

Chapter 18.270
C-2 GENERAL BUSINESS DISTRICT and
CP-2 PLANNED GENERAL BUSINESS DISTRICT

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18.270.010 Statement of intent

The zoning of property as C-2, General Business District or CP-2, Planned General Business District, is intended to provide for all but the harshest commercial uses. Outside storage and display of merchandise is permitted in this district.

(History: Ord. ZRR-1725; ZRR-1637)

18.270.020 Permitted uses

No building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses, subject to the development and performance standards set forth in Section 18.270.050:

- A. Any use permitted in District C-1 subject to the applicable development and performance standards.
- B. Retail sale of goods and services including or similar to the following, but excluding any use specifically listed in District C-3:

- Motorcycles;
- Building supplies;
- Communication & specialty electronics;
- Delivery services;
- Department stores;
- Gasoline and other motor vehicle fuels;
- Glass;
- Medical equipment;
- Newspaper publishing and printing;
- Office equipment;
- Theaters, movie and stage.

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- C. Retail or wholesale sales of new passenger cars, including used car lots accessory and subordinate thereto, and recreational vehicles where sold in conjunction with new passenger cars.
- D. Rental or leasing of new and used passenger cars.
- E. Rental or leasing of furniture and home furnishings.
- F. Passenger car repair in connection with new passenger car sales, and automotive services limited to glass installation and replacement, brake and muffler repairs, window tinting, radio and stereo installation, tire and battery stores, and tune-up, quick lube and auto diagnostic centers.
- G. Tunnel car washes and single-bay automatic car washes operated in conjunction with a gas station.
- H. Clubs and drinking establishments.
- I. Services such as pest control, custom maintenance and small equipment repair.
- J. Classrooms and training facilities for business and trade schools.
- K. Entertainment or recreational uses including or similar to the following, but excluding any other use specifically requiring a special use permit: bowling alleys; pool or billiard parlors; skating rinks; indoor tennis and racquet courts; or indoor miniature golf.
- L. Plumbing and electrical supplies and services.
- M. Accessory uses as provided in Chapter 18.390.
(History: Ord. ZRR-2176 §1, 99; ZRR-1725; ZRR-1637; ZRR-1429 §4; ZRR-1257 §1; ZRR-889 §18.26; ZRR-772; ZRR-412-22; ZRR-412 §15)

18.270.030 Height and area regulations

The maximum height of buildings and the minimum dimensions of lots and yards shall be as follows, except as otherwise provided in Chapter 18.420:

- A. Height:
 - 1. In District C-2, the height of buildings or structures shall not exceed 40 feet.
 - 2. In District CP-2, there is no height limit.
- B. Minimum front yard -- 10 feet.

- C. Side yards:
1. No side yard is required except that where a side lot line abuts the side lot line of residentially zoned property, or property zoned C-O or CP-O, a side yard shall be provided which is at least equal to the minimum side yard required in the district which the property abuts, plus one foot for every 6 feet of building height over 30 feet or portion thereof.
 2. On the street side of a corner lot, a 10 foot side yard shall be provided.
- D. Rear yards - no rear yard is required except that where a rear lot line abuts residentially zoned property, or property zoned C-O or CP-O, a rear yard shall be provided of not less than 10 feet, plus one foot for every 6 feet of building height over 30 feet or portion thereof.

(History: Ord. ZRR-2848 §22, 2010; ZRR-1725; ZRR-1637; ZRR-889 §18.26)

18.270.040 Parking regulations

- A. Parking shall be provided on the premises in the following amounts:
1. Commercial Centers less than 150,000 square feet shall provide 4 parking spaces per 1,000 square feet of building area plus one parking space per three seats of restaurant seating. Centers greater than 150,000 shall provide a minimum of 4 parking spaces per 1,000 square feet of building area, however, no additional parking shall be required for restaurants.
 2. Developments larger than 150,000 square feet that exceed a parking ratio of 4.5 spaces per 1,000 square feet shall use pervious paving for all parking spaces in excess of 4.5 spaces per 1,000 square feet ratio.
- B. See Chapter 18.430 for additional parking requirements.
- (History: Ord. ZRR-2848 §23, 2010; ZRR-1725; ZRR-1637; ZRR-1181; ZRR-889 §18.26)

18.270.050 Development and performance standards

- A. Drive-in and drive-through service wherein a patron is served through a window or other device while remaining in a motor vehicle may be provided except where cereal malt beverages in any form are served or sold through the drive-through window. The location and design of any drive-in or drive-through facility shall be such that potential adverse effects on adjacent property are minimal or nonexistent, and the Planning Commission or Governing Body may attach conditions to any development approval for a drive-in or drive-through facility relating to the configuration, design or operation of the facility intended to lessen potential adverse effects. All property for which drive-in or drive-through food service is provided shall be zoned CP-2, with the following standards applying:
1. No order box, order window, payment window, pickup window, drive-in service stall, or similar point of interaction for the drive-in or drive-through facility shall

be located within 200 feet of any residentially zoned property. Provided, however, that the distance restriction above may be reduced or waived by the Planning Commission or the Governing Body at the time of preliminary and final development plan approval where the residentially zoned land is not designated on the Future Development Plan as being within a residential category. In determining to what degree the 200-foot distance should be reduced, if any, the Planning Commission and/or Governing Body shall consider, but not be limited to, the following factors:

- a. The likelihood that the residentially zoned property will be developed for a residential use or will continue to be utilized for a residential use in the foreseeable future.
 - b. The degree to which the current or anticipated use of the residentially zoned property is likely to be sensitive to or affected by the noise, headlight glare, exhaust fumes and litter that may result from the operation of the drive-in or drive-through facility.
 - c. The degree to which the property containing the drive-in or drive-through facility also contains or is proposed to contain landscaping, fencing, berming, and/or other buffering techniques to lessen the impact of the drive-in or drive-through on the residentially zoned property.
 - d. The degree to which the residentially zoned property has a site configuration, a building design or other physical features which would lessen the impact of the drive-in or drive-through facility on the residentially zoned property.
2. Adequate passenger car stacking space shall be provided from the order box or order window to ensure that public right-of-way or common driveway easements will not be blocked due to the drive-in or drive-through facility. The amount of stacking space is to be determined as part of the preliminary development plan at the time of the rezoning of the property and after consultation with the Traffic Engineer of the City.
- B. Tunnel car washes designed to clean a moving vehicle using paid employees or automated equipment inside a fully enclosed building shall be permitted only in the CP-2 district, subject to the following development and performance standards:
1. The tunnel car wash shall be on the same property as and integrally designed with a gas station.

2. The entrance and exit of the tunnel car wash shall be a minimum of 200 feet from any residentially zoned property. Provided, however, that the distance restriction may be reduced or waived by the Planning Commission or the Governing Body at the time of preliminary and final development plan approval where the residentially zoned property is not designated on the Future Development Plan as being within a residential category. In determining to what degree the 200-foot distance should be reduced, if any, the Planning Commission and/or Governing Body shall consider the same factors referenced in 18.270.050 A1.
 3. Adequate stacking of vehicles at the entrance to the tunnel car wash is provided so that all stacking occurs within the site boundaries without negatively impacting internal site circulation and does not occur on public streets or access drives. The Planning Commission and Governing Body shall determine the amount of vehicle stacking required at the time of preliminary development plan approval after consultation with the City Traffic Engineer.
 4. If full-service drying of vehicles (i.e. vehicles are dried by employees of the car wash) is provided as a separate process outside the building, adequate stacking shall be provided as indicated in Subsection 2 above.
 5. Adequate information shall be provided which indicates that the tunnel car wash will not exceed the decibel levels outlined in the ordinance and will not have a negative impact on surrounding properties.
 6. No outside vacuums shall be permitted.
- C. Offices for the rental or leasing of new and used passenger cars may be permitted only after final development plans or site plans have been approved by the Planning Commission with the following standards applying:
1. The servicing of the passenger cars shall occur inside a building with the servicing limited to washing, cleaning, oil and tire changing.
 2. The number of vehicles to be kept on the site at any one time shall be determined by the size and location of the site and its relationship to surrounding property. The passenger cars shall be parked in an orderly manner on the site as depicted on the approved plan.
 3. No advertising shall be permitted on the passenger cars.
- D. No smoke, radiation, vibration or concussion, or heat shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.

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- E. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from flood-lights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on a public street shall not exceed one foot-candle (meter reading) as measured from the centerline of the street. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed 0.5 foot-candles (meter reading) as measured from said property line.
- F. Merchandise which may be appropriately displayed or stored outside a building shall be kept off the public sidewalks and streets, shall not reduce the capacity of a parking lot below that required by this title, and shall not occupy an area greater than 20% of the ground floor area of the building. Automobiles and trucks for sale may be stored or displayed outside a building, but not within 15 feet of a street right-of-way, nor within 6 feet of a side or rear lot line.
- G. The sale and consumption of cereal malt beverages and alcoholic liquor shall be subject to the provisions set out in Section 18.260.050, and as required in Chapters 5.12, 5.20 and 5.48, as applicable.
- H. The sale, dispensing, or changing hands of any cereal malt beverages shall be prohibited at facilities used for motor vehicle repair, service or the sale of gasoline or other motor vehicle fuels, except where the business conforms to all of the following minimum requirements.
 - 1. The business shall contain not less than 1,200 square feet of sales display area, exclusive of storage rooms and walk-in refrigeration coolers.
 - 2. The business shall have at least 2 employees on duty on the premises at all times.
- I. Outdoor kennels or runs are not permitted in conjunction with veterinary clinics.
- J. Prior to issuance of any building permit, site plan approval shall be obtained as provided for in Chapter 18.140.
- K. In addition to the other applicable provisions of the code, any newly constructed new car dealership south of Interstate 435 shall only be allowed in a planned zoning district, and shall comply with all of the standards listed in the section. The perimeter of such new car dealership use shall be clearly defined on the preliminary development plan.
 - 1. All structures and parking lots associated with such new-car dealership shall meet the following setback and separation requirements based on the Master Plan designation of the adjacent property:

SEPARATION	
Single-Family Residential	250 feet
Multi-Family Residential or Office	100 feet
SET-BACKS FROM:	
Public R-O-W	30 feet
Commercial property lines	N/A
Perimeter of defined new car dealership use, excluding R-O-W	75 feet
Adjacent Residential property lines	See Separation Requirements
Adjacent Auto Dealer Use	15 feet
Private Drive	15 feet

2. No required setback area shall be used for vehicle display. Vehicle display areas shall be identified on the preliminary and final plan. A single elevated vehicle platform shall be permitted for each dealership if it is constructed of landscape materials or building materials consistent with the construction of the building. The maximum allowable height shall be 6 feet. In no event shall vehicle display areas or platforms rotate or move in any manner.
3. The preliminary and final plan shall identify areas for vehicle loading and unloading. In the case of three or more new car dealerships in a unified development, a common area for vehicle loading and unloading may be identified.
4. The site plan shall designate parking spaces for employees, customers and for cars being serviced on-site. Such parking shall be provided at the ratio of 4 spaces per 1,000 square feet of building area and shall be landscaped according to Section 18.450.070.
5. Service areas shall be located internally and garage doors shall be oriented so they do not face any area Master Planned for residential uses unless screened by a solid masonry wall.
6. The use of loud speakers or other exterior amplification devices shall be prohibited.
7. Lighting for automobile dealerships shall be limited to non-adjustable, vertical mount, precise cut-off fixtures with flat lenses mounted horizontal to grade. House shields shall be utilized on all perimeter fixtures. The maximum allowable height for light poles shall be 24 feet. A lighting plan, including photometrics,

shall be submitted as part of the final development plan. The permitted lighting levels are as follows:

	<u>Maximum Average Maintained</u> (foot-candles)	<u>Maximum Allowable Illuminance</u>	<u>Uniformity Ratios</u>
Vehicle display areas	40 fc	50 fc	6:1 average to minimum
All other vehicle areas	5 fc	N/A	6:1 average to minimum 20:1 maximum to minimum

Spotlights and secondary lights shall not be permitted. In no event shall light poles be utilized for the display of any type of banner, flag or other promotional item.

8. Landscaping shall be provided at the rate of 4 trees per 1,000 square feet of landscaped open space, excluding setbacks along any street frontage. For street frontages, one tree for every 40 feet of public or private street frontage shall be provided. A screening fence shall be provided as required by Section 18.450.100D. The location and design of all security fences, bollards, gates, etc., for individual dealerships are subject to review and approval at the time of final plan approval.
9. Flagpoles shall be limited to a maximum height of 30 feet as measured from grade.

(History: Ord. ZRR-2285 §11, 2001; ZRR-2160 §1, 99; ZRR-2176 §2, 99; ZRR-1956 §1,95; ZRR-1725; ZRR-1637; ZRR-1528; ZRR-1429 §5; ZRR-1257 §2; ZRR-1148 §4; ZRR-1109; ZRR-889 §18.26; ZRR-813; ZRR-412-27; ZRR-412-26; ZRR-412 §5)

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