

SECTION 25

Central Business District Form-Based Code (CBDFBC) (Economic Development Zone is located in the Central Business District)

(Adopted - February 21, 2018, January 16, 2019)

Sec. 25.01. INTENT

The zoning ordinance regulates the intensity and use of development, which is appropriate in most parts of the village. There are also areas within the village in which the master plan places greater emphasis on regulating form and character of development as well as use and intensity of use. The Central Business District Form-Based Code (CBDFBC) districts use form-based provisions to accomplish this, with a special sensitivity to the contextual relevance of unique downtown districts within the overall CBDFBC. This unique zoning district allows the village to regulate land use in a more flexible format for this specific area to encourage a viable, dynamic mix of uses.

Physically, the CBDFBC is intended to promote a unified vision for supporting the historic commercial core of the Village of Mayville focused on increased and maintained land use intensity and improved public amenities that are oriented as much to the needs of the pedestrian as to those of the automobile. The flexibility in use regulation inherent in the overall CBDFBC regulations, paired with the prescriptive physical development regulations in the *section* will result in a compact, walkable environment that creates new opportunities for investment while protecting quality attributes of the existing area.

Specifically, the CBDFBC will do the following:

- a. Ensure that development is of human scale, primarily pedestrian-oriented and designed to create attractive streetscapes and pedestrian spaces.
- b. Promote mixed-use development in both a horizontal and vertical form.
- c. Ensure reasonable transition between higher intensity development and adjacent neighborhoods.
- d. Provide economic development opportunities by allowing a wider range of potential uses and creative re-development techniques that will expand the employment base and value of land.
- e. Provide a simple, predictable, efficient way to allow complex, innovative development that would otherwise require special planning procedures.
- f. Encourage the incubation of a residential element within the traditional downtown to foster a 24-hour community.
- g. Establish a development pattern in which new buildings and building modifications enhance the character of the existing built environment.
- h. Orient building entrances and storefronts to the street to add visual interest, put "eyes on the street" for enhanced crime surveillance, increase pedestrian traffic, and create memorable outdoor spaces.
- i. Allow a pattern of development which will encourage transportation alternatives (walking, biking, and transit).

Sec. 25.02. APPLICABILITY AND ORGANIZATION

Any new use, structure, or expansion of an existing use or structure, unless otherwise noted herein, shall comply with the requirements of this article and other applicable requirements of this ordinance.

- a. Reoccupation of an existing building with a permitted use provided the new use is permitted in the district of the CBDFBC where the site is located.
- b. Normal repair and maintenance of existing structures.
- c. This article contains a set of regulations unique to the CBDFBC. Specifically, these include:
 - 1. General standards that apply to all CBDFBC properties in districts.
 - 2. Design standards applicable to all CBDFBC properties. (Also see Section 24.)
 - 3. Form-based dimensional requirements for districts. These include special provisions not found in other zoning districts, including:
 - i. Required building lines with proper setback and build to lines.
 - ii. Exemptions and modifications from form-based provisions for streetscape elements.
 - iii. Parking location. Lot coverage and open space.

Sec. 25.03. STANDARDS

- a. Parking.
 - 1. District parking, as determined through the site plan review process.
 - 2. All parking credits shall exist in perpetuity and shall be transferred with the title of the property.
- b. Landscape and streetscape elements:
 - 1. Street furniture may be located in the right-of-way or on private property, provided they are located in front of the building line, by permit only. Permitted street furniture features include:
 - i. A seating fixture constructed of decorative metal.
 - ii. Waste receptacle constructed of decorative metal.
 - iii. Need Planning Commission approval for additional Streetscape elements.
- c. Planning commission modification. Any of the landscape provisions noted above may be waived or modified through site plan approval, provided the planning commission first makes a finding:
 - 1. That a physical site feature or characteristic create conditions that the strict application of the provisions of this *section* will result in less effective screening and landscaping than alternative landscape designs.
 - 2. That the public benefit intended to be secured by the *section* will exist with less than the required landscaping or screening.

Sec. 25.04. USES PERMITTED

If a use is not listed but is similar to other uses within a category, the Zoning Administrator may make the interpretation that the use is similar to other uses and is permitted to the same extent and under the same conditions as the similar use.

Sec. 25.05. DESIGN STANDARDS

In addition to standards set forth in this section, all proposed development in the CBDFBC shall comply with the standards set forth herein. (Also see Section 24).

a. Building design and materials.

1. Overall design. It is the *intent* of this section to improve the appearance of and add visual interest to the CBDFBC. Emphasis shall be placed upon methods that focus attention on attractive buildings that front on the adjacent right-of-way.
2. Materials. Durable building materials, simple configurations, and solid craftsmanship are required. Fifty percent of walls visible from public streets, exclusive of wall areas devoted to meeting transparency and ground story activation requirements, shall be constructed of brick, glass, fiber cement siding, metal (beams, lintels, trim elements, and ornamentation only), wood lap, stucco, split-faced block, or stone. Exterior insulation finishing systems (E.I.F.S.) and vinyl or aluminum siding may not constitute more than ten percent of the surface area of any facade's overall surface area.

b. Modulation required. Modulation is required to ensure that the building is not monotonous in appearance. Modulation is defined as a change in the vertical plane of the building facade. Building facades shall be modulated at least every 30 feet horizontally and at least every 20 feet vertically. Modulations shall measure at least three inches perpendicular to the building face.

c. Ground story activation.

1. Transparency, the first floors of all buildings shall be designed to encourage and compliment pedestrian-scale activity and crime prevention techniques. It is intended that this be accomplished principally by the use of windows and doors arranged so that active uses within the building are visible from or accessible to the street, and parking areas are visible to occupants of the building. The first floor of any front façade facing a right-of-way shall be no less than 50 percent windows and doors, and the minimum transparency for facades facing a side street, side yard, or parking area shall be no less than 30 percent of the façade.
2. Transparency requirements shall not apply to sides which abut an alley.
3. Windows for building sides shall be concentrated toward the front edge of the building, in locations most visible from an urban open space or public right-of-way.

d. Outdoor dining/seating.

1. Outdoor dining/seating located between the building and the primary street zone lot line may count toward the transparency requirement. Such spaces must be permanently created by a wall or other permanent improvement defining the outdoor dining area. Project has to be approved and permitted by council.
2. Permanent art, non-commercial art or graphic design of sufficient scale and orientation to be perceived from the public right-of-way and rendered in materials or media appropriate to an exterior, urban environment and permanently integrated into the building wall or immediately between the building wall and the right-of-way may count toward the transparency requirement. Public art alone shall not be an eligible feature to allow the relocation of the required building line identified. Project has to be approved and permitted by council.

e. Pedestrian access/entrance.

1. The primary entrance for a non-residential and/or mixed-use building shall be clearly identifiable and useable and located facing the right-of-way.
 2. A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street upon which the building fronts and the building. The pedestrian connection shall comply with the following:
 - i. Fully paved and maintained surface not less than five feet in width.
 - ii. Unit pavers or concrete distinct from the surrounding parking and drive lane surface.
 - iii. Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.
 3. Additional entrances. If a parking area is located in the rear or side yard, it must also have a direct pedestrian entrance to the building that is of a level of materials quality at least equal to that of the primary entrance.
- f. **Indoor/Outdoor Operations.**
1. All permitted used in the CBD district must be conducted with in completely enclosed buildings unless otherwise expressly authorized.
 2. This requirement does not apply to off-street parking, loading area, or automated teller machines.