

CHAPTER 3.16 CENTRAL BUSINESS (CB) ZONE

Section 3.16.10 - PURPOSE

This zone implements the Central Business Comprehensive Plan designation. It is intended to provide an area for Commercial Uses, as well as Civic and Residential Uses, and to provide all basic services and amenities required to keep the downtown the vital center of our community. While the Zone does not permit new Low Density Residential Building Types, it is not intended to preclude dwelling units in buildings containing commercial activities.

Section 3.16.20 - PERMITTED USES

3.16.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Residential Use Types -
 - a) Family
 - b) Group Residential
 - c) Group Residential/Group Care
 - d) Residential Care Facilities
2. Residential Building Types -
 - a) Single Detached - existing prior to adoption of this Code
 - b) Single Detached - Zero Lot Line - existing prior to adoption of this Code or when added to existing development on an underdeveloped site
 - c) Single Attached - Zero Lot Line, two units - existing prior to adoption of this Code or when added to existing development on an underdeveloped site
 - d) Duplex - existing prior to adoption of this Code or when added to existing development on an underdeveloped site

- e) Attached - Townhouse
- f) Multi-dwelling - In this zone, this includes dwelling units in commercial buildings

3. Civic Use Types -

- a) Administrative Services
- b) Social Service Facilities
- c) Community Recreation
- d) Cultural Exhibits and Library Services
- e) Lodges, Fraternal and Civic Assembly
- f) Parking Services
- g) Postal Services
- h) Public Safety Services
- i) Religious Assembly

4. Commercial Use Types -

- a) Agricultural Sales
- b) Animal Sales and Services
 - 1) Grooming
 - 2) Kennels
 - 3) Veterinary - large and small animals
- c) Automotive and Equipment
 - 1) Cleaning
 - 2) Fleet Storage

- 3) Parking Services
- 4) Repairing, Light Equipment
- 5) Sales/Rental
 - a. Farm Equipment
 - b. Heavy Equipment
 - c. Light Equipment
- d) Building Maintenance Services
- e) Business Equipment Sales and Services
- f) Business Support Services
- g) Communication Services
- h) Construction Sales and Service
- i) Convenience Sales and Personal Services
- j) Eating and Drinking Establishments
- k) Financial, Insurance, and Real Estate Services
- l) Food and Beverage Sales
- m) Fuel Sales
- n) Funeral and Interment Services - Undertaking
- o) Laundry Services
- p) Lodging Services
 - 1) Hotels/Motels
 - 2) Bed & Breakfast

- q) Medical Services
- r) Participant Sports and Recreation - Indoor and Outdoor
- s) Professional and Administrative Services
- t) Repair Services - Consumer
- u) Research Services
- v) Retail Sales - General
- w) Spectator Sports and Entertainment
 - 1) Limited
 - 2) Other - Uses existing as of June 1, 2001
- x) Temporary Outdoor Markets
- y) Technical Support Center - upper floors only
- z) Telemarketing Center - upper floors only
- aa) Wholesaling, Storage, and Distribution
 - 1) Mini-warehouses
 - 2) Light

5. Industrial Use Type - Limited Manufacturing

b. Accessory Uses Permitted Outright

- 1. Essential Services
- 2. Day Care, Family - Accessory to a Permitted Residential Use
- 3. Home Business - when conducted in conjunction with a Permitted Residential Use

4. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
5. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
6. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
7. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

3.16.20.02 - Special Development

Conditional Development - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Major Services and Utilities
- b. Freestanding Wireless Telecommunication Facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.
- c. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9 - Additional Provisions.
- d. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
- e. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

- f. Spectator Sports and Entertainment - Other - Uses not already Permitted Uses per Section 3.16.20.01.a.4.w.2.

3.16.20.03 - General Development

Plan Compatibility Review - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.

- a. Drive-through Facilities - such as Financial Institutions, Eating Establishments, etc.
- b. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- c. Projections such as chimneys, spires, domes, and towers flagpoles, not used for human occupancy exceeding 75 ft. in height, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 85 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.
- d. Freestanding Wireless Telecommunication Facilities up to 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

Section 3.16.30 - DEVELOPMENT STANDARDS

3.16.30.01 - Lot Area and Setback Requirements

- a. There is no minimum lot area or setback other than that required by the Building Code, for any Civic, Commercial, or Industrial Use Type structure.
- b. The requirements for residential structures containing a Residential Use shall be in accordance with Chapter 3.9 - Mixed Use Residential (MUR) Zone standards.

3.16.30.02 - Structure Height

- a. No structure shall exceed 75 ft. in height; and
- b. New buildings which are within both the Central Business (CB) Zone and the Downtown Pedestrian Core Area (see Chapter 1.6 - Definitions for a map of the Downtown Pedestrian Core Area), shall be constructed with a minimum building height of:

1. two stories; or
2. a 22-ft. floor-to-ceiling height to accommodate a current or future mezzanine level.

This standard does not apply to new buildings within the Central Business (CB) Zone, but not within the Downtown Pedestrian Core Area, nor does it apply to new buildings within the Downtown Pedestrian Core Area, but not within the Central Business (CB) Zone.

3.16.30.03 - Weather Protection

- a. General - Except as provided in “b,” and “c,” below, within the Downtown Pedestrian Core Area as defined in Chapter 1.6 - Definitions, new structures shall be constructed adjacent to street sidewalks and pedestrian plazas, and shall include the provision and maintenance of at least a six ft.-wide weather protected area over the sidewalk along the entire frontage of the structure;
- b. Development on buildings abutting street sidewalks and pedestrian plazas shall provide weather protection consistent with the locational and dimensional standards in “a,” above, when:
 1. Expansion or improvement costs exceed 50% of the real market value of the property according to the Benton County Assessor’s office; and
 2. The building does not meet the exemption provisions in “c,” below.

See also Section 4.10.70.05.a.1 for additional weather protection requirements; and

- c. Designated Historic Resources - Where development occurs on a Designated Historic Resource, that Resource shall be subject to the provisions of Chapter 2.9 - Historic Preservation Provisions, but shall be exempt from the requirements for weather protection in “a,” and “b,” above. This default to Chapter 2.9 and exemption from “a,” and “b,” above, applies whether or not weather protection such as awnings or canopies is proposed.

Section 3.16.40 - LANDSCAPING, SCREENING, AND LIGHTING

Landscaping, screening, and lighting shall be required, in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, except street trees shall be provided in

accordance with the Downtown Tree Management Program contained in the Downtown Streetscape Plan, dated November 2, 1988.

Section 3.16.50 - OFF-STREET PARKING

Off-street parking shall be provided in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

Section 3.16.60 - COMPLIANCE WITH CHAPTER 4.10 - PEDESTRIAN ORIENTED DESIGN STANDARDS

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards, shall apply to the following types of development in the CB Zone:

- a. All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;
- b. Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and
- c. Independent or cumulative expansion of a commercial or civic structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

3.16.70 - NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES

Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter Chapter 2.11 - Floodplain Development Permit, 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

Section 3.16.80 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.16.70, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and

Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

