
DOWNTOWN PRECISE PLAN

Preserving the Past, Enriching the Future



City of St. Joseph

Downtown Precise Plan

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Joseph P. [unclear]
PHOTOGRAPHY

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INTRODUCTION

The Downtown Precise Plan (Plan) is intended to guide future actions taken by both the public and private sectors. As the downtown area continues to redevelop, individuals locally and regionally are beginning to take note of its potential. The momentum is a result of the assets that have been created downtown, including: local businesses, arts, culture, community events, and historic resources.

The built environment of downtown is defined by its historic architecture and density. These historic resources offer some of the finest examples of early American architecture, and are unique to St. Joseph. They tell the story of St. Joseph's past and provide the foundation for various community events, arts, and businesses to grow and thrive in the heart of the City.

The Plan establishes a unified vision and guiding principles that are supported by various strategies, recommendations, and actions that will address existing challenges. The purpose of this document is to establish a plan, which will help guide the revitalization process and desired vision of downtown. The planning process requires annual evaluations of the existing conditions, and accountability of the Downtown Review Board (DRB) to work towards the vision established in the Plan. The DRB is responsible for annually reviewing the Plan in April and proposing key recommendations to update or amend the Plan.

Governmental, neighborhood, nonprofit, and community organizations can utilize this document in an effort to align their programs and plans with the desired direction for continued revitalization in downtown. Downtown St. Joseph struggled in previous decades due to growth and investment of the City's periphery. The shift in interest to the eastern portion of the city caused downtown to fade. Due to strategic investments and planning, downtown is once again becoming a vibrant Central Business District (CBD); and has begun addressing streetscapes and vacancies, attracting businesses, creating a sense of place, and providing a greater variety of housing options.

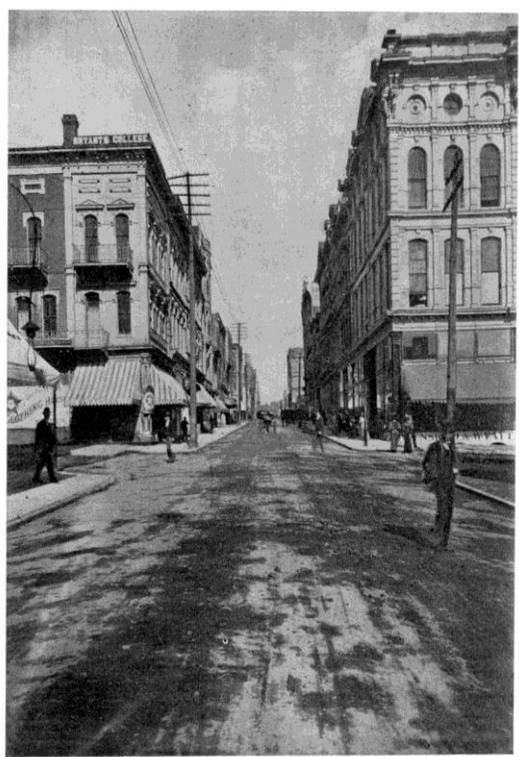
Background

St. Joseph, Missouri, a river City in Northwest Missouri, has a unique and colorful past which forms the basis for cultural and heritage activities. First noted in the journal of William Clark and Merriweather Lewis during their Journey of Discovery in 1804, the site along the banks of the Missouri River became the location chosen by French fur trader, Joseph Robidoux for a trading post.

St. Joseph's official history began on July 26, 1843 when it was incorporated by Robidoux. During the early days, downtown Saint Joseph was a jumping off spot along the national trails. Saint Joseph became the head water for the journey West as hundreds of thousands of settlers arrived by steamboat and hundreds of wagon trains lined the streets waiting to be ferried across the Missouri River. The covered wagons, oxen, and supplies purchased by the emigrants established the economic foundation of the City.

Additional growth commenced in 1859 when the railroad reached Saint Joseph assuring its role as a supply and distribution point to the entire western half of the country. Saint Joseph's proximity to the Missouri River and accessibility by way of river, rail, and land was to be the impetus for phenomenal growth throughout the nineteenth century.

After the Civil War, principal channels of distribution were established in the 1870s with Saint Joseph becoming a leading wholesale center for the building of the West. The 1880's and 1890's were the golden age of prosperity in Saint Joseph. The mansions and traditions of this era remain a unique and valuable asset to the City.



FELIX STREET — LOOKING EAST FROM FIFTH

In 1886, a booster for the Chicago Times reported that, “St Joseph is a modern wonder, a city of 60,000 inhabitants, eleven railroads, 70 passenger trains each day, 170 factories, thirteen miles of the best paved streets, the largest stockyards west of Chicago, a wholesale trade as large as that of Kansas City and Omaha combined...”. Historically, downtown Saint Joseph was the hub of economic, residential and social life.

Before the automobile graced the streets of St Joseph, transportation was done by ferries, covered wagons, carriages, streetcars, interurban railroads and of course, on foot.

In the years following the Civil War, prosperity returned to St Joseph. The city served as a major wholesale center. At that time, industrial growth flourished. Downtown was home to stores, hotels, theatres and restaurants as well as numerous churches, schools and streetcars to connect them all.

Downtown St. Joseph continued to grow as an epicenter of wholesale and dry goods west of St. Louis. The twentieth century brought the City Beautiful movement to downtown and with that brought the parkway system, a new city hall, civic park, the Missouri Theatre and the automobile.

This also brought the beginnings of suburban sprawl. After the Great Depression and WWII, suburban sprawl spread exponentially across the country as well as St. Joseph. This caused development to spread east.

The Belt Highway went from being a rural highway to a highly commercialized thoroughfare.

With all of the development, expanding east, downtown St. Joseph started to decline. Streetcars of the past disappeared as the automobile was the new mode of transportation for residents.

Throughout the 1970’s Urban Renewal, a federally funded project designed to attract new businesses in downtown areas by clearing out blighted areas. The Land Clearance for Redevelopment Authority cleared away hundreds of buildings that were located in the downtown area.

Entire intersections were changed to allow for parking structures to be built, surface lots were paved to allow for parking, older buildings were clad with aluminum facades to resemble a mall-like appearance, hardwood floors were covered with linoleum and carpet. The market square and downtown department store buildings sat empty while the East Hills Mall thrived. Hotels downtown were imploded while drive-in motels lined the Belt Highway.

The goal of Urban Renewal was to attract businesses back downtown but it failed like it did in most places, as very few returned or opened.

Throughout the eighties and nineties, with the exception of government and riverboat gambling, downtown generally sat stagnant with numerous vacant buildings used for purposes like storage and manufacturing.

The 21st century has brought life back into downtown though. Multiple businesses have moved into downtown buildings, multiple buildings have been converted into residential lofts, apartments, restaurants, churches and event spaces.



The Vision

Given the extensive history of Downtown and the various organizations that contribute its success, it is critical to establish a common understanding of a unified vision. The issue formulated by this Plan is established from the current issues, concerns, and ideas of today and the near future. The vision statement is aspirational, but also attainable in future development. The Downtown Review Board is responsible for ensuring each proposal works towards that long range goal.

Vision Statement

Downtown St. Joseph desires to establish a thriving atmosphere of arts, culture, and entertainment, by embracing its unique history and preserving its historic architecture. The momentum of this redevelopment must be driven by vibrant businesses, entertainment, and neighborhoods.

The Urban Landscape.

The principal idea behind the revitalization of the downtown is its role as the center and civic focus of the community providing in essence the "heartbeat" of the City. The Downtown Precise Plan area will be characterized by a concentration of activities, including civic functions and cultural events, as well as a vital residential, entertainment, commercial, and light manufacturing districts, all of which are intended to provide a strong focal point to the community. The Downtown is intended to be a natural place to go to shop, find entertainment, enjoy a relaxing dining experience, or to stroll the streets in a pedestrian-friendly, outdoor environment.

The Downtown will be easy to find and identify. After traveling on the freeway or through the open suburban landscape, one will enter a more clustered downtown landscape. The plan intends to encourage a pedestrian-scaled streetscape with well-defined, attractive buildings that address the street and provide vital urban open plazas or courtyards for those working, living, or visiting the downtown. It will be a place to get out of the car, a place where one will want to instinctively walk, rather than drive through.

To complement the anticipated new private investment, the City is committed to the implementation of the

recommendations from the Downtown Master Plan including streetscape and infrastructure improvements, public park improvements, and "gateway" improvements. In order to accomplish this, the City will develop a Tax Increment Financing District throughout the downtown area and specifically dedicate the tax increment to implementation of the Master Plan recommendations.

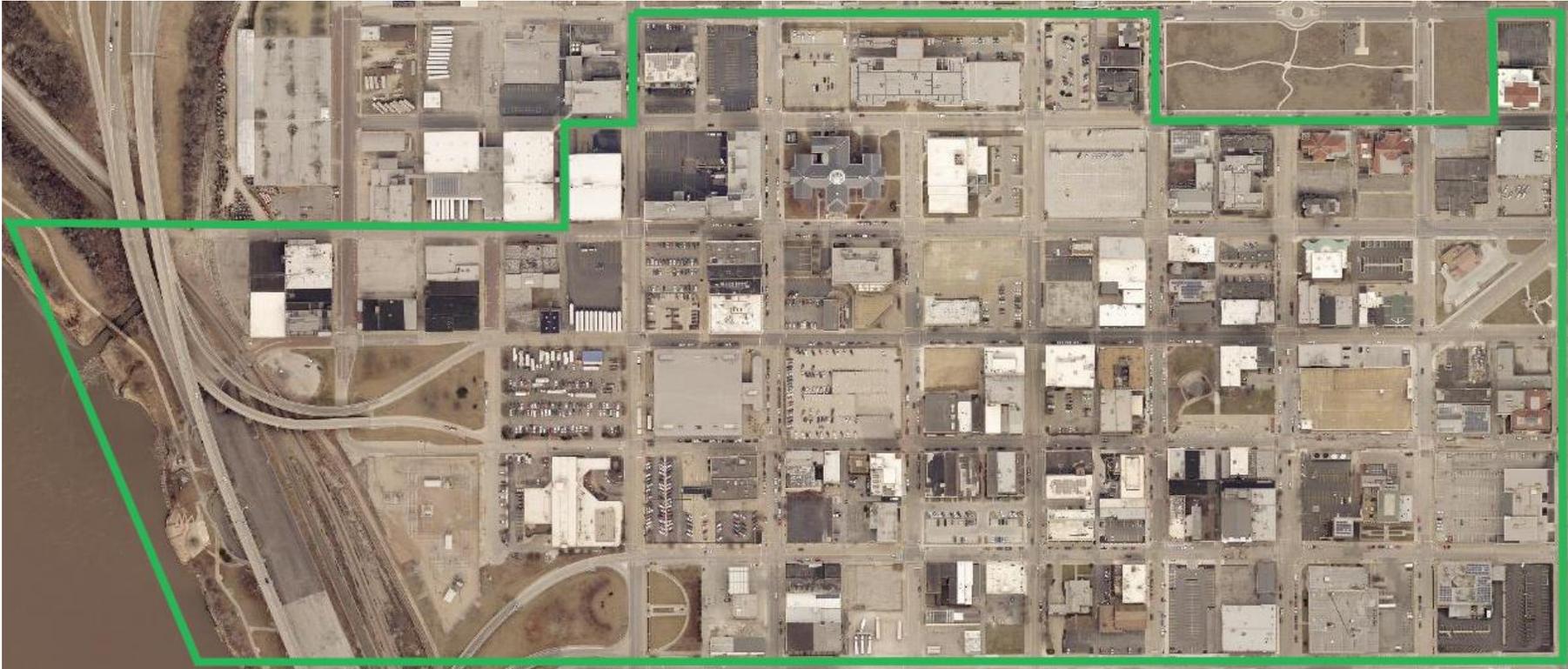
In addition, Community Development Block Grant (CDBG) funding has been set aside to aid in the Master Plan implementation. The City's Façade Improvement Program will be made available to encourage private investment in the downtown area. In addition, the City's Capital Improvement budget and Riverboat Gaming fund may be used should Council so choose. The City will pursue identification of historical resources in the downtown area and recognition through the National Register of Historic Places such that tax benefits will be available to private property owners for building rehabilitation. The City will pursue changing many of the one-way streets back to two-way since it has been found that this is more conducive to the overall traffic flow of the downtown environment.

In order to promote diversity in the Downtown, a well-balanced mix of uses is encouraged by the plan. This vision goes beyond the creation of an attractive shopping district to include the establishment of a viable, sustainable, in downtown employment center and residential neighborhood. In this respect, the downtown is conceived as local serving, but it is also based on the belief that the best downtowns are those that are a unique expression of local character, and that the creation of a distinctive sense of place results in greater appeal to those working, residing and visiting the downtown area.

The City of St. Joseph shall demand the highest quality in new development and building rehabilitation in the Downtown. Buildings must be well crafted and shall contribute to a strong overall character. Building facades must add richness and detail to the public spaces that they define, and public spaces must work for the people who use them. It is in the spirit of this vision that the following policies, standards and guidelines are intended to

serve.

Downtown Precise Plan Boundaries



DOWNTOWN BOUNDARIES

The boundaries of the plan shall generally follow 10th Street to the East, The Missouri River to the West, Charles Street to the South, and Robidoux Street to the North.

The Legal Description is as follows: Beginning at the intersection of the centerline of Charles and Tenth Street, thence north along the centerline of Tenth Street to its intersection with the centerline of Robidoux Street, thence west along the centerline of Robidoux Street to its intersection with the centerline of the north/south alley in Block 36 of Smith's Addition, thence south along the centerline of the north/south alley in said Block 36 to its intersection with the centerline of Faraon Street; thence west along the centerline of Faraon Street to its intersection with the centerline of 7th Street; thence north along the centerline of 7th Street to its intersection with the centerline of Robidoux Street; thence west along the centerline of Robidoux Street to its intersection with the centerline of 3rd Street; thence south along the centerline of 3rd Street to the intersection with the centerline of Faraon Street; thence west along the centerline of Faraon Street to its intersection with the centerline of a north/south alley in Block 28 of the Original Downtown of St. Joseph Subdivision; thence south along the centerline of the north/south alley in Block 28 to its intersection with the centerline of Jules Street; thence west along the centerline of Jules Street to the centerline of the navigable channel of the Missouri River (western City Limits); thence southeast along the navigable channel of the Missouri River to its intersection with the westerly extension of the centerline of Charles Street; thence east along the said extension of the centerline of Charles Street and the centerline of Charles Street to the point of beginning.

Zoning. Land use and zoning involves the regulation of the use and the development of land. The most common form of land use regulation is zoning. Zoning regulations are designed to guide and direct the development within its boundaries. This Plan takes a different approach to traditional zoning in that it looks at developments based on their context; this approach is also referred to as form-based approach. Form-based code is an innovative technique that re-examines the underlying zoning principle. Instead of focusing on separating land uses, form-based code focuses on creating the proper urban form where the mixture of uses can thrive. Form-based code excels beyond traditional zoning by addressing the role of individual buildings in shaping the overall built environment.

Development Opportunity Sites. The Downtown presents many infill and redevelopment prospects for new investment to resolve the issues and build upon the strengths within the plan's boundary. Sites with a high potential for redevelopment surround the main corridors (Francis, Felix, and Edmond) through downtown, and present the opportunity to reclaim and utilize land surrounding the riverfront. This also includes a number of underutilized industrial uses and parking lots with potential for redevelopment. Additional opportunity sites with high potential can be found on the periphery of the Downtown Precise Plan Boundary. These properties and many others present good opportunities to build out the inconsistent building fabric and take advantage of land still available for infill development and redevelopment downtown.



Belanger, Blake. 2014.



DEVELOPMENT FRAMEWORK

The Land Use Element is the key component of the Downtown Precise Plan. It is intended to provide an overall guide to the existing development pattern of Downtown, as well as a plan for future development. Downtown St. Joseph is comprised of land uses ranging from single family residential, commercial, retail, mixed-use, and recreational; to light manufacturing. Due to the size and characteristics of Downtown, there is a diversity of uses such as: retail sales, corporate headquarters, professional services, bars, and restaurants. Downtown St. Joseph, as defined by this Plan contains a total of approximately 30 square miles or 190 acres. This Plan develops land use policies for the uses occurring within the Precise Plan boundary. The following objectives are aimed at supporting the land use policies to work towards the vision:

1. Enhance the role of Francis, Felix and Edmond Streets as the functional and symbolic center of the community by creating an active and attractive pedestrian environment with strong connections to adjacent areas by encouraging building rehabilitation and infill development along the length of the streets.
2. Coordinate private development and public improvements in the downtown, allowing for the revitalization of the district in a way that achieves a balanced program of parking with residential, office, entertainment, and retail activities.
3. Encourage the development of entertainment and residential uses as a means of creating an active downtown neighborhood with an attractive daytime and nighttime environment.
4. Preserve the historic character of the downtown by encouraging building rehabilitation and reuse, and by encouraging excellent site planning that respects existing street and building patterns and encourages the use of high quality exterior materials and workmanship.
5. Create a distinctive destination-oriented image and identity for downtown by encouraging high quality public and private improvements, unique signage, unique character such as downtown community display banners, outdoor art displays and public gathering areas, and through preservation of historical assets in the downtown.

LAND USE POLICIES

The following land use policies shall apply to the downtown in order to guide the development and achieve the vision for downtown St. Joseph:

1. Concentrate entertainment, restaurant, and retail uses at the ground floor level of existing and proposed buildings.
2. Focus new office and residential development in the upper levels of buildings within the core downtown commercial area, and at street level and above in the transition areas between the existing traditional residential neighborhoods and the core downtown commercial area.
3. Ensure that sufficient, well-designed parking is provided for all new development. Maintain and encourage convenient surface parking areas for entertainment, retail and restaurant uses.
4. Encourage well-lit, attractively landscaped surface parking areas, and well lit, attractively designed parking structures. Hide the parking areas under buildings whenever possible.
5. Encourage economic development in downtown St. Joseph through rehabilitation, reuse, revitalization, education, and public infrastructure investment.
6. Encourage continued economic growth and downtown vitality through flexibility of standards and design concepts offered in the plan, taking into account the overall state of the economy, but without compromising the intent of the overall plan.

Permitted Uses

- Administrative and Business Offices
- Art studio and galleries.
- Bed and breakfast use.
- Business Services: Including barber shop, beauty parlor, tailor, printing, dance, music, and drama schools, dry cleaning pick-up station, and self-service laundry
- Consumer repair services: jewelry, shoes, upholstery, and small machines.
- Cultural facilities: museum, library, community center, religious, educational or governmental facility
- Entertainment: live entertainment indoor or outdoor, including bars and nightclubs
- Financial Services
- General Retail Commercial Sales
- Health and Athletic clubs.
- Home/Work Units
- Hotel/motel use including offices and accessory uses such as restaurants, lounge, lobby, swimming pools or outdoor recreation areas.

Any use deemed by the City Planner to be of similar nature to those uses listed above shall be a permitted use. Uses not listed or deemed by the City Planner to be of similar nature, shall be required to obtain a Conditional Use Permit (CUP).

STANDARDS FOR DOWNTOWN

A major objective of this development program is to promote a coherent and cohesive downtown while still recognizing that the downtown is varied, with areas within it that have their own unique characteristics. In order to create a development program that is appropriate to these diverse conditions, the Plan is meant to be flexible in nature.

In order to fulfill the City's objectives and the urban design concept for the downtown, development strategies are provided for the plan area. While these strategies address specific issues related to downtown, they are also aimed at creating a consistent set of policies for the entire downtown area. In addition to the strategies, specific development requirements and design review are put forward in this Plan. DEVELOPMENT REQUIREMENTS specify such factors as use, intensity, height, bulk, yards, setbacks, ground-level uses, landscaping, parking, and service area requirements. On the other hand, DESIGN REVIEW is more subjective and will be based on accepted design standards. These development controls are based on an understanding of a range of development prototypes that may be proposed in the downtown. They are intended to assist property owners and developers in visualizing permissible applications of standards and to present an idea of permissible building types anticipated in the downtown. Wherever possible, diagrammatic form and illustrative presentation should be provided in the accepted design guidelines to allow for a better understanding of the intent of the standards and guidelines. However, it should be understood that the standards provided are meant to be flexible and may be interpreted in the contextual setting of an individual project.

- Indoor recreational uses
- Light manufacturing and packaging of products including processed foods and assembly of goods using partially finished materials and goods, but not including the manufacturing, finishing, and/or packaging of raw materials or goods, and not including outdoor storage of goods and products which are not screened from public view.
- Mixed Use Development: Live/Work or Retail/Residential
- Offices.
- Outdoor Street vending subject to the provisions of the St. Joseph Municipal Code of Ordinances.
- Private clubs and fraternal organizations.
- Professional Services: accounting, architectural, engineering, legal and dental.
- Restaurant uses.
- Retail.
- Single and multi-family residential use.
- Trade schools, colleges or other specialty schools.

The Secretary of the Interior's Standards for Rehabilitation

When reusing historic buildings and obtaining a certificate of appropriateness, developers must follow The Secretary of the Interior's Standards for Rehabilitation's Guidelines for Rehabilitating Historic Buildings. The Standards (Department of Interior regulations, 36 CFR 67) pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

These standards are published by the National Park Service and serve as guidelines for exterior and interior rehabilitation as well as much more. The guidelines state, "Rehabilitation" is defined as "the process of returning a property to a state of utility through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

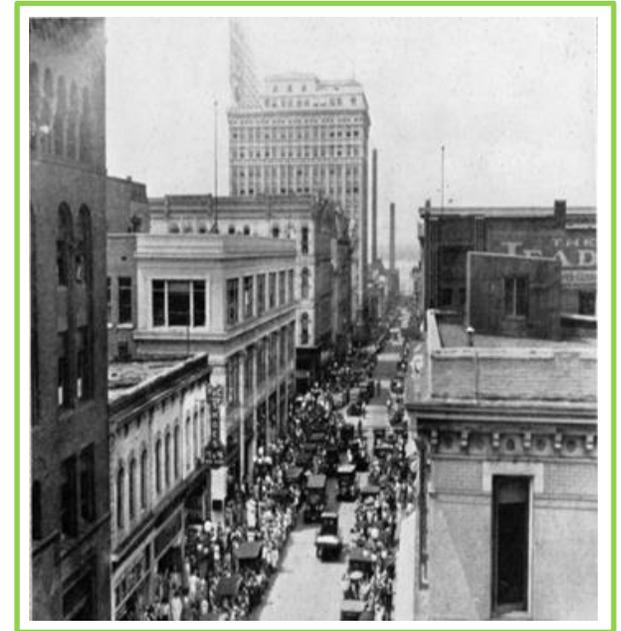
The intent of the standards is to assist the long-term preservation of a property's significance through the preservation of historic materials and features. The Standards pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and interior of the buildings. They also encompass related landscape features and the building's site and environment, as well as attached, adjacent, or related new construction. To be certified for Federal tax purposes, rehabilitation projects must be determined by the Secretary to be consistent with the historic character of the structure(s), and where applicable, the district in which it is located.

As stated in the definition, the treatment "rehabilitation" assumes that at least some repair or alteration of the historic building will be needed in order to provide an efficient contemporary use, however, these repairs and alterations must not damage or destroy materials, features or finishes that are important in defining the building's historic character.

Standards for Rehabilitation

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of the structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.



Design Guidelines and Standards

A major objective of this development program is to promote a coherent and cohesive downtown while still recognizing that the downtown is diverse, with areas that have their own unique characteristics. In order to create a development program that is appropriate to these diverse conditions, the Plan is meant to be flexible in nature.

In order to fulfill the City's objectives and the urban design concept for the downtown, development strategies are provided for the plan area. While these strategies address specific issues related to the Downtown, they are also aimed at creating a consistent set of policies for the entire downtown area. In addition to the strategies, specific development requirements and design review are put forward in this Plan.

Development requirements specify such factors as use, intensity, height, bulk, yards, setbacks, ground-level uses, landscaping, parking, and service area requirements. On the other hand, design review is more subjective and will be based on accepted design standards. These development controls are based on an understanding of a range of development prototypes that may be proposed in the downtown. They are intended to assist property owners and developers in visualizing permissible applications of standards and to present an idea of permissible building types anticipated in the Downtown. Wherever possible, diagrammatic form and illustrative presentation should be provided in the accepted design guidelines to allow for a better understanding of the intent of the standards and guidelines. However, it should be understood that the standards provided are meant to be flexible and may be interpreted in the contextual setting of an individual project.

Development Requirements

The first floor areas adjacent to the primary corridors of Francis, Felix, and Edmond Street between 4th and 9th street are encouraged to integrate some component of retail, entertainment and/or restaurant use to promote the livability of downtown. Mixed use buildings with retail, office, and residential use are also appropriate. The goal is to increase the connectivity and overall hours of operation of the district.

The image that citizens and visitors have of a city is usually created by its downtown; it is a powerful symbol of the city's vitality. A city's downtown is a center of its history, culture, and heritage. The same factors that give a downtown its sense of place also contribute to the fact that it is an excellent place to conduct business. Downtown development increases the city's tax base and creates jobs. The fact that downtowns represent a wonderful existing investment in buildings, infrastructure, and public space makes their maintenance and enhancement a wise and effective use of resources. The negative impacts of suburban sprawl provide extra motivation for encouraging redevelopment.

St Joseph's historic architecture defines our identity. Building Design Guidelines provide a framework for Saint Joseph to identify existing architectural amenities and historic character, and then plan for future preservation, maintenance, rehabilitation and construction. First, the guidelines discuss the need to recognize the historic districts of downtown and strengthen their identity to visitors through effective signage, building codes, and usage guidelines. Guidelines will also provide direction for new construction and suggestions for improving the image of downtown. The guidelines will provide standards for building facades, materials, signage, outdoor cafes, parking, wayfinding, and the aesthetic appearance of downtown.

Proper education and understanding of design standards by City staff should be involved in the rehabilitation of downtown buildings. The City should provide opportunities and set clear expectations for staff to develop skills to be effective in working with developers and historic preservationists so that all members of the community can work toward the best interest of downtown, its occupants and its visitors. The City should become a place for residents to create a higher standard for developers to rehabilitate existing buildings.

Historic preservation is a way to manage change. Communities constantly evolve; from buildings to residents, when there is a strong mix of new and old, a community will develop a pattern of history throughout several points in time. Preservation is not against change; it just strives for good design through protection of exceptional existing buildings and those that have yet to be built.

Building Placement – Commercial Structures

- (1) Buildings shall be placed on the front property line. Building may be moved back from the front property line a total of five (5) feet to provide for a wider sidewalk/entry. If the building takes up an entire block face; or is located on a corner; or has a total frontage of more than 50% of the block face.
- (2) New commercial structures shall be allowed only in block faces which are predominately developed with existing commercial structures, or are predominately vacant land.
- (3) Buildings shall be placed on the side property line. Buildings may be moved back from the side property line a total of five (5) feet to provide for wider sidewalks/entry when the side property line is along a street.
- (4) Buildings that go through a block so that they have frontage on two parallel streets, shall treat such frontage as a main façade.
- (5) All service areas and loading shall be from the alley or the rear of the building.

BUILDING PLACEMENT – Residential Structures

- (1) New single family residential structures are only allowed in blocks which are predominately developed with existing residential structures.
- (2) Residential structures shall conform to the front yard, side yard and rear yard setbacks of existing residential buildings on the block. Front and rear yard setbacks will be deemed to be in conformity if they are within five feet of the average of the existing setback on either side of the new construction.
- (3) Accessory structures such as garages, sheds, green houses, etc. shall be located in a separate structure behind the rear of the main building, with a minimum of seven (7) feet separation.

Parking

Parking Placement for Residential and Nonresidential Uses

- (1) Parking for single family residential use shall be either on or off site and conform to standards for residential uses in other single family districts.
- (2) Parking for nonresidential uses in commercial structures may be provided off-site from the main use or on-site behind the use with access from the alley.
- (3) Parking for nonresidential uses in residential structures shall be behind and/or to the side of the main structure, provided no parking spaces are closer to the front of the main building than the mid-point of the side façade.
- (4) Existing nonresidential uses may be renovated, reconstructed, and expanded up to 10 percent of their original floor area without having to comply to these parking standards.
- (5) New construction of commercial structures less than 4,000 square feet which is placed on a block with existing historic commercial buildings shall not be required to provide off-street parking.
- (6) New construction of commercial structures over 4,000 square feet will be required to provide off-street parking under the following standards:
 - a. Up to 25 percent of the required parking can be provided by on-street parking in front or to the side of the building.
 - b. The remainder of the required parking can be provided by off-site parking facilities within 1,000 feet of the site.
 - c. Upon a finding that a parking reduction is necessary to preserve historic buildings and maintain the design and integrity of downtown, the Zoning Board of Adjustment may grant parking variances up to a maximum of 75% of the required parking.
- (7) Off-street parking lots with over 20 spaces are required to have landscaping and lighting that meets the standards of other developments. All parking lots shall be paved with an impervious surface such as asphalt or concrete. Lighting should be shielded and directed to minimize off-site glare.
- (8) Parking structures shall be architecturally compatible with adjacent structures, with clearly defined entrances and exits. The use of landscape areas shall be incorporated into the site design to soften the walls of the structure and help reduce the overall height of the structure. Vehicle and pedestrian circulation should ensure comfort and safety. All components should be compliant with city code requirements.
- (9) The number of parking spaces and design of surface and structured parking required within the plan area shall be determined by the DRB as defined in Administration, "Off street parking and loading."

Streetscape Design Standards

Streetscape elements should provide practical public features in addition to a more interesting visual environment for pedestrians. The following principles should be considered for the design of Streetscape features across the form-based code area.

- (1) Paved surfaces in the pedestrian way should be consistent with the standards established through the DREAM initiative.
- (2) Bike racks, trash bins, and seating should be incorporated into streetscape designs on all streets with high levels of pedestrian activity. Continuity of style throughout a corridor is encouraged. These elements should be durable, cost effective, and easy to maintain.
- (3) Corner lots located on a primary corridor should continue the existing streetscape patterns established in the downtown area.
- (4) Streetscape materials and patterns should respond to their context.

Service Access

Parcels adjacent to alleys must maintain service access from the alley and provide attractive entrances where possible. Trash and loading areas should be well screened from public view when possible. On-street loading and unloading should be discouraged and utilized only when no other means of access can be provided, and then at times of least interruption to other businesses within the immediate area.

Vehicular Site Access

Curb cuts are strongly discouraged along Edmond and Francis Streets, and, if an alternate access is available from an alley or side street, curb cuts are prohibited. Access to sites shall be taken from alleys and side streets whenever possible.

Signs

The allowable sign area shall be limited to 10% of the area of the façade for which the sign is affixed. The area of the façade for the purposes of sign area calculation shall be the length of the façade multiplied by the first 20 feet in height. All signs and graphic symbols should relate to the buildings design, character, color scheme, materials and purposes and, to the extent possible given the nature of the use, be compatible with signs on adjoining buildings. The number and size of signs should be minimized in order to avoid visual clutter and to preserve the character of the street façade. The use of sign design that creates a feel of activity and excitement through the use of neon, interesting colors, and unique graphic or letter design is strongly encouraged.

Multiple occupancy buildings shall develop a sign program which shall be approved by the DRB prior to implementation. The City Planner shall re-view the program to ensure that the program promotes integrated design and equitable space and size. The optimum program will identify the name of the building and perhaps two or three primary users on the exterior of the building with the remainder of users identified on an interior signboard. However, all tenants with a street level storefront shall be allowed a sign that is proportional to the tenant space street frontage.

Exterior building mounted signs for multi-tenant buildings shall be limited to 10% of the area of the individual tenant space façade, calculated as described above. Awning signs shall only be permitted after review and approval by the DRB. The sign area on awnings shall be counted toward the allowable signage that is limited to 10% of the area of the façade for which the sign is affixed and shall be proportional to the awning and storefront for which the awning is affixed.

All signs shall be approved by the DRB except those previously approved by the DRB through a Master Sign Program, temporary banners, and painted signs which are affixed to a building and are no larger than 8 square feet.

ADMINISTRATION

PROCEDURE FOR APPROVAL OF SPECIFIC DEVELOPMENT PROPOSAL

Creation of a Downtown Review Board: There shall hereafter be established a "Downtown Review Board" (DRB or board) made up of not more than nine (9) members appointed by the City Council to meet at intervals consistent with development proposals in the precise plan area.

Duties and responsibilities: The DRB shall have the powers and duties as set out herein and as may be hereafter designated by ordinance of the City Council. The Board shall review all proposals for exterior building changes including, but not limited to, site or building improvements, renovations, restorations, demolitions, (except as defined below in 1-4) off-site infrastructure including street improvements within the plan area, and all proposed new construction (except as defined below in 1-4) within the plan area including on and off-site parking facilities. If review is not necessary by any other City Board or the City Council, the DRB shall prepare, in writing, a letter to the applicant explaining their decisions. Decisions by the Board shall be based on sound findings of fact using the Secretary of Interior's Standards and Guidelines for Rehabilitation of Historic Properties, the urban design concepts provided in the Downtown Master Plan, and any other guidelines adopted by the City's boards or commission as appropriate to sound architectural design review principals.

The Board shall review new construction, those items deemed by the City Planner as "major" renovations, and demolition. Items shall not be considered a "major" project include, but may not be limited to the following:

1. Replacement of original building elements wherein the replacement is "in kind";
2. Improvements which constitute patios or similar areas that will be used for outdoor seating and/or dining where the construction or use thereof will not cause the removal of landscaping and/or greenspace existing on, or which was planted/created after October 12, 2015;

3. The installation of fences that consist of painted rod iron/metal that will enclose those areas described in item 2; or
4. Minor changes that have been deemed as NOT substantial by the City Planner to a project that has been granted a Certificate of Appropriateness.

The records of the Board shall be as defined in Section 31-176 of the City of St. Joseph zoning ordinance.

Appointment, members, terms and qualifications: The DRB shall consist of nine (9) members appointed for terms of three (3) years and until their successors are appointed and qualified. Initial appointment of three (3) of the Board members shall be for a period of one (1) year, three (3) members for two (2) years, and three (3) members for three (3) years. Membership shall be comprised of at least seven (7) members who own property within the downtown plan area or their designee, and may include two (2) members at large. Members shall reside in the City during their term of office, be qualified voters therein, shall take the oath prescribed for City officers, and shall serve without compensation. The Director of Planning and Community Development, the City Planner, and the Historic Preservation Planner shall be ex-officio members of the Board, and may attend its hearings and deliberations and make such recommendations as they may see fit. They may take part in all matters coming before such body, but shall not be entitled to a vote. The Board shall be composed of persons, all of whom are interested in downtown revitalization, and, to the greatest extent possible, one of which should be an architect or engineer, one a real estate expert, and one an expert in banking or finance.

Certificates of Appropriateness: The Board shall be responsible for the issuance of Certificates of Appropriateness in the manner prescribed and in accordance with the provisions provided in Section 31-179 of the City of St. Joseph zoning ordinance. Buildings, structures, parking lots, and open spaces shall be considered in the same fashion as historic landmarks or districts. Special consideration is to be given based on the social environment, economic climate with respect to continued economic development within the downtown plan area, financial constraints of emerging and developing businesses, and the overall unique nature of the downtown environment.

Construction: This Plan shall not be deemed to exempt any person from the requirements of the building code, zoning requirements, or the minimum housing code. In no event shall this Plan be construed to hinder the appropriate City official from exercising the powers granted to them under the law concerning dangerous building abatement.

Appeals: Any person aggrieved, or any officer, department, commission, board or bureau of the municipality affected by the Board's decision may appeal said decision to the Zoning Board of Adjustment in the manner prescribed in Section 31-091 of the City of St. Joseph zoning ordinance. Such appeals shall be taken within five (5) days from the date of the decision by filing with the office of the Planning and Community Development Department, City of St. Joseph, Missouri. In order to file an appeal, the requisite application and fee shall be paid to the Planning and Community Development Department unless waived by the Director of Planning and Community Development. The Board of adjustment shall respond to appeals in the manner prescribed in Section 31-091 with additional consideration given for financial hardship and taking into consideration the social environment, economic climate with respect to continued economic development within the downtown plan area, financial constraints of emerging and developing businesses, and the overall unique nature of the downtown environment. The process for appeal, extent of the Board of Adjustment's appeal powers, stay of proceedings, and decisions on appeals shall be as defined in Section 31-091 of the City of St. Joseph zoning ordinance.

Conditional Use Permits

Uses not defined in this Plan may be allowed via a Conditional Use Permit (CUP). The proposed use must be somewhat consistent with, and compatible to, principally permitted uses in the Precise Plan. The CUP process shall be as defined in Section 31-070 of the City of St. Joseph zoning ordinance.

Retail Use of Downtown Sidewalks

The Retail Use of Public Sidewalks Policies and Procedures shall be followed, in addition to the Code of Ordinances concerning vending, health codes, and liquor licenses. The general provisions of Chapter 25 of the City of St. Joseph Code of Ordinances shall also apply as it pertains to use, conduct, maintenance and public safety issues.

Retail use of public sidewalks in the P-1 Downtown Precise Plan area, zoning and public appearance/appropriateness issues shall fall under the purview of the Downtown Review Board and the Planning & Zoning Division. A copy of the Retail Use of Public Sidewalks Policies and Procedures may be obtained from the Planning & Zoning Division, City Hall, 1100 Frederick Ave., Room 107.

Variations and Exceptions

Variations and exceptions shall be processed in compliance with, and as defined in Section 31-090 and 31-109 of the City of St. Joseph zoning ordinance.

Off Street Parking & Loading

Number of spaces required — The number of parking spaces required within the plan area shall be determined by the DRB based on the land area available for parking, the use of the property, historical parking practices for the building, and the proximity to public or commonly owned parking facilities. No specific parking requirement is defined and a minimum number of spaces is not intended to apply to buildings or uses in the downtown area. However, where available off-street parking shall be provided based on projected need. The developer or business owner shall provide, with their application, a parking report that includes the hours of operation of each building, structure and/or use which is to be part of the specific proposal, and the projected parking demand for each building, structure and/or use during each hour of the day.

Surface parking lots — Surface parking lots shall be provided with landscaping around the perimeter of the lot and, wherever possible, shall provide trees and/or plantings within the lot. The perimeter landscaping shall include a combination of pedestrian scale trees and shrubbery of medium height (3 to 4 feet). All parking lots shall be paved with an impervious surface such as asphalt or concrete. Parking spaces shall be dimensioned as provided in Section 31-053(4) of the City of St. Joseph zoning ordinance. Parking spaces must be clearly striped as definitive parking spaces. Lighting should be shielded and directed so as to minimize off-site glare. All parking lots shall be well maintained and free of trash, litter, and debris. To the extent possible, parking lot lighting shall be encouraged. The lighting should be shielded or designed as "pedestrian level" lighting so as to avoid off-site glare.

Parking structures — Parking structures shall be architecturally designed in a manner that clearly identifies the entrances and exits. The use of significant landscape areas shall be incorporated into the site design such that the hard walls of the structure can be softened and the overall height of the structure appears to be brought down to the pedestrian level. Special attention shall be given to pedestrian circulation in and around the structure. Particular emphasis shall be given to pedestrian circulation outside the structure to ensure comfortable, safe walkways are provided. Parking garages shall be well lit and, to the point that is practical, free of hidden spaces so that patrons feel as safe and secure as possible. All parking spaces shall be in compliance with the off-street parking and loading requirements provided in the zoning ordinance. However, interior travel lanes and back up distances shall be determined by the project designer and dependent upon the overall circulation pattern and parking space configuration.

Nonconforming Uses & Structures

If, by virtue of this Plan, any structure or use should become nonconforming, the provisions of Section 31-056 of the City of St. Joseph zoning ordinance shall apply except as follows:

Nonconforming parking lots shall be upgraded and landscaped as part of proposed property upgrades. However, discretion can be made by the Director of Planning and Community Development or his/her designee at the time of the proposed upgrades to defer parking lot improvements based on financial considerations.

The Plan in no way is intended to deter necessary property upgrades due to lack of parking lot improvement, but rather to encourage parking lot improvements for the benefit of the entire downtown area. Normal parking lot maintenance as required by the City of St Joseph zoning ordinance is required for those properties located in the downtown plan area.

A nonconforming use of property that does not have a building associated with said use on the same property shall be considered final, and not allowed to return to the property if discontinued for a period of one year. Said use shall be considered abandoned if said use has not been active for one year. The mere existence of a storage use on a property, for instance, does not allow for continuance of the use. The use must be active. It is incumbent upon the property owner to show that the use is active by supplying information to show

that current receipts are available for the storage use if it is rental space, or that storage stock has been rotated as required by the business.

Nonconforming uses in structures shall be allowed to continue for the life of the building, unless such use is discontinued for a period of two years. The mere existence of said use does not constitute continuation of the use. It is incumbent upon the property owner to show current receipts if the structure is used for rental purposes, or to show that an active use has continued if not for rental purposes. An active use is one in which the products, goods or services have continued to be viable in so much as a market exists, or the stock contained therein is rotated on a basis that is consistent with other similar businesses. It shall be incumbent upon the property owner to show an analysis that proves that the stock is rotated in a manner that is consistent with similar businesses.

The plan discourages inactive uses because they do not add to the overall community health and welfare, rather they encourage blight by showing neglect, and are not in the best interest of the revitalization effort the plan is designed to encourage.

EMERGENCY SECURITY, DANGEROUS BUILDINGS, AND MOTH-BALLED BUILDINGS

Dangerous buildings or those requiring emergency security may cover windows, doors and other openings using wooden materials as the property owner deems necessary to secure the building. If the wooden material is to remain for a period of 2 months or greater, the material shall be painted in a color that matches as closely as possible the color of the building. This shall be considered a temporary measure until such time as the building is renovated.

Likewise, if a building is being moth-balled as a property owner awaits a better economic climate, windows, doors and openings may be boarded up as long as the color of the wooden material is painted to match as closely as possible the building's color. Once the building is put back in use, however, the wooden material must be removed and replaced with the more appropriate traditional building materials that are in keeping with the building's original architecture and with the standards of this plan.

DEFINITIONS

- Awning – a secondary covering attached to the exterior wall of a building extending over or in front of a door or window. Typically composed of canvas or other fabric, but may also be fabricated from steel and other metals. Awnings provide shade from the sun, break from steep winds and protection from rain or snow.
- Awning (or Canopy) sign – Sign painted on or attached to an awning or canopy above a business door or window.
- Banner Sign – Sign that contains a logo or design placed on lightweight material that can move with the wind and projects from an attached structure, such as a building for pole.
- Bar – A use engaged in the preparation and retail sale of alcoholic beverages, alcoholic liquor or fermented malt beverages, for the consumption on the premises including taverns, bars, cocktail lounges, and similar uses other than a restaurant.
- Civic (land use) - Use types including the performance of educational, recreational, cultural, utility, religious, governmental, and other uses which are strongly vested with public social importance.
- Commercial (land use) - Use types including the retail sale, rental, retail service, and distribution of goods; and the provision of services other than those classified under other use types.
- Commercial Signage – Any kind of graphic created to identify a business of similar entity, assists in wayfinding and attracts customers. The intended audience should be either motorized or non-motorized.
- Entertainment (land use) – Use types that establish participant and spectator users engaged in both active and passive activities. Typical uses include: motion picture theaters, meeting halls, dance halls, bowling alleys, billiard, swimming, tennis, and other similar uses.
- Façade – The exterior wall of a building that is set along a frontage line.
- Form - Base Code – A method of regulating development to achieve a specific urban form. Form-Based Codes create a predictable public realm primarily by controlling physical form, with a lesser focus on land use, through city regulations.
- Frontage – The area between a building façade and the vehicular lanes, inclusive of its built and planted components.
- Glazing – Refers to glass material that is covered with a smooth, glossy surface or coating.
- Hanging Sign – Projecting signs suspended below a marquee or canopy.
- Hardscape – Landscape features that are typically made from man-made materials, such as pavement, siting walls, pergolas, or sculptures.
- Human Service Establishments – Establishments that provide temporary or permanent lodging, care and/or treatment to persons who may be unrelated to each other, not including domestic, supervisory or medical staff providing services on the premises.
Specific Types of Human Service Establishments include:
 - a. Drug and Alcohol Treatment Facility: An establishment that may be Missouri State licensed or certified by the appropriate State agency that provides care, treatment, rehabilitation and counseling for persons with alcohol, narcotic or substance abuse or a combination thereof and operated under private, public or nonprofit status.
 - b. Service Shelter: A residential operation which provides temporary group lodging and supportive services to persons in need due to family medical circumstances, economic circumstances or social difficulties. A human service shelter may not be licensed by the State. A shelter may include accessory support services i.e. medical, dental or psychological care, distribution of food or clothing and hot meals to clients.
- Light Manufacturing – Business uses conducting light manufacturing, assembling and fabrication, warehousing, wholesaling and service operations which conduct activities which do not have the impacts of heavy manufacturing or industrial uses. Also intended to serve as a transition between more intense industrial development and commercial, office or multi-family residential development.
- Lodging – Establishments which provide guestrooms or suites for temporary occupancy and which may include accessory uses such as restaurant, meeting facilities, and/or retail component.
- Marquee Sign – Projecting sign attached to the perimeter or border of a permanently roofed building, and are constructed as a part of the building. Marquee signs are usually installed on theatres, cinemas, or performing art facilities.
- Medical Facility – Medical care facility refers to an institution, place, building or agency that furnishes, conducts, and operates health services for the prevention, diagnosis, or treatment of human disease, pain, injury, deformity, or physical condition.

- Minor Improvements – Minor modifications to the exterior of an existing building that require building permits but do not increase the size of the structure.
- Monument Sign – Signs that are freestanding and are located adjacent to sidewalks. Such signs are typically used for buildings that are separated from adjacent streets by substantial setbacks.
- Mural – Signs painted on a wall surface
- Office (land use) – Uses providing for administration, professional services, and accessory activities excluding manufacturing and research facilities.
- Park – Open space that typically includes both active and passive recreation areas.
- Projecting Sign – Signs that are attached to the face of a building and project from the wall surface.
- Public Art- Work of art in any media that has been planned and executed with the specific intention of being sited or staged in the public domain, usually outside and accessible to all.
- Residential (land use) – Uses providing wholly or primarily permanent living accommodations. In addition to traditional residential uses, they include institutional living arrangements providing twenty-four (24) hour skilled nursing or medical care i.e. nursing home/assisted living, hospital.
- Retail (land use) – sale, or rental with incidental service, of commonly used goods and merchandise for personal or household use.
- Sign Area – Calculated by the facades width and first twenty (20) feet in height. For signs consisting of individual letters and/or graphics mounted on a building wall or window, the sign area shall be measured by means of the area of one rectangular shape that encloses all of the letters and graphics that constitute the sign.
- Stepback – A treatment to a structure’s design and massing where portions of the upper levels of taller buildings are set back greater distances from the public frontage than the portion of the building at street level.
- Street landscaping and Furnishing – Those elements that engage and/or interact with the pedestrian or other street user in order to enhance the street experience. Street landscaping and furnishings are generally incorporated into the area of the public roadside.
- Secretary of the Interior’s Standards for Rehabilitation – The Standards (Department of Interior regulations, 26 CFR 67) pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building’s site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.
- Service (land use) – Establishments primarily engaged in the provision of frequently or recurrently needed services and that are of a personal, informational, or instructional in nature.
- Wall Sign – Sign attached to and completely supported by exterior wall.
- Warehousing/Wholesale – An enclosed building used primarily for the storage of goods and materials and which includes a retail/wholesale area at the front of the property for the sale of the stored goods and materials.
- Wayfinding Signage – Any kind of graphic created to offer directional message. The intended audience should be either motorized or non-motorized.
- Window Sign – And sign painted on or attached to the inside of a window facing the street.

APPENDIX

RETAIL USE OF PUBLIC SIDEWALKS

Policies & Procedures

For The Permitted Use of the Public Right-of-Way



Department of Public Works & Transportation

May, 2007

Retail Use of Public Sidewalks

Policies & Procedures

The Retail Use of Public Sidewalks Policies and Procedures (Rules) shall be followed, in addition to the City of St. Joseph Code of Ordinances (Code) concerning vending, health codes, and liquor licenses. The general provisions of Chapter 25 shall also apply as it pertains to use, conduct, maintenance, and public safety issues. Zoning and public appearance/appropriateness issues shall fall under the purview of the Downtown Review Board (Board) or Planning Department (Planning) as well. In the event of a conflict, the documents shall have the following order of precedence: (1) Code; (2) Rules; (3) Board.

Application Process

Permits are required for the following activities: sidewalk cafes; sampling; vending, entertainers, sidewalk sales, special events, and any special activity. Completed applications shall be submitted to the City Planner or his/her designee. Applications are then reviewed by the Board (in the Downtown area) or by the Planning Department if in an area outside the Downtown “Downtown” is defined as the area of responsibility set forth for the Downtown Review Board.

All applications must be completely filled out and legible in order to be reviewed by the Board. Any illegible or incomplete applications will be returned. Approval of the completed applications shall be based upon the following criteria:

- Background, as requested in the application
- Experience
- Product Choice
- Sale Price and Quality of the product
- Benefit of the activity to the Downtown or immediate area
- Impact of the activity to the Downtown or immediate area

Merchandise vending (mobile sites not associated with a permanent structure and or business adjacent to the activity), are limited to four locations selling similar products, unless otherwise approved by the Committee or Planning. It shall be unlawful for any owner, part owner, shareholder, or person interested directly or indirectly in any permit issued by the Department of Public Works (Department), to conduct, own, (either in whole or in part) or be directly or indirectly interested in more than two (2) permits issued pursuant to this division.

Vendor/Temporary Carts

Cart Design Guidelines

*These guidelines are in addition to the P-1 Downtown Precise Plan Zoning District regulations that are now in effect, or as amended in future actions.

A. Canopy/Umbrella

Approved canopy colors are:

Sunbrella Pacific Blue – Style 4601

Sunbrella Sea Grass Green – Style 4645

Sunbrella Buttercup – Style 4635

Or an approved, similar color as reasonably determined by the Board or Planning.

B. Signage and Graphics

All Canopies must include graphics reading “Downtown St. Joseph” for activities in the Downtown area only. All exterior graphics must be professionally produced and approved by the Board or Planning. Handwritten signs will not be permitted on the cart other than one chalkboard which may be used for daily specials.

All signage must comply with the City Sign Code.

C. Skirting

Any permittee storing boxes of additional product under the cart is required to have a skirt around the body of the cart that completely hides all boxes from public view. Skirting should match the approved canopy color.

D. Other

Vendors are limited to two (2) coolers and permits for additional coolers under certain circumstances. Additional elements shall be approved by an Exceptions Committee that will be appointed by the Director of Public Works & Transportation at the time of such request, comprised of, but not limited to, representatives from Board, Planning, Fire, Police, and Public Works.

Extensions cords or power cords outside the cart must be secured with an approved cord cover to eliminate any tripping hazards. Cords must be UL-rated for outdoor use and circuit protected. Approved cord and cord cover colors are brown, black, dark grey and green.

In addition to storage located on the cart, food vendors will be permitted one additional storage tub located next to the cart for additional product. Storage tubs must be in good condition, free of cracks and stains and must be approved by the Director of Public Works & Transportation or his designee. Approved tubs will have a clear plastic body, white top, and may be no larger than 30 gallons.

Towing hitches must be included in the application review process by the Board or Planning. Towing hitches shall be less than three (3) feet in length. Vendors shall make reasonable efforts to minimize safety issues related to towing hitches.

Vendors are permitted to have one trash receptacle. The approved receptacle must be white or stainless steel and may be no larger than 2' high x 2' wide x 15" deep.

Operating Guidelines

- Carts must be clean, sanitary, safe, and in good working condition at all times. The determination of whether the cart condition complies with the foregoing is at the sole discretion of the Director or his designee. The Director can submit a written Work Order to the permittee if the Director or his designee determines that the cart does not comply with Code, Rules, or Board. If a work order is submitted to the permittee, the permittee is obligated to repair the cart at his/her expense in a timely manner, not to exceed 30 calendar days. The permittee may appeal the requirements of the work order to the Board. Such appeal must be submitted in writing with ten (10) calendar days of the permittee's receipt of the work order.
- No cart shall be located on the sidewalk in a manner that obstructs the sight triangle of an intersection.
- The location utilized by all carts must meet City standards regarding condition. No permit shall be issued to operate on a substandard sidewalk that requires repair for safe use.
- All vending activities must retain a minimum of five (5) feet of sidewalk clear width for public access and to meet the requirements of the Americans with Disabilities Act.
- Permittee shall supply evidence of all licenses and permits required by the City of St. Joseph or State of Missouri, before a permit is issued.
- Insurance:
 - Proof of insurance documenting the existence of a one million dollar comprehensive liability policy, with policy limits of no less than one million dollars, naming the City of St. Joseph as an additional named insured shall be provided.
- The Permittee agrees to indemnify and save harmless the City, its City Council, and its officers, agents and employees from and against any and all loss of, or damage to, property of third persons, or injuries to, or death of, any person or persons, and from any and all claims, damages, suits, costs, expenses, liability, actions or proceedings of any kind whatsoever in any way resulting from or arising out of the acts or omissions of officers, employees and volunteers of the Permittee connected with the Permittee's operations, regardless of whether such acts or omissions were caused in part by the CITY. At its own cost and expense, Permittee will defend and protect the CITY from and against any and all such claims or demands and will defend all suits arising therefrom.

- All City permits and/or licenses must be made available when requested by anyone. Food carts must have the public sidewalk use permit displayed in a prominent place on the cart.
- Merchandise must be displayed in a neat and orderly fashion.
- Display of merchandise outside the cart proper is subject to the reasonable approval of the Director or his designee.
- Carts should not be left unattended for a period of 10 minutes at any one time.
- The City of St. Joseph is not responsible for damage or theft to any cart, merchandise, or other vendor property or physical injury.
- Permittee is responsible for renewing his/her permit on an annual basis. Failure to do so in accordance with all the terms and conditions may result in the loss of the ability to renew.
- The permit is site specific and cannot be transferred to another location or vendor.
- No liquid, including water, ice or cleaning solutions, may be poured into the tree pits or onto the walking surface of the sidewalks. However, a reasonable amount of clean water may be used to clean up spills on the sidewalk surface. All slip and fall or tripping hazards arising from the permittee's use of the public sidewalk shall be the responsibility of the permittee.
- Vendors must practice good customer service and may not use offensive language, or slander or threaten other vendors.
- Vendors, their employees and/or representatives (vendors), shall be courteous to the public, efficient and neat in appearance. Vendors shall not use foul or vulgar language or act in a loud, boisterous, or otherwise improper or unacceptable manner. VER's shall not engage in open, notorious and/or public disputes, disagreements or conflicts tending to deteriorate the quality of the surroundings or that of their competitors and/or businesses.
- Obscene communications or gestures, intimidation in any form, threats (direct or indirect) of violence or physical harm, fighting, gambling, illegal activity, being under the influence of alcohol or illegal substances, or carrying of weapons or illegal substances is strictly prohibited. Any violation may result in immediate revocation of the Permit.
- Vendors are required to be fully clothed, including shirts and shoes.
- Vendors are responsible for all litter within fifteen (15) feet of their cart.

- No propane or other gas cylinders can be stored, attached, or hooked outside the body of the cart unless permitted by the Director or his designee. All gas cylinders used for heating are subject to Fire Department inspection. Unsafe hookup or operation procedures are cause for immediate permit revocation.
- Vendors are allowed to have radios at their carts for their personal enjoyment only and to create an ambiance within their immediate locations. If a radio can be heard over fifteen (15) feet from the cart, it is too loud. The volume of the vendor's radio must not create a nuisance for those nearby. If complaints are received with regard to the volume of a specific radio, the vendor will be prohibited from having a radio at their cart.
- Vendors shall not use planters or planting areas in Downtown as a seating area.

Sidewalk Cafes

Revocable permits for the operation of outdoor sidewalk cafes as an extension of an existing indoor restaurant or public seating area, located on a public sidewalk, are permitted subject to the following conditions:

- Determination by the Director or his designee that the operation will not impede pedestrian or transit traffic. A minimum of five (5) feet of public sidewalk must be maintained to retain public access and to meet Americans with Disabilities Act requirements.
- The existing condition of all sidewalks for which the applicant is responsible for under City Code is acceptable and does not require repair.
- The operation shall meet all City and State requirements for licensing and operation – including liquor licensing.
- The permittee must install and maintain in good condition the following elements within the sidewalk café or public seating area:
 1. Umbrellas, if utilized, shall be installed on the tables closest to the perimeter of the café area, except where tables are sheltered by awnings attached to building walls. Umbrellas that extend beyond the patio railing must be 80" in height above the walking surface at its lowest point (if required).
 2. For any restaurant or establishment serving alcohol, a simple architectural railing around the open perimeter of the café area, which shall be sturdy in weight and design and capable of standing by itself. It shall be affixed to the pavement. Additionally, the material and appearance of the railing is subject to Board review and approval. The access to such area shall be controlled from outside access and shall meet the requirements of the State Liquor Inspector.

3. Trash receptacles (of a compatible color and type) shall be placed within the perimeter of the café area only.
4. All elements installed and maintained by the permittee shall be subject to design and maintenance review by the Board and Director or his designee.

Additional conditions:

- The permittee is responsible for the removal of any rust, grease, cigarette butts, liquids or dirt left on the sidewalk, or replacement of pavement when the railing is removed due to rust or other materials damaging the surface condition or appearance of the pavement.
- All fixtures, furniture and property that are contained within the permitted area shall stay within the seating area perimeter.
- It is the responsibility of the permittee to ensure that all trash and litter are promptly removed from the permitted area.
- Permittee is not allowed to use Downtown trash receptacles for disposal of trash within the permitted area.

Insurance:

- Proof of insurance documenting the existence of a one million dollar comprehensive liability policy, with policy limits of no less than one million dollars, naming the City of St. Joseph as an additional named insured shall be provided.
- The Permittee agrees to indemnify and save harmless the City, its City Council, and its officers, agents and employees from and against any and all loss of, or damage to, property of third persons, or injuries to, or death of, any person or persons, and from any and all claims, damages, suits, costs, expenses, liability, actions or proceedings of any kind whatsoever in any way resulting from or arising out of the acts or omissions of officers, employees and volunteers of the Permittee connected with the Permittee's operations, regardless of whether such acts or omissions were caused in part by the CITY. At its own cost and expense, Permittee will defend and protect the CITY from and against any and all such claims or demands and will defend all suits arising therefrom.
- It is recommended that chairs be removed or secured on the permitted area each evening.

- The permitted area must be washed to the nearest drain and washed regularly in order to maintain a sanitary surface. Washing should not be performed when the pavement surface is cold enough to freeze.
- At the conclusion of snow events, the permittee is responsible for the removal of all snow accumulated within the permitted area as well as the public sidewalk area adjacent to the business, as set forth in City Code.

Café Furniture Design

All café furniture shall meet the following design standards:

Tables & Chairs - Materials

- o Tables and chairs shall match and be made of safe, sturdy and durable material, such as wood, steel, plastic and wrought iron. All furniture shall be commercial grade, and manufactured for outdoor commercial use. Vinyl tablecloths are not recommended.
- o Small round or square tables shall seat no more than four people unless otherwise approved as part of the application process. Tables and chairs shall match.
- o Round tables shall be no larger than 2 ½ feet wide (30" diameter). Square tables shall be no larger than 3 feet wide.

Flower Boxes & Planters

- o The café owner may use flower boxes or planters to define the boundaries of the café seating area. To avoid blocking the patron's vision while seated, the combined height of the planters and live plants shall not exceed four (4) feet above the sidewalk grade. The boxes or planters shall be no greater in height than 2 ½ feet and no wider than 2 feet at the base. Taller plants may be permitted depending upon the location of the sidewalk café as approved by the City.
- o The flower boxes, planters, and storage bins shall be portable and made of safe, durable and attractive material such as wood or steel.
- o All boxes, planters and planting areas must be planted with seasonal blooming live plants from at least May 1 through October 15. The café owner shall be responsible for the prompt removal of all empty or poorly maintained planting areas.

Menu Boards & Signs

Menu boards, both portable and on walls, shall be subject to sign permit approval in conformance with the City sign Code.

Portable Heaters

Portable heaters are permitted, subject to review and approval by the Fire Department.

Trash Receptacles

The number, type, and location of trash receptacles shall be determined by the City and shall comply with the minimum clear width of five (5) feet to conform to the Americans with Disabilities Act.

Trash receptacles shall be made of durable material to match the existing façade and shall be commercial grade as determined by the City. Fifty-five (55) gallon metal barrels shall not be an acceptable receptacle type.

Sidewalk Sales

Sidewalk sales may be permitted, in conformance with the Code, as it relates to public safety, visibility, and public access. A minimum width of five (5) of sidewalk must be retained for open access for the general use of the public and to meet the requirements of the Americans with Disabilities Act.

- Permittee may put out tables or clothing racks on the sidewalk directly in front of his/her storefront.
- All tables must be skirted.
- Tables and racks may not block the permittee's store entrance, nor may they extend beyond the width of the permittee's storefront.
- Tables and racks may not narrow the pedestrian path to less than five (5) feet in width.
- The existing condition of all sidewalks for which the applicant is responsible for under City Code is acceptable and does not require repair.
- Sidewalk sale permits shall be granted for no greater than three (3) days in length and no more than four (4) permits total in a twelve month period.
- All tables and products must be removed from the sidewalk at least 30 minutes before the closing time of the business and may be placed on the sidewalk no sooner than 30 minutes before the store's opening.
- Absolutely no products or materials may be left on the sidewalk overnight.
- No products that are offensive or inappropriate, as determined by the Board or Planning, may be displayed in any permitted sale on the public sidewalk.

Insurance:

- Proof of insurance documenting the existence of a one million dollar comprehensive liability policy, with policy limits of no less than one million dollars, naming the City of St. Joseph as an additional named insured shall be provided.

- o The Permittee agrees to indemnify and save harmless the City, its City Council, and its officers, agents and employees from and against any and all loss of, or damage to, property of third persons, or injuries to, or death of, any person or persons, and from any and all claims, damages, suits, costs, expenses, liability, actions or proceedings of any kind whatsoever in any way resulting from or arising out of the acts or omissions of officers, employees and volunteers of the Permittee connected with the Permittee's operations, regardless of whether such acts or omissions were caused in part by the CITY. At its own cost and expense, Permittee will defend and protect the CITY from and against any and all such claims or demands and will defend all suits arising therefrom.

Daily Retail Use

Revocable permits for the extension of retail display areas, located on a public sidewalk are permitted subject to:

- Determination by the Director or his designee that the operation will not impede pedestrian or transit traffic. A minimum of five (5) feet of public sidewalk must be maintained to retain public access and to meet Americans with Disabilities Act requirements.
- The existing condition of all sidewalks for which the applicant is responsible for under City Code is acceptable and does not require repair.
- The requirement that the operation shall meet all City and State requirements for licensing and operation. The sale of alcohol is expressly prohibited.
- All elements installed and maintained by the permittee shall be subject to design and maintenance review by the Board and Director or his designee.
- Permittee may put out tables or clothing racks on the sidewalk directly in front of his/her storefront.
- All tables must be skirted.
- Tables and racks may not block the permittee's store entrance, nor may they extend beyond the width of the permittee's storefront.
- Tables and racks may not narrow the pedestrian path to less than five (5) feet in width.
- All tables and products must be removed from the sidewalk at least 30 minutes before the end of normal business hours of the business and may be placed on the sidewalk no sooner than 30 minutes before the store's normal business hours.
- Absolutely no products or materials may be left on the sidewalk overnight.
- No products that are offensive or inappropriate may be displayed in any permitted sale on the public sidewalk.
- Display of products is limited to the normal business operating days and hours posted.

Additional conditions:

- The permittee is responsible for the removal of any rust, grease, cigarette butts, liquids or dirt left on the sidewalk, or replacement of pavement due to rust or other materials damaging the surface condition or appearance of the pavement.
- All fixtures, furniture and property that are contained within the permitted area shall stay permitted area only.
- It is the responsibility of the permittee to ensure that all trash and litter are promptly removed from the permitted area.
- Permittee is not allowed to use Downtown trash receptacles for disposal of trash within the permitted area.
- At the conclusion of snow events, the permittee is responsible for the removal of all snow accumulated within the permitted area as well as the public sidewalk area adjacent to the business, as set forth in City Code.
- The permit shall be an annual permit, effective for twelve (months) after issuance.

Insurance:

- Proof of insurance documenting the existence of a one million dollar comprehensive liability policy, with policy limits of no less than one million dollars, naming the City of St. Joseph as an additional named insured shall be provided.
- The Permittee agrees to indemnify and save harmless the City, its City Council, and its officers, agents and employees from and against any and all loss of, or damage to, property of third persons, or injuries to, or death of, any person or persons, and from any and all claims, damages, suits, costs, expenses, liability, actions or proceedings of any kind whatsoever in any way resulting from or arising out of the acts or omissions of officers, employees and volunteers of the Permittee connected with the Permittee's operations, regardless of whether such acts or omissions were caused in part by the CITY. At its own cost and expense, Permittee will defend and protect the CITY from and against any and all such claims or demands and will defend all suits arising therefrom.

GROUND FORS SUSPENSION OR REVOCATION OF PERMITS

- Fraud, misrepresentation or false statement contained in application
- Selling unpermitted merchandise
- Selling merchandise outside normal business days or hours
- Violation of City Codes, State Laws, Federal Laws, Rules, or Board requirements
- Failure to renew permit in a timely manner or to provide and display current licenses and insurance
- Failure to conduct business in a lawful manner or conducting business in a manner unsafe to the general public or employees
- Failure to pay fees or insufficient payments
- Failure to maintain required insurance.
- Failure to comply with this Rule.

APPENDIX

ST. JOSEPH CITY CODE OF ORDINANCES DIVISION 6. DOWNTOWN REVIEW BOARD

Sec. 31-100. Purpose.

It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation and use of improvements and landscape features of downtown as legally described within the adopted downtown precise plan or aesthetic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this article is to:

- (1) Effect and accomplish the protection, enhancement, perpetuation and use of such improvements, landscape features, and sites within downtown which represent or reflect elements of the city's cultural, social, economic, political and architectural history;
 - (2) Safeguard the city's historic, aesthetic and cultural heritage, as embodied and reflected in such improvements, landscape features, sites and districts;
 - (3) Stabilize and improve property values of and near such improvements, landscape features, sites and districts;
 - (4) Foster civic pride in the beauty and noble accomplishments of the past;
 - (5) Protect and enhance the city's attractions to tourists and visitors;
 - (6) Encourage downtown conservation;
 - (7) Promote the use of downtown for the education, pleasure and welfare of the people of the city; and
 - (8) Promote the present and future safety, health, morals and general welfare of the people of the city.
- (G.O. 2345, 10-19-09)

Sec. 31-101. Definitions.

The following words and phrases are used in this article and shall have the following meanings, unless a different meaning is plainly required by the content:

- (1) Certificate of appropriateness. A permit granted by the downtown review board allowing exterior construction, alterations, repairs, improvements, excavation or demolition to any building or property located within the downtown precise plan.

- (2) Building permit. The words "building permit" shall include all standard city building permits including demolition permits.
 - (3) Full and fair hearing. A proceeding conducted in an orderly manner where the person or persons acting in the capacity of fact finder, take up any issue properly before them for their consideration, after first having given reasonable notice to the interested parties of the time, date and place of such proceeding. Interested persons may appear in person or by attorney and be heard and present evidence which supports their viewpoint. Diligent effort shall be made by those conducting the proceeding to see that all parties are treated fairly and allowed to explain their position on the issue or issues under consideration.
 - (4) Downtown precise plan district. Buildings, structures, features, sites or objects within a contiguous land area with defined boundaries designated by the downtown precise plan and approved by the city council as having particular historic, cultural, aesthetic or architectural significance and limited in size to that area responsible for the proper identification and maintenance of the district.
 - (5) Ordinary maintenance and minor works. Any work for which a building permit is not required by law where the purpose and effect of such work is to correct any decay, deterioration or damage to structures, buildings, features, sites or objects, to restore the same, as nearly as practical, to its condition prior to the occurrence of such decay, deterioration or damage.
 - (6) Person. Any individual, corporation, firm, trust, trustee, administrator, executor, partnership or joint venture.
 - (7) Public notice. Publication at least one time in a newspaper of general circulation within the city.
- (G.O. 2345, 10-19-09)

Sec. 31-102. Rules and procedures and records of the commission.

(a) The downtown review board shall adopt rules of procedure to further define rules of order. Rules of procedure shall be defined within the downtown precise plan as to which types of work require certificates of appropriateness and which types of work are ordinary maintenance and minor works. The rules of procedure may delegate such responsibilities to city staff as may be appropriate.

(b) The downtown review board shall keep minutes and records of all meetings and proceedings including the vote of each member upon each question or if absent or failing to vote. Board records shall be kept and maintained by the planning and community development department and shall be made available for public inspection, consistent with the requirements of law, during regular working hours of the planning and community development department. Photocopies of public records may be obtained upon written request and payment of the cost of such photocopying. In addition, the downtown review board shall keep a tape recorded record of all public hearings held by it. The tape recording of all public hearings shall be kept for a minimum of one year.

(G.O. 2345, 10-19-09)

Sec. 31-103. Certificates of appropriateness.

(a) Informal review process. Any applicant who requests a certificate of appropriateness is encouraged to meet and confer with the planning division staff liaison to the downtown review board prior to submission of the final application to ensure that the application will be in proper form and order.

(b) Permit process. No building permit, whether to erect, construct, enlarge, alter, repair, move, improve, remove, excavate for, convert or demolish any building, structure or utility, shall be issued with respect to any real property located within the downtown precise plan area except in accordance with the terms and provisions of the certificate of appropriateness as approved by the downtown review board if property is located in the downtown precise plan area; however, a building permit may be issued with respect to such real property for the accomplishment of any work thereon which will change neither the exterior appearance nor the exterior architectural features of the improvements thereof, or which is considered necessary as a part of the ordinary maintenance of the property. The downtown review board shall identify definitions and specific criteria to be used in determining if work constitutes ordinary maintenance with the downtown review board rules of procedure and/or design guidelines. Such definitions and criteria may identify the scale or work, the skill and equipment needed, the timeliness of repairs, and the typical effect of specific activities on historic material as factors for determining whether an activity constitutes

ordinary maintenance or requires a certificate of appropriateness. The following criteria shall be utilized to make a determination:

- (1) Except as otherwise provided herein, no land surface within any real property designated within the downtown precise plan area shall be changed, and no improvements thereon shall be erected, removed, restored, demolished or altered, nor shall any addition be made thereto, in such a manner or of such a character as to change the appearance or the exterior architectural features thereof, if such change would be visible from any public street, park or other public place, as determined by the city planner, without prior approval evidenced by a certificate of appropriateness reciting in detail the approved changes.
- (2) Such prohibited changes in appearance or exterior architectural features shall include but not be limited to the erection of business, professional and other signs in, on or about the downtown precise plan area, and no certificates of appropriateness shall permit the erection of any such sign, unless the size, texture, style and materials thereof are compatible with the general characteristics of the neighborhood and otherwise comply with zoning and building regulations.
- (3) Any person desiring to erect, remove, restore, demolish, alter or in any way change the exterior appearance or the exterior architectural features of improvements on any real property located within the downtown precise plan area or desiring to change the land surface thereof shall apply for a building permit from the chief building official, and upon receipt of such a request the chief building official shall notify the applicant of the duty to submit application to the downtown review board for property located within the downtown precise plan area for a certificate of appropriateness. Upon receipt of an application for certificate of appropriateness, the downtown review board shall schedule a public hearing and give at least 15 days public notice thereof by publication in an official newspaper or a newspaper of general circulation within the city and by mail to the applicant at the address applicant so provides on the application.

(c) Approval of certificates of appropriateness.

All interested parties shall be afforded the opportunity to be heard before the downtown review board which shall determine, either:

- (1) The changes proposed are not visible from any public street, park or other public place as determined by the city planner; or
- (2) The changes set forth in the application are not detrimental to the architectural, cultural, historic or contextual character of other improvements of the real property located within the downtown precise plan area. The downtown review board shall forthwith issue a certificate of appropriateness, stating in writing findings of fact and conclusions of law and detailing the work approved. Such certificate shall then be presented to the department of planning and community development who shall check the application for conformity with all applicable zoning codes; and to the building regulations division who shall check the application for compliance with building codes. The time limitations of the building codes shall control from this time forward. In the event that no building permit is necessary for the improvements controlled by the certificate of appropriateness, the certificate shall be valid for a term of one year from its date of issuance. The applicant must complete the work approved in the certificate of appropriateness within one year of:
 - a. The date the certificate of appropriateness is issued; or,
 - b. In the event a building permit is required, from the date of issuance of the building permit. Otherwise, the certificate shall expire and a new application shall be filed with the planning and community development department.

(d) Denial of certificates of appropriateness.

If, after a public hearing, the downtown review board determines that proposed changes are visible from any public street, park or other public place; and that such changes are detrimental to the architectural, cultural, historic or contextual character of the real property located within the downtown precise plan, the downtown review board shall enter an order denying a certificate of appropriateness, along with supporting written findings and at the same time shall mail a copy of the decision to the applicant. The downtown review board shall forward a copy of such order to the chief building official. The chief building official shall thereafter refuse to issue a building or demolition permit for which a certificate of appropriateness was denied.

The downtown review board may grant a rehearing of an application for a certificate of appropriateness which it has decided, if an application seeking rehearing includes a concise statement of the new evidence to be considered by the board; and the application for rehearing is made to the downtown review board within ten working days from the date upon which the applicant was notified of the downtown review board's original action of denial. Only one application for rehearing may be made in any case. Any rehearing granted shall proceed upon public notice and be a full and fair hearing.

(e) Appeals from downtown review board. An appeal of the downtown review board's decision shall be made to the board of adjustment in the same manner as any other appeal from the decision of the a city official; provided, however, that the board of adjustment shall not grant relief except upon a finding of serious economic hardship occasioned to the owner of the subject property.

(G.O. 2345, 10-19-09)

Sec. 31-104. Conformance with other codes and laws.

(a) This article shall not be deemed to exempt any person from the requirements of building and maintenance codes, the zoning requirements or the minimum housing code unless specifically indicated herein.

(G.O. 2345, 10-19-09)

Sec. 31-105. Penalties.

Any person who shall remodel, reconstruct, restore, construct, alter or demolish any site or structure within the downtown precise plan area in violation of this article, upon being found guilty thereof, shall be punished as set forth in Section 1-14 of the code of ordinances of the city of St. Joseph, Missouri (See below). No prosecution initiated for violation of this article shall be deemed to constitute an exclusive remedy. The violation of this article may be enjoined by proper application to a court of general jurisdiction.

(G.O. 2345, 10-19-09)

CHAPTER 1. GENERAL PROVISIONS.

Sec. 1-14. General penalty.

(a) Unless another penalty is specifically provided by this code for violation of any particular provision, section or chapter, any person violating any provision of this code or any rule or regulation adopted or issued in pursuance thereof or any provision of any code adopted by reference shall, upon conviction, be subject to incarceration for not less than one nor more than 180 days or a fine of not less than \$1.00 nor more than \$500.00, or both such fine and incarceration and the cost of prosecution.

(b) The person upon whom any fine or penalty is imposed by order of the court for violation of any provision of this code or any ordinance of the city may, if determined by the court to willfully fail to pay such fine or willfully fail to obey such order, be committed to the city or county jail as provided by law or to any other place provided by ordinance for the incarceration of offenders. No imprisonment for contempt of the court's order, however, shall exceed six months for any one offense.

(c) Every committed person shall work at whatever labor his strength permits, within and without the place of incarceration, not to exceed ten hours each working day. The committed person shall be allowed, exclusive of his board, a credit of \$10.00 for each day's work on account of the fine, penalty and cost or such other credit as may be fixed by state law.

(d) Any person incarcerated on a charge of violating a bailable provision of this code or any ordinance who does not supply bail and against whom a fine is levied upon conviction of such offense shall be allowed a credit of \$5.00 for each day so incarcerated prior to conviction, but such credit shall not exceed the amount of fine levied.

(e) Each act of violation and each day upon which a violation occurs constitutes a separate offense.

(Code 1969, § 1-16)

Cross reference(s)--Municipal court, ch. 13; court costs, § 13-48.