

CITY OF TWO RIVERS

ORDINANCE

AN ORDINANCE to create Municipal Code Section 10-1-35.5 Main Street and Waterfront Corridor Overlay District

The Council of the City of Two Rivers ordains as follows:

SECTION 1. That Section 10-1-35.5 of the Municipal Code shall hereby be added as follows:

A. Purpose: The purpose of this section is to assist in the implementation of the City of Two Rivers Updated Comprehensive Plan and the Harbor Master Plan, and to encourage high quality redevelopment and revitalization of lands located within the Main Street and Waterfront Corridor Overlay (MSWO) District as established on the City's official zoning map per this Section.

District Boundaries

1. *Establishment.* The MDWO district is hereby established. The location of the MSWO district is as shown on the City's Official Map, (insert date) as amended.
2. The Official Map shall indicate the location of the MSWO District is consistent with the boundaries of the City's Business Improvement District (BID), as those boundaries exist on the effective date of this ordinance.

Definitions

For the purposes of this Ordinance, certain words and terms are defined as follows:

1. *Base or Underlying Zone.* A zone which determines the lawful land use and development parameters for a land unit before the application of any overlay zone to assist the decision-making process as guide.
2. *Use, Conditional Use.* A use either public or private, which because of its unique characteristics cannot be properly classified as a permitted use in a particular district or districts. After consideration in each case of the impact of the use upon neighboring land and of the public need for the particular use at the particular location, such conditional use may or may not be granted.
3. *Overlay District, Overlay Zone.* A geographic zoning district layered on top of another existing zoning district, or districts, that implements additional regulations.

B. Applicability: The provisions of this section shall provide additional development and redevelopment regulations for properties located within the Main Street and Waterfront Corridor Overlay District boundary and supersede other development and standards contained where applicable. The land use regulations and zoning regulations of Chapter 10.1, Site and

Architectural plan approval requirements of Section 11-1-11, shall apply to properties located within the MSWO boundary, unless otherwise regulated by the provisions of this section. Furthermore:

1. Unless otherwise provided in this section, the provisions of the MSWO shall apply to all newly constructed buildings and building additions that expand the gross floor area of an existing building.
2. The provisions of the MSWO shall not apply to legal uses and occupants in place -as of the date this ordinance – insert date is adopted, which may continue under the terms of the underlying zoning district regulations as provided in the zoning ordinance.
3. The use and expansion of single-family, two-family and multiple-family residences existing as permitted uses as of the effective date of this Ordinance shall be exempt from the provisions in the MSWO district unless or until the property is redeveloped or converted to non-residential use. New single family residential structures constructed after the effective date of this ordinance shall be exempt from the provisions of the MSWO district. Residential uses existing as nonconforming uses as of the effective date of this ordinance shall be subject to the law governing nonconforming uses.

C. Land Use Regulations: The following regulations establish land uses allowed within the MSWO district:

1. All permitted uses within the underlying zoning district.
2. Conditional Use regulations. Unless specified herein, all uses allowed in the underlying zoning districts applicable to any specific property within the MSWO shall comply with the procedures for all conditional uses outlined in Section 10-1-12 and the regulations per this MSWO Section.
3. Effective as of the date of enactment of this Ordinance, a use identified in Section C. (4) Prohibited Uses (below) shall be prohibited in the MSWO. Any existing use prohibited by this Ordinance may continue as a nonconforming use or a nonconforming conditional use as the case may be, subject to the law governing nonconforming uses.
4. Prohibited uses: The following uses shall be prohibited within the MSWO:
 - a. Self - storage facilities. (Commentary: CU in Business Zones B2 & B3, Industrial zones,
 - b. Open Outdoor storage (Permitted in Industrial -1 and I-2 , if there is a visual screen)
 - c. Shipping containers used for storage. (Commentary: Accessory use for storage in Industrial -1 and I-2
 - d. Parking lot as a principal use, excluding municipal parking.
 - e. Sexually oriented businesses shall be defined and regulated as they are in Chapter 9-8.
 - f. Junkyard (I-2 Conditional Use)
 - g. Recycling of scrap and waste materials with outdoor storage. (I-2 Conditional Use)

[Any existing “prohibited use” will continue as a nonconforming use]

D. Building Design Standards: The following design standards apply within the MSWO in addition to site and architectural design standards established in Section 11-1-11:

The following building design standards are the minimum standards for new buildings and building additions within the MSWO boundary. Unless otherwise provided herein, all development and redevelopment proposed within the MSWO shall meet these standards. These standards apply to all new construction and to building additions to the extent practicable.

1. Primary building materials shall consist of high-quality, long-lasting materials such as brick, stone, stained or finished decorative concrete block, wood, or fiber cement materials. At least fifty percent (50%) of the surface area of building facades facing public streets, excluding window openings and customer entrance doorways, shall consist of the above building materials.
2. Accent materials may consist of any materials listed above in (1.) above as acceptable primary materials, as well as glass, decorative metal finishes, decorative composite materials, stucco or acceptable stucco-like products, and similar products that are deemed acceptable by the Plan Commission.
3. Pitched roofs and eaves shall be finished in a traditional manner, with asphalt shingles, other decorative shingles, or standing seam metal roof materials, and eaves and soffits of typical materials and dimensions. Alternative designs and materials may be considered on a case-by-case basis, by the Plan Commission.
4. Flat roofs shall be finished with a decorative cornice along street facades. Parapets, or other means of effectively screening rooftop mechanical equipment from the street is necessary.
5. Transparent glass where possible within the MSWO, is recommended to provide visual access.
 - a. For most commercial and institutional uses, the minimum area of transparent glass shall be fifty percent (50%).
 - b. For clinics, medical or dental offices, or other uses where customer privacy is necessary, the minimum area of transparent glass shall be thirty percent (30%).
 - c. For buildings with residential units on the ground level, the minimum area of transparent glass shall be thirty percent (30%).
 - d. Alternative architectural solutions that continue the rhythm of windows established on the building may be included in lieu of up to fifty percent (50%) of the transparent glass requirement, if deemed acceptable by the Plan Commission.

6. Refuse storage areas shall be located toward the rear of the site to the extent practical and be enclosed with a six-foot high enclosure constructed of decorative materials that are similar to or compatible with the materials used on the principal structure on the site. A fence may be considered within the context of the site design. When attached to or located within the principal building, they shall be designed to appear to be an integrated component of the building.

SECTION 2. This ordinance shall take effect and be in force from and after its date of passage and publication of same.

Dated this 15th day of July, 2024.

Scott Stechmesser
President, City Council

Gregory E. Buckley
City Manager

Attest:

Amanda Baryenbruch, City Clerk

Approved as to form and legality:

City Attorney