

**DIVISION 5. COMMERCIAL DISTRICT REGULATIONS\***

**Sec. 36-191. Purpose of division.**

The provisions of this division deal with the commercial use of land and structures in the city.

(Code 1976, § 14:5-5)

**Sec. 36-192. Commercial restrictions and performance standards.**

The following restrictions and performance standards shall govern uses permitted in any C commercial district:

- (1) All business activities including but not limited to sales, rentals, service, storage, merchandise display, repair, and processing, except for off-street vehicular parking and off-street loading, which are conducted in a commercial district shall be conducted wholly within an enclosed structure except as specifically permitted elsewhere in this chapter.
- (2) Outdoor storage shall be prohibited in the commercial districts except when specifically permitted elsewhere in this chapter.
- (3) Goods produced on the premises in the C-1 district shall be sold only at retail on the premises and the processes and equipment employed in production shall be of such character that no offensive odor, dust, smoke, ash, gas, noise, vibration or refuse matter are produced from the use of them.
- (4) Business uses shall front on a public way or an interior arcade.
- (5) All delivery service entrances to a building in the C-1 district shall be from a public alley, service-alley, off-street parking lot, or all deliveries shall be made from the curb.
- (6) All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in the manner required by this Code.
- (7) There shall be no vehicular access within 50 feet of the intersection of the projection of the nearest curblines of any public streets to a parcel on which a commercial use is operated.
- (8) No storage, display or parking of vehicles shall be allowed in any of the required yards or landscaped areas.
- (9) New structures and structures which expand the gross square footage of the structure by more than 50 percent shall be required to place all utility service lines underground. Any new service to an existing building shall be placed underground.
- (10) Access for all commercial uses shall be from a roadway identified in the comprehensive plan or as a collector or arterial or otherwise located so that access can be provided without generating significant traffic on local residential streets.

-----  
 \*Cross reference(s)--Businesses and licenses, ch. 8.  
 -----

- (11) Sidewalks at least five feet in width shall be provided along all sides of the lot that abut a public street.
- (12) A separate pedestrian access shall be provided between the principal building and the public street or a public trail, on all sides of the lot which front on a public right-of-way or public trail. This access shall be separated from parking areas by curbed, landscaped islands which have a minimum width of 20 feet inclusive of sidewalk. If a transit stop is located on any adjacent public street, access shall be located convenient to that transit stop.

(Code 1976, § 14:5-5.1)

**Sec. 36-193. C-1 neighborhood commercial district.**

**(a) Purpose/effect.** The purpose of this C-1 neighborhood commercial district is to provide for low-intensity, service-oriented commercial uses for surrounding residential neighborhoods. Limits will be placed on the type, size, and intensity of commercial uses in this district to ensure and protect compatibility with adjacent residential areas.

**(b) Permitted uses.** The following uses are permitted in the C-1 district if the use complies with the commercial restrictions and performance standards of section 36-192:

- (1) Park/open space.

**(c) Uses permitted with conditions.** A structure or land in a C-1 district may be used for one or more of the following uses.

(Ord. No. 2358-08, 8-14-08)

- (1) *Adult day care.* The condition for adult day care is at least 12% of the lot area shall be developed as designed outdoor recreation area.

(Ord. No. 2267-04, 4-12-04)

- (2) *Group care/nursery school.* The conditions are as follows:

- a. A minimum of at least 40 square feet of outside play space per pupil shall be provided and such space shall be enclosed by a fence.
- b. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.
- c. The play area shall be located a minimum of 200 feet from any roadway defined on the comprehensive plan as a principal arterial.

- (3) *Reserved.*

- (4) *Reserved.*

- (5) *Parks/recreation.* The conditions are as follows:
- a. The principal structure shall be located a minimum of 50 feet from a lot in an R district.
  - b. Areas designated for group activities shall be located a minimum of 25 feet from a lot in an R district.
  - c. Swimming pools shall be located a minimum of 50 feet from any lot line and a minimum of 12 feet from any other structure on the same lot.
  - d. Facilities which serve a community wide or regional function shall be located with primary vehicular access on a collector or arterial street.
- (6) *Public service structures.* The conditions are as follows:
- a. All exterior faces of all buildings shall meet the provisions of article V of this chapter.
  - b. All structures shall be located a minimum of 15 feet from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions and community centers.
  - c. All service drives shall be paved.
- (7) *Animal handling.* The conditions are as follows:
- a. No animals or pens shall be kept outside the building or cause offensive odor or noise discernible at the property line of the lot on which the activity is conducted.
  - b. Where animals are boarded, the facility shall be located a minimum of 100 feet from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.
- (8) *Appliance, small engine and bicycle repair.* Engines shall not be operated or tested outside of a structure if the use is located within 300 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.
- (9) *Reserved.*
- (10) *Reserved.*
- (11) (Repealed - Ord. No. 2311-06, 1-27-06)

- (12) *Food service.* The conditions are as follows:
- a. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial roadway, or shall be otherwise located so that access can be provided without generating significant traffic on local, residential streets.
  - b. No building may be located within 25 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.
- (13) *Reserved.*
- (14) *Reserved.*
- (15) *Printing process.* The conditions are as follows:
- a. The floor area of the operation cannot exceed 5,000 square feet.
- (16) *Private entertainment (indoor) without intoxicating liquor license.* The conditions are as follows:
- a. The structure in which the use is conducted shall be located a minimum of 60 feet from any parcel that is zoned residential and used or subdivided for residential or has an occupied institutional building including but not limited to a school, religious institution or community center.
  - b. If there is a wine and/or beer license, there shall be no separate bar area within the establishment.
- (17) *Restaurants without intoxicating liquor license.* The conditions are as follows:
- a. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
  - b. Buildings shall be located a minimum of 25 feet from any parcel that is zoned residential and used or subdivided for residential or has an occupied institutional building including but not limited to a school, religious institution or community center.
  - c. If there is a wine and/or beer liquor license, there shall be no separate bar area within the restaurant.

- (18) *Reserved.*
- (19) *Service.* The maximum floor area shall be 2,500 square feet.
- (20) *Studio.* The conditions are as follows:
- a. No impact noise shall be audible from any property located in an R district.
- (21) *Communication towers* that are 45 feet or less in height, subject to the provisions of Section 368 (Communication Towers and Antennas).  
(Ord. No. 2367-09, 1-23-09)
- (22) *Limited impact sexually-oriented business.* The conditions are as follows:
- a. No owner, manager or employee shall allow any sexually-oriented materials or entertainment to be visible or perceivable in any manner, including aurally, at any time from outside of the business.
  - b. The business owner, manager or employee shall assure that no person under the age of 18 years enters the separate area where sexually-oriented materials are provided.
  - c. No owner, manager or employee shall allow any person under the age of 18 years to have access to any sexually-oriented materials, whether by sight, purchase, touch, or any other means.
  - d. No owner, manager, or employee may sell or display for sale any sexually-oriented materials except in original unopened packages.
  - e. No business may have a license under chapter 3 of this Code other than an off-sale license for nonintoxicating malt liquor.
  - f. Both the owner of a sexually-oriented business and the manager of the business shall be responsible for the conduct of their employees and for compliance with this section.
  - g. No owner or manager of a sexually-oriented business shall employ a person under the age of 18 years.
  - h. No owner, manager or employee of a sexually-oriented business shall have been convicted of violating this section three or more times within 24 months.

- (23) *Residential/multifamily/cluster housing.* The conditions are as follows:
- a. It is part of a commercial development permitted within the district.
  - b. The building design and placement provide a desirable residential environment.
  - c. Access to open space, plazas, and pedestrianways is provided.
  - d. The housing is located above the ground floor.
  - e. The minimum spacing between buildings is at least equal to the average heights of the buildings except where dwellings share common walls.
  - f. The total number of units provided on an individual parcel does not exceed eight units.
- (24) Libraries. The condition for libraries is that these cannot exceed intensity classification 4
- (25) Museums. The condition for museums is that these cannot exceed intensity classification 4
- (26) Police/fire stations. The condition for police/fire stations is that these cannot exceed intensity classification 4
- (27) Transit stations. The condition for transit stations is that these cannot exceed intensity classification 4
- (28) Parking business. The condition for parking business is that these cannot exceed intensity classification 4
- (29) Parking lot. The condition for parking lot is that these cannot exceed intensity classification 4
- (30) Medical/dental office. The condition for medical/dental office is that these cannot exceed intensity classification 4
- (31) Funeral home. The condition for funeral home is that these cannot exceed intensity classification 4
- (32) Banks. The condition for banks is that these cannot exceed intensity classification 4
- (33) Business/trade schools/college. The condition for business/trade schools is that these cannot exceed intensity classification 4 (Ord. No. 2358-08, 8-14-08)
- (34) Office. The condition for office is that these cannot exceed intensity classification 4
- (35) Retail. The condition for retail is that these cannot exceed intensity classification 4
- (36) Large item retail. The condition for large item retail is that these cannot exceed intensity classification 4.

(37) Shopping Centers. The condition for shopping centers is that these cannot exceed intensity classification 4.

(Ord. No. 2248-03, 8-18-03)

**(d) Uses permitted by conditional use permit.** No structure or land in a C-1 district shall be used for the following uses except by conditional use permit.

(Ord. No. 2358-08, 8-14-08, Ord. 2367-09, 1-23-09)

(1) *Motor fuel station.* The conditions are as follows:

- a. Hours of operation shall be between 6:00 a.m. and 11:30 p.m.
- b. The gasoline pump islands, dispenser type and location shall be designed so that no more than eight vehicles can be refueled at any given time.
- c. The number of service stalls shall not exceed two.
- d. All pump islands, air dispensers and other service devices shall be installed at least 12 feet off and toward the interior of the lot from the required yard line, and no display, servicing of vehicles, parking or dispensing of gasoline shall take place within the required yard. On sites where pump islands have been constructed at the required yard line, a landscaped area of eight feet shall be installed in the required yard.
- e. All on site utility installations shall be placed underground.
- f. No outside sale or display shall be permitted except gasoline and other goods consumed in the normal operation of a car limited to the following kinds of products: oil, gasoline and oil additives, windshield cleaner, windshield wipers, tires and batteries. No products shall be sold or displayed in any required yard nor shall the total display area occupy more than 150 square feet in area or be more than five feet in height. No other vehicular parts and nonautomobile oriented goods shall be displayed or sold outside.
- g. Modification of the requirement of this section may be made for service stations in existence on the effective date of the ordinance from which this chapter is derived, if the city council finds that, because of the shape of the lot, size of the lot, the location of the principal building on the lot or similar circumstances, it would be impossible to satisfy the strict terms of this section or that they could be satisfied only by imposing exceptional or undue hardship upon the owner of the lot.
- h. No public address system shall be audible from any property located within an R district.
- i. Canopy and canopy support systems shall be constructed using architectural design and materials which are compatible with the principal structure.

- j. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.  
(Ord. No. 2325-07, 5-7-07)
- (2) *Exceeding classification 4.* All of those uses which are permitted or permitted with conditions, which exceed an intensity classification 4, shall be conditional uses. The conditions are as follows:
- a. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
  - b. Buildings shall be located a minimum of 25 feet from any parcel that is zoned residential and used or subdivided for residential or has an occupied institutional building including but not limited to a school, religious institution or community center.
  - c. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.
- (3) *More than one principal building.* All uses where more than one principal building is located on the same lot.
- (4) *Residential/multifamily/cluster housing.* The conditions are as follows:
- a. It is part of a larger commercial development permitted within the district.
  - b. The building design and placement provide a desirable residential environment.
  - c. Access to off-site parks, open space, plazas and pedestrianways is provided.
  - d. The housing is located above the ground floor.
  - e. The minimum spacing between buildings is at least equal to the average heights of the buildings except where dwellings share common walls.
  - f. The total number of units provided on an individual parcel does not exceed a density of 30 units per acre.
  - g. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.

- h. A minimum of 12% of the site area is developed as designed outdoor recreation area. (Ord. No. 2267-04. 4-12-04)
- (5) *Post office customer service.*
- a. The use shall only be permitted when it can be demonstrated that the operation will not have a significant adverse effect on the existing level of service and safety of adjacent streets and intersections.
  - b. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
  - c. The use, including access, parking and any proposed drive through component, shall be designed so it does not impede traffic or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian or vehicular conflicts.
  - d. Outdoor mailboxes intended for in-vehicle service shall be located to allow in-vehicle mail drop-off by the vehicle's driver. Each mail drop-off location shall allow for the on-site stacking of six vehicles or more.
  - e. Screening shall be provided along the lot line between the drive through facilities and stacking areas and adjacent streets and properties, but shall not interfere with visibility at the intersection of the exit drive and adjacent street as required by section 36-76.
- (6) *In-vehicle sales or service.* The conditions are as follows:
- a. Drive-through facilities and stacking areas shall not be within 100 feet of any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers unless the entire facility and stacking areas are separated from said parcel by a building wall. (Ord. No. 2248-03, 8-18-03)
  - b. Stacking shall be provided for six cars per customer service point and shall comply with all yard requirements.
  - c. This use shall only be permitted when it can be demonstrated that the operation will not have a significant adverse effect on the existing level of service of adjacent streets and intersections.
  - d. The drive-through facility shall be designed so it does not impede traffic or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian or vehicular conflicts.
  - e. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
  - f. Any canopy as part of this use shall be compatible with the architectural design and materials of the principal structure.

- g. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.

(7) *Educational (academic)*. The conditions are as follows:

- a. When outdoor play areas are provided, a minimum of 40 square feet of outside play space per pupil must be provided and such space shall be enclosed by a fence.
- b. Outdoor areas designated from group activities shall be located a minimum of 25 feet from a lot in an R district.
- c. Pickup/dropoff areas shall not conflict with other on-site or abutting land uses and shall not create congestion on public streets. Only automobiles and passenger vans shall be allowed to use an alley for pickup and dropoff of students.
- d. The size of the school shall be limited to 20 students.
- e. In multitenant buildings, the school shall have at least one separate building entrance or shall have an interior entrance that is within 50 feet of a common building entrance.

(Ord. No. 2248-03, 8-18-03; Ord. No. 2325-07, 5-7-07)

(8) *Places of Assembly without intoxicating liquor*. The conditions are as follows:

- a. All buildings shall be located a minimum of 30 feet from any lot line of a lot in an R district.
- b. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- c. Seating capacity shall be limited to 150 persons.
- d. Parking shall meet zoning code requirements, unless it is a religious or other institution that requires walking because of a religious tenet or other rule, then 1 space per every 8 seats shall be required.
- e. In multi-tenant buildings, noise shall be contained within that space dedicated to the place of assembly use. No noise shall be audible within common areas or in adjacent units.
- f. In multi-tenant buildings, the place of assembly shall have a separate entrance or shall have an interior entrance that is within 50 feet of a common building entrance.

(Ord. No. 2311-06, 1-27-06)

(9) *Communication towers* more than 45 feet in height but not to exceed 70 feet in height, subject to the provisions of Section 368 (Communication Towers and Antennas).

(Ord. No. 2367-09, 1-23-09)

**(e) Accessory uses.** The following uses shall be permitted accessory uses in a C-1 district:

- (1) Parking lots.
- (2) Incidental repair or processing which is necessary to conduct a permitted principal use shall not exceed 40 percent of the gross floor area or 40 percent of the labor hours required to conduct the principal permitted use.
- (3) Motor vehicle service repair under the following conditions:
  - a. Shall be permitted only if accessory to a motor fuel station.
  - b. The number of service bays shall not exceed two.
  - c. No public address system shall be permitted.
  - d. All repair, assembly, disassembly and maintenance of vehicles shall be inside a closed building except tire inflation, changing wipers or adding oil.
  - e. Test driving shall be prohibited on any street in an R or O district.
- (4) Food service (also see section 36-193(c)(12) where food service is an accessory use to other uses).
- (5) Outdoor seating and service of food and beverages is permitted as an accessory use to a restaurant if:
  - a. The use shall not be located in the interior side or back yard if it is adjacent to a parcel that is occupied by a residential dwelling. This provision will not apply if the first floor of the building located on the adjacent parcel is not occupied by a residential dwelling or if a residential dwelling is located above the restaurant. (Ord. No. 2384-10, 5-28-10)
  - b. No speakers or other electronic devices which emit sound are permitted outside of the principal structure.
  - c. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.
  - d. Additional parking will not be required if the outdoor seating area does not exceed 500 square feet or ten percent of the gross floor area of the restaurant, whichever is less. Parking will be required at the same rate as the principle use for that portion of outdoor seating area in excess of 500 square feet or ten percent of the gross building area, whichever is less.
- (6) Catering if accessory to a restaurant, food service, delicatessen, grocery store, or retail bakery.

**(f) Dimensional standards/densities.**

- (1) No structure or building shall exceed three stories or 35 feet in height, whichever is less, except as provided in section 36-78.
- (2) The floor area ratio within the C-1 district shall not exceed 1.2.
- (3) A side yard abutting a street shall be a minimum of 15 feet wide.

- (4) The front yard shall be a minimum of five feet unless a greater depth is required to meet screening requirements. If the average depth of at least two existing front yards, for buildings within 150 feet along the same block front of the lot in question, are less or greater than 20 feet, in that case the required front yards shall be the average depth of such existing front yards, but the depth of a front yard shall not be less than five feet nor be required to exceed 50 feet.
- (5) Through lots shall have a required front yard on each street.
- (6) There shall be no required side yard unless the side yard abuts an R district, when it shall be the same as the side yard required in the R district.
- (7) The minimum rear yard requirement shall be 20 feet except where an alley exists it can be reduced to ten feet.

(Code 1976, § 14:5-5.2; Ord. No. 2167-00, 5-15-2000; Ord. No. 2168-00, 5-15-2000; Ord. No. 2188-01, 2-5-2001; Ord. No. 2196-01, 4-2-2001; Ord. No. 2220-02, § 2, 3-18-2002; Ord. No. 2226-02, § 2, 6-3-2002; Ord. No. 2234-02, § 2, 12-2-2002; Ord. No. 2248-03, 8-18-2003; Ord. No. 2267-04, 4-12-2004, Ord. No. 2311-06, 1-27-2006; Ord. No. 2325-07, 5-7-2007; Ord. No. 2358-08, 8-14-2008; Ord. No. 2367-09, 1-23-2009; Ord. No. 2384-10, 05-28-2010)

**Cross reference(s)**--Businesses and licenses, ch. 8.

**Sec. 36-194. C-2 general commercial district.**

**(a) Purpose/effect.** The purposes of the C-2 general commercial district are to:

- (1) Allow the concentration of general commercial development for convenience of the public and mutually beneficial relationship to each other in those areas located away from residential areas designated by the comprehensive plan;
- (2) Provide space for community facilities and institutions that appropriately may be located in commercial areas;
- (3) Provide adequate space to meet the needs of modern commercial development, including off-street parking and truck loading areas;
- (4) Minimize traffic congestion; and
- (5) Carefully regulate the intensity of commercial development as it refers to both internal site factors and external impacts.

**(b) Permitted uses.** The following uses are permitted in the C-2 district.

(Ord. No. 2358-08, 08-14-08)

- (1) Medical and dental office.
- (2) Funeral homes.

- (3) Libraries.
  - (4) Museums.
  - (5) Parks and open spaces.
  - (6) Police and fire stations.
  - (7) Banks.
  - (8) Business/trade school/college.
  - (9) Offices.
  - (10) Retail shops up to 20,000 square feet.
  - (11) Service facilities.
  - (12) Studios.
  - (13) Showrooms.
  - (14) Parking lot.
  - (15) Time transfer stations.
  - (16) Transit stations.
  - (17) Large item retail under 20,000 square feet.
- (Ord. No. 2349-08, 2-22-08; Ord. No. 2358-08, 8-14-08)

**(c) Uses permitted with conditions.** A structure or land in a C-2 district, may be used for one or more of the following uses if its use complies with conditions stated in section 36-192 and those specified for the use in this subsection (c):

- (1) *Adult day care.* A minimum of 150 square feet of outdoor seating or exercise area shall be provided for each person under care.
- (2) *Dry cleaning, laundering with route pickup and delivery.* The conditions are as follows:
  - a. The use shall not exceed 15,000 square feet in area.
  - b. Outside storage and parking of trucks involved in the operation of the business is limited to trucks and vans with a manufacturer's rated cargo capacity of one ton or less.
  - c. Outside vehicle storage shall be screened from any abutting R district.
  - d. Access shall be from a roadway identified in the comprehensive plan as a collector or arterial or otherwise located so that access can be provided without conducting significant traffic on local residential streets.

- (3) *Group day care/nursery school.* The conditions are as follows:
- a. A minimum of 40 square feet of outside play space per pupil must be provided and such space shall be screened and enclosed with a fence
  - b. An off-street pedestrian loading area shall be provided in order to maintain vehicular and pedestrian safety.
  - c. Outdoor play areas shall be located a minimum of 200 feet of any roadway designated in the comprehensive plan as a principal arterial.
- (4) *Parks/recreation.* The conditions are as follows:
- a. The principal structure shall be located a minimum of 50 feet from a lot in an R district.
  - b. Areas designated for group activities shall be located a minimum of 25 feet from a lot in an R district.
  - c. Swimming pools shall be located a minimum of 50 feet of any lot line and a minimum of 12 feet from any other structure on the same lot, and shall be completely enclosed using an F4 fence as a minimum requirement.
  - d. Screening shall be installed along the property line when the use abuts property residentially used or in one of the R districts. This screening shall include a berm or fence which shall be adequately maintained. Application of this provision shall not require a fence within the required front yard.
  - e. Facilities which serve a community wide or regional function shall be located with primary vehicular access on a collector or arterial street.
- (5) *Public service structures.* The conditions are as follows:
- a. All exterior building faces shall comply with section 36-366.
  - b. All structures shall be located a minimum of ten feet from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.
  - c. All service drives shall be paved.
- (6) *Utility substation.* The conditions are as follows:
- a. No structure shall be located within 25 feet of any property line.
  - b. No structures shall be located within 200 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.
- (7) *Animal handling.* The conditions are as follows:
- a. No animals shall be kept outside the building, or be otherwise located, which cause offensive odor discernible at the property line of the lot on which the activity is conducted.

- b. Where animals are boarded, the facility shall be located a minimum of 100 feet from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.
- (8) *Appliance, small engine and bicycle repair.* Engines shall not be operated or tested outside of a structure if the use is located within 300 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.
- (9) (Repealed Ord. No. 2311-06, 1-27-06)
- (10) *Convention/exhibition halls.* The conditions are as follows:
- a. All buildings, structures, and truck maneuvering areas shall be located a minimum of 100 feet from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.
  - b. All loading shall be done within a structure or in an area screened from view with a wall of the same material as the building. Truck maneuvering areas shall be completely screened as required by section 36-361(d).
- (11) *Food service.* The conditions are as follows:
- a. Building shall be located a minimum of 25 feet from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.
- (12) *Hotel/motel.* The conditions are as follows:
- a. The facility shall contain a minimum of 600 square feet of lot area per unit.
  - b. All buildings and structures shall be located a minimum of 100 feet from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.
- (13) *Reserved.*
- (14) *Medical, optical and dental laboratories.* The use shall not generate any fumes or odors which are detectable at the property lines of the parcel on which the use is located.
- (15) *Outdoor sales (display).* The conditions are as follows:
- a. No public address system shall be audible from any property located in an R district.
  - b. The site shall be kept neat and orderly.
  - c. The use shall not be permitted within any required yard, or landscaped area.
  - d. The use shall be located a minimum of 100 feet from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.

- e. The operator of the use shall not sell or trade exclusively in used merchandise, but shall have at least one-third of its stock on the site in new, unused merchandise.
  - f. All open sales or rental lots shall be operated in conjunction with a business operated in a building or buildings in which the same or similar materials are displayed and offered for sale as those displayed on the open sales or rental lot.
  - g. All paved areas shall be graded, designed and landscaped as required by section 36-361.
  - h. String lighting shall be prohibited.
  - i. The area of open sales or rental lot used for storage and display of merchandise shall not exceed two square feet for every one square foot of building on the site devoted to the same or similar use or accessory use.
- (16) *Printing process facilities.* The total floor area of the use shall not exceed 5,000 square feet.
- (17) *Private entertainment (indoor) without intoxicating liquor license.* The conditions are as follows:
- a. The structure in which the use is conducted shall be located a minimum of 60 feet from any parcel that is zoned residential and used or subdivided for residential or has an occupied institutional building including but not limited to a school, religious institution or community center.
  - b. If there is a wine and/or beer license, the following additional conditions shall apply:
    - 1. There shall be no separate bar area within the establishment.
    - 2. If the above conditions are not met, private indoor entertainment with a wine and/or beer license may apply for a conditional use permit under subsection (d)(9) of this section.
- (18) *Restaurants without intoxicating liquor license.* The conditions are as follows:
- a. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
  - b. Buildings shall be located a minimum of 25 feet from any parcel that is zoned residential and used or subdivided for residential or has an occupied institutional building including but not limited to a school, religious institution or community center.
  - c. If there is a wine and/or beer liquor license, the following additional conditions shall apply:
    - 1. There shall be no separate bar area within the restaurant.

2. If the conditions in subsections (c)(18)a.--(c)(18)c. of this section are not met, a restaurant with a wine and/or beer license may apply for a conditional use permit under subsection (d)(4) of this section, provided that the parking requirements for restaurants with intoxicating liquor licenses are met.

(19) *Shopping center.* The conditions are as follows:

- a. The shopping center shall be less than 50,000 square feet of gross floor area.
- b. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- c. All buildings and structures shall be set back a minimum of 25 feet from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.

(Ord. No. 2248-03, 8-18-03, Ord. No. 2325-07, 5-7-07)

(20) *Communication towers* that are 110 feet or less in height, subject to the provisions of Section 368 (Communication Towers and Antennas).

(Ord. No. 2367-09, 1-23-09)

(21) *Parking ramps as principal structure.* The conditions are as follows:

- a. The height of any parking ramp located within 200 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers may not penetrate the height of a line commencing at and perpendicular to said parcel line and extending upward away from said parcel at a slope of five horizontal feet for each vertical foot.
- b. The minimum yard requirement for any parking ramp located within 200 feet of a parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers, shall be 50 feet.
- c. Access shall be from a roadway identified in the comprehensive plan as a collector or arterial or otherwise located so that access can be provided without conducting significant traffic on local residential streets.
- d. The parking ramp shall be screened from view from any abutting property located within an R district. The screening shall include a six foot berm if the parking ramp is above ground.

- e. If the parking ramp is located within 400 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers, all light sources on the top deck of a parking ramp shall be below the sight lines drawn from a point one foot above the light source to any point within said parcel ten feet lower than the maximum structure height of that use district at a distance of 400 feet from the wall of the parking ramp nearest to said parcel.

(Ord. No. 2248-03, 8-18-03, Ord. No. 2325-07, 5-7-07)

(22) *Limited impact sexually-oriented business.* The conditions are as follows:

- a. No owner, manager or employee shall allow any sexually-oriented materials or entertainment to be visible or perceivable in any manner, including aurally, at any time from outside of the business.
- b. The business owner, manager, or employee shall ensure that no person under the age of 18 years enters the separate area where sexually-oriented materials are provided.
- c. No owner, manager, or employee shall allow any person under the age of 18 years to have access to any sexually-oriented materials, whether by sight, purchase, touch, or any other means.
- d. No owner, manager or employee may sell or display for sale any sexually-oriented materials except in original unopened packages.
- e. No business may have a license under chapter 3 of this Code other than an off-sale license for nonintoxicating malt liquor.
- f. Both the owner of a sexually-oriented business and the manager of the business shall be responsible for the conduct of their employees and for compliance with this section.
- g. No owner or manager of a sexually-oriented business shall employ a person under the age of 18 years.
- h. No owner, manager, or employee of a sexually-oriented business shall have been convicted of violating this section three or more times within 24 months.

- (23) *High impact sexually-oriented business.* The conditions are as follows:
- a. No person shall operate a high impact sexually-oriented business on property, any part of which is within the area circumscribed by a circle which has a radius of 350 feet from any of the uses listed in this subsection (c)(23). Distances shall be measured by following a straight line, without regard to intervening structures or objects, between the closest points on the property lines of the two uses. This distance requirement applies to the following uses:
    1. Property developed or zoned for residential uses;
    2. Property located in a major recreation zone;
    3. Property frequented by children or designed as a family destination, such as a day care facility, school, library, park, playground, nature center, religious institution, and other public recreational facility;
    4. Premises licensed under chapter 3 of this Code, relating to on-sale liquor, beer and wine licensing.
  - b. No person shall operate a high impact sexually-oriented business on property, any part of which is within the area circumscribed by a circle which has a radius of 1,000 feet from of another high impact sexually-oriented business.
  - c. No owner, manager or employee may sell or display for sale any sexually-oriented materials except in original unopened packages.
  - d. No owner, manager or employee of a high impact sexually-oriented business shall have been convicted of a sex crime, as identified in M.S.A. §§ 609.293--609.352, 609.746--609.749, 609.79, 518B.01, or related statute dealing with sexual assault, sexual conduct, harassment, obscenity, or domestic abuse.
  - e. No owner, manager or employee of a high impact sexually-oriented business shall allow any sexually-oriented materials or entertainment to be used on any sign or window display.
  - f. No owner, manager or employee of a high impact sexually-oriented business shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the high impact sexually-oriented business establishment which is prohibited by any ordinance of the city, the laws of the state, or the laws of the United States. Nothing in this chapter shall be construed to authorize or permit conduct which is prohibited or regulated by other statutes or ordinances, including but not limited to statutes or ordinance prohibiting the exhibition, sale or distribution of obscene material generally, or the exhibition, sale or distribution of specified materials to minors.
  - g. The business owner, manager or employee shall ensure that no person under the age of 18 years enters the business.
  - h. No owner, manager or employee shall allow any sexually-oriented materials or entertainment to be visible or perceivable in any manner, including aurally, at any time from outside of the business.

- i. No owner, manager or employee shall allow any person under the age of 18 years to have access to sexually-oriented materials, whether by sight, purchase, touch, or any other means.
- j. Each business shall display a sign on its main entrance door which reads: "This business sells sexually-oriented material or entertainment. Persons under the age of 18 are prohibited from entering." The sign letters shall be a minimum of two inches high.
- k. No business regulated by this subsection may have a license under chapter 3 of this Code, and no alcoholic beverages may be consumed in the business.
- l. No business shall exceed 10,000 square feet in gross floor area.
- m. No patron, employee, or other person may physically contact any specified anatomical area of himself or herself, or of any other person, except that a live performer may touch himself or herself.
- n. Each live performer shall remain at all times a minimum distance of ten feet from all members of the audience, and shall perform on a platform intended for that purpose, which shall be raised at least two feet from the level of the floor on which the audience is located. No performer may solicit or accept any pay, tip, or other item from any member of the audience.
- o. No business shall have any booths, stalls or partitions which separate any area from a general public room. The restrictions of this subsection do not apply to restrooms, storage rooms, or private offices of the owner, manager, or employees of the business, if such storage rooms or offices are used solely for running the business and no person other than the owner, manager, and employees is allowed in the storage rooms or offices.

(24) *Residential/multifamily/cluster housing.* The conditions are as follows:

- a. It is part of a larger commercial development permitted within the district.
- b. The building design and placement provide a desirable residential environment.
- c. Access to off-site parks, open space, plazas, and pedestrianways is provided.
- d. The housing is located above the ground floor.
- e. The building where the housing is provided is a maximum of three stories in height.
- f. The total number of units provided on an individual parcel does not exceed eight.
- g. The minimum spacing between buildings is at least equal to the average heights of the buildings except where dwellings share common walls.

(Ord. No. 2267-04, 4-12-04)

**(d) Uses permitted by conditional use permit.** No structure or land in a C-2 district shall be used for the following uses except by conditional use permit.

(Ord. No. 2358-08, 8-14-08)

- (1) *Motor fuel station.* The conditions are as follows:
- a. All pump islands, air dispensers and other service devices shall be installed at least 12 feet off and toward the interior of the lot from the required yard line, and no display, servicing of vehicles, parking or dispensing of gasoline shall take place within the required yard. On sites where pump islands have been constructed at the required yard line, a landscaped area of eight feet will be installed in the required yard.
  - b. All on site utility installations shall be placed underground.
  - c. No outside sale or display shall be permitted except gasoline and other goods consumed in the normal operation of a car limited to the following kinds of products: oil, gasoline and oil additives, windshield cleaner, windshield wipers, tires and batteries. No products shall be sold or displayed in any required yard nor shall the total display area occupy more than 150 square feet in area or be more than five feet in height. No other vehicular parts and nonautomobile oriented goods shall be displayed or sold outside.
  - d. Any canopy and canopy support system shall be constructed using architectural design and materials which are compatible with the principal structure.
  - e. Modification of the requirement of this section may be made for service stations in existence on the effective date of the ordinance from which this chapter is derived if the city council finds that, because of the shape of the lot, size of the lot, the location of the principal building on the lot, or similar circumstances, it would be impossible to satisfy the strict terms of this section or that they could be satisfied only by imposing exceptional or undue hardship upon the owner of the lot.
  - f. No public address system shall be audible from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.
  - g. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.
- (2) *Motor vehicle sales.* The conditions are as follows:
- a. No previously registered but currently unlicensed or nonoperable vehicles shall be stored on premises.
  - b. A minimum of 50 percent of the vehicles for sale on the premises shall be new vehicles.
  - c. All open sales or rental lots shall be operated in conjunction with a building or buildings containing the same or similar materials as displayed on the open sales or rental lot.
  - d. The building and the sales or rental lot shall be on one contiguous site.
  - e. String lighting shall be prohibited.

- f. The area of open sales or rental lot used for storage and display of merchandise shall not exceed two square feet for every one square foot of building on the site devoted to the same or a similar use or accessory use.
  - g. No test driving shall be permitted on local residential streets.
  - h. No outdoor public address system shall be permitted.
  - i. All customer and employee parking shall be clearly designated and signed.
  - j. No motor vehicle transport loading or unloading shall be permitted on any minor residential street.
  - k. No display or storage of motor vehicles shall be permitted on any public right-of-way.
  - l. The storage lot shall be located a minimum of 100 feet from any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers. (Ord. No. 2248-03, 8-18-03)
  - m. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.
- (3) *Motor vehicle service and repair.* The conditions are as follows:
- a. No public address system shall be audible from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.
  - b. All repair, assembly, disassembly and maintenance of vehicles shall be inside a closed building except tire inflation, changing wipers or adding oil.
  - c. Test driving shall be prohibited on any street in an R or O district.
  - d. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
  - e. The building housing the use shall be located a minimum of 100 feet from any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers. In the case of an automatic carwash where the vehicular entrance and exit doors do not face said parcel within 100 feet, the building shall be located a minimum of 95 feet from said parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers. (Ord. No. 2248-03, 8-18-03)

- f. Additional conditions for carwash:
1. A carwash shall have parking space to permit the stacking of at least 30 cars or the maximum number of vehicles which can be washed during a 30-minute period, whichever is greater; plus an additional ten off-street parking spaces for employees and storage of employee owned and washed cars.
  2. Drainage and surfacing plans for a carwash shall be approved by the director of public works. The plans shall describe the washwater disposal and sludge removal facilities to be employed to accomplish dust, salt, and other chemical and mud abatement on the premises and prevent the accumulation of surface water, washwater or sludge on the site or in the vicinity of the premises.
  3. No ingress or egress points for a carwash shall be closer than 150 feet from the point of intersection of the required front and side yard lines adjoining intersecting streets. The exit door from the carwash shall be at least 45 feet from the public right-of-way. Drainage shall be away from the public street at the egress points to prevent spillage onto the street. The grades of the interior floor shall be sloped away from the exit door, and such floor shall be sloped to an accepted interior drainage system. No water which is used in the operation of the carwash shall be allowed on any public right-of-way.
  4. Automatic carwashes accessory to a motor fuel station or motor vehicle service and repair facility shall provide stacking space for at least four cars. Cars located in these stacking spaces should not block ingress and egress driveways on the site or driveways providing access to gasoline pumps, service bays or required off-street parking, except that vehicles in stacking spaces may block access to parking stalls which are signed for employee parking only. All other provisions in subsections (d)(3)g.1. through (d)(3)g.4. of this section shall apply to automatic carwashes, except that no additional off-street parking spaces shall be required for an automatic carwash and ingress or egress to an automatic carwash may be permitted within 150 feet of the point of intersection of the required front and side yard lines subject to the limitations of subsection (7) of this section.
- g. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.
- (4) *Restaurants with intoxicating liquor license.* The conditions are as follows:
- a. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
  - b. Buildings shall be located a minimum of 100 feet from any parcel that is zoned residential and used or subdivided for residential or has an occupied institutional building including but not limited to a school, religious institution or community center.

- c. Separate pedestrianways shall be constructed to allow for the separation of pedestrian and vehicular movements within the parking lot.
- d. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.

(5) Places of Assembly. The conditions are as follows:

- a. All buildings shall be located a minimum of 30 feet from any lot line of a lot in an R district.
- b. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- c. Seating capacity shall be limited to 150 persons.
- d. Parking shall meet zoning code requirements, unless it is a religious or other institution that requires walking because of a religious tenet or other rule, then 1 space per every 8 seats shall be required.
- e. In multi-tenant buildings, noise shall be contained within that space dedicated to the place of assembly use. No noise shall be audible within common areas or in adjacent units.
- f. In multi-tenant buildings, the place of assembly shall have a separate entrance or shall have an interior entrance that is within 50 feet of a common building entrance.
- g. With intoxicating liquor, the following additional conditions apply:
  - i. Buildings shall be located a minimum of 100 feet from any parcel that is zoned residential and used or subdivided for residential or has an occupied institutional building including but not limited to a school, religious institution or community center.
  - ii. Separate pedestrianways shall be constructed to allow for the separation of pedestrian and vehicular movements within the parking lot.
  - iii. The use must be in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.

(Ord. No. 2311-06, 1-27-06, Ord No. 2325-07, 5-7-07)

- (6) *More than one principal building.* Uses where more than one principal building is located on a single lot.
- (7) *Multiple-family dwelling and cluster housing.* The conditions are as follows:
- a. It is part of a larger commercial development permitted within the district.
  - b. The building design and placement provide a desirable residential environment.
  - c. Access to off-site parks, open space, plazas and pedestrianways is provided.
  - d. The housing represents a maximum of 30 percent of the ground floor area of total development. One hundred percent of floor area above the ground floor may be developed as housing.
  - e. A minimum of 12% of the site area is developed outdoor recreation area.  
(Ord. No. 2267-04, 4-12-04)
  - f. The minimum spacing between buildings is at least equal to the average heights of the buildings except where dwellings share common walls.
  - g. All dwelling units are at or above the grade of all land within a distance of 25 feet from all faces of the buildings.
  - h. Buildings are located a minimum of 15 feet from the back of the curbline of internal private roadways or parking lots.
  - i. Housing density does not exceed 50 units per acre.
  - j. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.
- (8) *Elderly housing.* The conditions are as follows:
- a. The property meets all of the conditional use requirements of multiple-family dwellings in subsection (d)(7) of this section.
  - b. Covenants running with the land in a form approved by the city attorney have been recorded which restrict the use of the property for occupancy by the elderly.
  - c. The development shall provide a lounge or other inside community rooms amounting to a minimum of 15 feet for each unit.
  - d. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.  
(Ord. No. 2267-04, 4-12-04)

(9) *Private entertainment (indoor) with intoxicating liquor license.* The conditions are as follows:

- a. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- b. Buildings shall be located a minimum of 100 feet from any parcel that is zoned residential and used or subdivided for residential or has an occupied institutional building including but not limited to a school, religious institution or community center.
- c. Separate pedestrianways shall be constructed to allow for the separation of pedestrian and vehicular movements within the parking lot.
- d. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.

(10) *Post office customer service.*

- a. The use shall only be permitted when it can be demonstrated that the operation will not have a significant adverse effect on the existing level of service and safety of adjacent streets and intersections.
- b. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- c. The use, including access, parking and any proposed drive through component, shall be designed so it does not impede traffic or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian or vehicular conflicts.
- d. Outdoor mailboxes intended for in-vehicle service shall be located to allow in-vehicle mail drop-off by the vehicle's driver. Each mail drop-off location shall allow for the on-site stacking of six vehicles or more.
- e. Drive through and stacking areas shall not be within 100 feet of any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers unless the entire facility and stacking areas are separated from said parcel by a building wall.

(Ord. No. 2248-03, 8-18-03, Ord No. 2325-07, 5-7-07)

(11) *In-vehicle sales or service.* The conditions are as follows:

- a. Drive-through facilities and stacking areas shall not be located within 100 feet of any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers, unless the entire facility and stacking areas are separated from the lot in an R district by a building wall.

(Ord. No. 2248-03, 8-18-03)

- b. Stacking shall be provided for six cars per customer service point and shall comply with all yard requirements.
- c. This use shall only be permitted when it can be demonstrated that the operation will not have a significant adverse affect on the existing level of service on adjacent streets and intersections.
- d. The drive-through facility shall be designed so it does not impede traffic or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian or vehicular conflicts.
- e. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- f. Any canopy constructed as part of this use shall be compatible with the architectural design and materials of the principal structure.
- g. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.

(12) *Retail stores and large item retail stores over 20,000 square feet.*

- a. This use shall only be permitted when it can be demonstrated that the operation will not have a significant adverse affect on the existing level of service on adjacent streets and intersections.
- b. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- c. All buildings and structures shall be set back a minimum of 25 feet from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.
- d. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.

(13) *Shopping center between 50,000 and 200,000 square feet.* The conditions are as follows:

- a. The shopping center development shall not exceed 200,000 square feet of gross floor area.
- b. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.

- c. All buildings and structures shall be set back a minimum of 25 feet from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.
  - d. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.
- (14) *Educational (academic)*. The conditions are as follows:
- a. When outdoor play areas are provided, a minimum of 40 square feet of outside play space per pupil must be provided and such space shall be enclosed with a fence.
  - b. Outdoor areas designated from group activities shall be located a minimum of 25 feet from a lot in an R district.
  - c. Pickup/dropoff areas shall not conflict with other on-site or abutting land uses and shall not create congestion on public streets. Only automobiles and passenger vans shall be allowed to use an alley for pickup and dropoff of students.
  - d. The size of the school shall be limited to 20 students.
  - e. In multitenant buildings, the school shall have at least one separate building entrance or shall have an interior entrance that is within 50 feet of a common building entrance.
- (Ord. No. 2248-03, 8-18-03)
- (15) *Communication towers* more than 110 feet in height but not to exceed 170 feet in height, subject to the provisions of Section 368 (Communication Towers and Antennas).
- (Ord. No. 2367-09, 1-23-09)
- (16) *Pawnshops*. The conditions are as follows:
- a. The lot must be at least 1,000 feet from the property line of a site containing another pawnshop, currency exchange, payday loan agency, gun shop, liquor store or sexually-oriented business. In the case of a shopping center or multi-use building, the distance shall be measured from the portion of the center or building occupied by the pawnshop.
  - b. The pawnshop use shall not operate in conjunction with a sexually-oriented business.
  - c. The lot shall be located a minimum of 350 feet from any parcel that is zoned residential, or has an educational (academic) use, religious institution, park, library or community center. In the case of a shopping center or multi-use building, the distance shall be measured from the portion of the center or building occupied by the pawnshop.
  - d. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial. Access to and from local residential streets is prohibited.
  - e. In-vehicle sales or service are prohibited.

- f. Fire arm transactions are prohibited.
- g. The use shall be contained within a completely enclosed building, and no outside storage, display, or sale of merchandise is permitted.
- h. Exterior loudspeakers or public address systems are prohibited.
- i. Visibility into the store shall be maintained by utilizing clear, transparent glass on all windows and doors, and by keeping all windows free of obstructions for at least three feet into the store. Product may be displayed for sale in the window as long as the display, including signage, does not occupy more than 30 percent of the window area.
- j. Interior and exterior bars, grills, mesh or similar obstructions, whether permanently or temporarily affixed, shall not cover any exterior door or more than ten percent of any individual window or contiguous window area.
- k. Neon accents and back-lighted awnings shall be prohibited.
- l. Parking space requirements shall be determined pursuant to Section 36-361(c) (1). If a pawnshop is combined with another use such as a currency exchange or payday loan agency, each use shall be considered a separate use for purposes of determining minimum parking requirements.

(Ord. No. 2349-08, 2-22-08)

(17) *Payday loan agency and currency exchange:*

- a. The lot must be at least 1,000 feet from the property line of a site containing a pawnshop, currency exchange, payday loan agency, firearms sales, liquor store or sexually-oriented business. In the case of a shopping center or multi-use building, the distance shall be measured from the portion of the center or building occupied by the payday loan agency or currency exchange.
- b. The use shall not operate in conjunction with a sexually-oriented business.
- c. The lot shall be located a minimum of 350 feet from any parcel that is zoned residential, or has an educational (academic) use, religious institution, park, library or community center. In the case of a shopping center or multi-use building, the distance shall be measured from the portion of the center or building occupied by the use.
- d. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial. Access to and from local residential streets is prohibited.
- e. In-vehicle sales or service are prohibited.
- f. The use shall be contained within a completely enclosed building.
- g. Exterior loudspeakers or public address systems are prohibited.
- h. Windows must be of clear, transparent glass and be free of obstructions for at least three feet into the store. Product may be displayed in the window as long as the display, including signage, does not occupy more than 30 percent of the window area.

- i. Neon accents and back-lighted awnings shall be prohibited.

(18) *Firearms sales:*

- a. The lot must be at least 1,000 feet from the property line of a site containing a pawnshop, currency exchange, payday loan agency, liquor store or sexually-oriented business. In the case of a shopping center or multi-use building, the distance shall be measured from the portion of the center or building occupied by the payday loan agency or currency exchange.
- b. The use shall not operate in conjunction with a sexually-oriented business.
- c. The lot shall be located a minimum of 350 feet from any parcel that is zoned residential, or has an educational (academic) use, religious institution, park, library or community center. In the case of a shopping center or multi-use building, the distance shall be measured from the portion of the center or building occupied by the use.
- d. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial. Access to and from local residential streets is prohibited.
- e. In-vehicle sales or service are prohibited.
- f. The use shall be contained within a completely enclosed building.
- g. Exterior loudspeakers or public address systems are prohibited.
- h. Windows must be of clear, transparent glass and be free of obstructions for at least three feet into the store. Product may be displayed in the window as long as the display, including signage, does not occupy more than 30 percent of the window area.
- i. Neon accents and back-lighted awnings shall be prohibited.

(Ord. No. 2358-08, 8-14-08; Ord. No. 2367-09, 1-23-09)

**(e) Uses permitted by PUD.** No structure or land in a C-2 district shall be used for the following uses except by the PUD process. Uses and structures which are permitted by right, permitted with conditions, or permitted as conditional uses may also be permitted by PUD. Provisions for the PUD and modifications to dimensional standards and densities are provided under section 36-367.

- (1) Shopping centers over 200,000 square feet of gross floor area provided that the following conditions are met:
  - a. The shopping center must conform with all of the conditions for shopping centers less than 200,000 square feet of gross floor area (see subsection (c)(19)b. through (c)(19)d. of this section).

- b. The shopping center must comply with the plan by neighborhood policies of the comprehensive plan for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.
- c. New in-vehicle sales or service shall only be permitted when it can be demonstrated that their operation will not have a significant adverse effect on the internal circulation of the PUD and the level of service of nearby street and intersections and must comply with the following conditions:
  - 1. Drive through facilities and stacking areas shall not be located within 100 feet of any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers, unless the entire facility and stacking areas are separated from said parcel by a building wall.
  - 2. Stacking shall be provided for a minimum of six cars per customer service point.
  - 3. Stacking shall be prohibited on public streets, in fire lanes, and in areas that interfere with on-site vehicular and pedestrian circulation.(Ord. No. 2325-07, 5-7-07)
- d. Outdoor sales/display, other than temporary outdoor sales in conformance with section 36-82(b)(5), shall only be permitted when it can be demonstrated that such use can be aesthetically integrated into the PUD site design and must comply with the conditions set forth in subsection (c)(15) of this section, and the following additional conditions:
  - 1. The size of the outdoor sales/display areas may be no greater than 30 percent of the ground floor building area of the associated principal uses and may be further restricted as deemed appropriate to the scale of the PUD and associated indoor uses.
  - 2. A masonry wall shall be required around the entire outdoor sales/display area and shall utilize the same exterior materials as the principal building; landscaping may also be required to supplement the appearance of the wall and diminish views of the area from surrounding properties.
  - 3. No outdoor sales/display items other than plant materials may extend above the height of the wall.
  - 4. Any temporary or permanent buildings associated with the outdoor sales/display area must be architecturally integrated with the principal buildings and approved as part of the PUD.
- e. All stores that provide shopping carts must include interior and exterior cart storage areas. Areas within parking lots for the temporary storage of shopping carts must be separated from parking spaces by curbed, landscaped islands and shall not include metal cart corrals. Other outdoor shopping cart storage areas must be screened utilizing architectural screening of the same exterior materials as the principal building.

- f. Shopping centers constructed after adoption of the ordinance from which chapter is derived shall reserve at least ten percent of required parking spaces as landscaped open space for a minimum of two years after issuance of the certificate of occupancy. At any time during the first two years or thereafter, such proof of parking open space shall be converted to parking if the zoning administrator finds that such parking is necessary based upon evidence of overflow parking on public streets, on neighboring off-site properties, in fire lanes, or in other on-site areas that are not striped for parking. After two years, the proof of parking open space may be converted to parking if deemed necessary by the property owners or tenants. This requirement may be waived by the city council if open space in excess of minimum requirements is provided in other areas of the site.
- g. Cumulative parking requirements may be reduced up to 30 percent of required spaces at the sole discretion of the city council if one or more of the following are provided:
  - 1. Proof of parking areas in excess of minimum required to be set aside as open space.
  - 2. Agreement to construct parking ramps or other means of satisfying parking requirements when and if warranted as determined by the city zoning administrator based upon evidence of overflow parking on public streets, on neighboring off-site properties, in fire lanes, or in other on-site areas that are not striped for parking.
  - 3. Joint parking/shared parking arrangements between uses.
  - 4. Off-site employee parking, employee car/van pooling, and/or provision of employee transit passes.
  - 5. Superior transit, pedestrian, and/or bicycle access and bicycle parking.
- h. All trash handling and loading areas must be interior or utilize architectural screening consisting of the same exterior facing materials as the principal building.
- i. Single-use buildings over 10,000 square feet and multiple-use buildings over 15,000 square feet that are constructed after adoption of this chapter must utilize a landscaped screening area that is a minimum of 40 feet in width in order to satisfy this requirement. Such screening must include a minimum five-foot-tall berm along its entire length, a double row of evergreen trees that are each a minimum of eight feet tall at planting and spaced no more than 25 feet apart, and deciduous trees interspersed with the evergreen plantings.
- j. Buildings constructed after adoption of the ordinance from which this chapter is derived must utilize at least 60 percent brick, marble, granite or other natural stone on each building face and no more than ten percent class III materials on any building face that is visible from public areas within the PUD or from off-site.
- k. Shopping centers constructed after adoption of the ordinance from which this chapter is derived must visually integrate all buildings by utilizing some of the same exterior materials and architectural elements such as roof pitch and window treatments.

- l. Buildings constructed after adoption of the ordinance from which this chapter is derived and additions to existing buildings may not exceed the unbroken building wall length to height ratio of 3:1. If the 3:1 ratio is used, each building wall deviation must be a minimum depth of two feet. If a 2:1 building wall length to height ratio is used, the depth of each building wall deviation may be reduced to one foot.
- m. Buildings constructed after adoption of the ordinance from which this chapter is derived and additions to existing buildings must utilize parapet walls to completely screen rooftop equipment from ground level view and must paint rooftop equipment to match the color of the roof in order to minimize the visual impact as viewed from other buildings.
- n. Shopping centers constructed after adoption of the ordinance from which this chapter is derived must include sidewalks along all public street right-of-ways as deemed appropriate and on-site pedestrian connections that are separated from parking areas by curbed, landscaped islands which have a minimum width of 20 feet inclusive of sidewalk.
- o. Shopping centers constructed after adoption of the ordinance from which this chapter is derived must provide either outdoor or indoor public plazas. Public plazas must have a minimum size of ten percent of the total ground floor building area of the shopping center (including outdoor sales building area) and shall contain landscaping, walkways, benches, and a feature element such as a fountain or clock tower. Interior mall food courts are not included in public plaza areas. Outdoor public plazas shall be designed to break up large areas of parking and shall be accessible via landscaped pedestrian islands described in subsection (e)(14) of this section.
- p. A development agreement is required as part of the final PUD approval and shall address at a minimum: approved site and building design criteria, approved sign locations and design criteria, construction phasing, bonding or other financial surety for construction of on- and off-site improvements generated by the development, and maintenance.
- q. The shopping center shall comply with all other applicable provisions of this chapter unless specifically modified by the conditions listed in subsections (e)(1) through (e)(16) of this section or by approval of a final PUD plan and development agreement.
- r. Alternative means of satisfying the above conditions may be approved as part of the final PUD plan at the sole discretion of the city council.

**(f) Accessory uses.** The following uses shall be permitted accessory uses in any C-2 district:

- (1) Warehouse/storage provided that the storage does not occupy more than 40 percent of the gross floor area of the site. No warehouse/storage area shall exceed 20,000 square feet.
- (2) Parking lots which comply with the requirements of section 36-361.
- (3) Parking ramps if all of the conditions of subsection (c)(21) of this section are met.

- (4) Helistops, if subordinate to the principal use in area, extent and purpose. The helicopter pad must be dustfree and screened from view and take off and landings shall not be over residential areas. Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m., excluding emergency operations.
- (5) Incidental repair or processing which is necessary to conduct a permitted principal use shall not exceed 40 percent of the gross floor area or 40 percent of the labor hours required to conduct the principal permitted use.
- (6) Food service (section 36-193(c)(12) where food service is an accessory use to other uses).
- (7) Outdoor seating and service of food and beverages is permitted as an accessory use to a restaurant if:
  - a. The use shall not be located in the interior side or back yard if the use is adjacent to a parcel that is occupied by a residential dwelling. This provision will not apply if the first floor of the building located on the adjacent parcel is not occupied by a residential dwelling or if a residential dwelling is located above the restaurant. (Ord. No. 2384-10, 5-28-10)
  - b. No speakers or other electronic devices which emit sound are permitted outside of the principal structure if the use is located within 500 feet of a residential use.
  - c. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. if located within 500 feet of a residential use.

Additional parking will not be required if the outdoor seating area does not exceed 500 square feet or ten percent of the gross floor area of the restaurant, whichever is less. Parking will be required at the same rate as the principal use for that portion of outdoor seating area in excess of 500 square feet or ten percent of the gross building area, whichever is less.
- (8) Catering if accessory to a restaurant, food service, delicatessen, grocery store or retail bakery.
- (9) Autobody/painting is permitted as an accessory use to motor vehicle sales if:
  - a. Inoperable vehicles are stored indoors.
  - b. The facility is located a minimum of 300 feet from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions and community centers.
  - c. The use is incorporated into the motor vehicle sales/service building and does not exceed 30% of the gross floor area of said building.

(Ord. No. 2248-03, 8-18-03; Ord. No. 2325-07, 5-7-07)

**(g) Dimensional standards/densities.**

- (1) No structure or building shall exceed the lesser of six stories or 75 feet in height, unless authorized by section 36-78 or section 36-367. The height limit may be increased by 50 percent to permit buildings nine stories or 112.5 feet in height, whichever is the lesser. This greater building height shall only be permitted for buildings which meet the following conditions:
  - a. The building shall be at least 200 feet from any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers. (Ord. No. 2248-03, 8-18-03)
  - b. The building shall not cast a shadow on residential structures between the hours of 9:00 a.m. and 3:00 p.m.
  - c. The building shall be located within travel demand management zones A or B as defined in section 36-322.
- (2) The floor area ratio within the C-2 district shall not exceed 2.0.
- (3) A side yard abutting a street shall not be less than 15 feet in width.
- (4) The front yard shall be a minimum of five feet unless a greater depth is required to meet screening requirements. If the average depth of at least two existing front yards for buildings within 150 feet along the same block front of the lot in question, are less or greater than 20 feet, in that case the required front yards shall be the average depth of such existing front yards, but the depth of a front yard shall not be less than five feet or be required to exceed 50 feet. (Ord. No. 2325-07, 5-7-07)
- (5) There shall be no required side yard for buildings unless the side yard abuts an R district. If that is the case, for buildings up to 35 feet in height, the required side yard shall be the same as the required side yard for the abutting R district. For buildings 35 feet and higher, the required side yard shall be 15 feet plus one foot for each foot of building height in excess of 35 feet. The required setback for buildings over 35 feet in height may be met by setting back those stories of the building over 35 feet.
- (6) There shall be no required rear yard for buildings under 35 feet in height, unless the rear yard abuts an R district. If that is the case, the required rear yard shall be 15 feet. The minimum rear yard for buildings over 35 feet in height shall be half the building height, unless it abuts an R district and then the required rear yard shall be equal to the building height.

(Code 1976, § 14:5-5.3; Ord. No. 2167-00, 5-15-2000; Ord. No. 2188-01, 2-5-2001; Ord. No. 2196-01, 4-2-2001; Ord. No. 2220-02, § 2, 3-18-2002; Ord. No. 2226-02, § 2, 6-3-2002; Ord. No. 2234-02, § 2, 12-2-2002; Ord. No. 2248-03, 8-18-2003, Ord. No. 2311-06, 1-27-2006; Ord. No. 2325-07, 5-7-2007; Ord. No. 2349-08, 2-22-2008; Ord. No. 2358-08, 8-14-2008; Ord. No. 2367-09, 1-23-2009; Ord. No. 2384-10, 5-28-2010)

**Cross reference(s)--**Businesses and licenses, ch. 8.

**Secs. 36-195--36-220. Reserved.**