



Legislation Text

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AN ORDINANCE TO AMEND SECTION 117-2, DEFINITIONS AND SECTION 117-140, OVERLAY DISTRICTS WITHIN THE CITY OF JONESBORO CODE OF ORDINANCES, BY EXPANDING THE VILLAGE RESIDENTIAL OVERLAY DISTRICT REGULATIONS (SECTION 117, D.1) TO INCLUDE A TOWN CENTER OVERLAY DISTRICT OPTION (SECTION 117, D.2) FOR LARGE SCALE DEVELOPMENTS AND TO DECLARE AN EMERGENCY TO FURTHER ADVANCE INNOVATIVE DESIGN AND GOOD LAND USE PRINCIPLES

WHEREAS, the City of Jonesboro recognizes the potential for growth and population diversification that will continue to transform the entire community; and

WHEREAS, the Land Use Plan provides for a combination of office, retail, housing or compatible uses developed with a consistent theme and containing architectural, landscape, streetscape and signage standards are an emerging trend among growing communities, and present a unique opportunity for large scale investment and controlled growth.; and

WHEREAS, the Metropolitan Area Planning Commission held a public hearing and unanimously voted to recommend approval to City Council of said text amendment revisions to Section 117-140 on April 8, 2014, after studying this matter for three (3) months.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF JONESBORO THAT:

SECTION 1: That Section 117-02. Definitions of Terms and Uses be modified to add the following definitions:

Build-to Line: The build-to-line on a block is the surveyed line of a uniform distance away from the front property line, up to which front building facades are required to be built. Porches, eaves, and awnings may encroach across the build-to-line. The build-to-line shall be established and platted based upon the applicable standards of the Town Center and Village Residential Overlay Districts in order to create an even building façade line along the street.

Façade Articulation: The interruption of the building façade through the use of awnings, arches, display windows or other elements which presents pedestrian scale.

Landscape Amenities: Living or non-living materials used to augment the beauty or usability of a landscape area. Amenities may include, but are not limited to: additional vegetation, flower gardens, tables, sculptures, monuments, benches, gardens, banners, enhanced pavement, pedestrian plaza areas, fountains and planters.

Mixed-Use: A single building containing two or more types of land uses; or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

Neo-Traditional: Developments that favor the return of pre-World-War II patterns of development with such traditional design elements as grid-street patterns, reduced setbacks, prominent front porches, multi-use buildings and housing clustered near commercial service areas.

Overlay District: Districts which are placed "over" the base zoning to modify the development guidelines and to achieve a specific purpose for that area. The regulations of the underlying district and all other regulations, remain in effect. If any regulations conflict with the underlying zoning district, the Overlay standards prevail.

Parapet: A low, solid, protective screening or decorative wall; often used around a balcony, or along the edge of a roof to screen roof equipment.

Pedestrian Scale: The establishment of appropriate proportions for building mass and features in relation to pedestrians and the surrounding context.

Place-Making: Distinct features, such as parks, plazas, or civic areas which connect residents with a community and promote positive user interaction.

Usable Open Space: Areas which serve the need for leisure, recreation or pedestrian interaction. Spaces may include, but are not limited to, plaza areas, open lawn areas, trails, recreation facilities, gardens, pedestrian walkways and waterways.

Vehicle Use Area: The area of a development subject to vehicle traffic, including access ways, loading and service areas, areas used for parking or storage of vehicles, and all land which vehicles cross over as a function of the primary use.

SECTION 2: That the City of Jonesboro Code Section 117-140, is hereby modified to read as follows:

Sec. 117-140. Overlay and Special Purpose Districts.

(a) Purpose. The purpose of overlay and special purpose districts is to provide for enhanced standards to protect and enhance the unique characteristics of specific areas and/or corridors, such as natural scenic beauty or manmade features, while providing for development opportunities. Examples of such purposes include:

- (1) Promoting the safe and efficient use of specific roadways by controlling access and other traffic measures;
- (2) Providing for the creation and expansion of employment opportunities for City citizens through promotion of business development;
- (3) Reducing sprawl and segregation of land use and encouraging more efficient use of land and public services by promoting compact mixed-use development patterns;
- (4) Encouraging the redevelopment of an area consistent with a particular design theme;
- (5) Giving special attention to landscaping, buffering, signage, lighting and building setbacks in those districts identified as needing special attention; and
- (6) Creating an attractive built environment with consistently high design quality and harmonious relationships through sound land use planning and design standards;

(b) Adoption. The city council, upon recommendation from the planning commission, may adopt overlay and special purpose districts as the needs are identified in order to implement specific purposes, intents, and design standards generally consistent with comprehensive plan provisions for the area being regulated, which shall be applied as additional standards to other city regulations. The development standards for the Town Center

Overlay District shall control over the underlying zoning classification(s) that may exist on the property prior to adoption of the overlay district. Such overlay districts shall be adopted and made a part of the zoning ordinance through the standard amendment procedures; and upon adoption, the boundaries of such overlay districts shall be delineated on the official zoning map.

(c) LU-O-limited use overlay district.

(1) Purpose. By providing for flexible use of property development standards tailored to individual projects or specific properties, the LU-O district is intended to:

- a. Ensure compatibility among incompatible or potentially incompatible land uses;
- b. Ease the transition from one zoning district to another;
- c. Address sites or land uses with special requirements; and
- d. Guide development in unusual situations or unique circumstances.

(2) Application. The LU-O district may be applied in combination with any base zoning district. The designation may be requested by an applicant or proposed by the planning commission or city council during their consideration of a rezoning request.

(3) Use and property development standards. When accompanied by a rezoning request from the property owner, the LU-O district can be used to restrict the use and property development standards of an underlying base zoning district, as applied to specific parcels of land. All LU-O requirements are in addition to, and supplement all other applicable standards and requirements of the underlying zoning district. Restrictions and conditions imposed by an LU-O district are limited to the following:

- a. Prohibiting otherwise permitted or conditional uses and accessory uses or making a permitted use a conditional use;
- b. Decreasing the number or density of dwelling units that may be constructed on the site;
- c. Limiting the size of nonresidential buildings that may be placed on a site;
- d. Increasing minimum lot size or lot width;
- e. Increasing minimum yard and setback requirements; and
- f. Restricting access to abutting properties and nearby roads.

(4) Method of adoption/amendment. As an overlay district, the LU-O designation shall be applied for in accordance with standard rezoning procedures. Once LU-O zoning is established, any amendments shall also require review and approval in accordance with rezoning procedures.

(5) Effect of LU-O designation. Restrictions imposed through an LU-O district are considered part of this chapter. All property included in an LU-O district shall be delineated on the official zoning map by adding the letters LU to the abbreviation for the base zoning district. The rezoning ordinance and record plat for the property must list all of the modifications and restrictions imposed pursuant to the LU-O designation. The restrictions imposed will be considered part of the text of this chapter, and a violation of the restrictions shall be considered a violation of the zoning chapter.

(d.1) TC-O - Town Center Overlay District.

(1) General Purpose. The purpose of the TC-O, Town Center Overlay District, is to promote the development of a pedestrian oriented, mixed use district in which a variety of complementary retail, commercial, office, civic, and residential uses are permitted. The intent of the TC-O regulations are to:

- (a) Preserve, enhance, or create many forms of publicly accessible open space, such as parks, plazas, water features, tree-lined streets and community gathering areas.
- (b) Create a compact concentration of land uses within each development through multiple uses in a single building, or in the same general area.

(c) Encourage a sense of place through street level activity by allowing the imaginative and efficient utilization of land and to develop a sense of community by promoting year-round pedestrian and outdoor activities at the street level.

(d) Reduce the dependence upon and dominance of the automobile through street design, shared parking, pedestrian scaled buildings and pedestrian pathways and spaces.

(e) Achieve a unique aesthetic design through high quality architecture and construction with attention to placement, relationship and orientation of structures to provide a greater compatibility with surrounding land uses.

(2) Applicability. The TC-O is an overlay district applied to an underlying base zoning district. The TC-O district may be applied to a parcel or contiguous group of parcels where the underlying zoning classification(s) supports a mix of permitted land uses or conforms to the City's Land Use Map and Comprehensive Plan. The provisions of the TC-O shall control over the underlying base zoning district(s).

(3) Method of Adoption. The TC-O district shall be established according to the standard procedures for rezoning.

(4) Town Center Approval Procedure. A proposed Town Center Development shall require review and approval according to the Planned Unit Development review procedures.

(5) Phasing of Development. At the time of preliminary plan approval, the applicant may request approval of, and the Planning Commission may approve, a phasing plan for the development, in which case the following standards shall apply. Each phase shall be related to surrounding areas and available public facilities including utilities in such a manner that failure to proceed to subsequent phases will not adversely affect those areas or facilities. Each completed phase shall comply with all applicable standards. The infrastructure as installed shall be sufficient to accommodate each phase of the development.

(6) Town Center Development Standards.

(a) The minimum contiguous land area included in a single Town Center Development shall be forty (40) acres. For purposes of this provision, land shall be deemed to be contiguous if all parts are under unified control of the applicant and all parts abut or are separated by only a road, easement or right-of-way.

(b) Permitted Uses. The following uses are permitted subject to site plan requirements and applicable density and design provisions:

- 1) Residential (all types including single family attached and detached and carriage homes)
- 2) Multifamily Residential (including units above non-residential use)
- 3) Senior Living and Retirement Homes
- 4) Convenience Stores (including fuel dispensing)
- 5) Pharmacies
- 6) Grocery Stores
- 7) Theaters
- 8) Hotels and motels
- 9) Conference Center
- 10) Financial Institutions
- 11) Medical Services and Outpatient Services Facilities
- 12) Schools and Vocational Instruction Facilities
- 13) Day Care and Extended Care Facilities
- 14) Sports & Fitness
- 15) Mixed-Use developments where residential dwelling units are integrated into buildings with non-residential uses
- 16) Business or Professional Offices
- 17) Research and Development Facilities
- 18) Retail Sales and Services
- 19) Single tenant stores up to 100,000 square feet gross floor area
- 20) Self-Storage (mini-storage) and associated offices
- 21) Personal Services
- 22) Restaurants and Cafés

- 23) Indoor Recreational Facilities
- 24) Outdoor seating associated with restaurants or cafés subject to applicable licensing requirements
- 25) Live/Work
- 26) Home Occupations
- 27) Places of Worship
- 28) College or University
- 29) Utility, Major and Minor
- 30) Communication Tower
- 31) Accessory Structures to Primary Permitted Land Use

(c) Height, Bulk and Area Requirements - Residential Uses. Height, bulk, area and buffer requirements shall be as follows:

1) Single-family detached dwellings and two-family detached dwellings:

- a) Minimum rear yard: 25 feet
- b) Minimum side yard: 10 feet wide
- c) Minimum front yard: 25 feet
- d) Minimum Lot Area: 4,000 square feet per dwelling unit
- e) Maximum Lot Coverage: 60%
- f) Maximum Height: 3 stories

2) Single-family attached (excluding multi-family):

- a) Minimum rear yard: 25 feet
- b) Minimum side yard: 10 feet
- c) Minimum front yard: 25 feet
- d) Minimum Lot Area: 4,000 square feet per dwelling unit
- e) Maximum Lot Coverage: 60%
- f) Maximum Height: 3 stories

3) Multi-family dwellings:

- a) Minimum rear yard: 25 feet
- b) Minimum side yard: each 15 feet wide
- c) Minimum front yard: 25 feet
- d) Minimum Lot Area: 1,500 square feet per dwelling unit
- e) Maximum Lot Coverage: 60%
- f) Maximum Height: 4 stories

(d) Height, Bulk and Area Requirements - Non-Residential and Mixed Uses

1) Non-Residential and Mixed Uses

- a) The maximum allowable height for non-residential and mixed use buildings shall be seven (7) stories.
- b) Setback Requirements for Parcels fronting upon Arterials and Collectors and Parcels located along perimeter boundary of the Town Center
 - (1) Minimum rear yard: 20 feet
 - (2) Minimum side yard: 10 feet
 - (3) Minimum front yard: 25 feet
- c) Setback Requirements for Parcels fronting upon Local Streets within the Town Center
 - (1) Minimum rear yard: 10 feet
 - (2) Minimum side yard: 0 feet
 - (3) Minimum front yard: 5 feet (build-to line shall be 5 feet unless a lesser front yard is approved with corresponding build-to line)

- d) Minimum Lot Area: N/A
- e) Maximum Lot Coverage: 90%
- f) Maximum Building Coverage: 70%

(e) Land Area and Density Requirements. It is the intent of the TC-O to create a mixed-use environment that includes a combination of residential and non-residential uses. To ensure an appropriate mix of permitted land uses, the TC-O shall adhere to the following:

- 1) Non-residential and mixed uses (that combine residential and non-residential uses in a vertical building configuration) shall occupy a range of 50 to 70 percent of the total land area of the Town Center including rights-of-way and open space.
- 2) Residential land uses shall occupy a range of 30 to 50 percent of the total land area of the Town Center including rights-of-way and open space.
- 3) In order to provide a mix of residential types, a range of 50 to 70 percent of the total land area devoted to residential use within the Town Center shall be developed as single-family detached and attached (excluding multi-family). Multi-family (excluding single-family attached) may occupy a range of 30 to 50 percent of the total land area devoted to residential uses. In the case of residential uses such as lofts above ground floor retail/office located within the non-residential or mixed-use land area of the Town Center, there shall be no prescribed minimum or maximum acreage or units.

(f) Big Box/Large Retail Establishment Requirements. It is the intent of the TC-O to create a unique pedestrian-oriented environment through mixed uses and pedestrian scaled design. Each large retail establishment containing more than 50,000 gross square feet is required to provide pedestrian scaled design through the incorporation of several of the following recommended design elements:

- Arcades
- Arches or recessed Archways
- Architectural detailing
- Awnings, canopies or porticos
- Changes in massing
- Changes in material
- Multiple customer entries
- Display windows
- Dormers
- Peaked roof forms
- Outdoor gathering spaces
- Raised cornice parapets over entries
- Separate shops (or the appearance of separate shops) with separate entrances placed in front of the larger building
- Varying plate heights

(g) Open Space Requirements. The intent of the TC-O is to allow for the creative design of plazas, green spaces, and focal elements for retail, office, residential, or mixed use land uses.

- 1) All Town Center developments shall provide usable open space, or spaces which allow for the interaction among pedestrians and with the surrounding environment.
- 2) A minimum of ten percent (10%) of the gross land area of a Town Center Development shall be designated and preserved as common open space or private open space. Landscape amenities, recreation facilities or structures and accessory uses in common areas shall be considered as open space if the total impervious surfaces such as paving and roofs constitute no more than fifteen percent (15%) of the total open space. A property owners' association shall be responsible for continued maintenance of common open space areas.

- 3) Usable open spaces should provide as many seating opportunities as possible through the placement of moveable chairs, sidewalk cafes and planter walls.
- 4) Activities- such as street vendors, open air markets, kiosks, and festivals are encouraged to promote pedestrian usage.
- 5) Usable outdoor space shall be privately owned and maintained by the developer or property owners' association. However, if the determination has been made by the City Council that a particular usable open space serves not only the patrons of the development but the greater community as a whole, the City may provide assistance to aid in the development and maintenance of the public space.
- 6) When possible, the integration of storm drainage and detention should be designed to enhance the public space and improve water quality.
- 7) Usable space should be designed to create outdoor rooms, by limiting the interaction with moving vehicles and partially surrounding the space with buildings, landscaping elements, and architectural features.

(h) Traffic Impact Study. A Traffic Impact Study will be prepared and submitted to the City of Jonesboro addressing traffic impacts associated with the development of the Town Center. The Traffic Impact Study will also address access management relative to placement and configuration of street intersections and entrances to the Town Center.

(i) Architectural Guidelines. Building façades should be varied and articulated to provide visual interest to pedestrians. Buildings should be proportioned and defined by clear façade elements such as a base, middle, and top. Building architecture shall adhere to the following architectural guidelines:

- 1) Buildings are encouraged to have a pedestrian scaled design by achieving the following:
 - Using heavier building materials at the bottom of the building
 - Using roof details such as cornice, caps or parapets at the top of the building
 - Alternating roof styles, heights, and elements
 - Dormers
 - Varying window heights and styles
 - Mix of architectural materials and styles
- 2) Buildings on corner lots shall be considered significant structures since they have two street-facing facades. All such facades shall have appropriate scale and massing. Additional stories or prominent roof design and architectural elements are encouraged to emphasize the location.
- 3) Buildings located at "gateways" into and out of the Town Center Development should be designed with additional height or architectural elements to reinforce their prominence. Pedestrian elements such as plazas, fountains, and special landscaping treatments are also encouraged.
- 4) Focal points of visual termination should generally be occupied by prominent buildings and structures that employ enhanced height, massing, distinctive architectural elements, ornamental site elements or other distinguishing features.
- 5) Fenestration (door and window openings) shall be sized to the scale of the building and detailed based upon building architecture including an appropriate amount of fenestration on first floor façades facing public streets. Fenestration design shall properly address maximum sill height and minimum window head height based upon the height of the first floor measured from finished grade. Use of repeating window patterns and details are encouraged to unify design.
- 6) Entrances into buildings should be easily identified through the use of building design and detailing. Projected or recessed entryways, higher rooflines, awnings, or changes in building material are examples that can create this effect.
- 7) No building shall have long expanses of uniform or flat walls. Reasonable articulation of building facades shall be provided by using offsets, recesses and/or projections, changes in plane, changes in height, windows, awnings, arcades and/or colonnades. Use of awnings shall be limited to above windows and entrances.
- 8) No buildings shall have long expanses of uniform roof planes. Reasonable articulation of roof lines shall be

provided by using a pitched roof, partial roof, or parapet walls of varying heights, dormers, overhangs, arches, stepped roofs, gables, or other similar design. All flat roofs shall be screened with parapets on all sides of the building. If no roof top equipment exists, the parapet shall be a minimum of 18 inches high. All parapets shall feature cornice treatments and shall provide a cap to demonstrate that the upper edge is the top of the building.

9) Ground mounted mechanical equipment shall be screened from view with wing walls consisting of comparable design and building materials as the main building structure, landscaping, or a combination of both.

10) Loading areas (shipping and receiving docks) shall be located and/or screened in such a manner that the loading area is not visible to passing motorists along a public street and/or highway serving the Town Center Development.

11) Buildings should provide a unifying theme while maintaining each building's individual character.

12) Materials should change with the change in building planes; however, all material should keep within the chosen theme.

13) Reflective glass or mirrored glass is strongly discouraged. Efforts should be made to use clear glass on storefronts, windows and doors to promote the connection of the interior and exterior of buildings.

14) All sides of all buildings open to public view should be treated with the same level of architectural style.

15) Trim and structural elements such as posts or columns shall be sized to the scale of the building and detailed appropriately to the theme. When used, masonry materials shall have the appearance of 3-dimensional elements.

16) Corporate franchise design where the building functions as a trademark shall be permissible only if it incorporates architectural elements which are compatible with the overall theme and uniqueness of the development.

17) No outdoor storage shall be permitted unless such storage is visually screened from view to passing motorists along a public street and/or highway serving the Town Center Development by the use of landscaping and/or a suitable solid fence constructed of masonry or wood at least 6 feet in height or a combination thereof. No storage materials may be visible above the screening measure. Screening shall be well maintained.

(j) Building Materials. Any exterior building wall facing a street or highway located within the Town Center Development, shall be constructed of one or a combination of the following materials:

1) Clay or masonry brick.

2) Customized concrete masonry with striated, scored or broken faced brick type units (sealed) with color consistent with design theme.

3) Poured in place and tilt-up walls shall have a finish of stone, a texture or a coating.

4) Poured in place, tilt-up or pre-cast concrete,

5) Natural stone.

6) At a minimum, industrial buildings shall be constructed having the lower one-third (1/3) of the structure being of architectural masonry, architectural composite aluminum or steel panels, glass, or a combination of these materials on all sides not facing a public street. The front façade of an industrial building shall be one of or a combination of the materials enumerated in Items 1 through 5 of this subsection.

7) All roof drains of a structure must be integral to the design and non-apparent.

8) Accessory structures including refuse enclosures shall be of comparable design and building materials as the principal structure.

(k) Signs.

1) The following signs are permitted in accordance with the Zoning Ordinance:

a) Principal or Monument Ground Signs

b) Integrated Shopping Center Signs

c) Wall Signs

d) Menu Board (limited to one sign per business)

- e) Suspended Signs
 - f) Construction Signs
 - g) Directory Signs (ground and wall mounted)
 - h) Special Event Signs
 - i) Real Estate Signs
 - j) Window Signs
 - k) Gasoline Trade Signs
 - l) Sandwich Signs (associated with Restaurant or Café)
- 2) The following signs are not permitted:
- a) Changeable copy signs (including LED/message signage)
 - b) Flags
 - c) Internally illuminated signs
 - d) Pole signs
 - e) Tag signs
 - f) Open channel letter signs
 - g) Flashing or animated signs
 - h) Off-premise signs
 - i) Roof signs
- 3) Signs shall comply with the following guidelines:
- a) All ground-mounted signs shall include landscaping around the entire base of the sign structure. Landscaping shall consist of multiple rows of evergreen and deciduous plant materials and seasonal varieties that add visual interest to the sign. All landscaping shall be irrigated and properly maintained.
 - b) Signs shall not create a traffic hazard. All entrance and freestanding signs located near corners of a street intersection shall be located outside of the clear sight triangle based upon the design speed of the intersecting streets upon which the sign will be located.
 - c) No principal or monument ground sign shall exceed twelve (12) feet in height, fifteen (15) in length and three (3) feet in width.
 - d) No integrated shopping center sign shall exceed a total of 200 square feet on one side for any one integrated shopping center sign. If a shopping center fronts upon more than one public street, no more than two (2) integrated shopping center signs shall be permitted for a shopping center.
 - e) One (1) Menu Board sign per business shall be allowed provided the menu board shall not exceed a total of 25 square feet of display surface. A microphone shall be permitted to be integrated into the design of the menu board sign structure to communicate with patrons.
 - f) Sign structures shall be of comparable design and building materials as the main building structure.
 - g) The area of a wall sign shall not exceed, in square feet, 2 times the lineal front footage of the business or office.
 - h) Window signs shall not exceed 15% of the total window surface of the first floor or street level of the building.
 - i) Signs are required to be internally illuminated block letters mounted on a raceway. Backlit letters and indirectly illuminated signs are acceptable. Three colors maximum are allowed for signs with up to two font styles. Ground mounted building identification signs shall have fully enclosed solid bases of either brick or stone, mounted at the ground plane. No supporting structural members are to be exposed.
- (l) Vehicle Use Area Design Guidelines. The intent of the TC-O is to create small, shared, aesthetically landscaped and screened parking lots which are designed to function not only in the interest of accommodating automobiles, but in the interest of the pedestrian.
- 1) Parking areas should consist of separated parking fields that are aesthetically pleasing, landscaped to screen the public views and located so as not to be the dominant feature along any street or intersection.

- 2) Parking structures and lots should be designed to contribute to an attractive appearance of the streetscape and not deter from the pedestrian orientation of the district.
- 3) Parking requirements will be in accordance with Section 117-324 Off-Street Parking and Loading Requirements. Parking requirements may be reduced if the applicant can provide data that substantiates potential parking demand that is less than the minimum prescribed parking standard. The applicant may use shared parking, on-street parking, off-street parking, and other considerations including mass transit to reduce the number of required parking spaces.
- 4) Parking should be located to utilize natural landscape and topography.
- 5) To promote a higher level of pedestrian awareness, the use of alternate paving materials to designate pedestrian traffic areas from vehicular use areas and travel lanes is encouraged.
- 6) The design of all streets (public and private) and parking lots shall permit the travel of the Fire Department's vehicle access requirements.
- 7) On-street parking may be permitted on a public street classified as Local Street or less on the most current Master Street Plan.
- 8) Pedestrian travel ways should be separated from vehicular traffic with landscaping, on-street parking, bollards, special paving, or any other feature which identifies the pedestrian space.
- 9) Parking lots of contiguous developments within the Town Center should, where possible, interconnect among the different developments to encourage continuous movement of traffic to reduce traffic flow on public streets and to minimize the need for excessive curb cuts.

(m) Sidewalks. Sidewalks shall be provided on both sides of all local (public and private) and collector streets within a Town Center Development.

(n) Streets. The Planning Commission may allow reduced street right-of-way and pavement widths within Town Center Developments provided the Planning Commission determines that pedestrian amenities or transit improvements will be made to reduce dependency on the automobile.

1) The Planning Commission may allow both public and private streets including alleys within a Town Center. The Planning Commission may allow private streets to vary from public street design standards where such deviations demonstrate safe design that supports pedestrian-friendly streetscapes and street hierarchies within the Town Center.

(o) Underground Utilities. All service facilities must be placed underground except those that by their nature must be on or above ground, such as streets, fire hydrants, and open storm water courses. The applicant is responsible for making the necessary arrangements with utility providers and other appropriate entities when installing utilities and service facilities.

(p) Site Lighting.

2) A uniform lighting plan shall be established for the Town Center Development. Lighting shall be provided along public and private streets, pedestrian ways, and in off-street parking and loading areas. Outdoor lighting shall be located and shielded to prevent spillover lighting in residential areas. The lighting source should not be directly visible from adjoining properties. Floodlights, unshielded wall pack units, other types of unshielded lights, and lights where the lens is visible outside of the light fixture shall be prohibited. The design and style of light fixtures shall provide for a common design theme throughout the entire Town Center to reinforce a sense of place. Sidewalks and parking areas shall be properly lit to facilitate safe movement of pedestrians and vehicles and provide a secure environment. In parking areas, the light intensity shall average a minimum of 1.0 foot candle, measured five (5) feet above the surface. In pedestrian areas, the light intensity shall average a minimum of 2.0 foot candles, measured five (5) feet above the surface. Maximum average light intensity shall be ten (10) foot candles.

3) Light poles are to be neutral, preferably dark in color and not made of wood. All parking and security lights are to be cutoff luminaries. The height of light fixtures should be in proportion to the building mass, preferably no taller than the building height. Lighting for pedestrian areas should be 12-15 feet in height. Ground-oriented pedestrian scale lighting should be considered as an alternative to polemounted fixtures along pedestrian walkways at three to four feet in height.

p) Mechanical Equipment. All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes and other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties, using walls, fences, roof elements, penthouse-type screening devices or landscaping.

(7) Paths and trails. Bicycle paths and pedestrian trails are strongly encouraged to link residential areas with commercial and mixed-use nodes, schools and other activity areas inside and outside the Town Center Development. The requirement for sidewalks may be waived by the planning commission if paths or trails are provided.

(8) Parks and recreation areas. A Town Center Development should include usable open space that provides passive and/or active gathering places and activity and special event spaces.

(d.2) VR-O-Village Residential Overlay District.

(1) General Purpose. The purpose of the VR-O, village residential overlay district, is to promote greater integration of use and design and more potential for physical and social interaction within the city's newly developing neighborhoods.

The VR-O regulations are intended to encourage the creation of neighborhoods with the following characteristics:

- a. Pedestrian scale;
- b. A mix of uses, i.e., all types of housing and supporting retail and service uses;
- c. Unified planning, design and appearance; and
- d. Inclusion of amenities and pedestrian connections to such amenities (e.g., parks, open space, schools, cultural facilities, etc.).

(2) Applicability. The City Council, upon recommendation from the Planning Commission, may adopt overlay and special purpose districts as the needs are identified in order to implement specific purposes, intents, and design standards generally consistent with comprehensive plan provisions for the area being regulated, which shall be applied as additional standards to other city regulations. The development standards for the Village Residential Overlay District shall control over the underlying zoning classification(s) that may exist on the property prior to adoption of the overlay district. Such overlay districts shall be adopted and made a part of the zoning ordinance through the standard amendment procedures; and upon adoption, the boundaries of such overlay districts shall be delineated on the official zoning map.

(3) Method of adoption. The VR-O district shall be established according to the standard procedures for rezoning.

(4) Effect of VR-O classification. The VR-O is an overlay district applied to an underlying base zoning district. The VR-O district may be applied to a parcel or contiguous group of parcels where the underlying zoning classification(s) supports a mix of permitted land uses or conforms to the City's Land Use Map and Comprehensive Plan. The provisions of the VR-O shall control over the underlying base zoning district(s).

(5) Village residential approval procedure. A proposed village residential development shall require review and

approval according to the planned unit development review procedures.

(6) Phasing of development. At the time of preliminary plan approval, the developer may request approval of, and the planning commission may approve, a phasing plan for the development, in which case the following standards shall apply. Each phase shall be related to surrounding areas and available public facilities in such a manner that failure to proceed to subsequent phases will not adversely affect those areas or facilities. Each completed phase shall comply with all applicable standards. The infrastructure as installed shall be sufficient to accommodate each phase of the development.

(7) Village residential development standards.

a. Minimum site area. The minimum contiguous land area included in a single village residential development shall be 25 acres. For the purpose of this provision, land shall be deemed to be contiguous if all parts are under unified control of the applicant and all parts abut or are separated by only a road, easement or right-of-way.

b. Uses.

1. Residential. Any type of residential use may be allowed in the VR-O district, subject to required approval procedures, and the following limitations:

(i) Single-family. A minimum of 51 percent of the total number of dwelling units within a village residential development shall be single-family.

(ii) Other residential. No more than 49 percent of the total number of dwelling units within a village residential development may be other than single-family, e.g., duplex, multifamily, manufactured housing.

2. Nonresidential. The following nonresidential uses shall be allowed within the VR-O district, if approved according to the PD approval procedures:

(i) Uses allowed in RS.

Any nonresidential use permitted in the RS district shall also be a permitted use in the VR-O district.

(ii) Bank or financial institution. Banks and financial institutions are permitted uses in the VR-O district.

(iii) Convenience store.

Convenience stores, including those that sell gasoline, are permitted uses in the VR-O district.

(iv) Day care, limited. Daycare family homes are permitted in this district.

(v) Medical service. Medical services are permitted in the VR-O district.

(vi) Restaurants. Restaurants are permitted uses in the VR-O district, provided they do not exceed a 100 person seating capacity.

(vii) Retail sales/service.

Retail sales and service uses are permitted in the VR-O district, provided that no individual retail sales or service use may exceed 4,000 square feet of gross floor area.

(8) Residential property development standards.

a. Maximum density. The maximum single-family residential density within a village residential development shall not exceed 5.5 units per acre.

b. Minimum lot size. The minimum lot size for single-family residential uses shall be 6,000 square feet.

c. Setbacks. The setback standards of the underlying base zoning district shall apply unless the planning commission approves an alternative setback plan for the village residential development. In general, reduced building setbacks from streets are appropriate in a village residential development.

d. Maximum height. Residential uses shall not exceed 35 feet in height, measured from the highest land elevation to the eaves.

e. Maximum building coverage. Residential uses shall not exceed 50 percent lot coverage.

f. Commercial floor area limit.

No more than 10,000 square feet gross floor area of commercial floor space shall be allowed per 100 dwelling units within a village residential development.

g. Setbacks. The setback standards of the underlying base zoning district shall apply unless the planning commission approves an alternative setback plan for the village residential development.

h. Lot coverage. The maximum ground coverage of any nonresidential use within a village residential

development, which includes building and other site improvements, shall not exceed 70 percent of the lot.

i. Maximum height. The maximum height of any nonresidential use in the VR-O district shall be 30 feet, measured from the highest land elevation to the eaves.

(9) Design guidelines and standards.

In reviewing plans for a village residential development, and, as a condition of any density bonus and any permitting of commercial uses, the planning commission shall evaluate the proposal in light of the policies and guidelines in the comprehensive plan, and in light of the following standards and guidelines:

a. Sidewalks. Sidewalks shall be provided on both sides of all local and collector streets within a village residential development.

b. Streets. The planning commission may allow reduced street right-of-way and pavement widths within village residential developments if the planning commission determines that pedestrian amenities or transit improvements will be made to reduce dependency on the automobile.

c. Open space. A minimum of 20 percent of the gross area of a village residential development shall be designated and preserved as common open space or private open space. Recreation facilities or structures and accessory uses in common areas shall be considered as open space if the total impervious surfaces such as paving and roofs constitute no more than ten percent of the total open space area. A property owners association shall be responsible for continued maintenance of common open space areas.

d. Landscaping and buffering.

Trees, shrubs and other plant materials should be installed within open space areas of a village residential development. Shade trees shall be installed to shade sidewalks and parking lots. Landscape buffers consisting of trees, shrubs, earth berms and other landscape features shall be provided to screen incompatible uses from one another. Low density residential areas should, for example, be screened from high density residential uses and from nonresidential uses.

e. Outdoor lighting. A uniform lighting plan should be established for the village residential development. Lighting should be provided along streets and sidewalks, and in off-street parking areas. Out-door lighting shall be located and shielded to prevent spillover lighting in residential areas.

f. Underground utilities. All service facilities must be placed underground except those that by their nature must be on or above ground, such as streets, fire hydrants and open water-courses. The developer is responsible for making the necessary arrangements with utility companies and other appropriate entities when installing utilities and service facilities.

g. Housing design. Pedestrian-oriented design features are strongly encouraged within the VR-O district. To that end, front porches, reduced street setbacks, rear alleys, garage placement to the side or rear of houses, and other design features that emphasize the pedestrian over the automobile are encouraged within village residential developments.

h. Architectural compatibility. At the time of plan review, the developer of a village residential development shall be required to present plans for insuring architectural compatibility within the development. In addition to the general design of buildings, such plans shall address uniform signage and landscaping.

i. Paths and trails. Bicycle paths and pedestrian trails are strongly encouraged to link residential areas with commercial nodes, schools and other activity areas inside and outside the development. The requirement for sidewalks may be waived by the planning commission if paths or trails are provided.

j. Parks and recreation areas. A village residential development should include recreation facilities and amenities, such as swimming pools, playfields and other areas. The planning commission may require the provision of private recreational amenities within a village residential development if the planning commission determines that adequate park and recreation facilities do not exist within a one-mile radius of the village residential development.

SECTION 3: It is found and declared by the City Council that an emergency exists to provide incentives that will further advance innovative design and good land use planning principles for large scale developments; and,

this Ordinance, being necessary for the preservation of public peace, health and safety, shall take effect from and after its passage and approval.

SECTION 4: Conflict - If any part of this Section is found to be in conflict with any other Section of the Zoning Ordinance or with any other Ordinance, the most restrictive or highest standard shall prevail. If any part of this Section is explicitly prohibited by Federal law or state statute that part shall not be enforced.

PASSED AND ADOPTED this 3rd day of June, 2014.