ORDINANCE NO. 16-15

AN ORDINANCE AMENDING SECTION 176.50 OF THE MARION CODE OF ORDINANCES REGARDING CENTRAL CORRIDOR INTERIM DEVELOPMENT OVERLAY

Section 1. The Marion Code of Ordinances is amended by adding 176.50 in its entirety.

176.50 Central Corridor Interim Development Overlay

1. Purpose: The purpose of the Central Corridor Interim Development Overlay (IDO) is to temporarily regulate the establishment of uses, construction of new buildings and demolition or alteration of existing structure in the Central Corridor where potential development could be detrimental or have adverse impacts on current planning, land use or zoning studies underway.

2. Applicability: The Central Corridor IDO is adopted as an amendment to the Zoning Code and shall be illustrated on the Zoning Map and applied to the base district designation. Where inconsistencies exist between the Central Corridor IDO regulations and other provisions of the Municipal Code, the Central Corridor IDO regulations shall apply.

The Central Corridor IDO incorporates the Sub-boundaries of the Uptown Marion Main Street District and The Marion Commercial Business Historic District. Both districts will have additional review processes outlined within this ordinance and said sub-district boundaries shall be shown on the Zoning Map and applied to the base district designation.

3. District and Sub-district boundaries:

See Exhibit "A"

4. Definition:

A. "Substantial improvement" includes the following:

1. Any new building construction within the Central Corridor IDO or any renovation of an existing structure that involves any modification of the exterior appearance of the structure by virtue of adding or removing exterior windows or doors or altering the color or exterior materials of existing walls.

2. All facade improvements, changes, alterations, modifications or replacement of existing facade materials will be considered a substantial improvement.
3. A substantial improvement also includes any increase or decrease in existing building height and/or alteration of the existing roof pitch or appearance.

4. Routine repair or replacement of existing roof materials that do not materially change the appearance, shape or configuration of the existing roof will not be considered a "substantial improvement".

6. Owner-occupied detached single family residences will not be subject to these regulations.

7. Within the Uptown Marion Sub-District "substantial improvement" also includes:
   a. New, modified or replacement awning structures or similar material extensions over the public sidewalk area.
   b. Demolition or Removal of any portion of a building otherwise not specified by these regulations.

5. **Land Uses**

   A. **Permitted Uses:** Allowable new uses within the overlay district include typical commercial, professional office and service oriented businesses, uses or facilities, including hotels and lodging facilities and, all such uses currently allowed in the C-1 Neighborhood Commercial and C-2 Central Business District Commercial unless herein limited.

   If the underlying zoning district is more restrictive than the C-2 Central Business Commercial district, then only those uses permitted in the more restrictive district shall be allowed.

   No residential use may be established on the ground floor of any store front or shop front located within the area zoned C-2, Central Business District Commercial. Residential uses are encouraged to be established in upper levels of commercial facilities.

   For the Time Frame established by the Central Corridor IDO any use or substantial improvement on property zoned, C-4, Warehouse Commercial or I-1, Restricted Industrial shall be allowed consistent with Chapter 176.33, Non-Conforming Building Uses and Structures.

   B. **Conditional Uses:** Conditional Uses within the overlay district include those Conditional Uses permitted within the C-1 Neighborhood Commercial and C-2 Central Business District Commercial unless herein limited. All Conditional Use Site and Building Plans shall be reviewed by the Planning and Zoning Commission and City Council prior to proceeding to the Zoning Board of Adjustment for consideration.
6. **Site and Building Plan Review Process:** Any proposed substantially improved or new building structure or development, must submit a detailed site plan, building plan and color renderings for review as established below:

   A. **Central Corridor IDO Review:** Any proposed substantial improvement or new building structure located in the Central Corridor IDO, including proposed residential facilities, must submit a detailed site plan and building plan for review and approval by the Planning and Zoning Commission and the City Council.

   B. **Uptown Marion Sub-District Review:** Any proposed substantial improvement or new building structure located within the Uptown Marion Sub-district, including proposed residential facilities, must submit a detailed site plan and building plan for review and approval by the Uptown Marion Street Board of Directors or their designee for consistency with the Uptown Marion Design Guidelines prior to the project being reviewed by the City Planning and Zoning Commission and City Council.

   C. **Central Business Historic Sub-District:** Any proposed substantial improvement or new building structure located within the Central Business Historic Sub-district, shall be reviewed by the Historic Preservation Commission, or their designee, and a report provided to determine whether the project would be consistent with the Central Business Historic District. Any substantial improvement or new building structure located within the Central Business Historic Sub-district that is determined to detract from the Central Business Historic District shall be denied.

7. **Site and Building Design Considerations:**

   Elements to be considered in this review process are proposed use, proposed building improvements or new structural elements, with particular attention to exterior building design elements, landscaping and how the proposed improvement or development will complement existing and proposed uses and building design elements.

   The current planning study underway within the Central Corridor and Uptown Marion will be considered during this review process. In the event the City Council determines that the proposed project is not consistent with the direction of the planning study the project may be delayed until such time the study is complete.

   Paramount in this review will include consideration of, exterior building materials on all sides, coloration of materials, building height, roof line, size and location of windows and doors, roof mounted appurtenances, and facades.

   The following building design elements shall be evaluated:

   A. **Proportion:** The relationship of width and height of the front elevations of adjacent buildings shall be considered in the construction or
alteration of a building. The relationship of width and height of windows and doors of adjacent buildings shall be considered in the construction or alteration of a building. Particular attention must be given to the scale of street level doors, walls and windows. Large expanses of blank wall spaces at street level are to be discouraged.

B. **Color:** Building colors should emphasize light and muted colors, with light earth tones dominant. Saturated hues and bright colors except for use in small areas is not encouraged.

C. **Architectural features:** Architectural features including but not limited to cornices, entablatures, doors, windows, shutters, fanlights and other elements prevailing in the area shall be considered in the construction or alteration of a building. It is not intended that the details of existing buildings be duplicated precisely, but those features should be suggestive of the extent, nature and scale of details that would be appropriate on new buildings or associated with building alterations.

D. **Materials and Texture:** Architectural design within this area shall recognize the importance of material strength and permanency through the selection of building materials and the principle of structural strength and permanency shall dominate the structural and exterior materials and components. The primary material shall constitute at least 75% of the wall area, excluding glass. The primary exterior material shall consist of a combination of brick, architectural concrete panels, textured concrete block, or architectural steel, or stone panels.

No wood, Masonite, asphaltic exterior wall or roof material, aluminum or steel siding, non-architectural sheet metal, non-textured concrete block, stucco, vinyl, E.I.F.S. (Exterior Insulation and Finish Systems) or other similar materials shall constitute any portion of any building, except as trim.

In the Marion Uptown and Commercial Business Historic Sub-district the Uptown Marion Design Guidelines shall regulate Material and Texture.

8. **Emergency Repairs:** In the case of emergency repairs needed as the result of unanticipated building or facade damages due to events such as fire, vandalism, or weather related damages, site plan review will not be required, provided that the needed repairs do not alter the appearance of the structure prior to the event causing the unanticipated damages.

9. **Signage:** Typical business signage shall be permitted without mandatory site plan review by the Planning and Zoning Commission and City Council. All signage shall conform to requirements of the Chapter 176.31 Signs, except as provided for below:

   A. Electronic Message Center Signs shall not be permitted within the Central Corridor IDO.

   B. In Uptown Marion Sub-District and the Commercial Business Historic Sub-District signage shall be reviewed by the Uptown Marion Street Board of Directors or their designee for consistency with the Uptown Marion Design Guidelines Adopted May 7, 2014 prior to approval of a sign permit.
10. **Time Frame:** This Ordinance shall be of no further force or effect 6 month after adoption unless prior to that date, after a public hearing, the City Council by majority vote extends the Central Corridor IDO Overlay District.

Section 2. All ordinances and or parts of ordinances in conflict herewith are repealed.

Section 3. That the changes as provided in this Ordinance shall be made part of the replacement pages of the Code of Ordinances of the City of Marion and made a part of said Code as provided by law.

Section 4. That this Ordinance shall be in full force and effect from its passage and publication as provided by law.

Passed and approved this 17th day of November, 2016.

Nicolas AbouAssaly, Mayor

ATTEST:

I, Wesley A. Nelson, City Clerk of the City of Marion, hereby certify that the above and foregoing is a true copy of an ordinance passed by the City Council of said City at a meeting held on November 17, 2016, and published as provided by law in the *Marion Times* on February 9, 2017.

Wesley A. Nelson, City Clerk
Central Corridor Interim Development Ordinance

Legend
- Uptown Marion SubDistrict
- Central Corridor Interim Dev. Overlay Dist.