

Chapter 18.280
C-3 COMMERCIAL DISTRICT and
CP-3 PLANNED COMMERCIAL DISTRICT

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18.280.010 Statement of intent

The zoning of property as C-3, Commercial District or CP-3, Planned Commercial District, is intended to provide for retail and wholesale sales and services with only minor restrictions. In addition, limited manufacturing of products to be sold on the premises is permitted.

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

18.280.020 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 18.280.050:

- A. Any use permitted in District C-2 subject to the applicable development and performance standards.
- B. Rental, leasing or sale at retail or wholesale of used passenger cars; and new or used boats, trucks, trailers and recreational vehicles.
- C. Rental or leasing of lawn care equipment.
- D. Sales and servicing of swimming pools, patio furnishings and related equipment.
- E. Repair and servicing of motor vehicles, machinery and equipment of all types, including body shops, paint shops, transmission shops, and facilities for engine overhauls.
- F. Commercial or wholesale facilities for bakeries, printing and publishing, cold storage and ice, and nurseries and greenhouses.
- G. Car washes.
- H. Outdoor miniature golf.
- I. Taxi and limousine dispatching centers.
- J. Manufacture or assembly of products to be sold only at retail on the premises.

- K. Accessory uses as provided in Chapter 18.390.
(History: Ord. ZRR-1916 §1; ZRR-1725; ZRR-1637; ZRR-1429 §6; ZRR-889 §18.28)

18.280.030 Height and area regulations

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

- A. Maximum height:
1. In District C-3, the height of buildings or structures shall not exceed 40 feet.
 2. In Districts CP-3, the height of buildings or structures shall not exceed 144 feet.
- B. Minimum front yard -- no building, or any parking, storage or display area, shall be located within 15 feet of the front lot line.
- 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-0 or CP-0, 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 side yard shall be provided of 15 feet, plus one foot for every 4 feet of building height over 30 feet or portion thereof.
- D. Rear yard -- no rear yard is required except that where a rear lot line abuts residentially zoned property or property zoned C-0, CP-0, C-1 or CP-1, a rear yard shall be provided of not less than 20 feet, plus one foot for every 6 feet of building height over 30 feet or portion thereof.

(History: Ord. ZRR-1725; ZRR-1637; ZRR-889 §18.28)

18.280.040 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 restaurant seating.

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 §24, 2010; ZRR-1725; ZRR-1635; ZRR-1181 §5; ZRR-889 §18.28)

18.280.050 Development and performance standards

A. Drive-in and drive-through service may be provided at any establishment. 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 service is provided shall be zoned CP-3 and shall be subject to the following limitations:

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 facility 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 will 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. Any manufacturing or assembly of products shall be entirely within a totally enclosed building.
 - C. 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.
 - D. 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.
 - E. Merchandise which may appropriately be displayed or stored outside a building shall be kept off public sidewalks and streets and shall not reduce the capacity of a parking lot below that required by this title. 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.
 - F. Prior to issuance of any building permit, site plan approval shall be obtained as provided for in Chapter 18.140.
 - G. In addition to the other applicable provisions of the code, any new car or used car dealership south of Interstate 435 shall only be allowed in a planned zoning district. The perimeter of such dealership use shall be clearly defined on the preliminary development plan.
 1. All structures and parking lots associated with such dealership use 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
SETBACKS 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 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 §12, 2001; ZRR-2160 §2, 99; ZRR-1956 §2, 96; ZRR-1725; ZRR-1635; ZRR-1429 §7; ZRR-1148 §5; ZRR-889 §18.28)

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