARENCY, UPPER FLOORS**

Primary street facade (min)	20%
Side street facade (min)	20%

*Measured from floor to floor.*

**BUILDING ENTRANCE**

Primary street	required
Entrance spacing (max linear ft)	50
Side street	allowed

**BLANK WALL AREA**

Primary street (max linear ft)	20
Side street (max linear ft)	--

**D-1**shopfront

---

**4. Supplementary Standards****a. Shopfront Windows**

A minimum of 60 percent of the window pane surface area shall allow views into the ground floor for a depth of at least 15 feet. Windows shall not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space).

**b. Retail Use (Sales, Restaurant)**

No retail sales or restaurant use shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use.

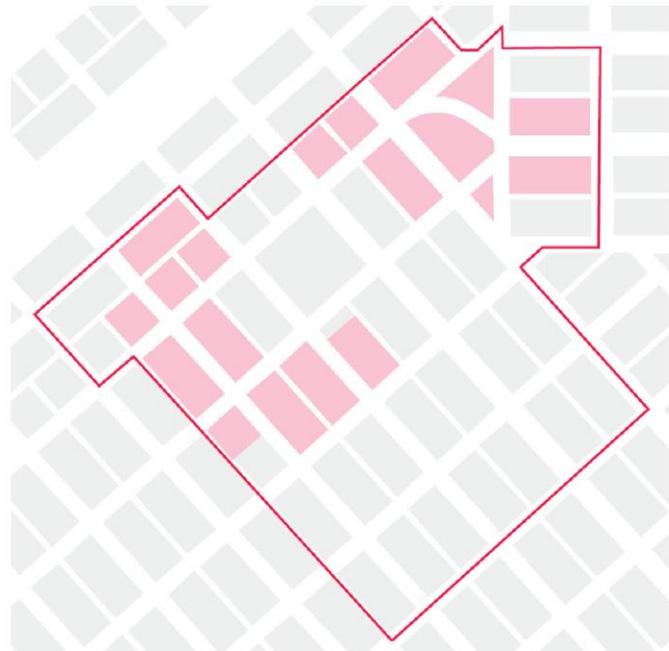
D-2

mixed use

## E. Downtown Mixed Use (D-2)

### 1. Intent

D-2 is intended to create a mix of compatible uses (residential, civic, retail, office) within close proximity to one another to create a downtown where residents, employees and visitors can live, work and play. Ground floor shopfronts, vertical mixing of uses and wide sidewalks are still desired but are not mandatory. Buildings are pulled up to the street but with greater spacing to balance the needs of the both pedestrian and the automobile. There is no on-site parking between the building and the street. On-site parking areas are located to the rear of buildings. Entrances are prominent and face the street or a designated courtyard. The district allows a variety of building types (examples include townhouses, rowhouses, lofts, courtyard apartments, live-work units, mixed use shopfronts, and office buildings). New single-family detached housing is not appropriate in this district.



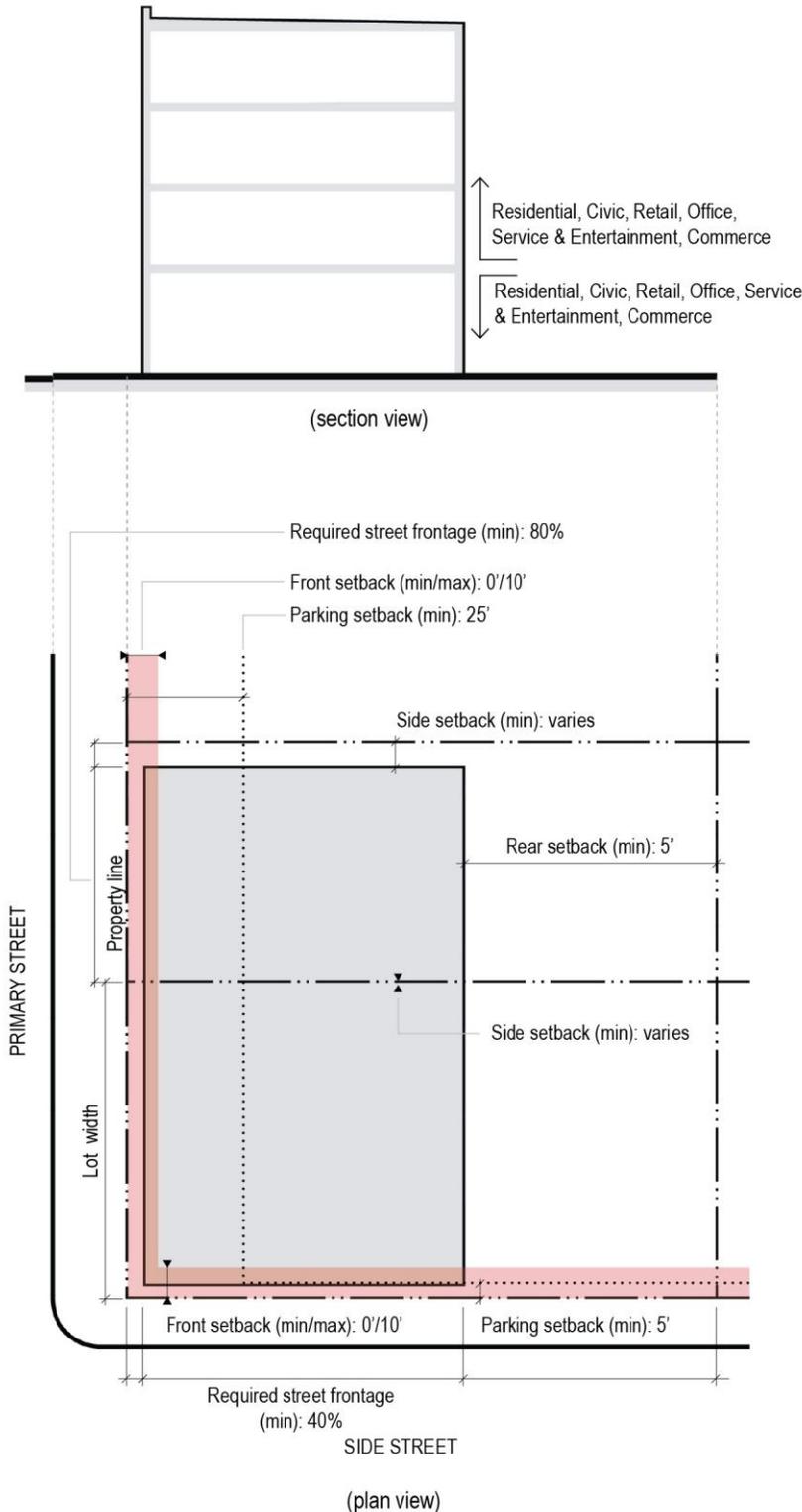
*For illustrative purposes, character examples are provided below.*



D-2

mixed use

2. Building Function and Placement



**BUILDING FUNCTION**

A summary of permitted uses by floor is shown on the left. For a complete list of permitted uses by district, see Section 605 Building Function. No nonresidential use is permitted above a residential use.

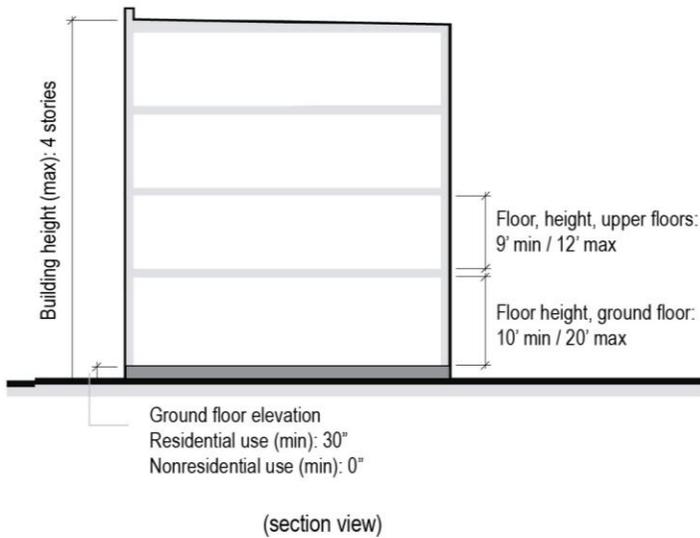
**BUILDING PLACEMENT**

<b>LOT</b>	
Area (min sf)	--
Width (min ft)	--
Building coverage (max)	90%
<b>FRONT SETBACK AREA</b>	
Primary street (min/max ft)	0/10
Side street (min/max ft)	0/10
<b>REQUIRED STREET FRONTAGE</b>	
Primary street (min)	80%
Side street (min)	40%
<b>PARKING SETBACK</b>	
Except as listed below (min ft)	5
From primary street (min ft)	25
From side street (min ft)	5
<b>REAR &amp; SIDE SETBACKS</b>	
Rear setback (min ft)	5
Side setback, except as listed below (min ft)	0 or 5
Abutting alley (min ft)	5

D-2

mixed use

### 3. Building Height and Elements



#### BUILDING HEIGHT

HEIGHT	
Building height (max stories)	
Flat roof	4
Pitched roof	3½
Building height (min stories)	1
Ground floor elevation (min inches)	
Residential use	30
Nonresidential use	0

*Ground floor elevation is measured from top of the final grade to the top of the finished ground floor.*

FLOOR HEIGHT	
Ground floor (min/max ft)	10/20
Upper floors (min/max ft)	9/12

*Measured from the top of the finished floor to the start of the ceiling above.*

#### BUILDING ELEMENTS

TRANSPARENCY, GROUND FLOOR	
Primary street facade (min)	35%
Side street facade (min)	25%

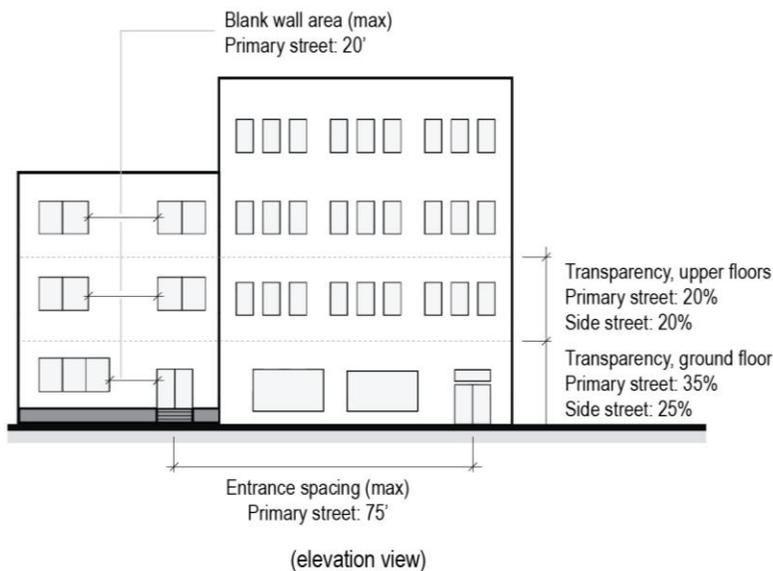
*Measured from floor to floor.*

TRANSPARENCY, UPPER FLOORS	
Primary street facade (min)	20%
Side street facade (min)	20%

*Measured from floor to floor.*

BUILDING ENTRANCE	
Primary street	required
Entrance spacing (max linear ft)	75
Side street	allowed

BLANK WALL AREA	
Primary street (max linear ft)	20
Side street (max linear ft)	--



D-2

mixed use

## 4. Supplementary Standards

### a. Transparency

- (1) Ground floor office, service and entertainment, and commerce uses may provide translucent windows to meet all transparency requirements.
- (2) Retail sales and restaurant uses. A minimum of 60 percent of the window pane surface area shall allow views into the ground floor for a depth of at least 15 ft. Windows shall not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space).

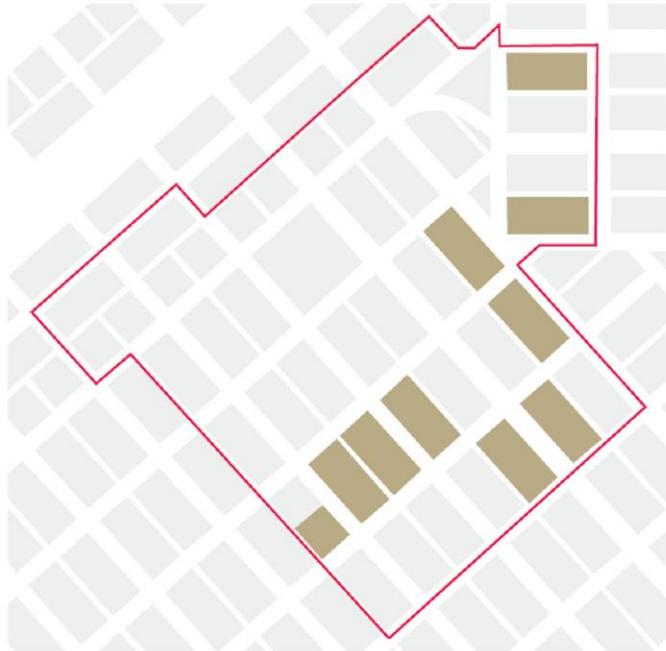
D-3

live-work

### F. Live-Work (D-3)

#### 1. Intent

D-3 is intended to create small-scale employment opportunities within close proximity of residential dwelling. Live-work combines small ground floor office and artisanal uses with upper-story residential uses, with internal access typically provided between the commercial and residential components of a unit. Buildings are pulled up to the street but may be set back slightly further than in areas with more pedestrian traffic. There is no on-site parking between the building and the street. On-site parking areas are located to the rear of buildings. Entrances are prominent and face the street or a designated courtyard. The district allows a variety of building types (examples include townhouses, rowhouses, lofts, courtyard apartments, and live-work units). New single-family detached housing is not appropriate in this district.



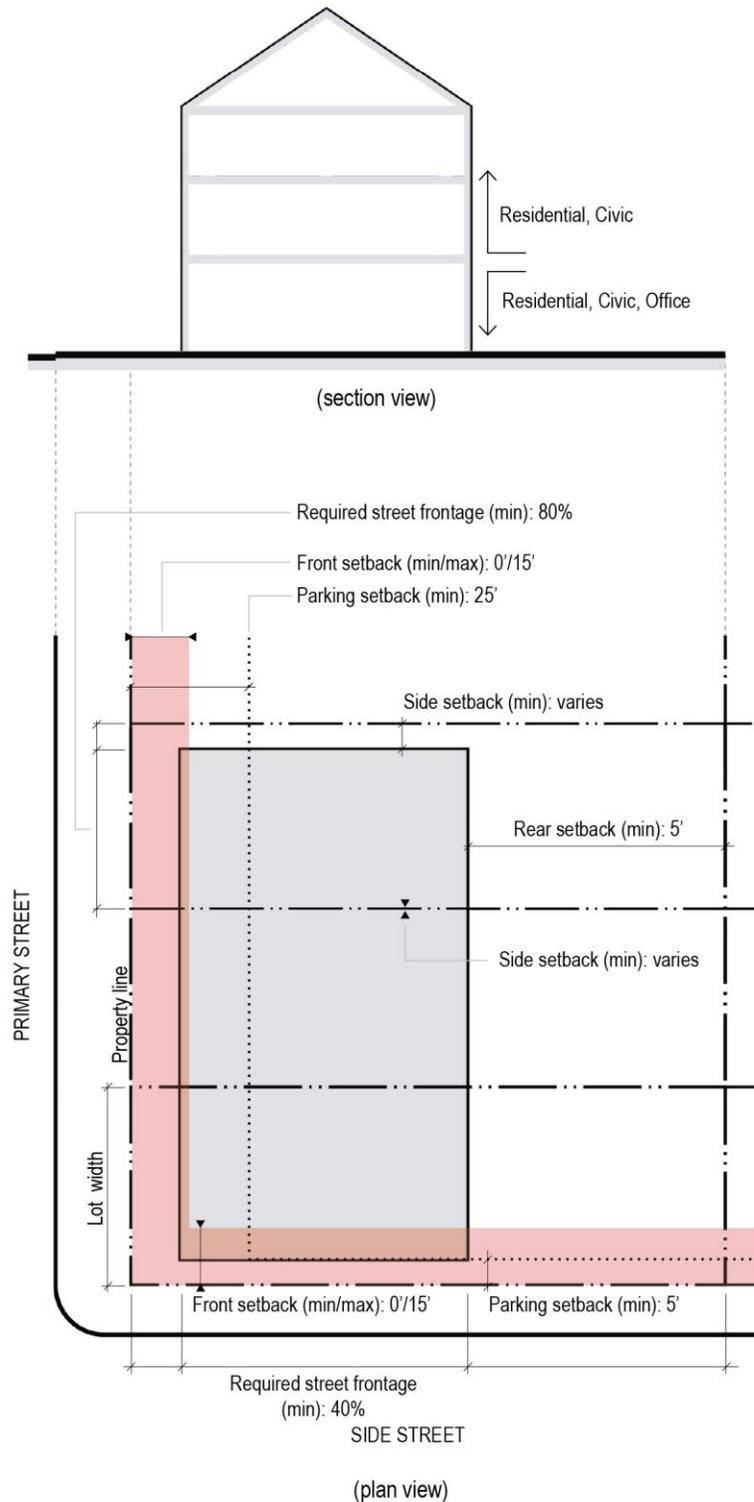
*For illustrative purposes, character examples are provided below.*



**D-3**

live-work

**2. Building Function and Placement**



**BUILDING FUNCTION**

A summary of permitted uses by floor is shown on the left. For a complete list of permitted uses by district, see Section 605 Building Function. No nonresidential use is permitted above a residential use.

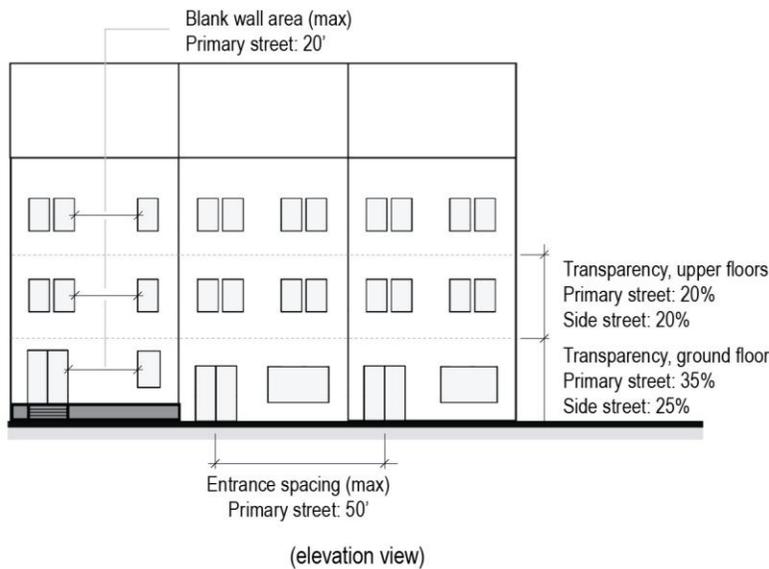
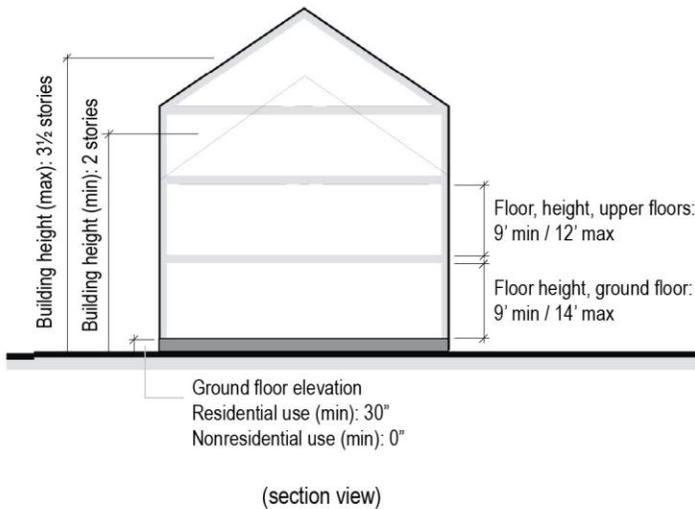
**BUILDING PLACEMENT**

<b>LOT</b>	
Area (min sf)	1,200
Width (min ft)	16
Building coverage (max)	80%
<b>FRONT SETBACK AREA</b>	
Primary street (min/max ft)	0/15
Side street (min/max ft)	0/15
<b>REQUIRED STREET FRONTAGE</b>	
Primary street (min)	80%
Side street (min)	40%
<b>PARKING SETBACK</b>	
Except as listed below (min ft)	5
From primary street (min ft)	25
From side street (min ft)	5
<b>REAR &amp; SIDE SETBACKS</b>	
Rear setback (min ft)	5
Side setback, except as listed below (min ft)	0 or 5
Abutting alley (min ft)	5

**D-3**

live-work

**3. Building Height and Elements**



**BUILDING HEIGHT**

**HEIGHT**

Building height (max stories)	
Pitched roof	3½
Flat roof	3
Building height (min stories)	2
Ground floor elevation (min inches)	
Residential use	30
Nonresidential use	0

*Ground floor elevation is measured from top of the final grade to the top of the finished ground floor.*

**FLOOR HEIGHT**

Ground floor (min/max ft)	9/14
Upper floors (min/max ft)	9/12

*Measured from the top of the finished floor to the start of the ceiling above.*

**BUILDING ELEMENTS**

**TRANSPARENCY, GROUND FLOOR**

Primary street facade (min)	35%
Side street facade (min)	25%

*Measured from floor to floor.*

**TRANSPARENCY, UPPER FLOORS**

Primary street facade (min)	20%
Side street facade (min)	20%

*Measured from floor to floor.*

**BUILDING ENTRANCE**

Primary street	required
Entrance spacing (max linear ft)	50
Side street	allowed

**BLANK WALL AREA**

Primary street (max linear ft)	20
Side street (max linear ft)	--

## 4. Supplementary Standards

### a. Live-Work Provisions

A live-work unit contains both living and working accommodation, which includes cooking space and sanitary facilities in conformance with applicable building standards; and adequate working space accessible from the living area, reserved for, and regularly used by, one or more persons who reside in the unit.

- (1) All living space within a live-work unit needs to be contiguous with, and an integral part of, the working space, with direct and internal access between the two areas.
- (2) At least one full-time employee shall reside in the unit. The living space shall not be rented separately from the working space. No more than two employees not living on the premises shall be permitted.
- (3) The working space within a single live-work unit shall be considered accessory and shall not trigger occupancy separations within that unit.
- (4) Each unit shall include a kitchen and restroom facilities, consisting of a toilet, lavatory, shower and/or bathtub. Restroom facilities shall be provided to serve the commercial portion of the unit. Individual public restroom facilities are not required within each live-work unit when disabled accessible public restroom facilities are provided elsewhere on an accessible route within the building or site.
- (5) No equipment or process shall be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.
- (6) A live-work unit shall be subject to all applicable licenses and business taxes.

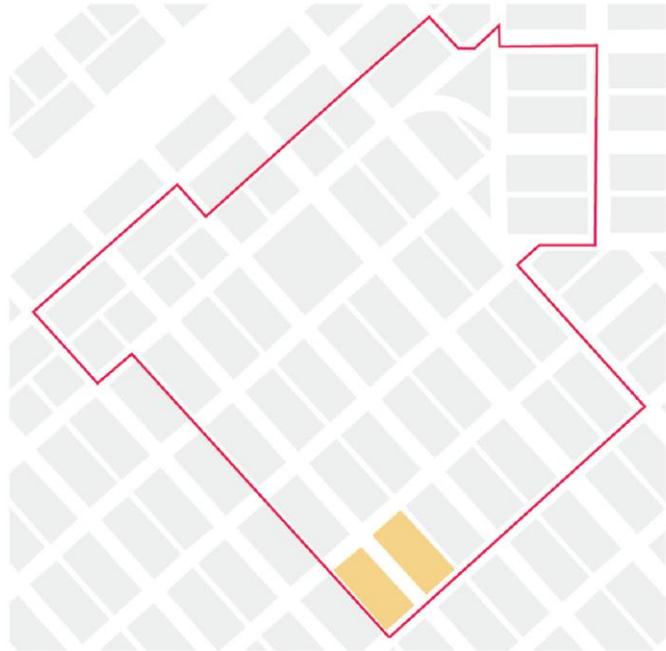
D-4

residential

## G. Downtown Residential (D-4)

### 1. Intent

D-4 is intended to create a mix of higher density housing options within close proximity to the downtown core and to provide a land use transition between Avenue C and adjacent residential neighborhoods. Sidewalks should be wide enough to accommodate a moderate amount of foot traffic. Buildings are pulled up to the street but are set back further than buildings in live-work areas. There is no on-site parking between the building and the street. On-site parking areas are located to the rear of buildings. Entrances are prominent and face the street or a designated courtyard. The district allows a variety of building types (examples include townhouses, rowhouses, lofts, and courtyard apartments). New single-family detached housing is not appropriate in this district.



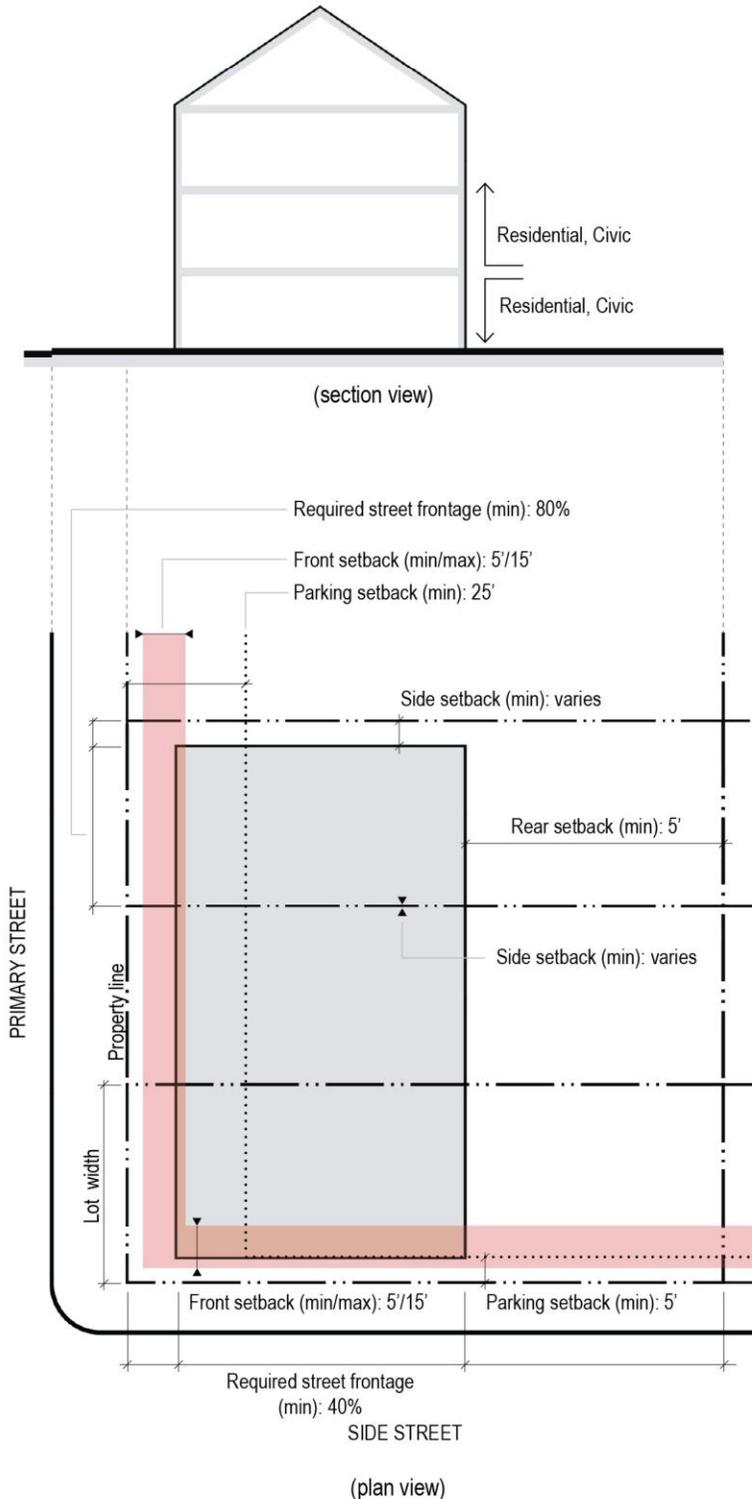
*For illustrative purposes, character examples are provided below.*



**D-4**

residential

**2. Building Function and Placement**



**BUILDING FUNCTION**

A summary of permitted uses by floor is shown on the left. For a complete list of permitted uses by district, see Section 605 Building Function. No nonresidential use is permitted above a residential use.

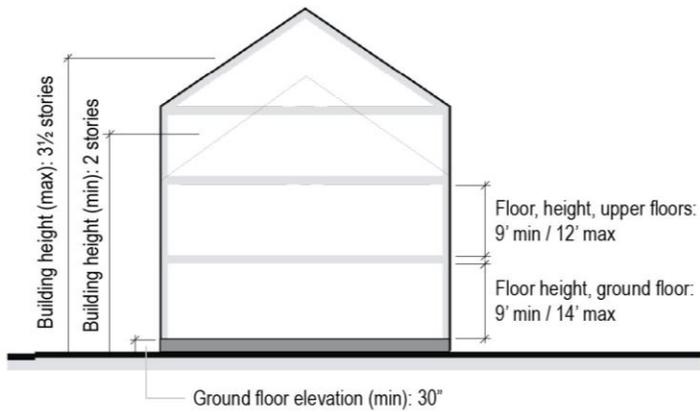
**BUILDING PLACEMENT**

<b>LOT</b>	
Area (min sf)	1,200
Width (min ft)	16
Building coverage (max)	80%
<b>FRONT SETBACK AREA</b>	
Primary street (min/max ft)	5/15
Side street (min/max ft)	5/15
<b>REQUIRED STREET FRONTAGE</b>	
Primary street (min)	80%
Side street (min)	40%
<b>PARKING SETBACK</b>	
Except as listed below (min ft)	5
From primary street (min ft)	25
From side street (min ft)	5
<b>REAR &amp; SIDE SETBACKS</b>	
Rear setback (min ft)	5
Side setback, except as listed below (min ft)	0 or 5
Abutting alley (min ft)	5

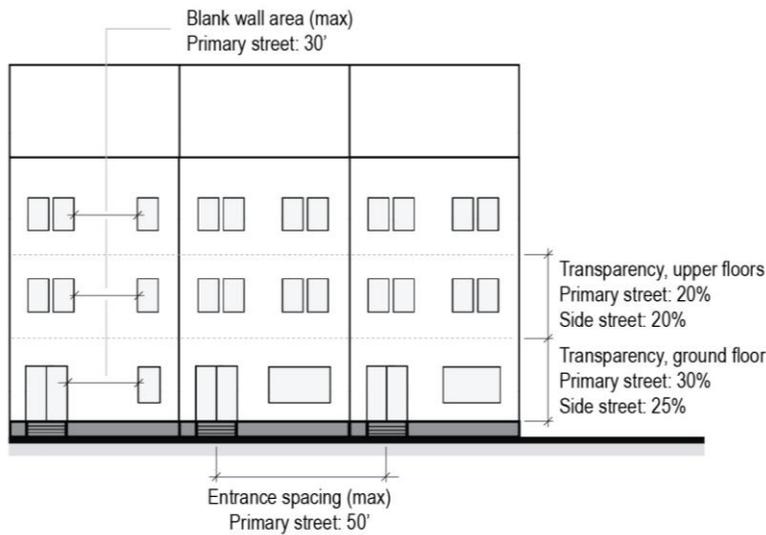
**D-4**

residential

**3. Building Height and Elements**



(section view)



(elevation view)

**BUILDING HEIGHT**

**HEIGHT**

Building height (max stories)	
Pitched roof	3 1/2
Flat roof	3
Building height (min stories)	2
Ground floor elevation (min inches)	30

*Ground floor elevation is measured from top of the final grade to the top of the finished ground floor.*

**FLOOR HEIGHT**

Ground floor (min/max ft)	9/14
Upper floors (min/max ft)	9/12

*Measured from the top of the finished floor to the start of the ceiling above.*

**BUILDING ELEMENTS**

**TRANSPARENCY, GROUND FLOOR**

Primary street facade (min)	30%
Side street facade (min)	25%

*Measured from floor to floor.*

**TRANSPARENCY, UPPER FLOORS**

Primary street facade (min)	20%
Side street facade (min)	20%

*Measured from floor to floor.*

**BUILDING ENTRANCE**

Primary street	required
Entrance spacing (max linear ft)	50
Side street	allowed

**BLANK WALL AREA**

Primary street (max linear ft)	30
Side street (max linear ft)	--

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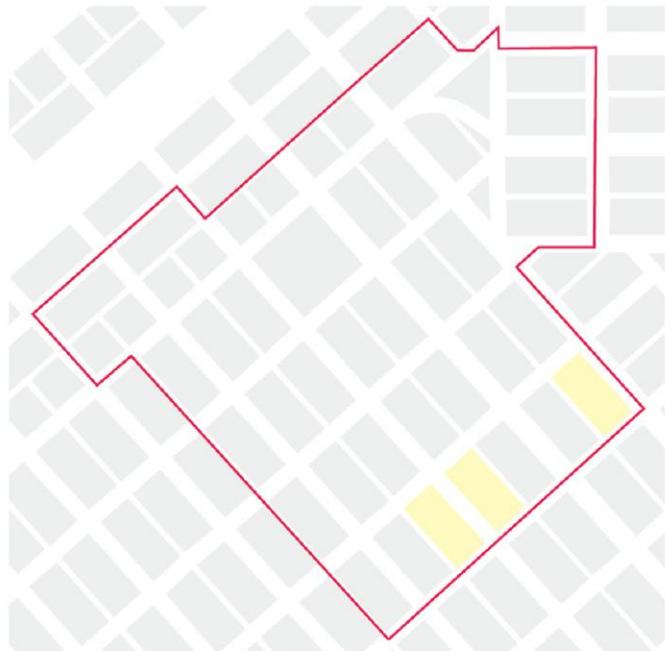
D-5

edge

## H. Downtown Edge (D-5)

### 1. Intent

D-5 is intended to create a land use transition between downtown and the residential neighborhood situated just south of downtown and to provide a mix of moderate density housing options within close proximity to the downtown core. Sidewalks should be wide enough to accommodate a moderate amount of foot traffic. Buildings are set back to allow for green space between the building and the street. Wherever possible, parking should be alley-accessed. Parking may be permitted between the building and the street, however, garage doors should not be visible from the street. Entrances are prominent and face the street or a designated courtyard. The district allows a variety of building types (examples include townhouses and rowhouses). New single-family detached housing is not appropriate in this district.



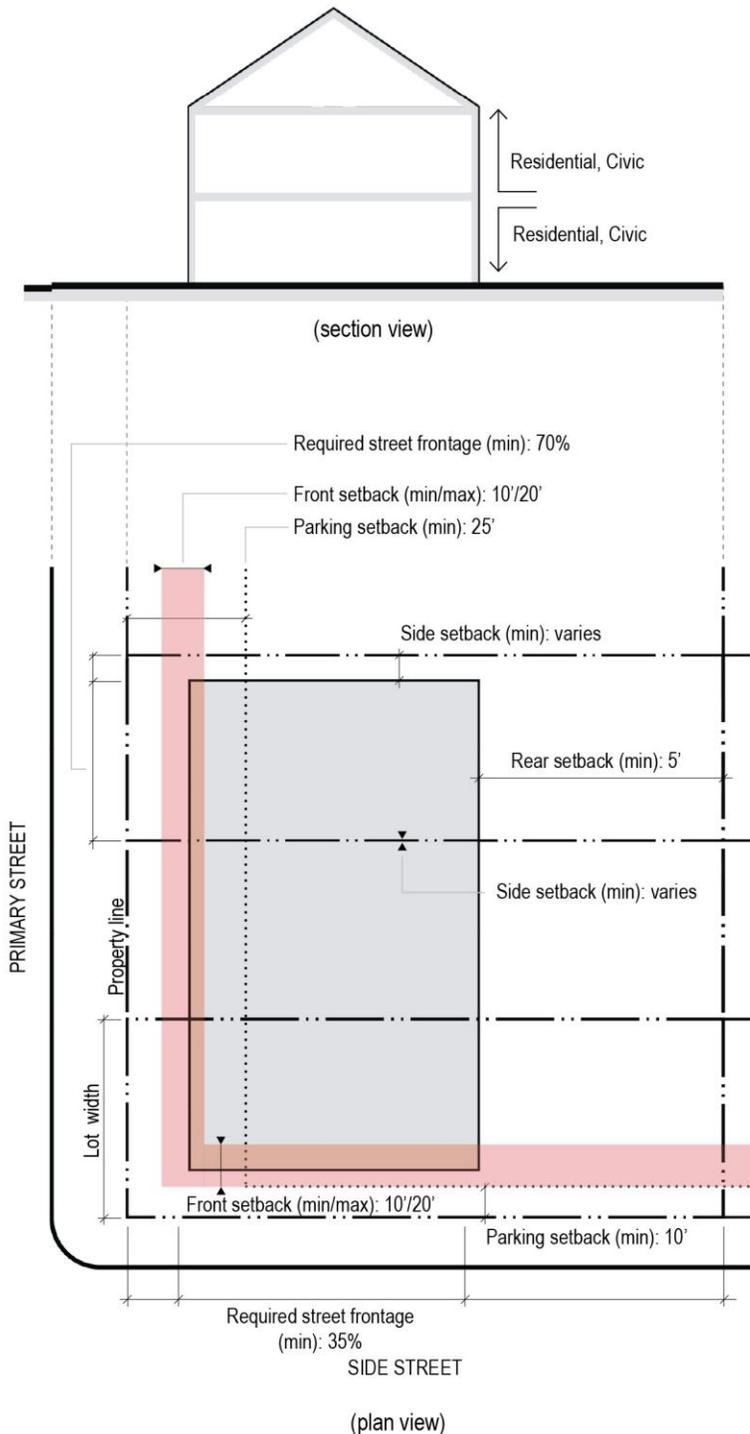
*For illustrative purposes, character examples are provided below.*



D-5

edge

## 2. Building Function and Placement



### BUILDING FUNCTION

A summary of permitted uses by floor is shown on the left. For a complete list of permitted uses by district, see Section 605 Building Function. No nonresidential use is permitted above a residential use.

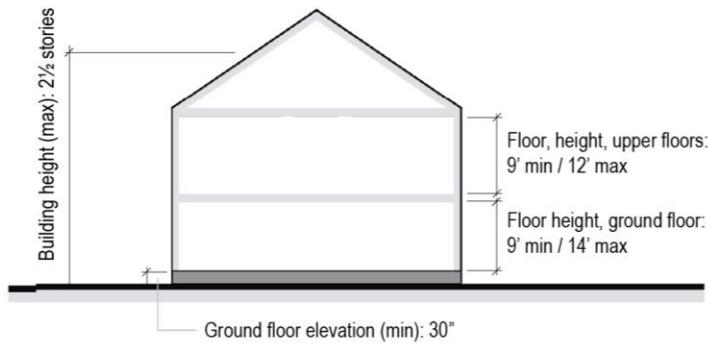
### BUILDING PLACEMENT

LOT	
Area (min sf)	1,200
Width (min ft)	16
Building coverage (max)	70%
FRONT SETBACK AREA	
Primary street (min/max ft)	10/20
Side street (min/max ft)	10/20
REQUIRED STREET FRONTAGE	
Primary street (min)	70%
Side street (min)	35%
PARKING SETBACK	
Except as listed below (min ft)	5
From primary street (min ft)	25
From side street (min ft)	10
REAR & SIDE SETBACKS	
Rear setback (min ft)	5
Side setback, except as listed below (min ft)	0 or 5
Abutting alley (min ft)	5

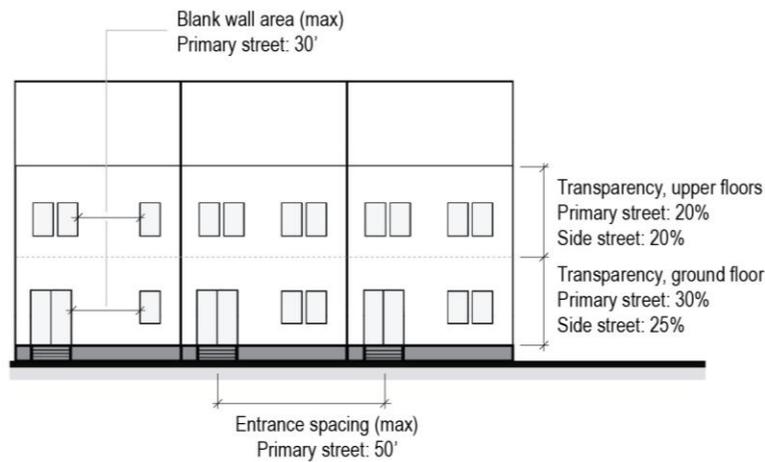
D-5

edge

### 3. Building Height and Elements



(section view)



(elevation view)

#### BUILDING HEIGHT

##### HEIGHT

Building height (max stories)	
Pitched roof	2½
Flat roof	2
Building height (min stories)	1
Ground floor elevation (min inches)	30

*Ground floor elevation is measured from top of the final grade to the top of the finished ground floor.*

##### FLOOR HEIGHT

Ground floor (min/max ft)	9/14
Upper floors (min/max ft)	9/12

*Measured from the top of the finished floor to the start of the ceiling above.*

#### BUILDING ELEMENTS

##### TRANSPARENCY, GROUND FLOOR

Primary street facade (min)	30%
Side street facade (min)	25%

*Measured from floor to floor.*

##### TRANSPARENCY, UPPER FLOORS

Primary street facade (min)	20%
Side street facade (min)	20%

*Measured from floor to floor.*

##### BUILDING ENTRANCE

Primary street	required
Entrance spacing (max linear ft)	50
Side street	allowed

##### BLANK WALL AREA

Primary street (max linear ft)	30
Side street (max linear ft)	--

#### 4. Supplementary Standards

**a. Porches and Stoops**

Porches and stoops shall remain set back at least five feet from the public right-of-way.

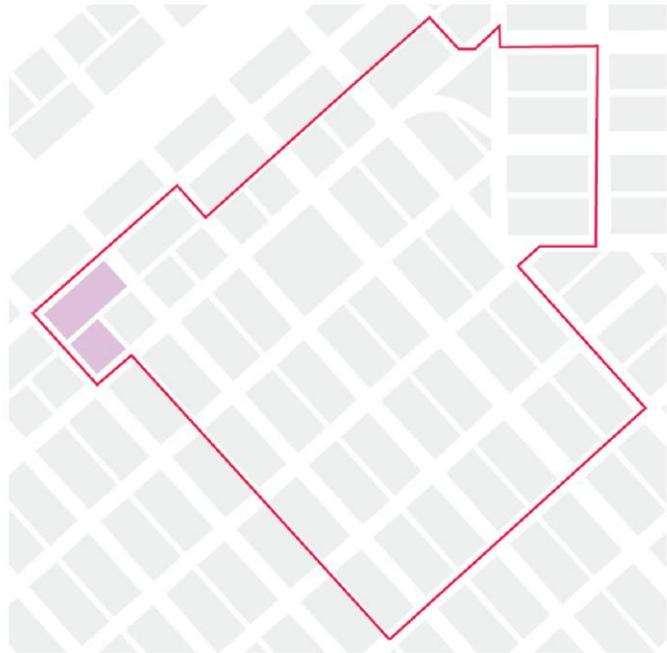
D-6

commercial

# I. Downtown Commercial (D-6)

## 1. Intent

D-6 is intended to provide for commercial uses where access by automobile is desired but some level of walkability is maintained. Buildings should be flexible enough to accommodate a wide range of commercial uses. Residential uses are not appropriate in this setting. Buildings are set back further from the street to allow for on-site automobile access. Parking occurs in front of buildings but is limited to two bays with a single drive aisle. Entrances are prominent and face the street or a designated courtyard.



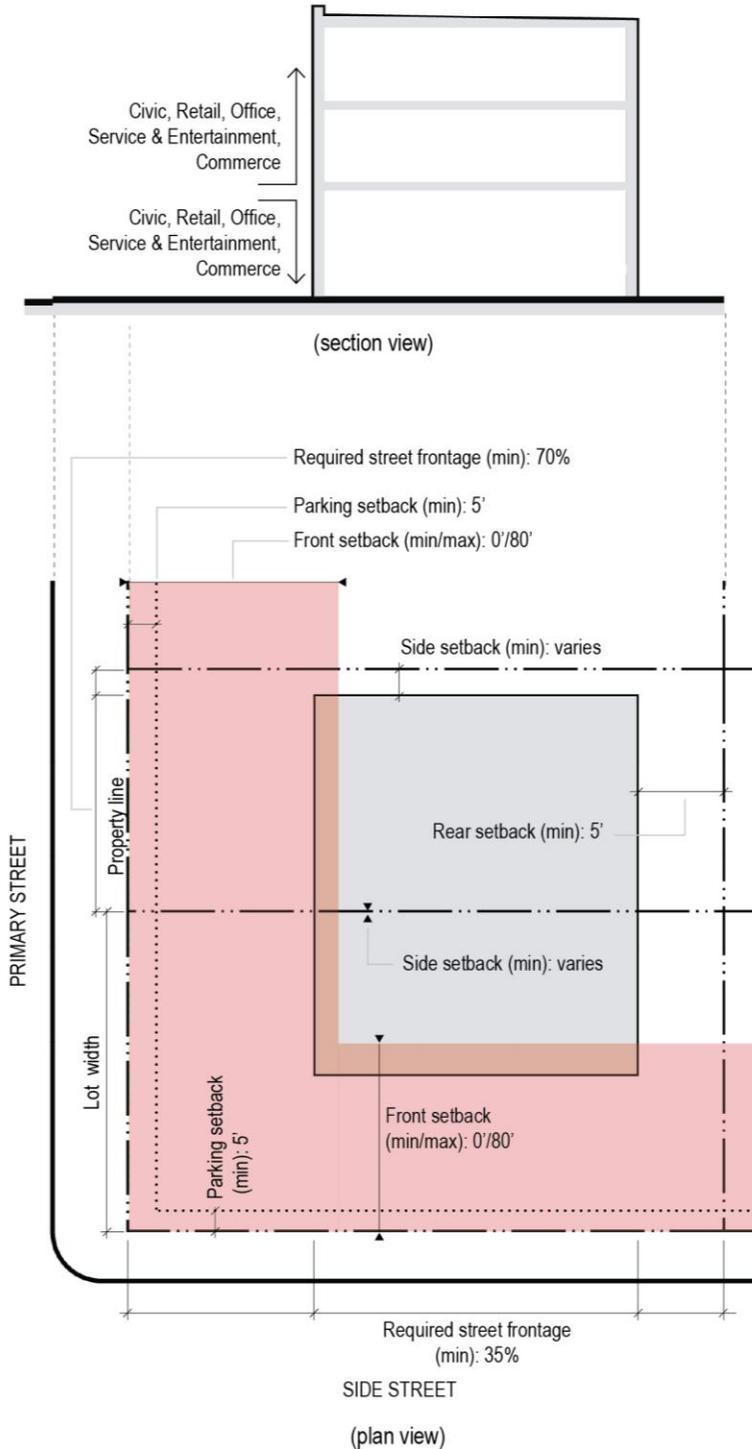
*For illustrative purposes, character examples are provided below.*



D-6

commercial

## 2. Building Function and Placement



### BUILDING FUNCTION

A summary of permitted uses by floor is shown on the left. For a complete list of permitted uses by district, see Section 605 Building Function.

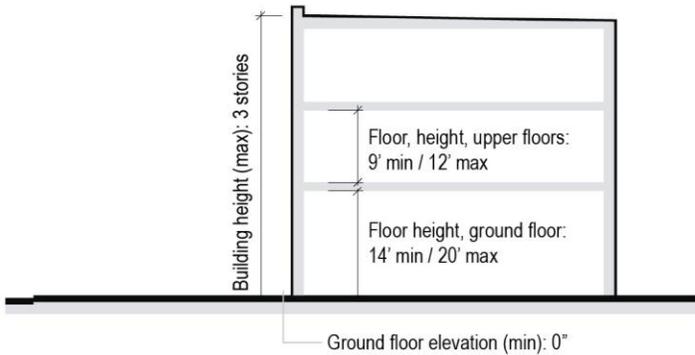
### BUILDING PLACEMENT

LOT	
Area (min sf)	--
Width (min ft)	--
Building coverage (max)	70%
FRONT SETBACK AREA	
Primary street (min/max ft)	0/80
Side street (min/max ft)	0/80
REQUIRED STREET FRONTAGE	
Primary street (min)	70%
Side street (min)	35%
PARKING SETBACK	
Except as listed below (min ft)	5
From primary street (min ft)	5
From side street (min ft)	5
REAR & SIDE SETBACKS	
Rear setback (min ft)	5
Side setback, except as listed below (min ft)	0 or 5
Abutting alley (min ft)	5

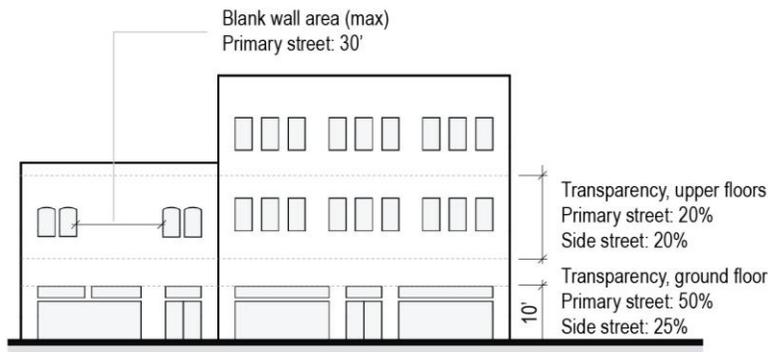
D-6

commercial

### 3. Building Height and Elements



(section view)



(elevation view)

#### BUILDING HEIGHT

##### HEIGHT

Building height (max stories)	
Flat roof	3
Pitched roof	2½
Building height (min stories)	1
Ground floor elevation (min inches)	0

Ground floor elevation is measured from top of the final grade to the top of the finished ground floor.

##### FLOOR HEIGHT

Ground floor (min/max ft)	14/20
Upper floors (min/max ft)	9/12

Measured from the top of the finished floor to the start of the ceiling above.

#### BUILDING ELEMENTS

##### TRANSPARENCY, GROUND FLOOR

Primary street facade (min)	50%
Side street facade (min)	25%

Measured between 0 and 10 ft above adjacent sidewalk.

##### TRANSPARENCY, UPPER FLOORS

Primary street facade (min)	20%
Side street facade (min)	20%

Measured from floor to floor.

##### BUILDING ENTRANCE

Primary street	required
Entrance spacing (max linear ft)	--
Side street	allowed

##### BLANK WALL AREA

Primary street (max linear ft)	30
Side street (max linear ft)	--

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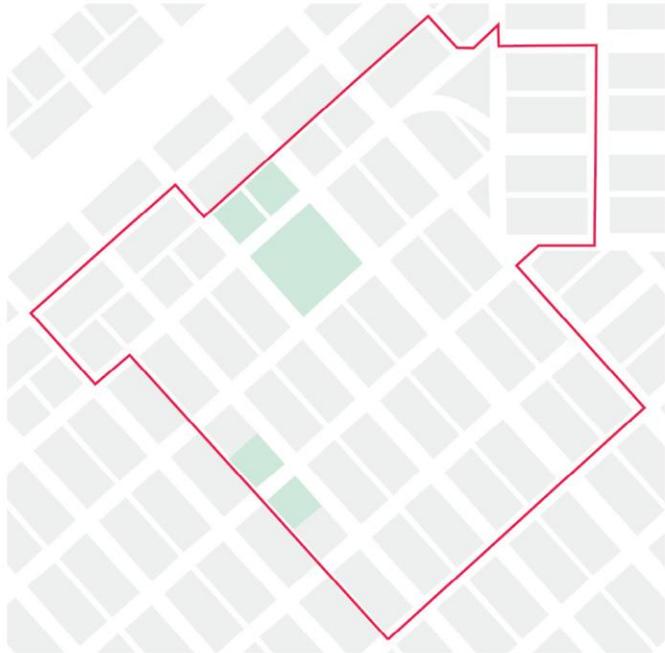
D-7

civic

## J. Downtown Civic (D-7)

### 1. Intent

Civic buildings contain public or civic uses of special significance to residents, employees, and visitors alike. D-7 is therefore intended to provide for civic and government uses that serve the surrounding community. Civic buildings in the district should be designed to physically express their prominence in the community. Civic buildings are usually sited adjoining or surrounded by civic spaces or they provide a visual landmark by being placed at the axial termination of a street. In order to provide greater flexibility and to allow more distinctive architectural expression, civic buildings do not have mandatory street frontage requirement.



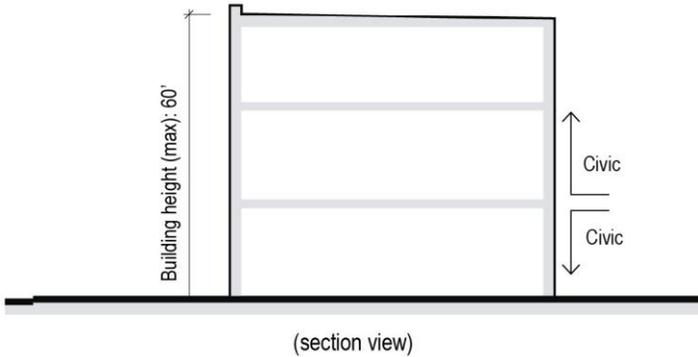
*For illustrative purposes, character examples are provided below.*



D-7

CIVIC

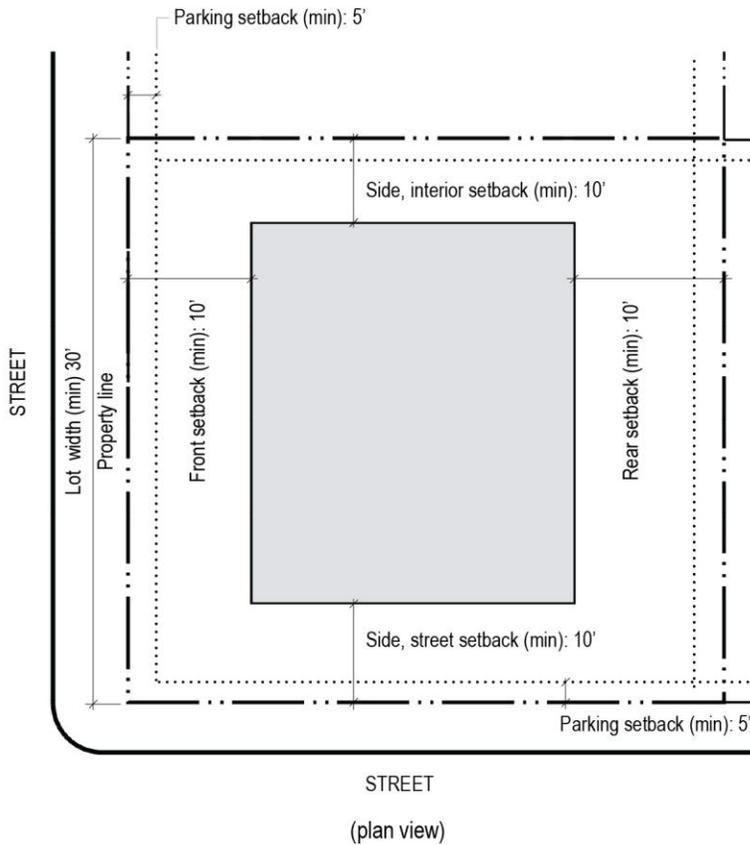
## 2. Building Function, Height and Placement



### BUILDING FUNCTION

A summary of permitted uses by floor is shown on the left. For a complete list of permitted uses by district, see Section 605 Building Function.

**BUILDING HEIGHT (max ft)** 60



### BUILDING PLACEMENT

LOT	
Area (min sf)	3,000
Width (min ft)	30
Building coverage (max)	60%
SETBACKS	
Front (min ft)	10
Side, street (min ft)	10
Side, interior (min ft)	10
Rear (min ft)	10
Parking (min ft)	5

# Section 605 Building Function

## A. General Provisions

### 1. Approach to Categorizing Uses

#### a. Principal Uses

Permitted principal uses by district are set forth in Section 605B. Permitted uses are grouped by use categories. Use categories are listed in Section 605C.

#### b. Accessory Uses

Accessory uses are allowed in conjunction with a principal use as set forth in Section 605D. No accessory use may be established on a site prior to the establishment of a permitted principal use.

### 2. Uses Not Specifically Listed

#### a. Individual Uses

- (1) Individual uses are listed in Section 605C (uses may be further defined in Section 601D).
- (2) Any use not specifically listed is expressly prohibited unless the Planning Director determines that the use is similar to a permitted use listed in Section 605C.
- (3) Where the similar permitted use is subject to special use review, the proposed use shall also be subject to such approval. The Planning Director shall not amend this Article by adding to or eliminating any use standard for the proposed use.

#### b. Use Determination

Where a use not listed is found by the Planning Director not to be similar to any other permitted use, the use shall be permitted only following a text amendment of this Article (see Article X, Amendments). Treatment of a use not specifically listed shall be determined by the Planning Director by applying the following criteria:

- (1) The actual or projected characteristics of the proposed activity in relationship to the stated characteristics of each use.
- (2) The relative amount of site area or floor space and equipment devoted to the activity.
- (3) Relative amounts of sales from each activity.
- (4) The customer type for each activity.
- (5) The relative number of employees in each activity.
- (6) Hours of operation.
- (7) Building and site arrangement.
- (8) Types of vehicles used and their parking requirements.
- (9) The relative number of vehicle trips generated.
- (10) Signs.
- (11) How the use is advertised.
- (12) The likely impact on surrounding properties.
- (13) Whether the activity is likely to be found independent of the other activities on the site.

## B. Permitted Uses

The following permitted use table identifies the permitted principal and special uses for each district. The key for the permitted use table is set forth below.

### 1. Permitted (■)

Use is permitted by right in the applicable district. Such use is also subject to all other applicable requirements of this Article.

### 2. Special Use (□)

Indicates a use may be permitted in the respective district only where approved by the City in accordance with Article VIII, Special Use Permits. Uses are subject to all other applicable requirements of this Article, except where expressly modified by the as part of the special use permit approval.

### 3. Blank Cell

A blank cell indicates that a use is not permitted in the respective district.

### 4. Use Category

See Section 605C for a comprehensive list of principal uses.

### Permitted Use Table

No nonresidential use is permitted above a residential use

Use Category	Principal Use	Ground Floor	Upper Floors	Ground Floor	Upper Floors	Ground Floor	Upper Floors	All Floors	All Floors	All Floors	All Floors
		D-1	D-2	D-3	D-4	D-5	D-6	D-7			
Residential	Household living										
	Single-family detached										
	Single-family attached			■	■	■	■	■	■		
	Multifamily			■	■	■	■	■			
	Upper-story multifamily		■		■		■				
	Group living			□	□	□	□	□			
Civic	Community service	■	■	■	■	□	□	□	□	■	■
	Day care	■	■	■	■	□	□	□	□	■	■
	Educational	■	■	■	■	□	□	□	□	■	■
	Government service	■	■	■	■	□	□	□	□	■	■
	Park/open space	■	■	■	■	■	■	■	■	■	■
	Place of worship	■	■	■	■	□	□	□	□	■	■
	Social service										
	Utilities	■	■	■	■	■	■	■	■	■	■
Retail	Overnight lodging	■	■	■	■					■	
	Retail sales	■		■	■					■	
	Restaurant, Bar	■		■	■					■	
	Vehicle sales	■		■	■					■	
Office	Office	■	■	■	■	■				■	
	Medical			■	■					■	
Service & Entertainment	Personal service	■	■	■	■					■	
	Indoor recreation	■	■	■	■					■	
	Outdoor recreation										
Commerce	Light manufacturing			□	□					□	
	Passenger terminal			□	□					□	
	Research & development			■	■					■	
	Self-service storage			■	■					■	
	Warehouse & distribution										
	Wholesale trade										
	Vehicle service			□	□					□	
Industrial	Agriculture										
	Light industrial										
	Heavy industrial										
	Resource extraction										
	Waste-related										

KEY: Blank Cell = Not Permitted ■ = Permitted □ = Special Use Permit

## C. Use Categories

Use categories provide a systematic basis for assigning land uses to appropriate districts. Use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions. A use listed below is only permitted in accordance with Section 605B.

### 1. Residential Use Categories

#### a. Household Living

Residential occupancy of a dwelling unit by a household on a monthly or longer basis in structures with self-contained dwelling units, including kitchens.

- (1) Single-family detached
- (2) Single-family attached
- (3) Multifamily, assisted living, hospice
- (4) Upper-story residential

#### b. Group Living

Residential occupancy of a structure by a group of people that does not meet the definition of household living. Tenancy is usually arranged on a monthly or longer basis. Generally, group living facilities have a common eating area for residents, and residents may receive care or training.

- (1) Boarding house, rooming house, lodging house
- (2) Residential hotel, single room occupancy
- (3) Fraternity, sorority, dormitory
- (4) Group residential facility

### 2. Civic Use Categories

#### a. Community Service

Uses of a public, nonprofit, or charitable nature providing ongoing public safety, educational, training, or counseling to the general public on a regular basis, without a residential component.

- (1) Museum, library
- (2) Community service center
- (3) Neighborhood arts center or similar community facility (public)
- (4) Philanthropic institution

#### b. Day Care

Uses providing care, protection, and supervision of children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.

- (1) Adult day care facility
- (2) Child care facility
- (3) Nursery school, preschool

**c. Educational**

Public and private (including charter or religious) schools at the primary, elementary, middle, junior high, or high school level that provide academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree.

- (1) Academy (special training)
- (2) College, community college, university, seminary
- (3) Public or private (K-12) school
- (4) Charter, trade, vocational, business school

**d. Government Service**

Offices, storage, maintenance, and other facilities for the operation of local, state, or federal government.

- (1) City, county, state, government office
- (2) Convention center, trade center
- (3) Police, fire, EMS station, substation, ambulance service
- (4) Post office

**e. Park/Open Space**

Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.

- (1) Botanical garden, nature preserve, recreational trail
- (2) Cemetery, mausoleum, columbarium, memorial park, pet cemetery, burial grounds
- (3) Game preserve, wildlife management area, refuge, animal sanctuary
- (4) Park, dog park, recreation field
- (5) Reservoir, control structure, drainage well, water supply water well
- (6) Flea market, farmers market, farm stand, open air market

**f. Place of Worship**

Places of assembly that provide meeting areas for religious practice.

- (1) Church, mosque, synagogue, temple

**g. Social Service**

Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.

- (1) Group shelter
- (2) Neighborhood resource center
- (3) Rehabilitative clinic
- (4) Social service facility, soup kitchen, transient lodging or homeless shelter
- (5) Overnight general purpose shelter
- (6) Transitional home, halfway house

**h. Utilities**

Public or private infrastructure serving a limited area with no on-site personnel (Minor Utility) or the general community and possibly having on-site personnel (Major Utility).

- (1) Minor utilities, including on-site stormwater retention or detention facility, neighborhood-serving telephone exchange/switching center, gas or electric installation/ transmission, water and wastewater pump station or lift station, gas gates
- (2) Major utilities, including aeration facility, electrical substation, electric or gas generation plant, filter bed, railroad right-of-way (new), transmission tower, waste treatment plant, water pumping facility, water tower or tank
- (3) Mounted cellular antenna, radio, television or microwave tower, tower/antenna for cellular communication

**3. Retail Use Categories****a. Overnight Lodging**

Accommodations arranged for short term stays of less than 30 days for rent or lease.

- (1) Hotel, motel, inn, extended-stay facility, bed and breakfast, youth hostel

**b. Retail Sales**

Facilities involved in the sale, lease, or rental of new or used products.

- (1) Sale, lease, or rental of antiques, appliances, art, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, computer supplies, convenience goods, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, pets, pet supplies, pharmaceuticals, photo finishing, picture frames, plants, postal substation, printed materials, produce, souvenirs, sporting goods, stationery, tobacco, used or secondhand goods, videos, vehicle parts and accessories and related products.
- (2) Also includes a convenience store, gas station, commercial greenhouse or nursery, garden center, pawnshop, and photo finishing.

**c. Restaurant, Bar**

Establishments that prepare and sell food and drink for on-or off-premise consumption.

- (1) Bar, tavern, cocktail lounge, nightclub
- (2) Pizza delivery facility
- (3) Restaurant, fast-food restaurant, take-out, yogurt or ice cream shop
- (4) Restaurant with sale of alcoholic beverages, brew pub

**d. Vehicles Sales**

Direct sales, rental or leasing of passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles.

- (1) Vehicle sales, rental, or leasing
- (2) Boats and other recreational vehicle sales
- (3) Vehicle rental

## 4. Office Use Categories

### a. Office

Activities conducted in an office setting and generally focusing on business, professional or financial services.

- (1) Offices including advertising, business management consulting, data processing, collection agency, real estate or insurance agent, professional service such as lawyer, accountant, bookkeeper, engineer, architect, sales office, travel agency
- (2) Financial services such as lender, investment or brokerage house, bank, call center
- (3) Counseling in an office setting
- (4) Radio, TV or recording studio, utility office
- (5) Art studio, gallery

### b. Medical

Uses providing medical or surgical care to patients. Some uses may offer overnight care.

- (1) Blood plasma donation center, medical or dental laboratory
- (2) Hospital, urgent care or emergency medical office
- (3) Medical, dental office or chiropractor
- (4) Ambulatory surgical center

## 5. Service & Entertainment Use Categories

### a. Personal Service

Facilities involved in providing personal services or repair services to the general public.

- (1) Animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, kennel, doggy day care
- (2) Catering establishment, small-scale, cleaning establishment, small-scale, dry-cleaning or laundry drop-off facility, laundromat, cleaning, pickup station, coin operated pickup station
- (3) Drop-in child care center
- (4) Funeral home, mortuary, undertaking establishment, commercial wedding chapel
- (5) Hair, nail, tanning, massage therapy and personal care service, barber or beauty shop
- (6) Photocopy, blueprint, package shipping and quick-sign service, printing and publishing, security service
- (7) Tattoo shop, palmist, psychic, medium, massage parlor
- (8) Appliance, bicycle, canvas product, clock, computer, jewelry, musical instrument, office equipment, radio, shoe, television or watch repair
- (9) Taxidermist, tailor, milliner, upholsterer, locksmith

**b. Indoor Recreation**

Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.

- (1) Athletic, tennis, swim or health club
- (2) Dance, martial arts, music studio or classroom
- (3) Gymnastic facility, indoor sports academy
- (4) Lodge, membership club
- (5) Indoor entertainment activity such as pool hall, bowling alley, game arcade
- (6) Movie or other theater

**c. Outdoor Recreation**

Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities. Such activities may take place wholly outdoors or within a number of outdoor structures.

- (1) Drive-in theater
- (2) Campground, travel trailer park, recreational vehicle park
- (3) Executive par three golf course
- (4) Extreme sports such as paintball, BMX or skateboarding facility
- (5) Golf course, country club, clubhouse
- (6) Outdoor entertainment activity such as batting cage, golf driving range, mini-amusement park, miniature golf facility, water park
- (7) Horse stable, riding academy, equestrian center
- (8) Outdoor shooting range
- (9) Sports academy for active recreational or competitive sports
- (10) Stadium, arena, commercial amphitheater

**6. Commerce Use Categories****a. Light Manufacturing**

A facility conducting light manufacturing operations within a fully-enclosed building, generally serviced by trucks no longer than 24 feet in length.

- (1) Bulk mailing service
- (2) Clothing, textile apparel manufacturing
- (3) Manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items, electrical items, sporting goods, office and art supplies, electrical equipment/items, paper products (except pulp mills), metal and glass products
- (4) Office showroom/warehouse
- (5) Printing, publishing, and lithography
- (6) Production of artwork and toys, sign-making, movie production facility, photo-finishing laboratory
- (7) Repair of scientific or professional instruments and electric motors
- (8) Sheet metal, welding, machine, tool repair shop or studio
- (9) Woodworking, including cabinet makers and furniture manufacturing

**b. Passenger Terminal**

Public or commercial facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail or bus service.

- (1) Airport, heliport, airline terminal
- (2) Bus passenger terminal, taxi dispatch center, train passenger terminal, limousine service
- (3) Multi-modal facility

**c. Research & Development**

A facility focused primarily on the research and development of new products.

Laboratories, offices, and other facilities used for research and development by or for any individual, organization, or concern, whether public or private; prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product; pilot plants used to test manufacturing processes planned for use in production elsewhere; production facilities and operations with a high degree of scientific input; facilities and operations in which the input of science, technology, research, and other forms of concepts or ideas constitute a major element of the value added by manufacture per unit of product.

**d. Self-Service Storage**

Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

- (1) Warehouse, self-service
- (2) Fully enclosed indoor multi-story storage

**e. Warehouse and Distribution**

Facilities involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.

- (1) Bulk storage, including nonflammable liquids, cold storage plants, frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store
- (2) Bus barn, central postal facility
- (3) Commercial packing for fruits and vegetables
- (4) Drop yard with or without preventative maintenance service
- (5) Freight, service facility
- (6) Outdoor storage yard
- (7) Parcel services
- (8) Railroad switching yard, freight terminal, piggyback yard
- (9) Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred
- (10) Trailer storage, drop off lot
- (11) Truck or motor freight terminal, service facility
- (12) Warehouse

**f. Wholesale Trade**

Facilities involved in the sale, lease, or rent of products to industrial, institutional or commercial businesses only. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are not permitted. Products may be picked up on-site or delivered to the customer.

- (1) Mail-order house
- (2) Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, plumbing supplies, janitorial supplies, restaurant equipment, and store fixtures
- (3) Wholesale of food, clothing, auto parts, building hardware
- (4) Wholesale display
- (5) Wholesale establishment

**g. Vehicle Service**

Repair and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles.

- (1) Vehicle service includes audio and alarm system installation, custom accessories (window tint, stripe, luggage rack, molding, bumpers) quick lubrication facilities, battery sales and installation, auto detailing, minor scratch and dent repair, bedliner installation, glass repair/replacement; tire sales and mounting, full- or self-service vehicle wash
- (2) Vehicle repair including A/C replacement A/C servicing, alignment shop, auto body shop, auto upholstery shop, repair of cars, trucks, RVs and boats, towing service, repair of brakes/shocks, mufflers, transmissions, engine replacement/overhaul, trucks service, truck service tune up, automotive service station

**7. Industrial****a. Agriculture**

Characterized by uses that create or preserve areas intended primarily for the raising of animals and crops, conservation, and the secondary industries associated with agricultural production.

- (1) Animal raising including horses, hogs, cows, sheep, goats, and swine, poultry, rabbits, and other small animals, apiculture, aquaculture, dairying, personal or commercial animal breeding and development
- (2) Crop production, soil preparation, agricultural services, large animal and veterinary services, farm labor and management services
- (3) Floriculture, horticulture, pasturage, row and field crops, viticulture, tree or sod farm, silviculture, sale of agriculture products
- (4) Fish hatcheries and preserves
- (5) Grain, fruit, field crop and vegetable cultivation and storage
- (6) Hunting, trapping and game propagation
- (7) Livestock, horse, dairy, poultry and egg products
- (8) Livestock auction
- (9) Milk processing plant
- (10) Packing house for fruits or vegetables

- (11) Plant nursery, plant nursery with landscape supply
- (12) Poultry slaughtering and dressing
- (13) Retail or wholesale sales of agriculturally-related supplies and equipment  
Timber tracts, forest nursery gathering of forest products

**b. Light Industrial**

Manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the facility.

- (1) Brewery, winery, catering establishment, large-scale
- (2) Bus or rail transit vehicle maintenance or storage facility
- (3) Contractors storage including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site
- (4) Crematorium, pet crematorium
- (5) Detention center, jail, prison
- (6) Electronics service center
- (7) Food beverage products except animal slaughter, stockyards
- (8) Lawn, tree or garden service
- (9) Laundry, dry-cleaning, and carpet cleaning plants, cleaning establishment, large-scale
- (10) Leather and leather products except tanning and finishing
- (11) Lumberyard and wood products, Sheet metal shop, soft drink bottling
- (12) Stone, clay, glass, and concrete products

**c. Heavy Industrial**

Firms involved in research and development activities without light fabrication and assembly operations; limited industrial/manufacturing activities. The uses emphasize industrial businesses, and sale of heavier equipment. Factory production and industrial yards are located here. Sales to the general public are limited.

- (1) Any use that is potentially dangerous, noxious or offensive to neighboring uses in the district or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause
- (2) Asbestos, radioactive materials
- (3) Animal processing, packing, treating, and storage, livestock or poultry slaughtering, concentrate plant, processing of food and related products, production of lumber, tobacco, chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing, Automobile dismantlers and recyclers, commercial feed lot
- (4) Bulk storage of flammable liquids, chemical, cosmetics, drug, soap, paints, fertilizers and abrasive products

- (5) Concrete batching and asphalt processing and manufacture, batch plant  
Earth moving and heavy construction equipment and transportation equipment
- (6) Explosives, fabricated metal products and machinery
- (7) Impound lot, wrecker service includes city wreckers, auto storage, wrecking, junk or salvage yard
- (8) Leather and leather products includes tanning and finishing
- (9) Petroleum, liquefied petroleum gas and coal products and refining
- (10) Primary metal manufacturing
- (11) Pulp mill, rubber and plastic products, rubber manufacturing
- (12) Scrap metal processors, sawmill, secondary materials dealers
- (13) Trailer leasing, auction vehicle, broker vehicle, pawn shop vehicle, manufactured housing sales, labor hall
- (14) Tire recapping, tobacco products
- (15) Transportation equipment

**d. Resource Extraction**

Characterized by uses that extract minerals and other solids and liquids from land.

- (1) Dredging, earth extraction, clearing or grading (timber cutting)
- (2) Extraction of phosphate or minerals
- (3) Extraction of sand or gravel, borrow pit
- (4) Metal, sand stone, gravel clay, mining and other related processing
- (5) Stockpiling of sand, gravel, or other aggregate materials

**e. Waste-Related**

Characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material.

- (1) Animal waste processing
- (2) Garbage or refuse collection service (office and truck fleet)
- (3) Landfill
- (4) Manufacture and production of goods from composting organic material  
Recycling facility including recyclable material storage, including construction material, recycling drop-off facility, recycling buy-back center, recycling collection center
- (5) Solid or liquid waste transfer station, waste incineration

## D. Accessory Structures & Uses

### 1. General

- a. Unless otherwise expressly stated, accessory structures and uses are permitted in conjunction with allowed principal uses. Accessory structures and uses shall be accessory and clearly incidental and subordinate to a permitted principal use. No accessory use may be established on a site prior to the establishment of a permitted principal use.
- b. The Planning Director is authorized to determine when a structure or use meets the definition of an accessory use, or accessory structure. In order to classify a structure or use as "accessory," the Planning Director must determine that the structure or use:
  - (1) Is subordinate to the principal use or structure in terms of area, extent and purpose;
  - (2) Contributes to the comfort, convenience or necessity of occupants of the principal structure or use served;
  - (3) Is located on the same lot as the principal structure or use, or on a contiguous lot in the same ownership;
  - (4) Is located within the same district as the principal structure or use;
  - (5) Does not involve operations not in keeping with the character of the principal structure or use served; and
  - (6) Is not of a nature likely to attract visitors in larger numbers than would normally be expected.

### 2. Accessory Structures

Accessory structures, not including accessory dwelling units, shall be subject to the following requirements:

#### a. Setbacks

- (1) No accessory structure shall be located closer than ten feet to any other building
- (2) No accessory structure shall extend past the front building line of the principal structure.
- (3) No accessory structure may extend within three feet of any lot line.
- (4) A rear-loaded detached garage shall be located a maximum of five feet from the right-of way of an alley.

**b. Height**

The height of an accessory structure shall not exceed the height of the principal structure.

**c. Number**

In no case shall roofed accessory structures and principal structures combined exceed the maximum building coverage for the applicable district (see Section 604).

**3. Drive-Through Facility**

- a. A drive-through is only permitted in conjunction with a permitted ground floor nonresidential use.
- b. A drive-through shall be located either to the rear or side of a building provided it is not located within a required side or rear setback.
- c. A drive-through shall not be located between a building and a street (including the side of a building on a corner lot).

**4. Outdoor Seating and Dining**

- a. Outdoor seating and dining may be allowed subject to site plan approval by (see also Section 602B).
- b. Outdoor seating and dining may be located either to the rear or side of a building provided it is not located within a required side or rear setback.
- c. Outdoor seating and dining may extend into a required front setback area. Outdoor display may extend forward of the required front setback area or into the right-of-way to the extent specifically provided for by the City during the site plan approval process. A clear sidewalk area of six feet must be maintained at all times. Outdoor seating and dining shall not impair the ability of pedestrians to use the sidewalk.

## Section 606 Streets

### A. Specifications

#### 1. Tree Planting

- a. Street trees are required in accordance with the applicable street cross-section (see Section 606B) or streetscape standard (see Section 606C).
- b. Plant material shall be chosen from the lists of recommended plant species contained in the City of Portales Recommended Tree List (see also Section 608, Landscaping).
- c. Any tree planted shall measure 2½ inches in diameter at four feet above the ground level.

#### 2. Parking Lot Screening

- a. Parking lot screening is required in accordance with the applicable streetscape standard (see Section 606C.3 and Section 606C.4).
- b. A hedge or low wall shall be provided in the parking setback area to screen the edge of a parking lot from the street.
- c. At the time of installation, such screening shall be at least 30 inches in height and shall not exceed a maximum height of 36 inches.

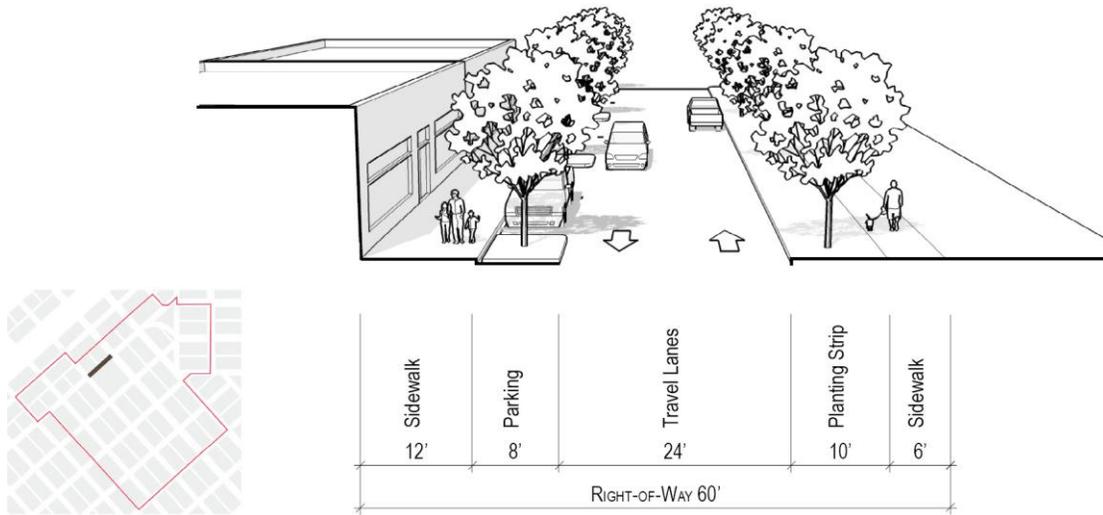
#### 3. Clear Sight Triangle

Building construction and landscaping shall meet all applicable intersection and driveway clear sight requirements.

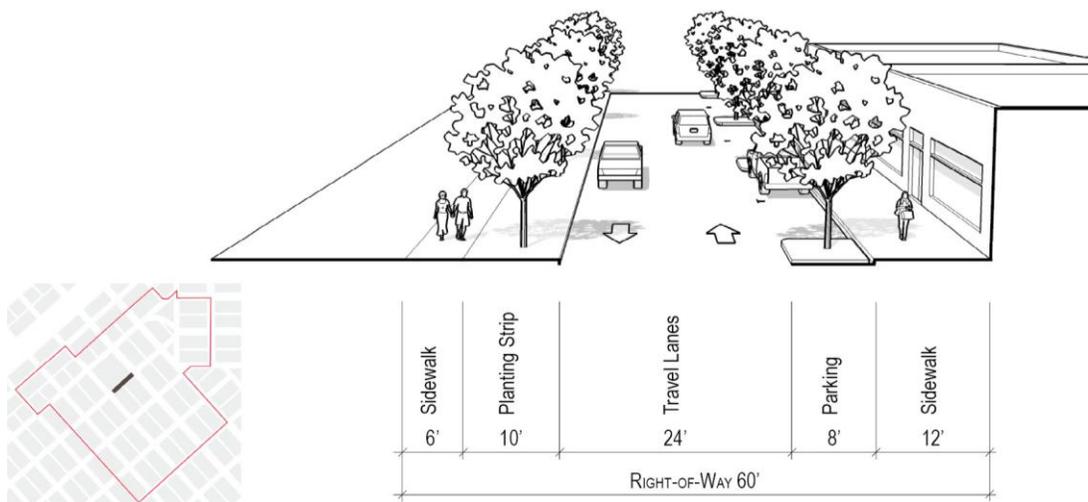
## B. Street Standards

The following cross-sections illustrate new minimum street configurations for 1st Street (Avenue A to Main), 2nd Street (Avenue A to Main), Avenue A (1st to 2nd), Main Street (1st to 2nd), Main Street (2nd to 4th), and Main Street (4th to 5th).

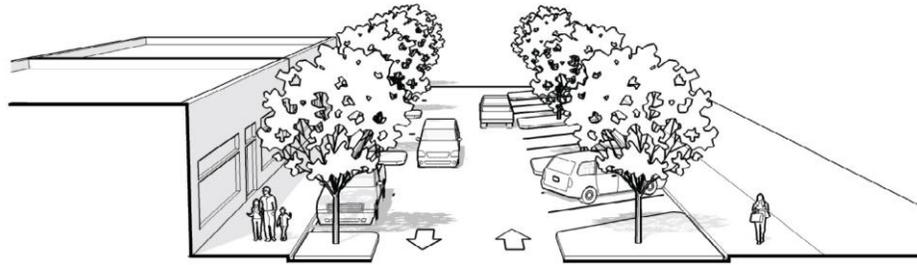
### 1. 1<sup>st</sup> Street (Avenue A to Main)



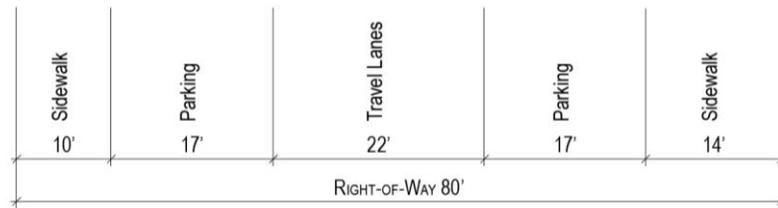
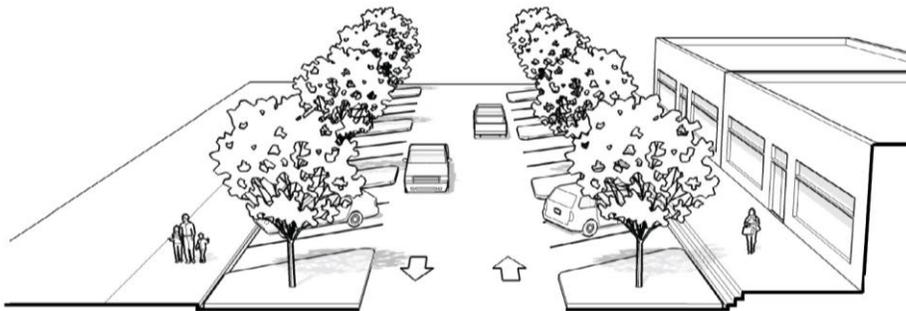
### 2. 2<sup>nd</sup> Street (Avenue A to Main)



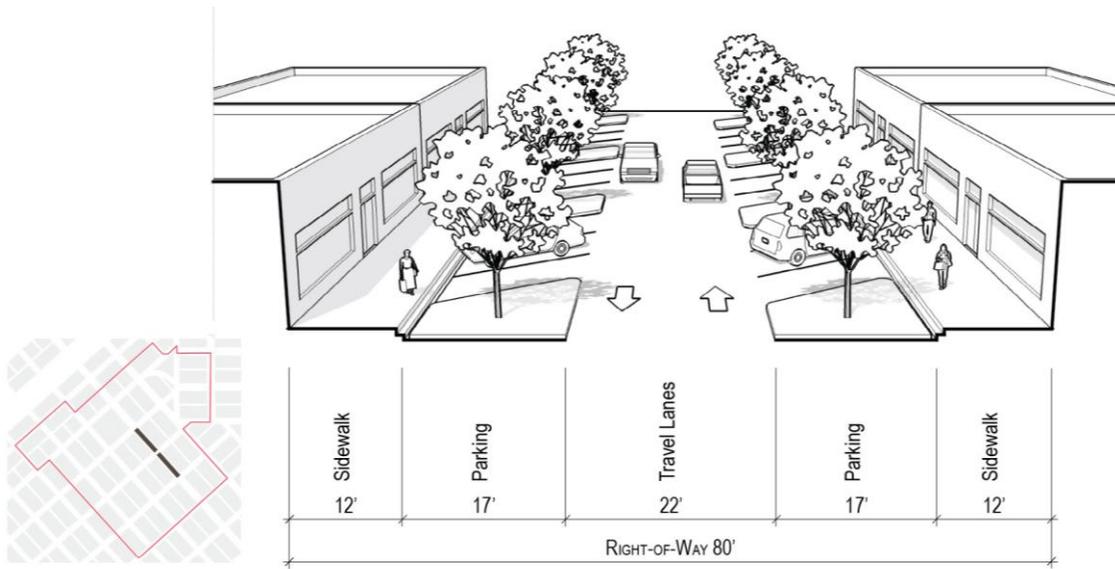
### 3. Avenue A (1<sup>st</sup> to 2<sup>nd</sup>)



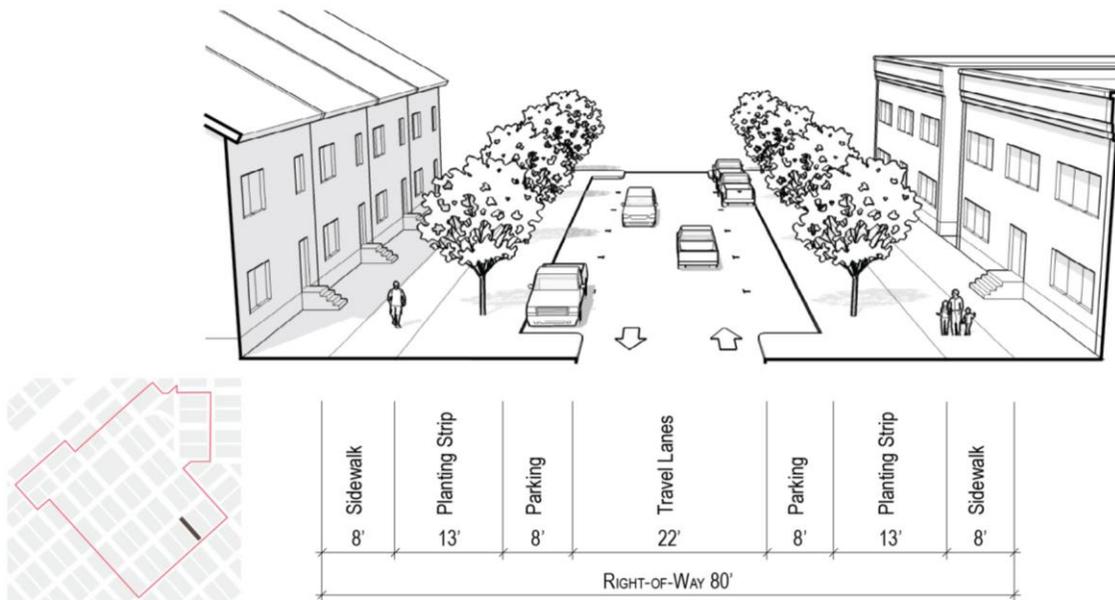
### 4. Main Street (1<sup>st</sup> to 2<sup>nd</sup>)



### 5. Main Street (2<sup>nd</sup> to 4<sup>th</sup>)



### 6. Main Street (4<sup>th</sup> to 5<sup>th</sup>)

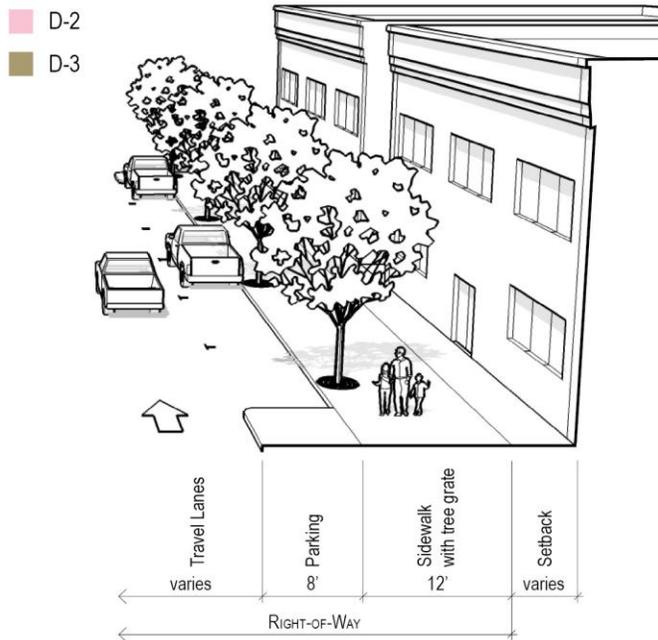


### C. Streetscape Standards

The following minimum streetscape standards shall be installed forward of the front building line as set forth below. Where more than one set of standards is allowed, either set of standards apply.

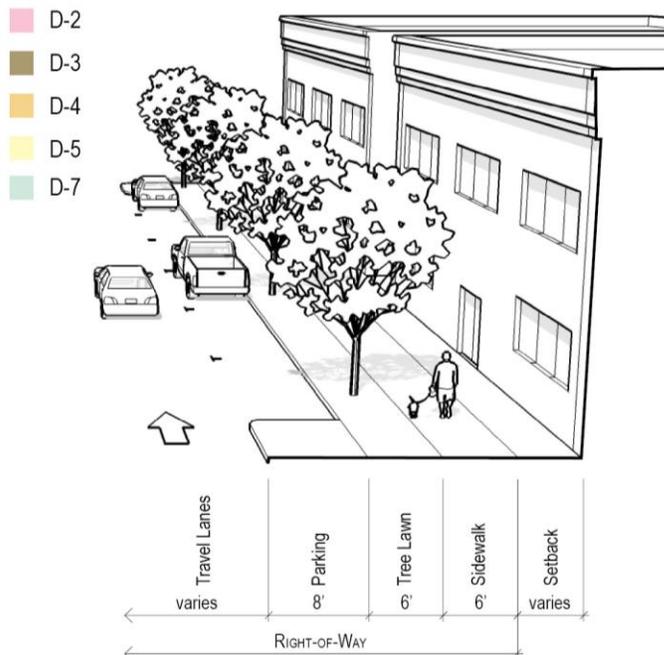
#### 1. D-2, D-3

The following streetscape standards apply in D-2 and D-3.



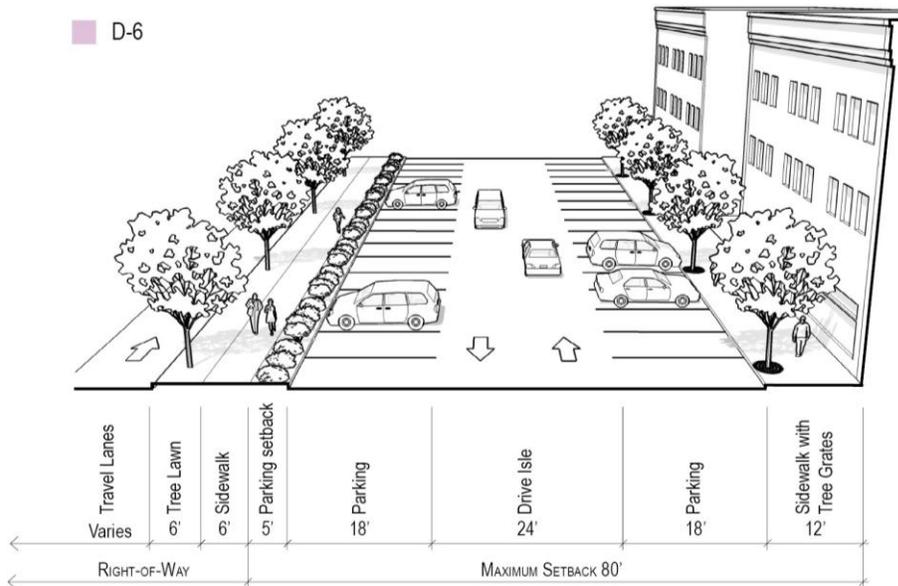
#### 2. D-2, D-3, D-4, D-5, D-7

The following streetscape standards apply in D-2, D-3, D-4, D-5, and D-7.



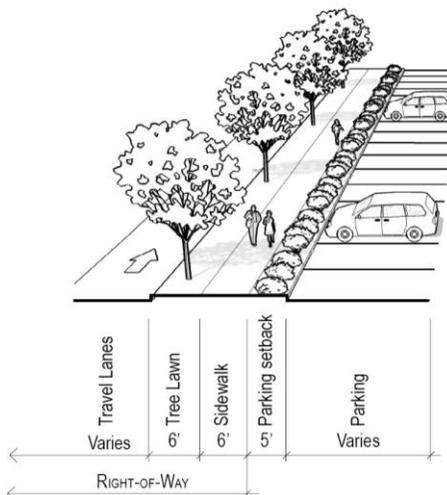
### 3. D-6

The following streetscape standards apply in D-6.



### 4. Parking Buffer

The following streetscape standards apply when a parking lot abuts a public street (not including an alley).



## **D. Nonconforming Streetscapes**

Where a streetscape along an existing street is constrained by an existing building, the Planning Director may modify the streetscape standards to the minimum extent necessary to accommodate the existing area between the face of the building and back of curb. The standards shall be modified in the following order:

1. Reduce the tree grate or tree lawn area. Where necessary, replace large canopy trees with smaller species appropriate to the reduced area.
2. Where the tree grate or tree lawn area has been eliminated, create a bump-out in the street to provide for tree planting.
3. Reduce the sidewalk to the minimum width to accommodate ADA accessibility.

## Section 607 Parking

### A. Applicability

1. No additional off-street parking is required for a building or use in existence as of February 1, 2008.
2. No additional off-street parking is required for the establishment of a new use in an existing building as of February 1 2008, even where such use is changed to a more intense use.
3. No off-street parking shall be required for nonresidential development (new construction or an addition) under 5,000 square feet of gross floor area built after February 1, 2008.
4. All other development shall provide parking as set forth below.

### B. Special Parking Standards

#### 1. On-Street Parking

A parking space located on a public street may be included in the calculation of off-street parking requirements where it lies wholly adjacent to the subject parcel.

#### 2. Remote Parking Standards

Remote parking may be included in calculation of off-street parking requirement subject to the requirements below:

- a. Remote parking must be located within a walking distance of 300 feet from the use served by the remote parking unless an extension of walking distance is approved by the Planning Director.
- b. The Planning Director may extend the walking distance for remote parking to no more than 600 feet unless the extension would:
  - (1) Significantly discourage patrons of the use from using the remote parking;
  - (2) Unreasonably endanger the safety of persons or property; or
  - (3) Not otherwise be in the public interest.

### C. Parking Ratios

The minimum required ratio of off-street parking spaces to serve a permitted use is set forth below (see Section 605C for a comprehensive list of principal uses).

Use Category	Principal Use	Required Parking
Residential	Household living	2 per single-family attached unit 1.15 per one-bedroom or smaller multifamily unit 1.85 per two-bedroom multifamily unit 2.5 per three-bedroom or larger multifamily unit
	Group living	0.25 spaces per bed PLUS 1 per 200 SF office Minimum 4 spaces
Civic	Community service	5 per 1,000 SF
	Day care	2 per 1,000 SF
	Educational	1.5 spaces per elementary classroom 3.5 spaces per junior high or middle classroom 9.5 spaces per senior high classroom 1 per 4 seats in any other classroom
	Government service	5 per 1,000 SF
	Park/open space	As determined by Planning Director
	Place of worship	1 per 4 fixed seats, 1 per 18" length of bench OR 1 per 28 SF floor area without seating
	Utilities	As determined by Planning Director
Retail	Overnight lodging	1.25 per room PLUS 5 per 1,000 SF of meeting room
	Retail sales	4 per 1,000 SF
	Restaurant	10 per 1,000 SF
	Vehicle sales	5 per 1,000 SF
Office	Office	3 per 1,000 SF
	Medical	4 per 1,000 SF
Service & Entertainment	Personal service	4 per 1,000 SF
	Indoor recreation	2 per 1,000 SF
Commerce	Light manufacturing	1.5 per 1,000 SF
	Passenger terminal	5 per 1,000 SF
	Research & development	3 per 1,000 SF
	Self-service storage	1 per 1,000 SF
	All vehicle service	2 per 1,000 SF

## Section 608 Landscaping

### A. Maintenance

1. The owner of a landscaped area must maintain required landscaping and screening in compliance with these standards.
2. All landscaping shall be maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to, watering, mulching, fertilizing and pest management, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.
3. Dead or diseased plantings shall be removed. Replacement plantings shall be provided for any required plants which die or are removed for any reason and shall meet all minimum standards and conform to the requirements of this section.

### B. Plant Material

1. Plant material shall be chosen from the lists of recommended plant species contained in the City of Portales Recommended Tree List.
2. Plant materials shall be reviewed for suitability with regard to the eventual size and spread, susceptibility to diseases and pests, and appropriateness to existing soil, climate and site conditions.
3. Plant materials that vary from this list may be used with the approval of the Planning Commission.
4. Plantings shall be cold hardy for the specific location where they are to be planted.
5. Trees and shrubs shall be salt tolerant and drought tolerant and able to survive on natural rainfall once established with no loss of health.

### C. Surface Parking

Off-street parking areas with more than ten required spaces shall provide landscaping in accordance with the following requirements:

#### 1. Interior Islands

- a. One interior landscaped island shall be provided for every ten parking spaces. Each island shall contain a minimum of 200 square feet with a minimum width of eight feet inside the curb and shall include a minimum of one tree with a minimum diameter of 2½ inches measured at four feet above the ground level.
- b. Planting islands shall be evenly distributed throughout the parking area, with no parking space located more than 100 feet from a planting island.
- c. The interior island requirements do not apply to parking lots constructed in accordance with Section 606C.3.

#### 2. Terminal Islands

All rows of spaces shall terminate in a curbed landscaped island. Each island shall conform to the specifications described in Section 608C.1.

#### 3. Median Islands

A median island with a minimum width of eight feet inside the curb shall be sited between every six single parking rows and along primary internal and external access drives.

#### 4. Street Trees

Street trees shall be installed in accordance with the applicable street cross-section or streetscape standard (see Section 606).

## **D. Screening**

### **1. Parking Lot Screening**

Parking lot screening is required in accordance with the applicable streetscape standard (see Section 606A).

### **2. Mechanical Equipment**

- a. All roof, ground and wall mounted mechanical equipment (e.g. air handling equipment, compressors, duct work, transformers and elevator equipment) shall be screened from view from adjacent property and public rights-of-way at ground level of the property line.
- b. Roof-mounted mechanical equipment shall be shielded from view on all sides. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers which are painted to blend in with the primary structure.
- c. Wall or ground-mounted equipment screening shall be constructed of:
  - (1) Planting screens;
  - (2) Brick, stone, reinforced concrete, or other similar masonry materials; or
  - (3) Redwood, cedar, preservative pressure treated wood, or other similar materials.

### **3. Service Areas**

- a. Trash collection, trash compaction, recycling collection, and other similar service areas shall be effectively screened from view.
- b. Screening enclosures shall be fully enclosed by opaque walls or fences at least eight feet high with self-closing access doors and shall be constructed of the same materials as the primary building.

## Section 609 Signage

### A. Intent

1. Signage within a Downtown District should be clear, informative and durable.
2. Appropriate signage is important for commercial uses that need to effectively advertise their goods and services.
3. Inappropriate advertising signage contributes to visual clutter of the environment by their design, location, material choice or obtrusive size.

### B. B. D-4, D-5, D-7

The sign regulations of Chapter 3, Article III, Signs, shall apply in the D-4, D-5, and D-7 districts.

### C. D-1, D-2, D-3, D-6

#### 1. Sign Area

- a. The total allocated sign area shall not exceed one square foot per linear foot of building frontage per principal building.
- b. Except for hanging signs, window signs and monument signs, the combination of all other permitted sign types shall not exceed the maximum allocated sign area for a building.

#### 2. Permitted Sign Types

The following types of signs shall be permitted.

##### a. Hanging Sign

A sign that hangs perpendicular to a building wall, down from and is supported by or attached to the underside of a canopy or awning.

- (1) The maximum sign area shall not exceed three square feet per hanging sign.
- (2) A hanging sign may extend into a required front setback area.
- (3) A hanging sign may extend forward of the required front setback area or into the right-of-way to the extent specifically provided for by the City during the site plan approval process.
- (4) A hanging sign shall provide a minimum clearance of eight feet above the sidewalk.

##### b. Awning or Canopy Sign

A sign painted on, attached to or otherwise displayed on the front or side of an awning or canopy. This definition does not include canopies over gas pumps.

- (1) The maximum sign area shall not exceed six square feet per awning or canopy sign.
- (2) An awning or canopy sign may extend into a required front setback area.
- (3) An awning or canopy sign may extend forward of the required front setback area or into the right-of-way to the extent specifically provided for by the City during the site plan approval process.
- (4) An awning or canopy sign shall provide a minimum clearance of eight feet above the sidewalk.

**c. Projecting Sign**

A sign attached perpendicular to a building or other structure. This definition shall not include hanging signs.

- (1) A projecting sign shall provide a minimum clearance of eight feet above the sidewalk and shall extend no more than four feet from the façade of a building.
- (2) A projecting sign may extend into a required front setback area.
- (3) A projecting sign may extend forward of the required front setback area or into the right-of-way to the extent specifically provided for by the City during the site plan approval process.
- (4) When placed at the ground story level, a projecting sign shall not exceed nine square feet in area.
- (5) When placed at the second story level, a projecting sign shall not exceed 12 square feet in area.
- (6) When placed at the third story level, a projecting sign shall not exceed 18 square feet in area.
- (7) A projecting sign on the third story level is only permitted on the corner of a block, where they may project from a building corner.

**d. Window Sign**

A sign affixed to the interior or exterior of a window or door, or any other sign visible through a window or door containing a message legible clearly visible from the street or intended for public recognition outside the building.

- (1) Window signs shall not collectively exceed ten percent of the window area on each façade.
- (2) A permanent business address shall be permitted in addition to the ten percent coverage.

**e. Wall Sign**

A sign attached to the exterior wall of a building.

- (1) A wall sign is permitted within the area between the bottom of the second story windows and the top of first floor windows within a horizontal band not to exceed three feet in height. In no case shall this band be higher than 18 feet or lower than 12 feet above the adjacent sidewalk.
- (2) On a single story building, a wall sign is permitted in area between the eave line or parapet and the top of the first floor windows within a horizontal band not to exceed three feet in height. In no case shall this band be higher than 18 feet or lower than 12 feet above the adjacent sidewalk.
- (3) A wall sign shall not project above the elevation of any building or structure. Walls signs are not permitted on the roof a building.
- (4) A wall sign shall not project more than 12 inches from the building to which it is attached.
- (5) A wall sign may extend into a required front setback area and may extend forward of the required front setback area or into the right-of-way a maximum of 12 inches.

**f. Monument Sign**

A sign constructed on the ground with a continuous footing or foundation with the base at grade.

- (1) A monument sign is permitted in the D-6 District only.

- (2) No monument sign shall exceed six feet in height.
- (3) The maximum area for a monument sign shall not exceed 24 square feet.
- (4) For properties with multiple street frontages (corner lots, through lots), one monument sign may be placed along either street frontage.

### 3. Sign Illumination

- a. Except as listed below, no flashing, scrolling, traveling, animated, or intermittent lighting shall be on the exterior of any building whether such lighting is of temporary or long-term duration.
- b. Signs may be illuminated from within or from an external source, but such illumination shall be in a manner that avoids glare or reflection which in any way interferes with traffic safety.
- c. Internally illuminated signs shall be designed with:
  - (1) Individually illuminated letters;
  - (2) An opaque background; or
  - (3) The background of the sign face having a darker color than the content or message of the sign.
- d. Neon or any similar exposed tube lighting is permitted provided that such lighting shall not be used solely to outline the perimeter of the sign face or sign structure, or outline or highlight architectural features on a building or structure.

## Section 610 Outdoor Site Lighting

### A. Lighting Plan Required

A lighting plan shall be submitted in conjunction with a required site plan.

### B. Prohibited Light Sources

The following light fixtures and sources shall not be used where the direct light emitted is visible from adjacent areas:

1. Low-pressure sodium and mercury vapor light sources;
2. Cobra-head-type fixtures having dished or drop lenses or refractors which house other than incandescent sources; and
3. Searchlights and other high-intensity narrow-beam fixtures.

### C. Lighting Design Requirements

Outdoor site lighting shall primarily be used to provide safety. Outdoor site lighting may also be used to accent key architectural elements and emphasize landscape features. All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

#### 1. Fixture (Luminaire)

The light source shall be concealed and shall not be visible from any public right-of-way or adjacent properties. In order to direct light downward and minimize the amount of light spillage into the night sky and onto adjacent properties, all lighting fixtures shall be cutoff fixtures.

#### 2. Fixture Height

Lighting fixtures shall be a maximum of 30 feet in height within parking areas and shall be a maximum of 15 feet in height within non-vehicular pedestrian areas. All light fixtures located within 50 feet of an R-1 or R-2 district shall not exceed 15 feet in height.

#### 3. Light Source (Lamp)

Only incandescent, fluorescent, metal halide, or color corrected high-pressure sodium may be used. The same light source type shall be used for the same or similar types of lighting on any one site throughout any development.

#### 4. Mounting

Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site.

### D. Specific Lighting Standards

#### 1. Security Lighting

- a. Building-mounted security light fixtures such as wall packs shall not project above the fascia or roof line of the building and shall be shielded.
- b. Security fixtures shall not face residential uses
- c. Security fixtures shall not be substituted for parking area or walkway lighting and shall be restricted to loading, storage, service and similar locations.

#### 2. Accent Lighting

Only lighting used to accent architectural features, landscaping or art may be directed upward, provided that the fixture shall be located, aimed or shielded to minimize light spill into the night sky.

### **3. Canopy Area Lighting**

All development that incorporates a canopy area over fuel sales, automated teller machines or similar installations shall use a recessed lens cover flush with the bottom surface of the canopy that provides a cutoff or shielded light distribution.

### **4. Entrances and Exits**

All entrances and exits to buildings used for nonresidential purposes and open to the general public, along with all entrances and exits in multifamily residential buildings, shall be lighted to ensure the safety of persons and the security of the building.

### **5. Parking Area Lighting**

All nonresidential parking areas shall be required to provide lighting during nighttime hours of operation.

### **6. Excessive Illumination**

- a. Lighting that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property shall be prohibited. Lighting unnecessarily illuminates if it exceeds the requirements of this section.
- b. Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers.

## Section 611 Outdoor Display and Storage

### A. Outdoor Display

1. Outdoor display is the outdoor display of products actively available for sale.
2. The outdoor location of soft drink or similar vending machines is considered outdoor display.
3. Outdoor display does not include merchandise or material in boxes, in crates, on pallets or other kinds of containers (such merchandise shall be considered limited outdoor storage).
4. Outdoor display is permitted in association with any permitted nonresidential use in the D-1, D-2 and D-6 districts in accordance with the following provisions:
  - a. Outdoor display may extend into a required front setback area.
  - b. Outdoor display may extend forward of the required front setback area or into the right-of-way to the extent specifically provided for by the City during the site plan approval process.
  - c. Outdoor display shall be permitted adjacent to the building façade and shall extend no more than five feet from the façade. However, a clear sidewalk area of six feet must be maintained at all times.
  - d. Outdoor display shall not impair the ability of pedestrians to use the sidewalk.
  - e. Outdoor display shall occupy no more than 30 percent of the horizontal length of the building façade.
  - f. Outdoor display shall be removed and placed inside a fully-enclosed building at the end of each business day.
  - g. Outdoor display shall not be located in the street or in a required parking area.

### B. Outdoor Storage

Outdoor storage is more intensive than outdoor display. Outdoor storage is not normally brought indoors overnight. Outdoor storage is broken in two categories as set forth below.

#### 1. Limited Outdoor Storage

- a. Limited outdoor storage is the overnight outdoor storage of vehicles awaiting repair, RV and boat storage at a self-service storage facility, merchandise or material in boxes, in crates, on pallets or other kinds of containers, shopping carts, garden supplies, building supplies, plants, and other similar merchandise, material or equipment.
- b. Limited outdoor storage is permitted in association with any permitted nonresidential use in the D-1, D-2 or D-6 districts in accordance with the following provisions:
  - (1) Limited outdoor storage shall not be more than 12 feet in height and shall be fully screened from view from the public right-of-way, parking areas, or adjacent residential development by a 100 percent opaque visual barrier or screen.
  - (2) All limited outdoor storage shall be located at least 15 feet from the public right-of-way (not including an alley) or any abutting R-1 or R-2 district.
  - (3) Limited outdoor storage shall be located either to the rear or side of a building provided it is not located within a required side or rear setback.
  - (4) Limited outdoor storage shall not be located within five feet of a common lot line.

- (5) Limited outdoor shall not be located between a building and a street (including the side of a building on a corner lot).
- (6) Vehicles awaiting repair may be stored up to 14 days within the required screened storage area provided that no more than two such vehicles shall be stored at any one time.

## **2. General Outdoor Storage**

- a. General outdoor storage includes salvage yards, vehicle storage yards, overnight outdoor storage of shipping containers, lumber, pipe, steel, junk and other similar merchandise, material or equipment.
- b. General outdoor storage is not permitted in any Downtown District.