

## **Exhibit A**

### **BMU Zoning District**

#### **§ 185.053 BMU - BAYFRONT MIXED USE VILLAGE DISTRICT .**

(A) *Intent.* The purpose of the Bayfront mixed use village district is to provide areas within the Bayfront Redevelopment District for an attractive and functional mix of residential, office, neighborhood supporting commercial, institutional, and other similar low intensity land uses that are linked by a network of walkways to create a village center as recommended in the Bayfront Redevelopment Plan.

(B) *Principal uses and structures.*

- (1) Single family dwellings.
- (2) Multiple family dwellings provided that in no case shall there be more than ten (10) dwelling units per gross residential acre.
- (3) Professional offices such as accounting, architecture, engineering, dentistry, medical, insurance, real estate, financial services, title companies and similar uses.
- (4) General offices such as administrative, corporate, business, and similar uses.
- (5) Personal service such as beauty, barbers, dry cleaning pick-up, tailoring and similar uses.
- (6) Business service such as graphic design, interior design, advertising, photography, printing, employment services, telemarketing, business schools, and similar uses.
- (7) Financial institutions (banks, credit unions, and savings and loan).
- (8) Retail sales and service (clothing, jewelry, luggage, shoes, electronics, sporting goods, gift shops, florists, photographic supplies, art dealers, antique shops/dealers, tobacco products, grocery stores, convenience stores, drug stores, cosmetic and beauty supply optical specialty food, and similar uses).
- (9) Veterinary clinics provided all activities are within the principal structures and there is no boarding of animals.
- (10) Schools, churches, libraries, and museums.
- (11) Day care centers.
- (12) Public uses (any federal, state, county, municipal, special district, or similar use).
- (13) Funeral homes.
- (14) Eating establishments (restaurants, coffee shops, pastry shops, ice cream parlors, cafeterias, snack shops, and similar uses).
- (15) Retail bakeries.
- (16) Plant nurseries, greenhouses.
- (17) Clubs, lodges, and fraternal organizations.
- (18) Nursing homes and adult congregate living facilities.
- (19) Repair service establishments excluding auto repair.
- (20) Hotel, motel, and bed and breakfast inns.
- (21) Public and private parking lots.

(C) *Accessory uses and structures.* Customary accessory uses of one or more of the principal uses, clearly incidental and subordinate to the principal use, in keeping with the objectives of a village environment. All storage shall be in an enclosed structure unless clearly provided for herein.

(D) *Conditional uses.*

- (1) Public utility facilities.
- (2) On-premise alcohol consumption accessory to an eating establishment.

- (3) Eating establishment with sidewalk/ outdoor table service, dancing in eating establishments.
- (4) Marinas with boat sales and rentals.
- (5) Residential and nonresidential uses in the same structure.
- (6) Planned commercial developments (any permitted commercial use over one (1) acre in size).

(E) *Prohibited uses and structures.*

- (1) All uses not specifically permitted herein.
- (2) Retail automotive fuel sales.
- (3) Pawn shops.
- (4) Tattoo parlors and body piercing establishments.
- (5) Contractors' offices with outside storage (plumbers, electricians, carpenters, masons, roofers, builders, cabinet makers, fence installers, gutter and siding installers, flooring and tile installers, drywall installers, painters, heating and air conditioning installers, glass repair and replacement, and similar uses).
- (6) Adult entertainment.
- (7) Fireworks sales.
- (8) Commercial towers.
- (9) Automotive/vehicle repair and auto body repair, painting, and storage of junk vehicles.
- (10) Vehicle/automotive sales/lease.
- (11) Palm readers/fortunetellers and similar uses.
- (12) Flea markets and auction houses and similar uses.
- (13) Soup kitchens/homeless shelters.
- (14) Pain-management clinic.

(F) *Lot and structure requirements.*

- (I) Minimum lot area - four thousand eight hundred (4,800) square feet.
  - (2) Minimum lot width - forty (40) feet.
  - (3) Minimum lot depth - one hundred twenty (120) feet.
  - (4) Maximum building coverage - sixty percent (60%).
  - (5) Maximum height - thirty-five (35) feet.
  - (6) Minimum floor area (nonresidential) - three hundred (300) square feet.
  - (7) Minimum living area for single family detached dwellings - eight hundred (800) square feet.
  - (8) Minimum living area for multifamily units:
    - (a) Efficiency units: three hundred fifty (350) square feet.
    - (b) One (1) bedroom units: five hundred fifty (550) square feet.
    - (c) Two (2) bedroom units: seven hundred (700) square feet.
    - (d) Additional bedroom in excess of two (2) bedrooms: an additional one hundred (100) square feet for each bedroom.
  - (9) Yard requirements:
    - (a) Front: zero (0) foot minimum, twenty (20) foot maximum.
    - (b) Side interior: five (5) feet minimum.
    - (c) Side comer: zero (0) foot minimum, twenty (20) foot maximum.
    - (d) Rear: twenty (20) feet minimum; ten (10) minimum feet when abutting a right-of-way or alley.
    - (e) Accessory structures: minimum twenty (20) foot front and side comer, same side and rear as listed in divisions (b) and (d) above.
  - (10) Shared access and parking areas:

(a) Off-street parking for non-residential uses shall be behind or to the side of the nonresidential building with a minimum of four (4) foot setback from a right-of-way line.

(b) On-street parking spaces along the front property line shall be counted toward the minimum number of parking spaces required for that use on that lot, except where there are driveway curb cuts.

(c) No side interior building and parking area setbacks are required for nonresidential buildings provided all of the following are met:

1. Buildings on adjacent parcels, under separate ownership, are joint by a common wall.

2. Parking areas and aisles are joined and shared in common with adjacent parcel(s) under separate ownership.

3. Curb cuts and driveways on principal roadways (collector and arterial streets) are shared in common for the parcels involved and a minimum spacing of one hundred fifty (150) feet is maintained, or access is provided by an approved frontage road.

4. Easements and/or written assurances of shared and common facilities from all property owners involved must be approved prior to the issuance of a building permit.

(d) No interior side parking area setbacks are required, provided the requirements of divisions 2 through 4 above are met.

(e) For adjacent developments meeting the requirements of divisions 2 through 4 above, the total number of off-street parking spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenience access to all principal buildings.

(11) Design requirements:

(a) The Bayfront Architectural Style for each structure is required. This shall include the following architectural elevations facing public rights-of-way.

1. A metal panel, 5-seam or metal shake roof is acceptable. A 5-tab twenty-five (25) year dimensional shingle roof or manufactured equivalent of a wood shake roof is acceptable. 3-Tab shingles, barrel vaulted tiles, or corrugated roof systems are not permissible.

2. Pitch of main roof, hipped or gable, shall be no greater than 5:12 and no less than 3:12; mansard roof shall be no greater than 9:12; porch roof shall be a lower pitch than the main roof. A minimum 6" overhang is required for any roof structure. All structures must have a minimum 3:12 slope roof. Multiple roof systems with matching roof slopes are permissible. Low slopes ("Flat") roof systems are permissible when screened by a mansard roof or parapet wall meeting the design requirements.

3. The predominant exterior color shall be pastel shades or white; earth tones are not acceptable except in brick.

4. Manufactured brick or materials that have the appearance of brick are acceptable. Horizontally struck stucco, exterior insulated finish system stucco panels, boards and batten, wood or vinyl siding, and stained hardwood panels shall also be considered acceptable finishes.

5. Front porch. The front porch must encompass an area greater than fifty percent (50%) of the front facade. The porch must be a minimum of 60" in depth.

6. Gingerbread trim and/or porch railings, columns or shall have the appearance of light frame wood construction. Trim colors shall be white or light pastels. (Trim shall be considered railings, columns, door and window surrounds, soffits, shutters, gutters and downspouts, and other decorative elements.)

Trim finishes shall be a contrasting lighter color than that of the primary building color with the exception of white as a primary building color.

7. There shall exist no area greater than 400 square feet of contiguous blank wall area on any front facade that remains unadorned by architectural features that include, but are not limited to, windows, doors, lights, banding trim or porch elements.
8. There shall not exist any singular facade that has greater than 100' lineal feet of run without a minimum 16" break, by using a directional or material change.
9. Metal-clad structures are permissible. Internal bracing must be certified to accept additional finishes or structures applied to the exterior metal panels. No external "X" bracing is to be visible on any front facade. Finish panels must be able to accept a painted finish. All exterior wall finishes must match the primary building color. The use of corrugated, synthetic or fiberglass panels is prohibited on any front wall or any front roof surface. All design requirements must be met for metal-clad structures as for any other new structures.

(b) The predominant exterior color shall be applied to all sides of the structure.

(c) The design requirements listed in division (1 l) (a) above shall be applicable to all new construction in the district, and in the case of additions or renovations to, or development of, an existing building or project, where the cost of such addition, renovation or redevelopment exceeds fifty percent (50%) of the square footage of the existing structure(s). A mirror building, defined as a building meant to compliment a pre-existing structure by use of identical material finishes, scale and form, shall be exempt from the design requirements. New buildings that are part of an overall campus plan that has an established architectural theme shall also be exempt from the design requirements herein.

(d) The design requirements listed in division (1 l) (a) above shall be applicable to all accessory structures not exempted by division (1 l)(c). Any accessory structure not meeting this requirement shall be screened so as not to be visible from the public right-of-way. Mechanical equipment such as drive-through menu boards and speaker stations, drive-through teller stations, ATM's and similar appliances which require direct access by the public shall be exempt from the design review requirements of this subsection.

(e) Compliance with the requirements set forth in this subsection shall be demonstrated by submittal of building front elevations and color and material samples at the time of site plan review.

(f) Structures in the following use category are exempt from the design review requirements of this subsection: public utility equipment and churches.

(g) The city sign code shall be adhered to with the following additional requirements:

1. Materials: The color, construction, and material of each sign shall be compatible with the architecture on the site.
2. Design: Every sign frame or support shall be designed as a sympathetic architectural element of the building(s) to which it is principally related.
3. Free standing signs shall have landscaping at the base.

(h) Structures having a federal or state historic site status shall be exempt from this subsection.

(i) Garages for residential structures and uses shall not be located closer to the front or side corner lot line than the foremost facade of the principal building, i.e., "snout houses" are not permitted.

(j) (j) The City Council may, by resolution, adopt such administrative policies, manuals and/or fees as necessary to implement the design requirements identified above.

(12) Signs. Maximum height for any detached sign shall be ten (10) feet. All other criteria of the Sign Code shall be met.

(13) Landscaping. Properties within the Bayfront mixed use village district are exempt from the development standards of § 185.142(8)(1) and (2), Off-Street Parking Area Landscape Requirements, however properties within the district shall meet all the other requirements of § 185.1422 in addition to the following landscape development standards:

(a) One (1) tree per every forty (40) feet of the property frontage shall be planted between the right-of-way line and the front or side corner building line for all properties.

(b) Any off-street parking space or parking lot in the Bayfront mixed use village district that abuts a street right-of-way shall be buffered from the right-of-way by a landscape area of no less than four (4) feet of width in which is located a continuous row of shrubs no less than two (2) feet in height.

(c) In addition, where off-street parking is required for multiple family residential and nonresidential uses, such parking shall meet the interior parking area landscape requirements of § 185.142(3) of the code.

(14) Sidewalks. Sidewalks shall be provided to create a pedestrian access to the proposed project and to adjacent properties. All sidewalks shall:

(a) Be constructed of concrete with a raised curb separating the sidewalk from on-street parking.

(b) Be a minimum of four (4) feet in width.

(c) Comply with city engineering design standards.

(15) Fence/walls. The construction, erection, and maintenance of walls and fences shall be permitted per the city's fence code (§§ 170.110 through 170.122) with the following exceptions and additions:

(a) Chain link fence cannot be placed within twenty (20) feet of the front or side corner property lines.

(b) Fence and wall height shall be limited to four (4) feet within twenty (20) feet of the front and side corner property lines, and limited to six (6) feet in height at all other areas of the property.

(c) The use of barbed wire is prohibited within twenty (20) feet of the front and side corner property lines.

(16) Lighting. Buildings shall have no neon on their exterior; however, neon signs may be displayed inside windows provided they occupy no more than fifteen percent (15%) of the window where they are displayed.

(Ord. 2002-32, passed 5-2-02; Am. Ord. 2003-45, passed 11-20-03; Am. Ord. 2005-01, passed 1-

20-05; Am. Ord. 2009-16, passed 5-7-09; Am. Ord. 2010-41, passed 9-16-10)