

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0323 B-3 DOWNTOWN BUSINESS DISTRICT

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1 **Sec. 66.0323 B-3 Downtown Business District**

2 The Downtown Business district (B-3) is intended to
3 apply to the Village's downtown business district and
4 Village center. This area is typified by small lots, and
5 buildings with minimal setbacks. The downtown busi-
6 ness district is intended to offer greater flexibility in ar-
7 ea requirements and setback requirements than other
8 districts in order to promote the reuse of buildings and
9 lots and the construction of new developments in the
10 downtown business district consistent with the existing
11 scale of development. The character, appearance and
12 operation of any business in the downtown district
13 should be compatible with any surrounding areas. The
14 goal of the Village is to strengthen the downtown dis-
15 trict as the "heart" of the community and as the logical
16 place for people to gather and create a business center.
17 The downtown district is intended to support this goal
18 through elements of design and appropriate mixed-use
19 development. This section provides standards for the
20 orderly improvement and expansion of the downtown
21 district based on the following principles:

- 22 • Development that is consistent with the natu-
23 ral environment.
- 24 • Development that maintains the Village's tra-
25 ditional small town appearance, in which its
26 housing, shops, work places, parks and civic
27 facilities co-exist in relative harmony.
- 28 • Development that balances the needs of a re-
29 sort town and a residential village.
- 30 • Efficient use of land and urban services.
- 31 • A mixture of land uses to encourage walking
32 as an alternative to driving, provide more em-
33 ployment and housing options.
- 34 • Downtown provides both formal and informal
35 community gathering places.
- 36 • The downtown district is connected to neigh-
37 borhoods and other employment areas.
- 38 • Designs that meet the architectural standards
39 and enhance the Village's historic architec-
40 ture.

41 (a) Permitted Uses: (Amended Ordinance 188- 42 071211)

- 43 (1) Antique and collectors stores
- 44 (2) Art galleries or studios for photography,
45 painting, music, sculpture, dance, pottery
46 and jewelry
- 47 (3) Art supply stores
- 48 (4) Barber shops, beauty salons and spas
- 49 (5) Bed and breakfasts
- 50 (6) Boat sales
- 51 (7) Book or stationery stores

- 52 (8) Camera and photographic supply stores
- 53 (9) Cinema, theater or performance hall
- 54 (10) Clothing stores
- 55 (11) Convenience store
- 56 (12) Craft stores
- 57 (13) Dance studio
- 58 (14) Florists
- 59 (15) Food stores
- 60 (16) Gasoline service stations as of September
61 1, 2010
- 62 (17) Gift shops
- 63 (18) Hardware stores
- 64 (19) Hobby and craft shops
- 65 (20) Hotel/motel
- 66 (21) Infrastructure essential services
- 67 (22) Information centers
- 68 (23) Jewelry stores
- 69 (24) Licensed massage therapy and body work
70 as certified by the State
- 71 (25) Marinas
- 72 (26) Municipal utility facilities
- 73 (27) Music stores
- 74 (28) Newspaper and magazine stores
- 75 (29) Parks
- 76 (30) Photography studios
- 77 (31) Physical fitness centers
- 78 (32) Public parking lots
- 79 (33) Real estate offices
- 80 (34) Restaurants
- 81 (35) Retail electronic equipment sales
- 82 (36) Self-service laundry and dry-cleaning
- 83 (37) Shoe and leather goods stores
- 84 (38) Single family housing as of January 1,
85 2004
- 86 (39) Sporting goods stores
- 87 (40) Taverns or cocktail lounges
- 88 (41) Tobacco stores
- 89 (42) Travel agencies
- 90 (43) Variety stores
- 91 (44) Video tape sales and rental

92 (b) Conditional Uses: (Amended Ordinance 188- 93 071211)

- 94 (1) Commercial recreation facilities (indoor
95 and outdoor), such as arcades, bowling
96 alleys, clubs, dance halls, driving ranges,
97 gymnasiums, health clubs, miniature golf
98 facilities, pool and billiard halls and in-
99 door skating rinks.
- 100 (2) Hotel, condominium
- 101 (3) Liquor stores
- 102 (4) Solar energy as accessory structure
- 103 (5) Non-village utility facilities
- 104 (6) Gasoline stations or automobile repair

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- (c) Permitted Accessory Uses: (Amended Ordinance 188-071211)
- (1) Accessory uses and structures. See section 66.0501 [See page 86]
 - (2) Outdoor displays. See section 66.0506 [See page 94]
 - (3) Professional offices
 - (4) Accessory residential use. Residential units and commercial transient lodging located on a ground or non-ground level in the same building as the business shall be allowed with the minimum floor area as provided below. The on-site parking required for the accessory residential units must be available on site and cannot be located elsewhere through the payment of a fee as allowed under section 66.0322(h)(4) and (5).

Bedrooms	Minimum area
Efficiency	700
1	750
2 or more	850

- (d) Building Setbacks:
- In the downtown district, buildings are placed closer to the street to create a vibrant pedestrian environment, to slow traffic down, provide a storefront character to the street and encourage walking. The setback standards are flexible to encourage public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas and pocket parks). The standards also encourage the formation of solid blocks of commercial and mixed-use buildings for a walkable downtown. Building setbacks are measured from the respective property line. Setbacks for porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed below, apply to primary structures as well as accessory structures.
- (1) **Front Yard Setbacks.** The minimum front yard setback is 40 feet from the centerline of the street right-of-way or 20 feet from the face of the curb, whichever is more, except where a parcel adjoins the side lot line of another parcel fronting on the same street with a lesser setback, in which case the minimum front yard setback shall be the average of the setback of the new building and the setback of the adjoining parcel with the least setback. The setback for a reconstructed non-conforming structure shall be no closer than eight feet from the right-of-way to provide for the installation of an eight-foot public sidewalk.

- (2) **Rear Yard Setbacks.**
 - a. **Minimum Setback.** The minimum rear yard setback for all structures shall be six feet for street access lots, and eight feet for alley access lots (distance from building to rear property line or alley easement) in order to provide space for parallel parking.
 - b. **Through-Lots.** For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in 66.0323(d)(1) shall apply.
- (3) **Side Yard Setbacks.** The minimum side yard setback shall be at least six feet. The Plan Commission may grant a waiver where the adjoining property owners enter into a written recordable agreement adjusting the minimum side yard setback with the following options: (Amended Ordinance 161-120809)
 - a. Both parties can agree to a zero foot side setback if the building designs are compatible.
 - b. If only one of the buildings has a zero foot side setback then the other building must have a six-foot side setback.
 - c. Both parties can agree to three-foot side setbacks for a total of six feet side setback between the buildings.
- (4) **Lot Coverage**
 - a. **Lot Coverage.** There shall be a minimum of 10 percent open space and the balance shall not include the required parking, driveways and sidewalks on the lot as required by section 66.1050(a)(23). (Amended Ordinance 159-120809)
- (5) **Lot Area and Width**
 - a. **Lot Area.** The minimum lot area shall be 4,500 square feet.
 - b. **Lot Width.** The minimum lot width shall be 45 feet.
- (6) **PUD Allowed.** The Plan Commission and Board of Trustees may vary the Building Setback requirements subject to the provisions of the Planned Unit Development requirements in section 66.0341.
- (e) Block Layout and Building Orientation:
This section is intended to promote the walkable, storefront character of downtown by forming short blocks and orienting (placing or locat-

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ing) buildings close to streets. Placing buildings close to the street also slows traffic down and provides more “eyes on the street,” increasing the safety of public spaces. The standards, as listed below compliment the front yard setback standards in section 66.0323(d).

(1) Applicability. This section applies to new land divisions and all of the following types of development (i.e., subject to site design review) and compliance with all of the provisions of subsections (a) and (b), below, shall be required:

a. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and

b. Business and mixed-use buildings subject to site design review.

(2) Block Layout Standard. New land divisions and developments, which are subject to site design review, shall be configured to provide an alley or interior parking court. Blocks (areas bound by public street right-of-way) shall have a length not exceeding 400 feet, and a depth not exceeding 400 feet. Pedestrian pathways shall be provided from the street right-of-way to interior parking courts between buildings, as necessary to ensure reasonably safe, direct and convenient access to building entrances and off-street parking.

(3) Building Orientation Standard. All of the developments listed in section 66.0323(e)(1) shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:

a. The minimum and maximum setback standards in section 66.0323(d) are met;

b. Buildings have their primary entrance(s) oriented to (facing) the street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side yard when a direct pedestrian walkway not exceeding

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50 feet in length is provided between the building entrance and the street right-of-way.

c. Off-street parking, driveways or other vehicular circulation shall not be placed between a building and the street, which is used to comply with subsection 66.0323(e)(2), above. On corner lots, buildings and their entrances shall be oriented to the street corner, parking, driveways and other vehicle areas shall be prohibited between buildings and street corners.

(f) Building Height:

(1) All buildings in the downtown district shall comply with the following building height standards. The standards are intended to allow for development of buildings in accord with Section 66.1050 with a storefront character. (Amended Ordinance 160-120809)

(2) Buildings shall be no more than 35 feet in height.

(3) Accessory residential housing shall comply with section 66.0323(c)(4) and section 66.0323(h)

(4) If a parcel is larger than one acre and the proposed development is for a hotel or motel then the developer shall be able to increase the building height to 45 feet as follows:

a. The floor area of the fourth story shall not exceed the floor area of the first floor retail or general restaurants, fast food restaurants, drive-in restaurants and take-out restaurants uses. The floor area used by the hotel or motel on the first floor shall not count as a retail type use. (Amended Ordinance 172-081010)

b. The fourth story shall be stepped back from the third story as approved by the Commission.

(g) Pedestrian Amenities

(1) Purpose and Applicability. This section is intended to complement the building orientation standards in section 66.0323(e), and the street standards, by providing comfortable and inviting pedestrian spaces within the downtown district. Pedestrian amenities serve as informal gathering places for socializing, resting and enjoyment of the Village’s downtown,

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- 1 and contribute to a walkable district. This 56
2 section applies to all of the following 57
3 types of buildings: 58
- 4 a. Public and institutional buildings, 59
5 except that the standard shall not 60
6 apply to buildings which are not 61
7 subject to site design review or 62
8 those that do not receive the pub- 63
9 lic (e.g., buildings used solely to 64
10 house mechanical equipment, and 65
11 similar uses); and 66
 - 12 b. Business and mixed-use buildings 67
13 subject to site design review. 68
- 14 (2) Guidelines and Standards. Every devel- 69
15 opment shall provide and maintain a 70
16 public sidewalk with a minimum width 71
17 of eight feet across the front of the parcel 72
18 and side yard abutting a public street, an 73
19 additional 12 feet of landscaping and one 74
20 or more of the "pedestrian amenities" 75
21 listed in (a)-(d) below. Other types of 76
22 amenities and designs may be used. Pe- 77
23 destrian amenities may be provided with- 78
24 in a public right-of-way when approved 79
25 by the applicable jurisdiction. 80
- 26 a. A plaza, courtyard, square or ex- 81
27 tra-wide sidewalk next to the 82
28 building entrance (minimum 83
29 width of eight feet); 84
 - 30 b. Sitting space (i.e., dining area, 85
31 benches, gazebos or ledges be- 86
32 tween the building entrance and 87
33 sidewalk (minimum of 16 inches 88
34 in height and 30 inches in width); 89
 - 35 c. Building canopy, awning, pergola 90
36 or similar weather protection 91
37 (minimum projection of four feet 92
38 over a sidewalk or other pedestri- 93
39 an space). 94
 - 40 d. Streetscape, which incorporates 95
41 landscaping, seating, fountain, 96
42 sculpture etc. 97
- 43 (h) Special Standards Uses: 98
44 This section supplements the standards 99
45 contained in section 66.0322(d) through 100
46 66.0322(g). It provides standards for the follow- 101
47 ing land uses in order to control the scale and 102
48 compatibility of those uses within the transition 103
49 district: 104
- 50 (1) Mixed-use Development Allowed. Resi- 105
51 dential uses shall be permitted as an ac- 106
52 cessory use when part of a mixed-use de- 107
53 velopment (residential with commercial 108
54 use). Both "vertical" mixed-use (housing 109
55 above the ground floor), and "horizontal" 110
111
- mixed-use (housing on the ground floor 111
developments are allowed.
- (2) Residential Density. There is no mini-
mum or maximum multifamily residential
density standard. Density shall be con-
trolled by the applicable lot coverage,
parking requirements, landscaping re-
quirements and building height stand-
ards.
 - (3) Parking, Garage and Driveway Orienta-
tion. All off-street vehicle parking, includ-
ing surface lots and garages, loading
docks and overhead doors shall be ori-
ented to alleys, or located in parking are-
as located behind or to the side of the
building; except that side yards facing a
street (i.e., corner yards) shall not be used
for surface parking. All garage entrances
facing a street (e.g., structured parking)
shall be recessed behind the front build-
ing elevation by a minimum of four to six
feet. On corner lots, garage entrances
shall be oriented to a side street when
access cannot be provided from an alley.
 - (4) Parking Spaces Required. The Village
recognizes the challenges of providing
the necessary parking spaces in the tran-
sition district and thereby establishes the
following standard for the district. The
detailed requirements for parking lots and
spaces are covered in section 66.0403.
[See page 76] The Plan Commission may
allow a landowner to meet the parking
requirement by providing the required
parking spaces either on site, on another
privately owned site as required under
section 66.0404 Adjustments to Required
Parking [See page 81]. No development
shall avoid the need to provide parking
spaces by claiming credit for on street
parking spaces or public parking lots. The
parking spaces required for motels, ho-
tels, all types of condominiums, accesso-
ry residential uses must be provided on
site, and no fee in lieu of creating spaces
in subsection (6) will be allowed.
 - (5) Fee In Lieu of Creating Parking Spaces.
Please refer to Section 66.0404(b) [See
page 81] (Amended Ordinance 120-
061306)
 - (6) Common Areas. All common areas (e.g.,
walkways, drives, courtyards, private al-
leys, parking courts, etc.) and building
exteriors shall be maintained by an asso-
ciation or the owner. Copies of any ap-
plicable covenants, restrictions and con-

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- 1 ditions shall be recorded and provided to
2 the Village prior to zoning permit ap-
3 proval.
- 4 (7) Exemption. When the application of the
5 off-street parking regulations specified
6 above result in a requirement of not more
7 than three spaces on a single lot in the
8 transition district, such parking spaces
9 need not be provided. However, where
10 two or more businesses are located on a
11 single lot, only one of these uses shall be
12 eligible for this exemption. This exemp-
13 tion shall not apply to dwelling units.
- 14 (8) Automobile-Oriented Uses and Facilities.
15 Automobile-oriented uses and facilities,
16 as defined below shall conform to all of
17 the following standards in the transition
18 district. The standards are intended to
19 slow traffic down and encourage walk-
20 ing.
- 21 (9) Parking, Garages and Driveways. All off-
22 street vehicle parking, including surface
23 lots and garages, loading docks and
24 overhead doors shall be accessed from
25 alleys, or located in parking areas located
26 behind or to the side of a building; ex-
27 cept that side yards on corner lots shall
28 not be used for surface parking. All gar-
29 age entrances facing a street (e.g., struc-
30 tured parking) shall be recessed behind
31 the front elevation by a minimum of six
32 feet. On corner lots, garage entrances
33 shall be oriented to a side street when
34 vehicle access cannot be provided from
35 an alley.
- 36 (10) Limitation on street-level housing for
37 apartments, and all types of condomini-
38 ums. No more than 25 percent of the
39 gross floor area of the first floor may be
40 occupied by dwelling units. This standard
41 is intended to reserve storefront space for
42 retail oriented business uses; it does not
43 limit dwelling units above the street level
44 on upper stories, or behind street-level
45 storefronts in at least 100 feet from the
46 center line of Bay Shore Drive. Common
47 areas intended to exclusively serve resi-
48 dential uses shall count for the 25 per-
49 cent limitation. For parcels with street
50 access at more than one level (e.g., slop-
51 ing sites with two street frontages), the
52 limitation on residential building space
53 shall apply to all street frontages.
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