

Sec. 90-80. - DT downtown district.

(a) *Purpose and intent.* The DT downtown district is hereby recognized as an integral part of the city's unique character and the goal of this section is to promote the conservation and preservation of the city's downtown areas, and to encourage retail, general commercial business establishment and other appropriate mixed uses to which the public requires direct and frequent access and is characterized by constant heavy traffic and by noises of congestion. This DT downtown district includes such uses as retail stores, banks, offices, restaurants and taverns located in the central area of the city.

(b) *Uses permitted.* Permitted uses in a DT district shall be as follows:

Art galleries and studios.

Assembly halls.

Automotive sales and service with the screening of impound/storage areas with conditional use permit.

Bakeries.

Banks and financial institutions.

Banquet facility.

Barber and beauty shops.

Bed and breakfast and tourist homes.

Billiard parlors and pool rooms.

Bookstores.

Bowling alleys.

Business offices and display rooms.

Child care centers.

Churches.

Clubs and lodges.

Convenience stores.

Delicatessen.

Department stores.

Drugstores.

Dry goods or notion stores.

Flower, gift, record and tobacco shops.

Furniture stores.

Grocery stores.

Hardware stores.

Hotels/motels.

Household appliance stores.

Jewelry stores.

Laundromats and dry cleaners.

Libraries.

Machinery sales and service with conditional use permit.

Magazine and news stands.

Mobile food units with conditional use permit.

Newspaper printing establishments.

Nightclubs with condition use permit.

Pet service and supply establishments.

Photographer.

Post office.

Printing establishments.

Professional and public offices.

Recreation centers.

Repair, sale and service of bicycles, locks, lawn mowers and other small engines or appliances.

Radio and telecommunication stations with conditional use permit.

Residential uses, single and multi-family, above ground level floors.

Residential use, apartment, on the ground level floor with conditional use permit provided the dwelling is located at the rear of the structure and is occupied by the current property owner(s) or business owner(s) of a business operating in the structure. Furthermore, the residential area should not be visible from the commercial space and shall not occupy more than 50 percent of total ground floor area as shown in a floor plan provided to the city for review.

Restaurants, excluding drive-in or curbside types.

Shoe repair shops.

Tailors.

Taxicab establishments.

Theaters.

Variety stores.

Wearing apparel stores.

Wine and beer shops.

- (c) *Height regulations.* Buildings in a DT downtown district may not be erected more than 45 feet in height.
- (d) *Area regulations.* None.
- (e) *Lot coverage.* Lot coverage in a DT downtown district may be up to 100 percent if yard and other regulations are met.
- (f) *Setback regulations.* Building or structure in a DT downtown district may have a zero setback; however such building or structure shall be placed such that the front is generally "in-line" with other existing buildings.
- (g) *Width regulations.* Width regulations in a DT downtown district are not applicable.
- (h) *Yard regulations.* For permitted uses in a DT downtown district, the minimum side or rear yard adjoining or adjacent to a residential district shall be 25 feet.
- (i) *Parking.* Due to the centralized nature of the DT downtown district, parking shall be provided as is practically possible to conform with the requirements of article V of this chapter and shall be subject to subsection (k) of this section.
- (j) *Signs.* The following signs shall be permitted in a DT downtown district and shall conform to all other applicable requirements of article V of this chapter. All permitted signs shall be subject to subsection (k) of this section.
  - (1) All signs permitted in R districts.
  - (2) Business signs not to exceed a total area of two square feet for each foot of frontage of the business provided they are attached to the building and not projecting more than four feet therefrom and shall not extend above the roofline. For buildings with more than one business, the total area allowed may be divided among those businesses.
  - (3) One freestanding or monolithic business sign not to exceed 50 square feet in area and no higher than six feet tall, for each lot with a lot frontage of 75 feet or more, provided such signs do not create a visual obstruction or safety hazard. In the case of shopping or business centers where more than one business resides within a single building, each business may have an additional ten square feet of sign area, so long as it is located on the same pole or poles of the freestanding or monolithic sign, but in no case shall such sign extend over the street right-of-way line. Freestanding signs shall not be permitted on lots where the building has a setback of 25 feet or less.
- (k) *Architectural compatibility.*
  - (1) All buildings and structures shall be constructed, erected, and altered to blend with the general character of the DT downtown district. To facilitate this requirement, the zoning administrator shall submit all plans and specifications involving the construction or erection of new buildings and structures and major alterations to existing buildings and structures to the planning commission for review. For the purposes of this section, major alteration means any physical modification to a structure that involves a major portion of the structure or has a substantial visual impact on the structure or surroundings. Major alterations include, but are not limited to, changes in building massing, cladding the exterior walls in a new material, and extensive replacement of windows and doors with a new or unoriginal design in a structure.

The planning commission shall make architectural compatibility recommendations to city council. Final decision making authority shall be vested in city council. This review shall in no way require the use of specific materials.
  - (2) Minor alterations shall be subject to review and approval by the zoning administrator. For the purposes

of this section, minor alteration means any physical modification to a structure that is limited in scope or has a minor visual impact in relation to the total design of the project. Minor alterations include, but are not limited to, awnings, landscaping, lighting, roofing, paint colors, and signage.

- (3) Plans approved by the Department of Historic Resources pertaining to the Belfield Business District Revitalization Project shall be approved administratively by the zoning administrator.
- (4) In order to ensure that buildings proposed for removal will not substantially impact or take away from the general character of the DT downtown district, the proposed demolition of any building or structure is subject to the same review and approval as outlined in subsection (k)(1) above.
- (5) The City of Emporia shall be exempt from the review and approval procedure as outlined in subsection (k)(1) and (2) above provided any erection or alteration done by the city is consistent with the general character of the DT downtown district.

(Ord. No. 03-50, § 2, 11-18-03; Ord. No. 04-48, § 1, 12-7-04; Ord. No. 05-26, § 1, 6-21-05; Ord. No. 06-41, 3-6-07; Ord. No. 07-03, 9-18-07; Ord. No. 09-27, 6-2-09; Ord. No. 10-8, 1-19-10; Ord. No. 12-03, 2-21-12; Ord. No. 15-09, 3-3-15; Ord. No. 17-15, 7-18-17; Ord. No. 18-01, 1-16-18)