

**ORDINANCE NO. 503**

AN ORDINANCE AMENDING ORDINANCE 148 TO ESTABLISH A NEW ZONING DISTRICT.

SECTION TWO: Section 3.3 is hereby amended to include CBD, Central Business Overlay District, as follows:

CBD, Central Business Overlay District

Purpose and Intent. This district is intended to provide appropriate regulations beyond or in addition to those of the underlying district to ensure the compatibility of the diverse uses typical of the downtown or urban core area without inhibiting the potential for maximum development of commercial, cultural, entertainment and other activities which contribute to its role as the heart of the City.

Designation of Central Business Overlay District zone. The Central Business Overlay District shall be bounded by US Hwy 63 to Fifth Street and Dakota Avenue to Kansas Avenue.

- a. Permitted Uses – The following are permitted uses within the Central Business Overlay District (CBD):
  - (1) Retail sales establishments.
  - (2) Financial institutions.
  - (3) Personal and business service establishments.
  - (4) Commercial services and professional offices.
  - (5) Restaurant, cafes, bakeries, taverns and nightclubs
  - (6) Government offices, post offices and libraries
  - (7) Medical, dental and eye clinics
  - (8) Private clubs and lodges
  - (9) Churches
  - (10) Commercial studios and display galleries
  - (11) Uses clearly similar in character and function to those listed above
  
- b. Accessory Uses – The following accessory uses are permitted within the Central Business Overlay District (CBD):
  - (1) Accessory garages for storage of vehicles used in conjunction with the operation of the permitted use.
  - (2) Off-street parking lots and loading areas.
  - (3) Rental apartments as an incidental or secondary use on a non-ground-floor level.
  - (4) Any other normal accessory structure or use.

SECTION THREE: Setback and yard requirements:

- (1) A minimum front yard setback is not required.
- (2) Minimum side yard setbacks are not required, except when adjacent or abutting a residential district, where there shall be a side yard setback of 10 feet. Where side yard setbacks are provided a minimum of 10 feet shall be maintained.
- (3) A minimum rear yard setback is not required, except when adjacent or abutting a residential district, where there shall be a rear yard setback of 20 feet.
- (4) Minimum Lot sizes. There is no minimum lot size or width.

Parking Requirements. All permitted, accessory or conditional land uses so documented in this section, because of unique features such as building density, occupation of entire building lots and existing municipal infrastructure restraints, are exempted from various off-street parking requirements found within Ordinance No. 197. This exemption does not imply that adequate parking for various uses is no longer desired, rather it shall be the purview of public and private sectors and interest to define the need, or lack thereof, for adequate parking within the CBD District.

Motion By: Ald. Munich

Seconded By: Ald. Johnson

Ayes (8), Nays (0)

Passed this 18<sup>th</sup> day of July, 2011

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\*William L Swinkowski, Mayor

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\*Lucy Gunther, Clerk-Treasurer

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