

## ARTICLE XIII-A

### *CCOD - CITY CENTER OVERLAY DISTRICT*

#### 13-A.1. INTENT.

The City Center Overlay District is intended to accommodate ? Mainstreet? human-scale developments in comfortable mixed-use patterns. The purpose of the district is to enhance the community core by providing for higher density residential uses, commercial uses serving the local area, and appropriate public and semi-public activities. Development within the City Center Overlay District shall:

- a. Be designed in such a manner that will lead to compatible, efficient, and attractive uses of property in the City Center Overlay District.
- b. Encourage unique retail, office and residential use alternatives.
- c. Establish a design palate that will define the community character and generate an identity for the downtown.
- d. Facilitate pedestrian oriented development using design options such as sidewalk cafes, rear parking, and enhanced landscape criteria.

#### 13-A.2 APPLICABLE REQUIREMENTS AND DISTRICT BOUNDARIES.

**The requirements of this overlay district are in addition to and shall supplement those imposed on the same lands by the provisions of the underlying zoning district. To the extent that there are conflicts between this and other portions of the zoning ordinance, the more stringent shall apply. The City Center Overlay District shall affect the properties described as follows and as shown on the City Center Overlay District Boundaries Map:**

**Beginning at the intersection of the north ROW line of Main Street (M-89) and the east ROW line of Rose Street, thence northerly along the east ROW line of Rose Street to the south ROW line of First Street; thence east along the south ROW of First Street to the westerly line of the C&O Railroad ROW; thence southwesterly along the westerly line of the C&O Railroad ROW approximately 128.5 feet to the point of intersection of the westerly line of the C&O Railroad ROW and the westerly extension of the rear property line of parcel 032-057-00; thence easterly along the westerly extension of the rear property line of parcel 032-057-00 to the east property line of parcel 032-057-00; thence southerly to the south ROW line of Main Street (M-89); thence westerly along the south ROW line of Main Street (M-89) to the centerline of Sherman Street; thence southerly along the centerline of Sherman Street approximately 120 feet to the point of intersection of the centerline of Sherman Street and the easterly extension of the rear property line of parcel 800-007-00; thence westerly along easterly extension of the rear property line of parcel 800-007-00 and extending through the C&O Railroad ROW to the westerly**

**line of the C&O Railroad ROW; thence southerly along the westerly line of the C&O Railroad ROW approximately 304; thence west approximately 171.5 feet; thence north approximately 107 feet; thence west approximately 38.5 feet; thence northerly approximately 120 feet to the centerline of Fennville Street; thence westerly along the centerline of Fennville Street to the centerline of South Street; thence northerly along the centerline of South Street approximately 137 feet; thence west approximately 101 feet; thence northerly to the north ROW line of Main Street (M-89); thence westerly to the point of beginning.**

### **13-A.3 ADMINISTRATION.**

**In addition to the site plan review and approval standards of ARTICLE XVIII Section 18.0, 18.1 and 18.2, the following procedural standards shall apply.**

- a. Downtown Design Review Committee: The Mayor, with approval of the City Council, shall appoint a Downtown Design Review Committee (DDRC) consisting of five (5) members, including: one DDA member, one Planning Commission member, one local business owner, and two other members. The DDRC may include the City's Zoning Administrator or Planner.
  1. Members shall serve two-year terms. There is no limit to the number of consecutive terms a committee member may serve.
  2. The DDRC may contract and/or assign some of the DDRC's administrative duties, but not decision authority, to qualified design professionals as needed. It will be the duty of the DDRC to consider and act upon such proposals or plans submitted to it in accordance with the design review procedures established by this section.
  3. The DDRC will meet monthly or as needed to properly perform its duties. After a quorum is reached, the DDRC actions on matters will be subject to a majority vote of members present. The DDRC will keep and maintain a record of all actions taken, and shall be subject to Act 267 of 1976, The Open Meetings Act, as amended.
  4. All development within the City Center Overlay District shall be subject to review by the Downtown Design Review Committee as part of the site plan approval process. Applicants shall submit an application and an additional five copies of all site plans to the City Clerk at least 14 days prior to the Downtown Design Review Committee meeting.
  5. The DDRC shall review applications in accord with this section and shall present recommendations to the Planning Commission pertaining to site plan approval and potential conditions of approval. Final approval authority shall reside with the Planning Commission in accord with ARTICLE XVIII.

### **13-A.4 PERMITTED AND SPECIAL USES**

**In lieu of the uses set forth in Sections 7.1, 7.3, 13.1 and 13.2, only the following uses are permitted, either by right or through the approval of a special use permit.**

**a. Uses Permitted by right**

- 1. Antique stores**
- 2. Appliance repair and sales**
- 3. Bakery or Confectionery**
- 4. Banks (excluding drive-through)**
- 5. Book store, music store or video shop**
- 6. Coffee shop, delicatessen or cafe**
- 7. Convenience store, excluding gasoline sales**
- 8. Drug store, gift shop, grocery store**
- 9. Floral shop**
- 10. Galleries, art, craft and hobby supply stores**
- 11. Hardware store**
- 12. Home occupation**
- 13. Personal Services**
- 14. Places of public assembly**
- 15. Professional offices**
- 16. Residences on the upper floors of Main Street buildings**
- 17. Restaurants and Taverns (but not including drive-through)**
- 18. Seasonal merchandise including outside sales**
- 19. Studios for performing and graphic arts**
- 20. Theaters and cinemas**
- 21. Wearing apparel, accessory, jewelry or shoe store**
- 22. Uses similar to uses permitted by right**

**b. Special Land Uses**

- 1. Bed & Breakfast**
- 2. Car wash**
- 3. Convenience store with gasoline sales**
- 4. Day care center or Child Care Center**
- 5. Educational facilities**
- 6. Financial institutions with drive-through**
- 7. Hotels and Motels**
- 8. Automotive Repair**

**13-A.5 DIMENSIONAL STANDARDS**

**Development within the City Center shall meet the following general standards:**

- a. Development Area: The development area is the portion of a development site where all building improvements will be made. Except for publicly-owned park property, each improved lot in the City Center shall contain a development area consisting of no less than fifty percent (50%) and no more than ninety (90%) of the total lot area. The development area may consist of buildings, structures, parking areas, sidewalks, plazas or patios, driveways, and any other man-made impervious surfaces.
- b. Open Area: Any part of a lot that is not a development area shall be deemed an open area. No above ground building, parking area, or driveway shall be located in an open area. Landscaping, signs, and utilities may be located in an open area.
- c. Building Area: The aggregate building area (gross floor area) of any building in the City Center shall not exceed 22,000 sq. ft, of which the ground floor area shall not exceed 6,000 sq. ft. The building area may be divided into any number of retail or commercial units as long as the floor area of each unit shall not exceed 6,000 sq. ft. The DDRC may approve structures with aggregate building area greater than 22,000 sq. ft. or ground floor area greater than 6,000 sq. ft. provided the building is so designed and constructed as to resemble, to a casual observer, a collection of smaller structures which would meet the intent of this paragraph. The DDRC may allow phased projects that include a viable plan for the full development of the site even though initial phases may not achieve the 70% - 100% development area.
- d. Building Setback Requirements: There shall be zero foot (0 ft.) setback requirement for buildings, structures, parking areas, sidewalks, driveways, and any other man-made impervious surface located within a development area for both the front and sideyards. If a sideyard setback is desired by applicant, such setback shall be a minimum of 10 feet (10 ft.) for fire protection purposes, but shall not exceed twenty (20) feet, unless side lot parking is approved. Additional sideyard setback may be requested by local fire department officials. If a front setback is desired by the applicant, the DDRC may approve up to fifteen (15) feet from the right-of-way for semi-public spaces such as seating areas, entry courts, plazas and similar facilities.
- e. Height: Buildings facing Main Street shall have a minimum height of the lesser of one and a half stories or fifteen (15) feet and a maximum height of the greater of three stories or thirty-five (35) feet.

### **13-A.6 REGULATIONS AND CONDITIONS**

#### **Development within the City Center Overlay shall meet the following general standards:**

- a. Landscaping shall be provided in open spaces to create a pleasant pedestrian scale outdoor environment and buffer primary uses from parking areas, roadways and service facilities, such as dumpsters and loading docks. Landscaping should be designed to buffer service areas, parking or dumpsters. A mix of evergreen and deciduous plants and trees is preferred with summer floral plantings to add to the

visual appeal of the City Center areas. An irrigation system shall be required. Temporary potted plants or flower boxes may be permitted to encroach no more than two feet (2 ft. measured from the building line) into the public right of way on the sidewalk; any further encroachment shall require a Sidewalk Permit per Chapter 50, Section 2 of the Fennville General Law Ordinances.

- b. All off-street parking shall be located at the rear of the primary use and provide landscape buffering to separate parking and mitigate the visual and environmental impacts of parking lots, unless there are site-specific features that prevent rear yard parking. There shall be at least one (1) parking space per 400 sq. ft. of Retail building area in the City Center. There shall be a minimum of two (2) parking spaces for every five (5) seats of Restaurant use. In lieu of the provision of on-site parking, the Design Review Committee may recommend and Planning Commission may approve a shared parking agreement with another property located not more than 500 feet from the property in question. Such agreement shall be in writing and shall assure satisfactory to the City that the parking needs of the proposed development shall be adequately met. For parking lots accommodating more than 25 parking spaces the following standards shall apply:

- (1) Parking lots shall provide shared access with adjoining uses where feasible.

- (2) Parking areas shall be designed, built, and screened so as to reasonably shield them from view from Main Street. Planter islands shall be provided.

- (3) Each parking area shall have not more than two (2) driveways connecting to other parking areas in the City Center Overlay District.

- c. Sidewalks ? Sidewalks should be a minimum of ten (10) feet in width and must maintain a minimum of five feet (5 ft.) of travel area. Outdoor seating or outdoor sales may encumber up to five feet of the ten-foot sidewalk with a Sidewalk Permit pursuant to Chapter 50, Section 2 of the City of Fennville General Law Ordinances. Larger seating areas, sidewalk sales or outdoor displays will require additional sidewalk width. Office, multi-family, public and quasi-public uses shall provide hard surface areas including plazas or courtyards for pedestrian use.
- d. Sign Standards ? In lieu of the sign standards of ARTICLE XVIII Section 18.8, the following standards shall apply. Signs should be either mounted on the facade of the primary use building or painted in the window. Freestanding signs shall be prohibited and

monument signs shall be limited for use only for multiple-user developments and shall be placed at the rear parking driveway entrance. All signs shall be designed to match the character and scale of surrounding uses. Signs may not be internally lit. Multi-family uses located on upper floors may place signage on the building facade or windows only. Canopy, awning or projecting signs are permitted and may extend above and overhang the public right of way by no more than eight feet (8 ft.) and shall be mounted not less than eight feet (8 ft.) above said sidewalk. Marquis signs may be allowed for theater and cinema uses and shall be permitted to extend above and overhang the public right-of-way by up to 12 feet, but no more than the width of sidewalk. Temporary signs not to exceed eight (8) sq. ft. per side may **(change may to must)** be placed within two (2) feet of the building line on the sidewalk, provided a sidewalk use permit shall be obtained under Section 2 of Chapter 50 of the City of Fennville General Law Ordinances.

All signs shall have areas not exceeding the following dimensions. Each business may use any combination of the following dimensions not to exceed 32 sq. ft. for all signs for that business:

<b>Sign Type</b>	<b>Maximum Area</b>	<b>Maximum Height of Sign/Base From Ground</b>
Window	25% of window area where displayed	Ground floor windows only
Marquis	32 sq. ft.	
Canopy/Awning	20% of face area of canopy	4 feet/not applicable
Wall or mural	The lesser of 15% of ground floor wall area or 20 ft <sup>2</sup>	4 feet/not applicable
Projecting	12 ft <sup>2</sup>	3 feet/ not applicable
Suspended	6 ft <sup>2</sup>	3 feet/ not applicable

- e. Architecture ? Buildings shall be designed to relate well to other structures in the City Center area. Building facade materials shall include wood, brick or stone, stucco, and approved ornamental metal. Synthetic materials such as vinyl or aluminum siding shall be prohibited. All structures shall reflect and complement the traditional materials, aesthetic character, and construction techniques of Allegan County's historic architecture. Buildings

shall be appropriately in scale and relation to existing structures. Display windows comprising 50% or more of the store facade are required for first floor retail and restaurant uses facing Main Street. Buildings shall be oriented to block parking lots from view from the street where possible. Where possible, new buildings shall incorporate sprinkler systems for fire protection purposes.

- f. **Lighting ?** Outdoor lighting should be designed to provide the least light necessary to increase pedestrian safety and comfort while incorporating measures should be taken to preserve dark skies and reduce glare. All outdoor lighting shall be cut-off shielded and directed so that no light is cast upward into the sky or outward onto adjoining properties.
- g. **Fencing ?** Permanent fencing may be used to separate commercial from residential uses or as a decorative feature to the rear or sideyard of the properties only. Fencing shall not be used where cross-access between parking lots is required. Fencing shall be no taller than three feet (3 ft.) in height. Semi-permanent fencing may be used for out-door seating areas and outdoor cafes at the front of the building of no higher than 3 feet. Opaque screening fences 6 feet tall shall be used to enclose any dumpsters and other waste receptacles.
- h. **Utility connections, dumpsters and service ?** To the greatest extent possible, utility connections, dumpsters, loading bays and other service facilities shall be located to the rear of the building. Where this is not possible, such facilities should be screened from view by landscaping or architectural features.