

To: Planning Commission
From: Mannette Minier
Date: December 9, 2015
RE: Proposed ZO Changes for Commercial Uses

Chapter 17 – I - INDUSTRIAL.

Sec. 17.2 PERMITTED USES.

Land and/or buildings in this District may be used for the following purposes by right:

- (A) Compounding, processing, packaging, treating and assembling from previously prepared materials in the production of:
 - (1) Food products including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionery, beverage and kindred foods.
 - (2) Textile mill products including woven fabric, knit goods, dyeing, and finishing, floor coverings, yarn and thread and other textile goods.
 - (3) Apparel and other finished products made from fabrics, leather goods, fur, canvas, and similar materials.
 - (4) Lumber and wood products including millwork, prefabricated structural wood products and containers, not including logging camps or outdoor storage.
 - (5) Furniture and fixtures.
 - (6) Paperboard containers, building paper, building board, and bookbinding.
 - (7) Printing and publishing.
 - (8) Chemical products such as plastics, perfumes, synthetic fibers.
 - (9) Engineering, measuring, optic, medical, lenses, photographic, and similar instruments.
 - (10) Jewelry, silverware, toys, athletic, office and tobacco goods, musical instruments, signs and displays, lampshades, and similar products.
- (B) Wholesale establishments including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products, and furnishings, and lumber and building products, not including outdoor storage.
- (C) Warehouses, cartage businesses.
- (D) Laboratories including experimental, film and testing.
- (E) Trade or industrial schools and veterinary hospitals or clinics **or kennels**.
- (F) Motor freight terminals and distribution centers including garaging and maintenance of equipment. Freight forwarding, packing, and crating services.
- (G) Central dry-cleaning plant.
- (H) Municipal buildings, public service buildings.
- (I) Electricity regulating substation, and pressure control station for gas, water and sewage.
- (J) Office buildings for any of the following: executive, administrative, professional, accounting, clerical or stenographic, and drafting.
- (K) Accessory buildings and uses customarily incidental of the above permitted uses as defined in Chapter II.
- (L) Private non-commercial recreation. (moved from 17.3)**
- (M) Vehicle repair establishments. (moved from 17.3)**
- (N) Restaurants or other eating or drinking establishments which provide food or drink on the premises, not including drive-in establishments. (moved from 17.3 and deleted “not” to allow drive-ins.)**
- (O) Contractor’s yards, building materials storage. (moved from 17.3)**
- (P) Tool and die, metal working (but no metal stamping) and stone, clay, glass, concrete, brick, pottery, abrasives, tile and related products. (moved from 17.3)**

- (Q) Retail sales fronting on a major street with no outdoor sales or display. (moved from Sec. 17.3)**
- (R) Contractor/showroom (where, in general, the contractor installs the product)(revised 6-8-09) (moved from Sec. 17.3)**
- (S) Health and physical fitness salons, indoor sports, gymnastics and dance studios. (revised 5/23/11) (moved from 17.3)**
- (T) Mini-storage garages. (revised 8/22/2011) (moved from 17.3)**
- (U) Commercial enterprises producing merchandise on the premises to be sold at retail and/or wholesale. (moved from 15.3 CS with SUP to CS and HS by right)**

Sec. 17.3 USES REQUIRING SPECIAL LAND USE APPROVAL.

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met.

- (A) Waste treatment facilities.
- (B) Water supply and treatment facilities.
- (C) Waste disposal facilities, including incinerators and sanitary landfills.
- ~~(D) Private non-commercial recreation. (Moved to Sec. 17.2)~~**
- (E) Airports and Landing fields.
- ~~(F) Vehicle repair establishments. (Moved to Sec. 17.2)~~**
- ~~(G) Restaurants or other eating or drinking establishments which provide food or drink on the premises, not including drive-in establishments. (Moved to Sec. 17.2)~~**
- ~~(H) Contractor's yards, building materials storage. (Moved to Sec. 17.2)~~**
- (I) Commercial soil removal.
- ~~(J) Tool and die, metal working (but no metal stamping) and stone, clay, glass, concrete, brick, pottery, abrasives, tile and related products. (Moved to Sec. 17.2)~~**
- ~~(K) Outdoor storage in connection with any permitted use. (deleted because already allowed in the I district in rear yard as per standards in Chapter 24 footnote (r))~~**
- (L) Heating and electric power generating plants.
- (M) Junk yards and salvage yards.
- ~~(N) Retail sales (revised 7/25/95)(revised 1/14/08) (Moved to Sec. 17.2 with standards) (delete 20.1 and 20.4(AF)).~~**
- (O) Commercial radio and television and wireless communication towers. (Revised November 1997).
- ~~(P) Contractor/showroom (where, in general, the contractor installs the product)(revised 6-8-09) (moved to Sec. 17.2)~~**
- ~~(Q) Health and physical fitness salons, indoor sports, gymnastics and dance studios. (revised 5/23/11) (moved to Sec. 17.2)~~**
- ~~(R) Mini-storage garages. (revised 8/22/2011) (moved to Sec. 17.2)~~**

Chapter 16 – HS – HIGHWAY SERVICE COMMERCIAL.

Sec. 16.2 PERMITTED USES.

Land and/or buildings in this District may be used for the following purposes by right, PROVIDED, that where applicable, the design standards defined in Chapter XX for these specific uses shall apply.

- (A) Any permitted use in the CS District.
- ~~(B) Vehicle service stations and wash establishments. (moved to 15.2 CS by right)~~**
- (C) Hotels and motels.
- ~~(D) Drive-in businesses including restaurants, banks, dry cleaning pick-up stations and other similar uses. (moved to 15.2)~~**

Sec. 16.3 USES REQUIRING SPECIAL LAND USE APPROVAL.

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met.

- (A) ~~Commercial recreation facilities such as indoor theaters, bowling alleys, indoor skating rinks, billiard parlors or similar uses. (moved to 15.2 CS by right)~~
- (B) Vehicle repair establishments when all activities are conducted within a wholly enclosed building.
- (C) Drive-in theaters.
- ~~(D) Building supply and equipment establishments. (moved to 15.2 CS by right)~~
- (E) Veterinary/animal hospitals, clinics, and kennels.
- (F) Greenhouses and plant nurseries selling retail. (added to 15.3 CS with SUP)
- (G) **Par 3 golf course, miniature golf, driving ranges and similar outdoor recreation uses. (added to 15.3 CS with SUP)**
- (H) Open air businesses.
- (I) **Hospitals.** (added by right in OS with standards, therefore allowed in all commercial and residential districts)
- (J) Amusement parks. (added to 15.3 CS with SUP)
- ~~(K) Municipal buildings and service installations. (allowed by right in 13.2)~~
- ~~(L) Any business or use permitted by right or by special land use approval in the HS Commercial district and having or providing more than two electronic games.~~
- (M) Commercial soil removal.
- (N) Mini-storage garages.
- (O) Sexually oriented businesses (revised 6-23-03).
- ~~(P) Commercial Enterprises producing merchandise on the premises to be sold at retail and/or wholesale. (moved to 15.2 CS by right with no outdoor storage.)~~
- (Q) Commercial radio and television and wireless communication towers. (Revised November 1997)
- (R) Daycare center. (revised 2-22-10)

Chapter 15 – CS – COMMUNITY SERVICE COMMERCIAL.

Sec. 15.2 PERMITTED USES.

Land and/or buildings in this District may be used for the following purposes by right:

- (A) Any permitted use in the NS District.
- ~~(B) Any Retail Business whose principal activity is the sale of merchandise within an enclosed building. (move to 14.2 NS by right)~~
- (C) Service establishments including printing, publishing, photo reproduction, blue-printing, and related trades or arts.
- ~~(D) Assembly buildings including dance pavilions, auditoriums, churches, and private clubs.~~
- ~~(E) Public or private business schools or colleges. (moved to 14.2 NS by right)~~
- ~~(F) Municipal buildings and service installations. (allowed 13.2 in OS by right)~~
- ~~(G) Public utility buildings and service installations. (allowed 13.2 in OS by right)~~
- ~~(H) Health and physical fitness salons. (move to 14.2 NS by right)~~
- ~~(I) Restaurants, clubs and other drinking establishments which provide food or drink for consumption on the premises, excluding drive-in restaurants. (moved to 14.2 NS by right and allow drive-ins)~~
- (J) **Vehicle service stations and wash establishments. (moved from 16.2)**
- (K) **Commercial recreation facilities such as indoor theaters, bowling alleys, indoor skating rinks, billiard parlors or similar uses. (moved from HS 16.3 with SUP to by right)**
- (L) **Building supply and equipment establishments. (moved from 16.3 with SUP to by right)**

- (M) Commercial Enterprises producing merchandise on the premises to be sold at retail and/or wholesale with no outdoor activities or storage. (moved from 16.3 CS with SUP with no outdoor storage.)**
- (N) Warehouses selling wholesale or retail on the premises, PROVIDED, there is no outside storage or stockpiling and the property does not lie within one hundred (100) feet of any Residential District. (moved from 15.3 CS with SUP now by right in CS and HS)**

Sec. 15.3 USES REQUIRING SPECIAL LAND USE APPROVAL.

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met.

- (A) ~~Drive-in establishments including restaurants, banks, dry cleaning pick-up stations and other similar uses.~~ (moved to 14.2 NS by right)**
- (B) Open air businesses.**
- (C) ~~Vehicle service stations and wash establishments.~~ (moved to 15.2 by right)**
- (D) ~~Mortuaries and funeral homes.~~ (moved to 14.2 NS by right with standards)**
- (E) ~~Commercial recreation facilities such as indoor theaters, bowling alleys, indoor skating rinks, billiard parlors or similar uses.~~ (moved to 15.2 CS by right)**
- (F) Veterinary hospitals, clinics, and kennels. (added to 14.3 NS with SUP)**
- (G) ~~Commercial enterprises producing merchandise on the premises to be sold at retail and/or wholesale.~~ (moved to 15.2 CS and HS by right and to 17.2 Industrial by right)**
- (H) Amusement Parks.**
- (I) ~~Warehouses selling retail on the premises, PROVIDED, there is no outside storage or stockpiling and the property does not lie within one hundred (100) feet of any Residential District.~~ (moved to 15.2 CS and HS by right)**
- (J) ~~Any business or use permitted by right or by special land use approval in the CS Commercial district and having or providing more than two electronic games.~~**
- (K) Commercial soil removal.**
- (L) Day Care Centers.**
- (M) Commercial radio and television and wireless communication towers. (Revised November 1997)**
- (N) Vehicle repair establishments when all activities are conducted within a wholly enclosed building ~~and provided that such activities do not include collision services, such as body frame or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.~~ (revised 12-8-98)**
- (O) Adult Foster Care Congregate Facility. (revised 5-24-04)**
- (P) Greenhouses and plant nurseries selling retail. (added from 16.3 with SUP)**
- (Q) Par 3 golf course, miniature golf, driving ranges and similar outdoor recreation uses. (added from 16.3 CS with SUP)**
- (R) Amusement parks. (added from 16.3 CS with SUP)**

Chapter 14 – NS – NEIGHBORHOOD SERVICE COMMERCIAL.

Sec. 14.2 PERMITTED USES.

Land and/or buildings in this District may be used for the following purposes by right:

- (A) Any permitted use in the OS District.**
- (B) ~~Retail Food Establishments which supply groceries, fruits, vegetables, meats, dairy products, baked goods, confections, or similar commodities for consumption off the premises. Foodstuffs may be prepared or manufactured on the premises as an accessory activity if the sale of the product is limited to the local retail store. (Includes take-out food-no seating)~~**

- ~~(C) Other Retail Businesses such as drug, variety, dry goods, clothing, notions, music, book, hardware, or furniture stores which supply commodities on the premises.~~
- (B) Any Retail or Wholesale Business whose principal activity is the sale of merchandise within an enclosed building. (moved from 15.2 CS by right)**
- (C) Assembly buildings including dance pavilions, auditoriums, churches, and private clubs. (moved from 15.2)**
- (D) Public or private business schools or colleges. (moved from 15.2)**
- (E) Health and physical fitness salons. (moved from 15.2(H))**
- (F) Restaurants, clubs and other drinking establishments which provide food or drink for consumption on the premises, excluding drive-in restaurants. (moved from 15.2I and now allow drive-ins)**
- (G) Drive-in businesses including restaurants, banks, dry cleaning pick-up stations and other similar uses. (moved from 16.2)**
- (H) Mortuaries and funeral homes (moved from 15.3D with SUP) provided the minimum lot area shall be one acre with a minimum width of one hundred and fifty (150) feet and the site shall front upon an arterial or collector street.**

Sec. 14.3 USES REQUIRING SPECIAL LAND USE APPROVAL.

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met.

- ~~(A) Restaurants, not permitting dancing, live entertainment, or the consumption of alcoholic beverages on the premises, and not including drive-in facilities. (allowed by right 14.2 NS)~~
- ~~(B) Mortuaries and funeral homes. (allowed by right 14.2 NS)~~
- ~~(C) Vehicle service stations, maximum four (4) pump islands.~~
- (D) Public utility and service buildings not requiring a storage yard. (moved to 13.2 by right-all commercial districts)**
- ~~(E) Drive-in establishments including banks, dry cleaning pick-up stations, and other similar uses. (allowed by right in NS and above)~~
- (F) Day care centers.
- (G) Any business or use permitted by right or by special land use approval in the NS Commercial district and having or providing more than two electronic games.**
- (H) Commercial soil removal.
- (I) Vehicle Wash Establishment (August 6, 1996)
- (J) Commercial radio and television and wireless communication towers. (Revised November 1997)
- (K) Churches (Revised April 1998) (allowed by right in 14.2 NS and above)**
- (L) Adult Foster Care Congregate Facility. (revised 5-24-04)
- (M) Veterinary hospitals, clinics, and kennels. (plus from 15.3 CS with SUP)**

Chapter 13 – OS – OFFICE-SERVICE COMMERCIAL.

Sec. 13.2 PERMITTED USES.

Land and/or buildings in this District may be used for the following purposes by right:

- (A) Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, and office equipment and supplies sales.
- (B) Medical offices including clinics.
- (C) Banks, credit unions, savings and loan institutions not including drive-in facilities.

- (D) Personal service establishments which perform personal services on the premises, including barber and beauty shops, interior decorating shops, photographic studios, laundromats or similar uses. (revised 7/25/95)
- (E) Hospitals, provided, ~~the design standards defined in Chapter XX, shall apply.~~ **At least one (1) property line abuts a major or minor arterial street; minimum main and accessory building setback shall be one hundred (100) feet; and ambulance and emergency entrance areas shall be visually screened from view of adjacent residential uses by a structure or by a sight-obscuring wall or fence of six (6) feet or more in height. Access to and from the ambulance and delivery area shall be directly from a major or minor arterial street.**
- (F) Commercial schools including art, business, music, dance, professional, and trade.
- (G) Municipal buildings, **public utility buildings, service installations,** exchanges, and public utility offices ~~but not including storage yards, substations, or regulator stations.~~ (moved from Sec. 16.3K with SUP)
- (H) **Churches (moved from 13.3 with SUP to by right).**
- (I) Accessory buildings and uses as defined in Chapter II.

Sec. 13.3 USES REQUIRING SPECIAL LAND USE APPROVAL.

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met.

- (A) Drive-in establishments including banks, dry cleaning pick-up stations and similar personal services, not including drive-in restaurants and vehicle service stations.
- (B) Restaurants or other establishments serving food and/or beverages but not including drive-ins.
- (C) Mortuaries and funeral homes.
- (D) **Any business or use permitted by right or by special land use approval in the OS Commercial district and having or providing more than two electronic games.**
- (E) Commercial soil removal.
- (F) Commercial radio and television and wireless communication towers. (Revised November 1997)
- ~~(G) Churches (Revised April 1998) (moved to 13.2 by right)~~
- (H) Day care centers (revised 10-25-06)

Sec. 20.1 SCOPE.

- (C) **Veterinary/**Animal hospitals.
- (G) ~~Commercial enterprises producing merchandise.~~
- (AF) ~~Retail sales as an accessory use to a Permitted or Special Approval Use~~
- (AJ) ~~Health and physical fitness salons, indoor sports, gymnastics and dance studios~~

Sec. 20.4 SITE DESIGN STANDARDS.

- ~~(G) Commercial enterprises producing merchandise: (revised 2/10/14)~~
 - ~~(1) (Deleted 2/10/14)~~
 - ~~(2) (Deleted 2/10/14)~~

- ~~(3) The production operation shall not be detrimental to any adjoining properties by reason of odor, noise, smoke, or vibration.~~
- ~~(4) All loading areas shall be located in the rear yard.~~
- ~~(5) All activities shall be conducted within an enclosed building. Outdoor storage shall not be permitted.~~

~~(L) **Drive-in restaurant.**~~

- ~~(1) The main and accessory buildings shall be set back a minimum of sixty (60) feet from any adjacent right of way line or residential property line.~~
- ~~(2) Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right of way line to the nearest edge of said access.~~
- ~~(3) Where the site abuts residentially zoned property, a greenbelt shall be provided along such property line, in accordance with Section 3.11.~~
- ~~(4) The site shall be so designed as to provide adequate stacking space for drive through customers without obstructing access to off-street parking spaces, interfering with traffic circulation through the site, or causing vehicles to queue off the site.
Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.~~

~~(AF) **Retail sales.** (whole section revised 1/14/08)~~

- ~~(1) The retail sales area shall front on a major street. Such streets shall be limited to Chicago Dr., Pt. Sheldon St., 18th Ave., and 44th St.~~
- ~~(2) Parking shall be provided as specified in Chapter 26. (Revised July 1995)~~
- ~~(3) All retail sales shall be conducted completely within the main building. No freestanding sales structure and no outdoor sales shall be permitted.~~
- ~~(4) No outdoor display of merchandise shall be permitted. (revised 7/25/95)~~

~~(AJ) **Health and physical fitness salons, indoor sports, gymnastics and dance studios.**~~

~~(revised 5/23/2011) (revised 5/12/2014)~~

- ~~(1) Public access to the site shall be located at least one hundred (100) feet from any intersection, measured from the nearest right of way line to the nearest edge of said access).~~
- ~~(2) The lot shall be located so that at least one (1) side abuts an arterial street.~~
- ~~(3) All parking, drive aisles and pickup and drop-off areas shall be paved.~~
- ~~(4) Sufficient space shall be provided to accommodate all vehicles queuing on the property, so no vehicles are required to wait on an adjoining street or alley to enter the site.~~
- ~~(5) Parking shall be provided as specified in Chapter 26 for dance halls and assembly halls without fixed seats.~~
- ~~(6) Hours of operation shall be established by the Planning Commission in order to minimize negative impacts on surrounding properties. Hours of operation shall not include 7:00 a.m. to 5:00 p.m. Monday to Friday excluding holidays.~~
- ~~(7) All activities shall be conducted within an enclosed building unless otherwise specifically approved by the Planning Commission.~~
- ~~(8) The main and accessory buildings shall be located a minimum of one hundred (100) feet from any residential use.~~
- ~~(9) Where the site abuts residentially zoned property, a 25 foot greenbelt shall be provided along such property line, in accordance with Section 3.11.~~
- ~~(10) (Deleted 5/12/2014)~~

~~(11) All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent property.~~

Motion: To initiate the Zoning Ordinance revisions as proposed.