

## Chapter 250. Land Use

### Part 4. Zoning

#### Article XI. District Regulations

##### § 250-63. Downtown Districts.

[Added 11-12-2014 by Ord. No. 14-35<sup>[1]</sup>]

- A. Purpose. The purpose of this section is to promote a vibrant, energetic eighteen-hour downtown and attract investment that accommodates new businesses and business growth, adds jobs, increases services, enhances arts and cultural offerings, allows for mixed uses and additional residential opportunities, and generates more pedestrian activity throughout downtown during the day and into the evening. The standards in this section are intended to ensure that future projects are sited and designed in ways that maintain or complement the traditional form and scale of downtown's buildings and blocks. Furthermore, this section intends to foster safe, lively, pedestrian-friendly streets.
- B. Downtown Districts. The following districts are hereby created:
- (1) Downtown (D-1) District. This district is the focal point of city life and commerce. It serves a variety of types of users, including businesses, customers, employees, residents, and visitors and people using various modes of transportation. It serves the core retail function of downtown and the areas of most intense pedestrian activity. These regulations intend to support this district's role as the central retail and civic hub of the City, and to enhance the level of economic, cultural, and social activity by permitting mixed uses; residential and office space in upper floors; and arts, entertainment, recreational, and cultural uses. The standards contained in this district permit the greatest intensity of development/redevelopment among the Downtown Districts, yet they aim to ensure that it complements the traditional form and scale of downtown's buildings and blocks and promotes active ground floors that support pedestrian activity and safety during the day and into the night. Ground floors in the D-1 Districts must contain retail or commercial uses.
  - (2) Downtown (D-2) District. The D-2 District is intended to promote high-quality development and redevelopment that serves as a transition into downtown. The land uses permitted in this district are intended to increase the presence of people and pedestrian activity, stimulate business growth and development, and support downtown through functional and economic relationships to activity in the D-1 Districts and in the greater Engle/Grand corridor. As much of this district is located at the edges of downtown and in proximity to residential districts, bulk and setback requirements would result in a less intense, more open environment than in the D-1 Districts.
  - (3) Downtown (D-3) District. The intent of this district is to provide for the planned commercial development of an area as a single entity, according to a plan containing mixed retail and

commercial office uses in such ratios, and subject to such specific conditions and limitations as set forth herein, so as to promote a desirable visual environment through good civil design and arrangement, relate the mixed development to the particular site, accommodate the movement of pedestrian and vehicular traffic safely and conveniently, promote economic growth and employment within business districts, foster the proper utilization of existing resources, eliminate blighting conditions and otherwise guide the development of land in a manner which will promote the public health, safety, morals and general welfare.

- C. Permitted uses. Permitted uses by Downtown District are summarized in the table below. In the table, the letter "Y" stands for permitted use, "YC" stands for conditional use, and "N" stands for prohibited use. The letter "Y" with an asterisk, or "Y," indicates a use permitted only on upper floors of a multistory building. Conditions for conditional uses are listed in Subsection D. All other uses not expressly permitted in this section are prohibited.

**Land Use Categories and  
Land Uses**

**D-3\*\* D-2a D-2b D-2c D-2d D-2e D-1a D-1b**

**Retail Trade**

Retail stores, with the exception of:

- Establishments open between the hours of 12:00 a.m. and 6:00 a.m.

|              |   |   |   |   |   |   |   |   |
|--------------|---|---|---|---|---|---|---|---|
| - Pawn shops | Y | Y | Y | Y | Y | N | Y | Y |
|--------------|---|---|---|---|---|---|---|---|

- Sexually oriented retail

- Medical equipment sales

|       |   |    |    |    |    |    |    |    |
|-------|---|----|----|----|----|----|----|----|
| Banks | Y | YC | YC | YC | YC | YC | YC | YC |
|-------|---|----|----|----|----|----|----|----|

|                 |   |   |   |   |   |   |   |   |
|-----------------|---|---|---|---|---|---|---|---|
| Shopping center | Y | N | N | N | N | N | N | N |
|-----------------|---|---|---|---|---|---|---|---|

|                  |   |   |   |    |   |    |   |   |
|------------------|---|---|---|----|---|----|---|---|
| Automobile sales | N | N | N | YC | N | YC | N | N |
|------------------|---|---|---|----|---|----|---|---|

**Eating and Drinking Establishments**

|   |   |    |    |    |    |    |    |    |
|---|---|----|----|----|----|----|----|----|
| Restaurants (limited service restaurants) | Y | YC | YC | YC | YC | YC | YC | YC |
|---|---|----|----|----|----|----|----|----|

|                            |   |   |   |   |    |   |    |    |
|----------------------------|---|---|---|---|----|---|----|----|
| Restaurants (full service) | Y | N | N | N | YC | N | YC | YC |
|----------------------------|---|---|---|---|----|---|----|----|

**Arts, Entertainment and Recreation**

Professional and artist studios, with the exception of:

- |  |   |   |   |   |   |   |   |   |
|--|---|---|---|---|---|---|---|---|
| - Body art, or tattoo, and body piercing studios | Y | Y | Y | Y | Y | Y | Y | Y |
|--|---|---|---|---|---|---|---|---|

|               |   |   |   |   |   |   |   |   |
|---------------|---|---|---|---|---|---|---|---|
| Art galleries | Y | Y | Y | Y | Y | Y | Y | Y |
|---------------|---|---|---|---|---|---|---|---|

|                      |   |   |   |   |   |   |   |   |
|----------------------|---|---|---|---|---|---|---|---|
| Performance facility | Y | Y | N | N | Y | N | Y | Y |
|----------------------|---|---|---|---|---|---|---|---|

|          |   |   |   |   |   |   |   |   |
|----------|---|---|---|---|---|---|---|---|
| Theaters | Y | N | N | N | N | N | Y | Y |
|----------|---|---|---|---|---|---|---|---|

|  |   |   |   |   |   |   |   |   |
|--|---|---|---|---|---|---|---|---|
| Health clubs and instructional studios | Y | Y | Y | Y | Y | Y | Y | Y |
|--|---|---|---|---|---|---|---|---|

**Personal and Consumer Services**

**Land Use Categories and Land Uses**

|   | D-3** | D-2a | D-2b | D-2c | D-2d | D-2e | D-1a | D-1b |
|---|-------|------|------|------|------|------|------|------|
| Personal services, with the exception of:               | Y     | Y    | Y    | Y    | Y    | Y    | Y    | Y    |
| - Fortune-telling and palm-reading establishments       |       |      |      |      |      |      |      |      |
| - Massage parlors with unlicensed personnel             |       |      |      |      |      |      |      |      |
| - Sexually oriented businesses                          |       |      |      |      |      |      |      |      |
| - Tattoo and body piercing parlors                      |       |      |      |      |      |      |      |      |
| Pet grooming and training                               | Y     | Y    | Y    | Y    | Y    | Y    | N    | N    |
| Child care  | Y     | Y    | Y    | Y    | Y    | Y    | Y*   | Y*   |
| Laundry and dry cleaning                                | Y     | Y    | Y    | Y    | Y    | Y    | Y    | Y    |
| Printing and reproduction                               | Y     | N    | Y    | Y    | Y    | Y    | Y    | Y    |
| Repair of consumer products                             | Y     | N    | Y    | Y    | Y    | Y    | Y    | Y    |
| <b>Offices (nonmedical)</b>                             |       |      |      |      |      |      |      |      |
| Professional offices                                    | N     | Y    | Y    | Y    | Y    | Y    | Y    | Y*   |
| Business offices  | N     | Y    | Y    | Y    | Y    | Y    | Y    | Y*   |
| <b>Medical and Health Care</b>                          |       |      |      |      |      |      |      |      |
| Medical offices   | N     | Y    | Y    | Y    | Y*   | Y    | Y*   | Y*   |
| Medical and dental laboratories and diagnostic services | N     | N    | Y    | Y    | N    | Y    | N    | Y*   |
| Medical equipment sales                                 | N     | N    | Y    | Y    | N    | Y    | N    | N    |
| Medical group practice                                  | N     | N    | Y    | Y    | N    | N    | N    | N    |
| <b>Lodging</b>  |       |      |      |      |      |      |      |      |
| Hotel   | N     | N    | N    | Y    | Y    | Y    | Y    | Y    |
| <b>Education</b>  |       |      |      |      |      |      |      |      |
| School (preschool)                                      | N     | Y    | Y    | Y    | Y    | N    | N    | N    |
| Test preparation and learning centers                   | Y     | N    | Y    | N    | N    | Y    | N    | N    |
| <b>Residential</b>                                      |       |      |      |      |      |      |      |      |
| Apartments and condominiums                             | N     | Y    | Y    | Y*   | Y    | N    | Y*   | Y*   |
| Townhouses (attached)                                   | N     | Y    | Y    | N    | N    | N    | N    | N    |
| <b>Public Facilities</b>                                |       |      |      |      |      |      |      |      |
| Recreational facilities                                 | N     | Y    | N    | N    | N    | N    | N    | N    |
| Government and community services                       | N     | Y    | Y    | Y    | Y    | Y    | Y*   | Y*   |
| Government offices                                      | Y     | Y    | Y    | Y    | Y    | Y    | Y    | Y    |
| <b>Parking Facilities</b>                               |       |      |      |      |      |      |      |      |
| Public parking facility                                 | Y     | Y    | Y    | Y    | Y    | Y    | Y    | Y    |

[illegible]

| <b>Dimension</b>                                   | <b>D-3**</b> | <b>D-2a</b> | <b>D-2b</b> | <b>D-2c</b> | <b>D-2d</b> | <b>D-2e</b> | <b>D-1a</b> | <b>D-1b</b> |
|--|--------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Minimum lot depth (feet)                           | 100          | 100         | 100         | 100         | 100         | 100         | 100         | 100         |
| <b>Building Height and Number of Stories</b>       |              |             |             |             |             |             |             |             |
| Maximum building height (feet)                     | 45           | 45          | 45          | 45          | 45          | 45          | 45          | 60          |
| Maximum number of stories                          | 4            | 4           | 4           | 4           | 4           | 4           | 4           | 5           |
| <b>Setbacks and Building Coverage</b>              |              |             |             |             |             |             |             |             |
| Front yard setback (feet)                          | 0            | 0-15        | 0-10        | 0-10        | 0           | 0-10        | 0           | 0           |
| Minimum side yard setback (feet)                   | 0            | 6           | 0           | 0           | 0           | 6           | 0           | 0           |
| Minimum rear yard setback (feet)                   | 0            | 6           | 6           | 6           | 6           | 6           | 6           | 6           |
| <b>Setbacks when Abutting Residential District</b> |              |             |             |             |             |             |             |             |
| Minimum rear yard setback (feet)                   | 0            | 14          | 14          | 14          | 14          | 14          | 14          | 14          |
| Minimum side yard setback (feet)                   | 6            | 8           | 8           | 8           | 8           | 8           | 8           | 8           |

\* See Subsection F.

\*\* Dimensional standards for the D-3 District are shown here for comparing them with all of the Downtown Districts. See § **250-64** for detailed standards for the D-3 District.

- F. Additional side yard setback standards in the D-1b District. In the D-1b District, the side yard setback of the side of corner properties facing Bennett Street, Williams Street, Armory Street, and Humphrey Street shall be a minimum of six feet.
- G. Additional standards for buildings taller than 45 feet in the D-1b District.
  - (1) The front of a new building taller than 45 feet with a flat roof shall step back a minimum of six feet from the front setback line starting at a point in the height of the building between 45 feet and 49 feet.
  - (2) The eave height of a new building taller than 45 feet with a pitched roof shall be between 45 and 49 feet.
- H. General standards for the Downtown D-1 and D-2 Districts.
  - (1) Measurement of building height.
    - (a) Building height shall be measured as the vertical distance between the average finished grade and the highest point of a building or structure. The highest point shall be the coping of a flat roof without a parapet, the midpoint of the parapet on a flat roof, the deckline of a mansard roof, or the midpoint between the eaves and highest ridge of a gable, gambrel, or hipped roof.
    - (b) Elevator shafts, solar collectors, and mechanical equipment necessary for building functions and maintenance shall not be included in the calculation of the maximum building height, provided the shafts and equipment are screened or integrated into architectural rooflines so as not to be discernable from the public street level.
    - (c) The total area of all roof appurtenances and other features that exceed the maximum building height shall not exceed 33% of the total roof area of the structure.

- (d) No roof structure shall be allowed for the purpose of providing additional interior floor space.
- (2) Story heights.
  - (a) The ground floor shall have a maximum floor-to-floor height of 18 feet.
  - (b) Each story above the ground floor shall have a maximum floor-to-floor height of 14 feet.
  - (c) At-grade parking structures occupying a story shall count in the calculation of the number of stories in a building.
- (3) Driveways. Driveways are not permitted in the D-1b District along Palisade Avenue.
- (4) Parking. Parking shall be accessed by rear alleys, rear lanes, or side streets where available.
- (5) Encroachments. Balconies and window bays shall provide a minimum of 10 feet of clearance over public sidewalks or rights-of-way and shall project no more than three feet over public sidewalks or rights-of-way.
- (6) Entrances. Every street-facing, ground-level business shall have a separate entry.
- (7) Green buildings.
  - (a) All new buildings, additions, or renovations with gross area greater than 5,000 square feet are encouraged to be constructed to the U.S. Green Building Council's LEED certification standards or equivalent.
  - (b) Green roofs are permitted and encouraged. The planting media and plant material comprising green roofs shall be maintained in accordance with generally accepted landscape maintenance practices, replacing each as necessary.
- (8) Waste collection and storage areas. Trash, recycling, and any other refuse or recycling collection dumpsters or containers shall be located at the rear of the property and either screened, enclosed, or otherwise blocked from public view. Such screening or enclosure should be designed in conjunction with the primary building, may use similar materials and shall obscure views of waste collection and storage area.

I. Design standards for the Downtown D-1 and D-2 Districts.

- (1) General design standards.
  - (a) Buildings shall generally relate in scale and design features to surrounding buildings and to the traditional form and scale of Englewood's downtown blocks and buildings.
  - (b) Buildings shall generally demonstrate continuity of treatment by maintaining cornice lines in buildings of similar height, by extending horizontal lines of fenestration, and by complementing architectural styles, details, features, design themes, building materials, and colors used in surrounding buildings where such buildings represent the traditional character and architecture of Englewood.
  - (c) Buildings shall not have long, monotonous, uninterrupted walls or roof planes. Offsets including projections, recesses, and changes in floor level shall be incorporated to add architectural interest and variety. Roofline offsets shall be provided in order to add architectural interest and variety to the massing of a building.
  - (d) The overall appearance of roofs in downtown should be varied and reinforce the rhythm and scale of facades and reflect variation in the area's natural topography.
  - (e) To the extent the foregoing criteria do not impose an objective standard in feet,

percentage or other objective criteria, a variance therefrom shall be considered a design waiver rather than a zoning variance and shall be considered as such in the discretion of the appropriate land use board.

(2) Detailed design standards.

(a) Building articulation.

[1] Horizontal articulation. New buildings shall be articulated horizontally. Internal programs should be used to define building articulation. The maximum width of any articulated section shall be 45 feet along the street frontage. Sections can be expressed through bays, variations in setback, window patterns, changes in material, and other similarly effective techniques.

[2] Vertical articulation. New buildings shall be articulated vertically to clearly define a base, middle, and top.

(b) Roof forms. Roofs shall be designed to relate to the structural system and architectural style of the building.

(c) Doors and windows.

[1] All buildings shall include doors and windows facing the street. At ground level, buildings are not permitted to have blank walls facing public streets.

[2] Buildings located at the corner of two public streets shall have either a principal entrance at the corner of the building or an entrance facing each street.

[3] At least 70% of the wall surface area of the ground level for each wall facing a public street shall consist of transparent treatments. Tinted, reflective, or other types of glass or window treatments that diminish transparency are prohibited.

[4] Multistory buildings shall be designed with a minimum transparent area of 25% of the surface area of each building wall above the ground floor. Each upper story building wall shall contain an approximately proportional amount of transparent area as each other story above the ground floor. Windows shall be aligned vertically and horizontally between floors and follow the same window rhythm.

(d) Buildings at prominent corners. The intersections of Palisade Avenue and Dean Street, Palisade Avenue and Engle Street/Grand Avenue, and Palisade Avenue and Tenafly Road/Lafayette Avenue/Bennett Road are prominent thresholds in downtown Englewood and, therefore, buildings at these intersections shall be considered significant structures. The Planning Board may deem appropriate that significant structures are designed with architectural features such as corner towers or other features to emphasize their location and serve as a visual focal point in downtown. Such architectural features shall be a maximum width of 24 feet and a maximum length of 24 feet. The approving authority also may deem appropriate that such features may exceed the maximum building height of the downtown subdistrict.

(e) To the extent the foregoing criteria do not impose an objective standard in feet, percentage or other objective criteria, a variance therefrom shall be considered a design waiver rather than a zoning variance and shall be considered as such in the discretion of the appropriate land use board.

J. Visual buffers and screening. Buffers shall be provided to effectively protect residential property from the potential adverse effects of adjacent nonresidential land use activity that may result in nuisance, including visual blight, excessive light, threat to safety, noise, or odor encroachment to an adjacent parcel or one located across a public right-of-way.

(1) Landscaping.

- (a) All activities on any lot in the Downtown Districts that abut a residential zoning district shall be screened from such abutting residential district by landscaping consisting of lawn, massed evergreen and deciduous trees, and shrubs of such species and density as will provide, within two growing seasons, a solid and continuous screen throughout the full course of the year.
  - (b) Evergreen and deciduous shrubs shall have a minimum height of three feet when planted and shall be of varieties that normally grow to a minimum height of six feet within two full growing seasons.
  - (c) Deciduous trees shall have a minimum caliper of three inches at the time of planting.
- (2) Fencing.
- (a) Fences are permitted in rear yards only.
  - (b) Fences shall have a maximum height of six feet.
  - (c) Fences shall be kept in good repair, consistent with the design thereof. The property owner shall be responsible for maintaining the area between the property line and the fence.
  - (d) Chain-link material used for any fence shall be of dark-colored material, and the posts and other framework forming part of such fence shall be the same color as the chain-link material.

[1] *Editor's Note: This section also repealed former § 250-63, Central business districts, as amended.*