

120.190 "CBD" Cooper Business District.

A. Description of District:

This district is intended to support a wide range of uses with frontage or access from either D Avenue or Douglas Avenue, within an area roughly ½ mile from the intersection of those two roads. The scope of permitted uses and special land uses within the “CBD” is based upon prior zoning that included commercial and various residential classifications. This district is based upon the primary intent to support commercial uses and redevelopment for such use, with any new residential and mixed uses permitted as special exception uses.

B. Permitted Uses:

No land or buildings in the “CBD” shall be used, erected, altered or converted, in whole or in part, except for the following uses permitted by right:

1. All retail uses permitted in the “C-1” Local Commercial District, excluding package liquor sales, restaurants or similar businesses with hours of operation extending beyond 11:00 p.m.
2. Offices, business and professional, including medical, dental or similar uses.
3. Shopping centers, plazas or similar buildings supporting two or more permitted commercial uses, with any special land uses subject to that approval process.
4. Municipal offices or public facilities, including park and recreation areas, or those devoted to public utilities, communications and emergency services. Such use may include open-air buildings with roofs (such as pavilions and gazebos) and other permanent or temporary structures (including tents) for seasonal or community event purposes.
5. Single-family dwelling, subject to the site development requirements of the “R-3” Residential District and provided such dwelling does not include a business use other than a permitted home occupation or family day care home.
6. Accessory uses or buildings, including permitted signs.

7. Private Solar Energy Systems when in accordance with Section 120.470.

C. Special Exception Uses:

No land or buildings in the “CBD” shall be used, erected, altered or converted, in whole or in part, except when approved in accordance with the requirements for approval of special exception uses and site plan review. The Planning Commission may grant a waiver of some of the specific conditions listed for such uses based upon the desire to support a mix of uses within the District.

1. All permitted or special exception uses in the “C-2” General Commercial District.
2. Package liquor, beer and wines sales, unless secondary and incidental to the primary grocery business or with closing by 11:00 p.m.
3. Reserved.
4. New single-family dwellings, two-family dwellings or similar residential use within a mixed use building or development, subject to location either to the rear or on the second story of such building or development.
5. Bed and breakfast or similar lodging establishment that does not exceed six sleeping rooms and no meals, other than a breakfast, are served.
6. Assisted living facilities, nursing homes or similar facilities.
7. Group day care home or child care center.

D. Lot, Parcel or Building Site, Yard and Area Requirements.

Except as elsewhere specified herein, the lot, parcel or building site, yard and area requirements shall be as specified in Section 120.600 for the “C-1” Local Commercial District.

E. Design Criteria.

1. The lot or site shall provide for no less than 20 percent open space, inclusive of setback areas, with such space devoted to landscaping and to enhance pedestrian movement.

2. The minimum floor area for a single business or dwelling unit shall be 600 square feet and any storefront shall have a minimum width of 20 feet.
3. The minimum front yard setback for both buildings and parking areas shall be 15 feet from the actual or preserved road right-of-way, unless street trees and no less than a five (5) foot-wide sidewalk are included within the right-of-way, in which case the front yard setback may be reduced to five (5) feet.
4. Layout and design. The layout and design shall include coordination of sidewalks, landscaping and lighting based upon the adjoining properties, and shall be oriented to enhance pedestrian movement and minimize conflict with vehicular circulation and parking areas.
5. Visual appearance. For retail and personal service business, the visual appearance of the building shall include glass for eye-level display and may include porches, awnings, or canopies to provide cover for pedestrians.
6. Exterior lighting. Exterior lighting shall not exceed .5 footcandles at the property line and be coordinated with adjoining businesses and to enhance pedestrian movement and safety.
7. Parking. Parking areas shall be located in a manner that minimizes the conflict with continuous pedestrian movement throughout the "CBD." Emphasis is placed on reducing the size of individual parking lots unless devoted to shared parking accessible to a number of businesses. Toward this intent, multi-use sites shall not be required to meet parking standards for all uses when it can be shown that days and hours of operation may not overlap between the proposed and existing uses on the site. Where available parking is within 500 feet of the subject site and private cross-access agreements are in place, including connection by sidewalk or bike path facilities, a site plan may be approved with a deficiency in required parking. It is recommended that parking be located within rear or side yards to reduce conflict with pedestrian movement to the establishment.

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