

Section 12.2.10 Non-Single-Family--Small Tract Requirement

A non-single-family use on a small tract which is less than seven (7) acres in size or has less than four hundred (400) feet of road frontage may be developed in accord with applicable development standards of this chapter, and the following:

(a) A petition by the proposed owner must be filed with the zoning director and presented to the mayor and city council for consideration as a small tract use. Petitioners shall present sufficient evidence to the mayor and city council to (i) verify that the property is configured in such a manner that it is not physically feasible to combine and develop the small tract of land with abutting property to create a larger tract of land, so that even if a parcel of land seven (7) acres in size with four hundred (400) feet of road frontage cannot be assembled, the resulting assemblage of the tract with abutting property will result in the largest tract which is feasible to combine, or (ii) present a site plan of the proposed improvements and a tree protection plan together with sufficient information that the development of the tract as proposed will result in a better land use than if the small tract were combined with abutting property;

Upon a finding by the mayor and city council that (i) the tract can not feasibly be combined with abutting property to create a larger tract of land, or (ii) development of the tract as proposed will result in a better land use than if the small tract were combined with abutting property, the petitioner shall receive approval to develop in accordance with this section subject to such reasonable conditions as may be imposed by council, and shall be entitled to develop as a small tract use;

(b) Where such small tract abuts an existing or approved village consisting of non-single-family uses the property to be developed shall mimic the architectural features of similar uses of the adjacent village(s);

(c) Small tracts shall provide the required streetscape established in this chapter;

(d) An area consisting of a minimum of fifteen (15) percent of the tract size shall be dedicated to the use of required buffers;

(e) The area required for a streetscape shall not be included into the area calculation as outlined above under subsection (d);

(f) Rear buffers adjacent to the perimeter of the district shall not be less than forty (40) feet;

(g) Use of the property shall be limited to those uses specified in section 12.2.8, except service stations, retail establishments, and restaurants, grills, and similar eating and/or drinking establishments; provided however, this paragraph shall not apply to those tracts not adjacent to the perimeter of the overlay district; and further provided, this paragraph shall not apply to those tracts adjacent to the perimeter of the overlay district where the written consent for the proposed use has been given by all owners of adjoining residential single-family dwelling units.

Section 12.2.12 Adaptive Reuse Administrative Approval

An adaptive reuse of existing structures may be administratively approved by the zoning director, provided no change occurs to the front exterior building elevation, the structure is not expanded beyond an additional fifty (50) percent of floor area, all vehicle parking is confined to the rear yard and one (1) side yard, the project is developed in accord with the streetscape requirements (berms shall be given reasonable consideration but shall not be required), with a rear buffer of no less than forty (40) feet.

Adaptive reuse administrative approval shall not be permitted for service stations, retail establishments, restaurants, grills, and similar eating and/or drinking establishments, including drive-ins, and nursery schools, kindergartens, and day care centers.