

## Sec. 94-165. - COMMERCIAL CORRIDOR DESIGN REVIEW OVERLAY DISTRICT

- (a) Intent and scope. The following standards are established to improve the appearance, quality, and function of commercial structures and shall apply to new commercial, industrial, and mixed-use construction along major thoroughfares (arterial and collector streets as identified on the Major Street Plan) in the City. These standards shall apply to newly constructed buildings, renovations exceeding 50 percent of the equalized assessed value of the structure at the time of reconstruction/renovation, and additions or alterations that significantly change the exterior facade and penetrations of the building (does not include nonstructural repairs or ordinary maintenance repairs such as internal and external painting, decorating, paneling and the replacement of doors and other nonstructural components). The property owner of an existing structure that is being remodeled or renovated for use as a commercial structure shall meet the requirements of this section and obtain Planning Commission approval for building design and site plans as a condition of obtaining any rezoning or building permit. These regulations shall not apply to structures that have been approved by the City Council as part of a developer's agreement or Planned Development District rezoning so long as the developer's agreement or rezoning was completed prior to issuance of a building permit. These regulations shall not apply to building renovations using the Secretary of Interior Standards for historic buildings.
- (b) Scope of regulations. The regulations set forth in this chapter or set forth elsewhere in this title when referred to in this chapter are the regulations in the Commercial Corridor Design Review Overlay District. It is not intended that these regulations interfere with, abrogate or annul any other rules or regulations of this title; except as provided herein that if the design review overlay district imposes a greater restriction than the underlying zoning district regulations, the design review district regulations shall control.
- (c) Boundaries of districts. The boundaries of the Commercial Corridor Design Review Overlay District shall consist of 6<sup>th</sup> Street and a half block north and south from 5<sup>th</sup> Avenue to 34<sup>th</sup> Avenue; 20<sup>th</sup> Street South and a half block north and south from Main Avenue to 34<sup>th</sup> Avenue; Main Avenue and a half block east and west from the Railroad tracks to 32<sup>nd</sup> Street South; and 22<sup>nd</sup> Avenue and a half block east and west from 6<sup>th</sup> Street to 32<sup>nd</sup> Street South. This design review overlay district is shown upon a map that is made a part of each overlay district by reference. The map shall have the same force and effect as if it were fully set forth herein.
- (d) Uses permitted. A building or premise may be used for the purposes permitted in the underlying zoning district provided it is in conformity with the conditions required in the design review overlay district.
- (e) Accessory uses. Accessory uses and buildings permitted are accessory buildings and uses customarily incidental to any of the permitted uses in the underlying zoning district that are not prohibited by the design review overlay district.
- (f) Sign regulations. Signs shall be regulated in conformance with division 5. Signs, and any regulations imposed by the design review overlay district.
- (g) Parking regulations. All parking, loading and stacking shall be regulated by the underlying zoning district and in conformance with the provisions of the design review overlay district.

- (h) Density, area, yard and height regulations. Density, area, yard and height regulations shall be regulated in conformance with the underlying zoning district and any regulations imposed by the design review overlay district.

Sec. 94-165.1. - Review procedures.

- (a) These design standards will be administered as part of the building permit process and documents required by these standards must be submitted to the Community Development Department.

- (1) The applicant is encouraged to meet with City staff at the schematic stage, the design stage, and at the submittal stage.
  - (2) A pre-application meeting with the Community Development Department is required prior to submittal of building and development plans for the purpose of reviewing the requirements of this division.
  - (3) One complete set of plans as described in the Submittal requirements shall be submitted to the Community Development Department as part of the application. Electronic copies of plan sheets shall also be submitted. Incomplete submissions will not be accepted.

- (b) Submittal requirements.

- (1) All architectural and engineering plan sets typically required for building permit application including: site plan including the size and location of building, drive-through facilities, parking lots with access points defined, utilities, connection points, stormwater facilities, signage locations, bicycle parking areas, pedestrian sidewalks, trash receptacles, outdoor refuse and recycling receptacles, landscaping, fences, exterior lights, parking lot snow storage areas, garages and accessory buildings, etc.
  - (2) Exterior light fixture locations and specification sheets in accordance with section 94-165.7.
  - (3) Photos of at least four nearby buildings and four street views of nearby blocks.
  - (4) Building elevations including materials
  - (5) A completed design standards checklist.
  - (6) A landscaping plan.
  - (7) Nothing in these design standards is intended to prevent the use of materials, systems, methods, or devices of equivalent or superior quality, strength, effectiveness, attractiveness, durability, and safety in place of those prescribed by this division that demonstrates equivalency and the materials, systems, method or device is approved for the intended purpose.

- (c) Design review process and review timeline.

All requests shall be reviewed within ten business days. The review timelines shall be provided in instructions to applicants. Developers/applicants are required to attend a review meeting with the City prior to moving forward to the Planning Commission. Exception to the standards may be allowed on a case-by-case basis, consistent with the overall purpose of this division. All requests for exceptions to the standards shall be requested in writing with the original request.

- (d) Planning Commission Review and Recommendation Upon receipt of an application, the Planning Commission shall schedule a hearing for which notice has been published in the legal newspaper of the city at least one week prior to the Planning Commission meeting. The

Planning Commission shall forward its recommendation with or without modification, to the City Council.

- (e) City Council approval. Upon receipt of a recommendation from the Planning Commission, the City Council shall schedule a hearing for which notice has been published in the legal newspaper of the city at least one week prior to the City Council meeting.

Sec. 94-165.2. - Parking lot design and parking standards.

- (a) The intent of this section is to encourage buildings to be placed close to the street to enhance customer and tenant use of transit and to reinforce the building setback pattern; to minimize the visual impact of parking areas as seen from the street; to enhance pedestrian access, circulation and safety by reducing curb cuts and approaches that cut across sidewalks; to minimize the volume and maximize the quality of stormwater runoff; to provide adequate but not excessive parking for customers and tenants; to prohibit the use of satellite parking lots (unless it can be demonstrated that shared parking will be beneficial to multiple property owners and does not result in a gap effect on a block face); to prohibit parking in side or front yards; to provide for adequate snow storage; to discourage the reliance on single occupant vehicles; to encourage the use of transit and other alternative means of transportation; to reduce the reliance on petroleum based paving materials and methods; and to reduce the "heat island" effect of traditional paved parking lots due to lack of trees or plants.
- (b) No parking stall may be closer to the street than the building setback line or the building on the same parcel, whichever is further from the street unless the applicant can demonstrate that there are no practical alternatives related specifically to the site. Exception for corner lots in which parking may be located within the front yard of the street of the lower street classification according to the Major Street Plan.
- (c) All points of ingress and egress will be evaluated by the City Engineer to determine if ingress and egress should be allowed directly to the street or via an alley.
- (d) Parking areas shall be separated from primary buildings by a landscaped buffer.
- (e) Minimum setback for parking stalls and drives is ten feet along a street right-of-way and five feet from all property lines with the exception of the alley (in order to accommodate landscaping or drainage swales). Parking for adjacent properties may be combined into continuous paved lots, eliminating the required setback at the shared property line, provided that 100 percent of the lost green space is replaced elsewhere on the parcel
- (f) Landscaping buffers, green space, and planting islands must total a minimum of ten percent of the lot.
- (g) Buffers, setbacks, and planting islands are encouraged to be used for stormwater infiltration.
- (h) All approaches, parking and vehicular circulation areas shall be paved and graded for proper stormwater management. The use of pervious pavement for stormwater infiltration is encouraged.

- (j) Parking lots shall be located on the same lot as the principle structure (unless it can be demonstrated that shared parking will be beneficial to multiple property owners and does not result in a building gap effect on a block face).
- (k) Parking lot snow storage area(s).
  - (1) Parking lot snow storage area(s) shall be designated in the parking lot and/or green space buffers.
  - (2) Snow storage areas shall not be located near parking lot entrances and impede driver vision.
  - (3) If these green space buffer(s) are no longer capable of storing snow, the property owner shall arrange for the excess snow to be removed.
  - (4) To the greatest extent possible, melting snow or ice should not drain over sidewalks or across neighboring properties.
- (l) The off-street parking provisions for all commercial, industrial and mixed-use development shall be in conformance with section 94-431 – 94-434, including access drives and aisles with section 94-343.

Sec. 94-165.3. - Pedestrian circulation.

- (a) The intent of this section is to promote public safety and comfort by providing adequate and convenient pedestrian access to and from and within the site.
- (b) There shall be a paved pedestrian route from the sidewalk or street to the main building entrance, and from the parking area to the nearest building entrance.
- (c) Pedestrian routes shall be paved with concrete or bituminous material.
- (d) Porous paving materials and methods that reduce stormwater runoff are encouraged.

Sec. 94-165.4. - Building mechanical service elements.

- (a) The intent of this section is to minimize the negative visual impacts of service elements on adjoining streets, public spaces and adjacent properties; to minimize noise, odor, and litter; and to provide adequate amenities for building users.
- (b) The design and location of the following items shall be indicated on building and/or site plans, illustrated with spec sheets as appropriate, and submitted with the design standards checklist:
  - (1) Utility meters.
  - (2) Building mechanicals.
  - (3) Trash and recycling containers.
  - (4) Bicycle parking.
  - (5) Outdoor seating areas.
  - (6) Solar and wind facilities.
  - (7) Dish antennas.
  - (8) Transformers.
  - (9) Back-up generators.
- (c) Service areas, utility meters, and building mechanicals shall not be located on the street side of the building, nor on the side wall closer than ten feet to the street side of the building. The

location of emergency back-up generators and transformers shall be coordinated between the City, the developer and the utility company. Screening of meters, generators, transformers, and mechanicals is required when visible from the primary street with an approved screen device or vegetation. Screening materials shall match or compliment the exterior building materials. Cable, conduit and phone line shall not be visible on the exterior with the exception of conduit running directly to the meter/utility boxes at the time of initial occupancy. Mailboxes are permitted within ten feet of the front of the building if not visible from the street.

- (d) Trash and recycling containers, including cans and dumpsters, shall have covers and be screened so as not to be visible from the street or from neighboring properties. Screening shall be one foot higher than the container but no higher than six feet, however roofed enclosures may exceed this limit.
- (e) If a building owner chooses to provide a trash receptacle and/or a smoking materials receptacle, it shall be decorative if located at the entrance that faces a public street, these receptacles shall be screened from street view and/or designed to fit with the architecture and materials of the building.
- (f) Location of heating and cooling appliances.
  - (1) High energy gas appliances shall have the air intakes and exhaust vents located on the sides or rear of the building where they do not interfere with any sidewalks, are not likely to be blocked or damaged by pedestrian traffic, snow or the removal of snow, and away from any trees or shrubs that would be harmed by the exhaust heat and gases.
  - (2) Window-mounted air conditioners shall not be permitted.
  - (3) Packaged Terminal Air Conditioner (PTAC) /heat pump units must be designed into the architecture of the building.
  - (4) If heat pumps or air conditioners are located on the ground, they shall be on one side or the rear of the building and screened with vegetation or decorative screening that matches or compliments the exterior siding of the building, such that proper clearances are maintained for the manufacturer's warranty.
  - (5) If heat pumps or air conditioners are located on the roof, they shall be placed, painted and/or screened so as to minimize the visual impact to the street.
- (g) Bicycle parking.
  - (1) Bicycle parking using bike racks specifically designed for bike parking shall be provided at one space per ten automobile parking spaces or one space per 20 employees, whichever is greater, and should be located near building entries, shall not interfere with pedestrian circulation, and shall be well-lit. Bikes are not permitted to be stored, locked or chained to fences or any other exterior location other than a bike rack specifically designed for bike parking.
  - (2) Bicycle parking (to accommodate four bicycles) shall be nominally at least nine by six feet or 54 square feet and increase by the same ratio to accommodate the number of bike spaces.

- (3) The base for bike racks should be concrete to ensure their stability, however the remaining bicycle parking area shall be porous paving materials (paving blocks with decorative gravel or wood mulch, or properly spaced cobbles, brick, and natural stone with grass planted in between in small clusters) to reduce stormwater runoff but shall not result in standing water. If an area for bike parking is designed using these standards, then up to 100 percent of the space taken for the bike parking shall count as green space.

Sec. 94-165.5. - Landscaping open space and plantings.

- (a) The intent of this section is to promote quality in landscape design and to mitigate undesirable views; to create inviting and useable open spaces around which buildings are organized and that promote a sense of security and community to provide pleasant and safe pedestrian circulation; and to provide shade and cool the building. Buildings shall be organized in relation to open spaces such as yards and courts to create efficient circulation and parking. This standard shall not override the establishment of an orderly, positive, and urban character of the relationship of buildings to streets.
- (b) A landscape design and planting plan shall be prepared and submitted for all buildings. Landscape plans for developments shall be prepared and signed by a Landscape Architect, nurseryman, or professional site planner with educational training or work experience in land analysis and site plan preparation prior to submittal to the City.
  - (1) No building permit shall be issued until the required landscaping plan has been submitted and approved, and no certificate of occupancy shall be issued until the landscaping is completed as certified by an on-site inspection by the Community Development Director, unless an assurance agreement acceptable to the City has been submitted.
  - (2) The City may allow an extended period of time for completion of all landscaping if the delay is due to conditions which are reasonably beyond the control of the developer. Extensions may not exceed nine months, and extensions may be granted due to seasonal weather conditions. When an extension is granted, the City may require such additional conditions as it deems necessary.
- (c) The plan shall address all parts of the parcel and shall indicate:
  - (1) Details of all proposed vegetative landscaping materials, including placement, common and botanical names, caliper/height or container size and quantity and maintenance requirements.
  - (2) Details of proposed nonvegetative landscaping and screening materials.
  - (3) Planting and construction schedule for completion of landscaping and screening plans.
  - (4) Estimated cost from a landscaper on a bid or estimate form of the proposed landscaping.
- (d) All portions of the site not covered by buildings, paving material, or other planned and approved surfaces shall be considered "landscaped area and shall have a minimum of four inches of top soil and be planted with living plant materials and/or mulches. Overall site landscaping shall comply with Section 94-399.

- (e) Existing healthy trees should be preserved to the greatest extent practicable and shall be indicated on grading and landscape plans submitted for plan review; however, invasive trees shall be removed. Existing damaged, decayed, or diseased trees should be removed to protect remaining trees. Construction near existing trees should follow Best Management Practices to ensure their survival.
- (f) Landscaping should reinforce pedestrian circulation routes and obstruct undesired routes of convenience. Bushes, trees, rocks, and other landscape features should be used to indicate where pedestrians should and should not travel.
- (g) Screening and buffers. The following standards shall apply:
  - (1) Buffers shall comply with Section 94-399.1 – Bufferyards.
  - (2) Buildings over two stories in height shall incorporate vertical tree plantings within the buffer strip abutting a residential use as a means of providing line of sight screening from the multi-story structure to the residential use.
- (h) Maintenance.
  - (1) The property owner shall be responsible for maintenance and replacement of trees, shrubs, grass, ground covers, loose bark or gravel, and sod which are part of the approved landscape plan. If any such plant materials are not maintained or replaced, the City may deem this to be a Municipal Code violation and issue an order to correct.
  - (2) The owner is responsible for keeping trees in a plumb position. When staking or securing trees is done, it shall occur so as not to create any hazards or unsightly obstacles.
  - (3) Plants must be maintained in sound, healthy and vigorous growing conditions and free of disease, insect eggs and larvae.

Sec. 94-165.6. - Walls and fences.

- (a) The intent of this section is to provide for the coordination of design and location of walls and fences to maximize the positive interrelationship of buildings and public street, and to avoid the predominance of long, unarticulated walls or fences, and to prevent pedestrians from walking through planting. The following standards shall apply:
  - (1) Walls and fences located in the front yard setback shall not exceed four feet in height above the finished grade and shall be at least 50 percent transparent to retain the visual connection between street and building.
  - (2) The design and materials for walls and fences shall be coordinated with the design and materials of the principal buildings and should have substantially the same detail. This is not intended to require identical materials and design.
    - a. Pressure treated lumber fences shall not be permitted unless stained or painted.
    - b. All chain-link fences must be plastic coated and shall only be permitted in side yards and backyard, and shall not extend nearer to the street than the front of the building nor used in the secondary front yard on a corner lot.

- c. Smooth faced concrete (CMV) blocks or non-architectural poured walls used to construct a wall shall be covered with brick or some other decorative block or dimensional material such as a stained block product. Painted or colored smooth faced concrete bricks or blocks shall not be considered decorative block.
- (3) Walls and fences shall provide variety and articulation at each end and at intervals not exceeding 25 feet through at least one of the following methods:
- a. Changes in plane of not less than one foot;
  - b. Expression of structure, such as post, column, or pilaster;
  - c. Variation of material; or
  - d. Landscaping.

Sec. 94-165.7. - Exterior lighting.

- (a) The intent of this section is to enhance daytime and night time appearances; to establish a safe environment, and to minimize light pollution, glare and light trespass onto adjacent properties. The use of solar, LED or low watt compact florescent lights that decorate the property and are located and directed where people need to see in the dark are encouraged.
- (b) All exterior lights shall be designed for commercial use. A lighting plan showing lighting levels on-site and at the property line as well as spec sheets with pictures must be submitted with the design standards checklist for each exterior light to be used.
- (c) Pedestrian lighting shall clearly indicate the path of travel, shall minimize dark spots along that path, and shall utilize coordinated light fixtures.
- (d) The maximum height of wall mounted parking lot light fixtures shall be 16 feet above the ground. Pole-mounted fixtures are acceptable but not required and will have a maximum height of 30 feet from the ground to the top of the fixture. Fixtures shall be of full-cut-off (FCO) design to minimize glare and spillover.
- (e) Ornamental lighting to light the building facade is permitted, provided that the light source is not visible from the property line and is designed to minimize glare and spillover.
- (f) No overhead light source (i.e., the lamp or reflector) shall be visible from the property line. Shields may be employed, if necessary, to meet this requirement. The maximum allowable luminance measured 25 feet beyond the property line shall be 0.05 horizontal foot-candles (HFC).
- (g) Each exterior entry to structures on the property shall have an exterior light.
- (h) For properties adjacent to residential uses, motion sensor flood or spot lights shall have shrouds, be limited to two bulbs pointed at least 30 degrees downward and not directly into windows or doors of neighboring building and the light sources shall not be visible from the street.

Sec. 94-165.8. - Patios, porches, decks, and rooftop gardens/decks.



- (a) For commercial developments that include a residential component, the intent of this section is to increase resident safety, comfort and privacy by providing individual outdoor spaces for each unit.
- (b) Every residential unit is encouraged to have its own patio or balcony and shall be incorporated into the architectural facade of the building and may encroach into the building setback area but not more than 25 percent. Commercial structures are also permitted to have exterior balconies. No patio or balcony can hang over a sidewalk.
- (c) For commercial developments, ground level patios or decks for customer seating are permitted in the setback areas and should include some screening for noise.
- (d) Exterior stairs leading to a deck or balcony are permitted provided that they are decorative and are architecturally compatible with the building and constructed of compatible materials. Exterior corridors visible from a street are not permitted.
- (e) Rooftop green roofs or rooftop patios and decks are permitted and if intended for occupied use shall have a railing height or parapet of at least 42 inches. Only outdoor furniture is permitted.

Sec. 94-165.9. - Building design; form, scale and context.

- (a) The intent of this section is to encourage building design (forms, scale and context) that will result in high quality, orderly, and consistent street spaces, compatible relationships to adjoining sites, and an urban character; to create buildings that provide human scale, interest, and are architecturally cohesive yet varied, in their overall form, scale and context; and to protect the architectural character and cohesiveness of surrounding buildings.
- (b) Photos of at least four street views of nearby blocks shall be submitted with the design standards checklist.
- (c) Buildings shall be designed to provide human scale, interest, and variety. The following techniques may be used to meet this objective:
  - (1) Variation in the building form such as recessed or projecting bays, shifts in massing, or distinct roof shapes.
  - (2) Emphasis of building entries through projecting or recessed forms, detail, color, or materials.
  - (3) Variation of material, material modules, expressed joints and details, surface relief, color, and texture to break up large building forms and wall surfaces. Such detailing could include sills, headers, belt courses, reveals, pilasters, window bays, and similar features.
  - (4) Building height shall be limited to four stories when located along an arterial or collector street.
- (d) For all nonmanufacturing or retail buildings, where the allowable building is more than 50 percent wider than adjacent buildings, one of the following techniques shall be employed to minimize the apparent width of the primary facade:

- (1) Articulate the facade with projections or bays.
  - (2) Use architectural elements such as column, canopies, glass, changes in materials, and covered entries to interrupt the facade.
- (e) The first floor facade shall include windows to provide visual interest and visual connection to the street. The total area of windows and doors on the street-facing facade, including trim, shall not be less than 20 percent of the total area of the facade, excluding gables.
  - (f) Buildings shall be built to the front yard setback line. One story buildings and the first story of multi-story buildings, provided upper floors are setback, may project ten feet into the front yard setback when adjacent to an arterial or collector street. No parking is permitted in the front yard setback area.
  - (g) Commercial buildings within Historic Districts or adjacent to any designated historic building must first receive staff review and recommendation prior to submittal to the Brookings Historic Preservation Commission for their review and recommendation to the Planning Commission.

Sec. 94-165.10. - Building entrances, details, trim, doors and windows.

- (a) The intent of this section is to provide visual interest and architectural character; to promote resident safety; to enliven the street; and to minimize noise and light near adjacent residential buildings.
- (b) The primary entrance to the building shall be covered at least three feet from the door. Entrance features may encroach into the front yard setback a maximum of three feet beyond the front building plane as established in Sec. 94-165.9 (f). Building entrances shall be emphasized through projecting or recessing forms, detail, color or materials. Buildings shall be oriented toward the street with pedestrian access.
- (c) All openings shall be articulated or appropriately trimmed through the use of materials such as flat or arched lintels, projecting sills, or surrounds.
- (d) Exterior windows and doors.
  - (1) All windows shall be in keeping with the architectural character of the building.
  - (2) All windows shall have an interior locking or securing mechanism.
  - (3) For mixed used developments that include residential units, exterior entry doors for individual units shall be residential in style (real or decorative styles, rails or panels) solid or insulated. If the door does not have a translucent window lower than five feet, it shall have a security peephole. Exterior doors serving multiple residential units may be commercial in style (glass).

Sec. 94-165.11. - Roofs and roof lines.

- (a) The intent of this section is to provide visual interest and architectural character.
- (b) Any roof style such as hip, gambrel, mansard, colonial, flat or another roof style is permitted so long as the roof pitch is appropriate to the architectural style of the building and the roof

element contains additional architectural elements such as dormers, long overhangs, windows or other feature.

- (c) Flat roofs are permitted, and must incorporate a parapet wall on all sides, unless the rear side of the building is sloped for drainage. The parapet should include architectural details appropriate to the building design that create a positive visual termination for the building (a "top").
- (d) A minimum of 50 percent of a buildings' linear roof drip edge should fall to ground surfaces that do not contain impervious surface. If gutters or stormwater drains toward neighboring properties, then water shall be directed to rain garden(s), bio-swales, or other best management practices to minimize drainage onto neighboring properties.

Sec. 94-165.12. - Exterior materials.

- (a) The intent of this section is to maintain architectural character and to encourage the use of attractive and high quality materials with low life-cycle costs.
- (b) The use of identical materials on all sides of the building is encouraged; however, higher-quality materials on street-facing facades and complementary materials on other facades are acceptable.
- (c) Use of decorative accessories and trim is highly encouraged.
- (d) Vinyl, plywood, chipboard, T1-11, asphalt siding, non-architectural metal siding and smooth-faced concrete block are prohibited as exterior finish materials unless the architect can demonstrate that the materials are appropriate to the design of the building. Treated wood shall be painted or stained.
- (e) Natural wood shall be painted or stained, unless it is cedar, redwood or some other naturally weather resistant species and is intended to be exposed.
- (f) Colors and designs.
  - (1) Since the selection of building colors has a significant aesthetic and visual impact upon the public and neighboring properties, as well as an impact on the energy use and comfort of customers and tenants, designs and color shall be selected in general harmony with the overall existing neighborhood.
  - (2) Neutral or natural colors for the primary siding material with brighter or darker colors for accent and trim that provide for a more interesting building and are cooler in the summer are preferred.
  - (3) Complimentary multicolor and textured roofing materials that provide for a more interesting building and are cooler in the summer are preferred.

Sec. 94-165.13. - Garages and accessory buildings.

- (a) The intent of this section is to improve the visual impact of garages, and accessory building facing the street, and to prevent storage doors and overhead doors from facing the street, and to maximize pedestrian safety.

- (b) Street-facing overhead doors on garages are not permitted on lots served by an alley.
- (c) The cumulative length of all garage doors facing the street shall not exceed 50 percent of the total length of the street-facing elevation unless architecturally justified.
- (d) All accessory buildings shall be architecturally compatible and be constructed of the same materials as the primary buildings.