

Sec. 24-276. - Interim regulations—Adaptive re-use incentive program.

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- (A) Purpose and intent. These interim regulations are intended to be administered efficiently, readily accomplished, and to provide a predictable outcome to the applicant, even to the extent that permit applications and business tax receipt applications should be submitted concurrently with a request for site development approval. At the same time, the regulations shall be administered in a manner that results in aesthetically pleasing redevelopment, re-use of properties and existing buildings and increases employment opportunities by established professional offices, restaurants, bars, cafes and other businesses pursuant to subsection (C) of this section. Notwithstanding section 24-267, compliance with applicable downtown mixed use district ordinance and design guidelines—at a minimum, repair of exterior damage, landscaping and re-painting—is required.
- (B) Applicability. The adaptive re-use incentive program is hereby created and shall apply to all properties located within the downtown mixed use district.
- (C) The following uses shall be eligible to participate in the program subject to conformance with the downtown mixed use district master business list. and providing the business owner demonstrates a track record of operating a successful business:
 - (a) Art gallery, retail;
 - (b) Artisan/craftsman workshop;
 - (c) Artist's studio;
 - (d) Bar/nightclub (subject to use approval provisions and review procedures);
 - (e) Coffeehouse;
 - (f) Delicatessen;
 - (g) Dinner theatre;
 - (h) Financial institution;
 - (i) Grocery store, maximum floor area of forty thousand (40,000) square feet of gross floor area;
 - (j) Internet café;
 - (k) Ice cream parlor;

- (l) Photograph gallery or studio;
 - (m) Photographer, commercial;
 - (n) Professional office;
 - (o) Real estate office;
 - (p) Restaurant;
 - (q) Retail bakery;
 - (r) Retail sales, boutique or store only, less than ten thousand (10,000) square feet of gross floor area, without a drive-through facility;
 - (s) Theater (single room);
 - (t) Similar uses which meet the intent of these interim regulations as determined exclusively by the city commission.
- (D) Waiver of fees. The city manager shall consider the waiver of one (1) or more of the following fees for qualifying businesses enumerated under subsection (A) above, which are determined to establish a positive standard for developments within the downtown mixed use district leading to improved aesthetics in the district and the elimination of blight and underutilized properties. (These waivers shall include a waiver of the requirement to pay a fifteen thousand dollars (\$15,000.00) fee for each parking space which is not provided on site):
- (a) Payment in lieu of onsite parking;
 - (b) Landscaping code adjustments subsections 24-105(C)(1),(2), (3) and DMUD landscape design guidelines;
 - (c) Park and open space fee;
 - (d) Local transportation fee;
 - (e) Development review fee.
- (E) Procedure for filing and processing an application.
- (1) Pre-application meeting with staff required prior to formal submittal.
 - (2) Payment of applicable fees and formal application submittal.
 - (3) Submittal of building permit application and plans and business tax receipt applications at the time of site plan approval is advised and encouraged for an expedited review.
 - (4) Applications shall be accompanied by, but not limited to, appropriate property surveys, site and landscape plans, floor plans, architectural elevations prepared by design professionals.

- (5) Applications may be submitted up to five (5) business days prior to a regularly scheduled development review committee meeting.
- (6) Required applicant response. The applicant shall submit a revised plan in response to development review committee comments within thirty (30) days of the development review committee meeting or the application shall be deemed to be withdrawn. A second DRC meeting shall be conducted if necessary to determine compliance with applicable land development code regulations.
- (7) Submission of a final set of plans or drawings and documents for final sign off review and approval.
- (F) Final approval by the development review committee. Upon a finding by the development review committee that the application complies with applicable land development code requirements, a letter of approval shall be forwarded to the applicant. Site development approval shall expire after twelve (12) months unless a building permit incorporating all DRC conditions is issued by the building division.
- (G) Temporary parking lot standards. The city commission may consider, on a case by case basis, conditional use approval in the north end urban residential, civic use and residential office buffer for temporary parking lots on properties currently located within the downtown mixed use district which are:
 - (1) Situated and proposed to be screened by fences and landscaping so as not to negatively impact residentially zoned properties;
 - (2) Are in compliance with DMUD design guidelines for parking lot landscaping; and
 - (3) Shall include restrictive covenants establishing a maximum period of time for the use of the temporary parking lot and that the lot shall be used only as parking lots or as any permitted sub-area use.

(Ord. No. O-2010-002, § 3, 2-3-10)