# ARTICLE 2. DESIGNATION NO. 290

## § A2-1 PURPOSE.

The purpose of this designation is to amend the zoning chapter by establishing specific performance standards in compliance with §§ 155.260 through 155.267 for property so designated on the official zoning map. The purpose of this zone is to provide for an integrated mix of limited business with certain retail business uses.
('81 Code, § A2-1) (Ord. 291, passed 4-21-83)

## § A2-2 PERMITTED USES.

(A) *Zone 1.* Within this zone, no structure or land shall be used, except for one or more of the following uses or uses deemed similar by the City Council:

(1) Art, interior decorating, photographic or music studio provided no retail sales are made of products not manufactured on the site;

(2) Banks and savings and loans;

(3) Civic center or municipal offices;

(4) Clinics for human care;

(5) Coin-operated amusement devices in conjunction with a restaurant facility or private club;

(6) Funeral homes or mortuaries;

(7) Historic buildings, museums, art institutes, galleries;

(8) Hospitals;

(9) Nursing or rest homes, retirement homes, day care center, private schools;

(10) Off-street parking when the principal site if off-street parking abuts on a lot which is in another zoning district;

(11) Offices of a professional or general nature where the operations do not include over-the-counter retail sales or warehousing from the site;

(12) On-sale wine, 3.2% liquor and/or intoxicating liquor in conjunction with a restaurant facility;

(13) Private clubs or lodges not operated for a profit;

(14) Radio and television studios;

(15) Restaurants, Class I only;

(16) Theater or playhouse; and

(17) Hotels, motels, and banquet or meeting room facilities.

(B) *Zone 2.* Within this zone, no structure or land shall be used, except for one or more of the following uses or uses deemed similar by City Council:

(1) Any use permitted in division (A);

(2) The following retail business uses, if contained within a shopping center (one structure) of at least 20,000 square feet: antique or gifts shops, appliance store, art and school supply store, auto accessory store (no installation facilities permitted), bakeries, barbershops, beauty parlor, bicycle sales, books and stationery, candy, cameras and photographic supplies, carpet sales, catering services, china and glassware sales, clothing and costume sales or rental, commercial recreation including bowling, billiards, coin-operated amusement devices and similar facilities, department store, drugstore, dry cleaning, dry goods, florists, furniture sales, garden supplies, hardware store, health or athletic clubs and facilities, hobby store, interior decorating, jewelry and watch repair, laundromat, leather goods and luggage, locksmith, musical instruments, paint and wallpaper sales, phonograph records, pipe and tobacco shop, shoe sales or repair, small engine or appliance repair, sporting goods, tailoring or toy store; and

(3) Continuum of care retirement community, as defined in the zoning code, except that comprehensive, intensive, or full care living is not restricted to residents over the age of 55.

(C) *Zone 3*. Within this zone, no structure or land shall be used except for one or more of the following uses or uses deemed similar by the City Council:

(1) Any use permitted in division (A); and

(2) In an office building, limited retail/commercial uses of a nature primarily intended to serve the daily needs of tenants, employees and patrons.

(D) *Zone 4*. The purpose of this zone is to provide for limited business and community-scale retail uses. The maximum size for any multiple-tenant building shall be 18,000 square feet with no single occupant larger than 6,000 square feet. The maximum size of any single occupant building shall be 6,000 square feet. Within this zone, no structure or land shall be used except for one or more of the following uses or uses deemed similar by the City Council:

(1) Art, interior decorating, photographic or music studio.

(2) Banks and savings and loans (a drive-thru shall require a conditional use permit).

(3) The following retail business uses: Antique or gift shops; appliance store; art and school supply store; auto accessory store (no installation facilities permitted); bakeries; barbershops; beauty parlor; bicycle sales; books and stationery; candy; cameras and photographic supplies; catering services; china and glassware sales; clothing and costume sales or rental; drugstore; dry cleaning; dry goods; florists; garden supplies; hardware store; hobby store; interior decorating; jewelry and watch repair; laundromat; leather goods and luggage; locksmith; musical instruments; paint and wallpaper sales; phonograph records and equipment; pipe and tobacco shop; shoe sales or repair; sporting goods; tailoring; toy store; variety store; video tape and equipment sales or rental; wearing apparel.

(4) Civic center or municipal offices.

(5) Clinics for human care.

(6) Coin-operated amusement devices in conjunction with a restaurant facility or private club.

(7) Funeral homes or mortuaries.

(8) Historic buildings, museums, art institutes, galleries.

(9) Hospitals.

(10) Nursing or rest homes, retirement homes, day care center, private schools.

(11) Offices of a professional or general nature where the operations do not include over-the-counter retail sales or warehousing from the site.

(12) On-sale wine, 3.2 beer and/or liquor in conjunction with a Class I restaurant facility.

(13) Private clubs or lodges not operated for a profit.

(14) Radio and television studios.

(15) Restaurants, Class I or Class III only. Drive-thru in conjunction with a Class III restaurant is permitted as a condition use; no drive-thru permitted in conjunction with a Class I restaurant facility.

(16) Theater or playhouse.

(17) Hotels, motels, and banquet or meeting room facilities.

('81 Code, § A2-2) (Ord. 291, passed 4-21-83; Am. Ord. 334, passed 2-28-85; Am. Ord. 596, passed 4-13-95; Am. Ord. 656, passed 1-14-99; Am. Ord. 919, passed 6-9-11; Am. Ord. 972, passed 6-26-14)

## § A2-3 CONDITIONAL USES.

(A) *Zones 1 and 3.* There are no conditional uses provided.

(B) *Zone 2.* Within this zone, no structure or land shall be uses for the following uses or uses deemed similar by the City Council, except through the granting of a conditional use permit:

(1) Multiple dwellings when integrated into a multi-use shopping center. Access to and orientation of the dwelling units shall provide for adequate separation from the transient vehicular and pedestrian traffic associated with the retail operations in a manner to be approved by the City Council;

(2) Outdoor display or sales in conjunction with a shopping center and conducted by an occupant of the shopping center. (The outdoor area is to be screened and maintained in a manner to be approved by the City Council.); and

(3) Service bays for the installation of auto accessories, in conjunction with an auto accessories store in a shopping center, provided that there are no more than two bays which shall be screened and oriented as required by the City Council.

(4) Temporary seasonal outdoor recreational facility in conjunction with, as an incidental use to and conducted by an existing permitted Class I restaurant or commercial recreational facility, subject to the following conditions:

(a) The temporary seasonal outdoor recreational facility may not be operated more than 155 days, which shall be consecutive, per calendar year.

(b) If the temporary seasonal outdoor recreational facility is located in the parking lot, it shall not result in a loss of parking spaces and drive aisles less than that required by the city code for the primary use unless it can be shown that sufficient parking spaces will be available with an approved shared parking agreement.

(c) The temporary seasonal outdoor recreational facility shall not create traffic hazards.

(d) The temporary seasonal outdoor recreational facility and all structures in connection therewith shall be compact and contiguous to the primary building or the primary use within a multi-tenant building.

(e) The temporary seasonal recreational facility shall be delineated with a temporary physical barrier subject to minimum area requirements pursuant to the Fire and Building Codes.

(f) No alcoholic beverages shall be possessed or consumed outside of the delineated area of the temporary seasonal recreational facility. No sale or consumption of alcoholic beverages shall occur within the temporary seasonal recreational facility area unless the proper on-sale alcohol license has been issued by the city permitting on-sale of alcohol within the temporary seasonal recreational facility area.

(g) During those dates when the temporary outdoor season recreational facility is not in use under the conditional use permit, all materials related to the temporary outdoor seasonal recreational facility shall be removed and stored within a building or off-site.

(h) Any other conditions that the city determines to be necessary for the protection of public health, safety and general welfare.

(C) *Zone 4.* Within this zone, no structure or land shall be used for the following uses or uses deemed similar by the City Council except through the granting of a conditional use permit:

(1) Drive-thru teller in conjunction with a bank or savings and loan.

(2) Drive-thru service in conjunction with a Class III Restaurant, subject to the following conditions:

(a) Noise, headlights, traffic volume and emissions from idling vehicles resulting from the operation of the window shall not negatively impact surrounding residential and institutional uses and shall be mitigated as required by the city.

(b) The drive-thru lane shall not impede or conflict with vehicular, bicycle or pedestrian traffic circulation on the site as determined by the City Traffic Engineer.

(c) When a Class III restaurant is located less than 1,000 feet from a residential or institutional use, the City Council may restrict the hours of operation of a drive-thru window to mitigate any adverse impacts caused by noise, headlights, traffic volume and emissions from idling vehicles.

(d) If the installation of the drive-through facilities result in the loss of parking spaces, then the resulting parking spaces available for the entire site shall meet the parking requirements set forth in this chapter or the petitioner shall demonstrate that the resulting parking on the entire site can satisfactorily serve the current and any future uses in accordance with the zoning code provisions.

('81 Code, § A2-3) (Ord. 291, passed 4-21-83; Am. Ord. 334, passed 2-22-85; Am. Ord. 656, passed 1-14-99; Am. Ord. 941, passed 3-28-13; Am. Ord. 972, passed 6-26-14)

## § A2-4 PERMITTED ACCESSORY USES.

*Zones 1, 2, 3 and 4.* Within these zones, the following uses or uses deemed similar by the City Council shall be permitted accessory uses:

(A) Buildings temporarily located for purposes of construction on the premises for a period not to exceed the time necessary to complete the construction.

(B) Off-street parking, refuse storage and loading space as regulated by this chapter.

(C) Public telephone booths and other essential public service facilities provided all yard requirements are met.

(D) Picnic area, plazas, amphitheaters and similar semi-public gathering areas.

(E) Outdoor dining area, subject to the regulations set forth in this chapter.

('81 Code, § A2-4) (Ord. 291, passed 4-21-83; Am. Ord. 334, passed 2-28-85; Am. Ord. 656, passed 1-14-99; Am. Ord. 794, passed 8-24-06)

## § A2-5 MINIMUM BUSINESS AREA STANDARDS AND REQUIREMENTS.

(A) The following minimum area standards and requirements shall be met. No improvements shall be placed on such lands unless the lands to be so used or improved shall meet the following minimum area and dimensional requirements:

(1) Table of minimum area requirements and standards.

**MINIMUM BUSINESS AREA STANDARDS AND REQUIREMENTS FOR DESIGNATION NO. 290**

| | | Zone 2 | | | |
|---|---|---|---|---|---|
| | Zone 1 | "1" Uses | All Other Uses | Zone 3 | Zone 4 |
| **Minimum Lot Dimensions** | | | | | |
| Lot area (square feet) | 10,000 | 10,000 | 130,000 | 10,000 | 10,000 |
| Lot width (feet) | 100 | 100 | 150 | 100 | 100 |
| **Minimum Building Setbacks** | | | | | |
| Along principal or minor arterial streets (feet) | 40 | 40 | 60 | 40 | 40 |
| Along all other streets (feet) | 30 | 30 | 60 | 30 | 30 |
| Side lot line (feet) | 10 | 10 | 10 | 10 | 10 |
| Rear lot line (feet) | 20 | 20 | 20 | 10 | 20 |
| Abutting R district (feet) | 20 | -- | -- | -- | 20 |
| **Minimum Parking Setbacks** | | | | | |
| Along principal or minor arterial streets (feet) | 20 [1] | 20 | 15 | 20 | 5 |
| Along all other streets (feet) | 20 | 20 | 15 | 20 | 10 |
| Side or rear lot line (feet) | 5 | 5 | 5 | 5 | 5 |
| Abutting R district (feet) | 10 | -- | -- | -- | 10 |
| **Maximum Building Coverage** | | | | | |
| Coverage of lot (percentage) | 20 | 20 | 30 | 20 | 20 |
| **Maximum Building Height** | | | | | |
| Maximum height (feet) | 30 | 30 | 45 | 30 | 30 |
| If all minimum setbacks are increased by ten feet (feet) | 45 | 45 | -- | -- | -- |
| If minimum setbacks are increased 1½ feet for every one foot over 30 feet and a minimum building separation of one-half times the combined height of adjacent building faces is maintained (feet) | -- | -- | -- | 100 | -- |
| **Minimum Retail Floor Area** | | | | | |
| Initial building (square feet) | -- | -- | 20,000 | -- | -- |
| **Dwelling Unit Density** | | | | | |
| One or two story | -- | -- | 3,960* (11)** | -- | -- |

| | | | | | |
|---|---|---|---|---|---|
| Three or four story | -- | -- | 2,720* (16)** | -- | -- |
| **Sign Setbacks** | | | | | |
| Along principal or minor arterial streets (feet) | *** | *** | *** | *** | 5 |

**NOTES TO TABLE**

* Square feet on land per unit.
** Units per acre.
*** As required in Chapter 154 of the City Code, Sign Regulations
[1] The parking lot setback may be reduced to ten feet when the one-half right-of-way dedication of the principal or minor arterial street is a minimum of 90 feet.

(2) Maximum impervious surface, see § A1-57.

(3) Screening, see § A1-55.

(4) Landscaping, see § A1-56.

(5) Parking, see §§ A1-61, A1-62 and A1-63.

(6) Signs. Signage shall be in accordance with Chapter 154 of the City Code except that the foundation or support structure of a freestanding sign must be completely enclosed and such enclosure shall have an exterior facing consisting of materials which shall match the exterior construction materials of the primary building with which it is associated and serves to identify.

(B) The following requirements are in addition to those in division (A). Where there may be a conflict, the requirements herein shall prevail:

(1) *Front setbacks prevailing.* Where adjoining structures existing at the time of adoption of this article have a greater setback than that required by this article, the front setback of a new structure shall conform to the prevailing setback in the immediate vicinity. The Building Official shall determine the necessary front yard setback in such cases. In no case shall a building be required to be set back more than 50 feet, except that shopping centers in Zone 2 shall not be required to be set back more than 60 feet.

(2) *Side and rear setbacks, party walls.* Buildings may be excluded from side and rear setback requirements if party walls are used and if the adjacent buildings are constructed as an integral structure. This shall not permit structures closer to R districts, however, than required under division (A)(1) above.

('81 Code, § A2-5) (Ord. 291, passed 4-21-83; Am. Ord. 334, passed 2-28-85; Am. Ord. 656, passed 1-14-99; Am. Ord. 978, passed 11-13-14)