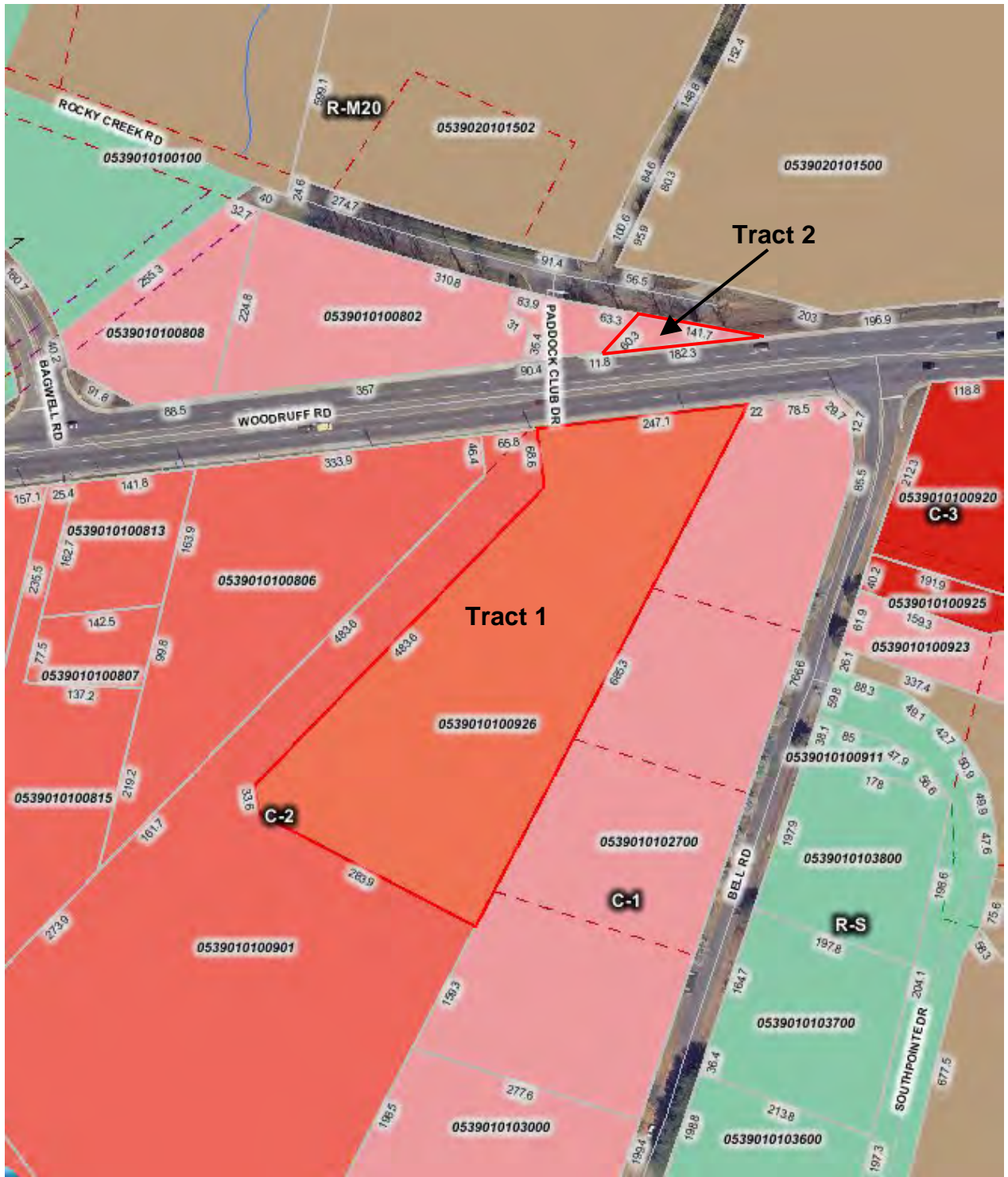


ZONING Subject Property Tract 1 & 2



Tract 1 of the Subject Property is zoned C-2, commercial district and Tract 2 is zoned C-1, convenience commercial district. See following pages for detailed zoning regulations.

Section 5:12 C-2, Commercial District

This district is established to provide for the development on major thoroughfares of commercial land uses that are oriented to customers traveling by automobile. Establishments in this district provide goods and services for the traveling public and also for the convenience of local residents.

5:12.1 Uses Permitted and Uses Permitted by Special Exception

See Table 6.1

5:12.2 Setback/Height

See Table 7.3

5:12.3 Off-Street Parking/Loading

See Table 12.1

5:12.4 Screening and Buffering

Screening shall be provided in accordance with the provisions set forth in Section 12:9, Screening and Buffering Requirements.

Section 5:13 C-3, Commercial District

This district is established to provide for the development of commercial and light service land uses that are oriented to customers traveling by automobile. The land uses in this district are intended to be located in non-residentially zoned areas and along major thoroughfares. Establishments in this district provide goods and services for the traveling public.

5:13.1 Uses Permitted and Uses Permitted by Special Exception

See Table 6.1

5:13.2 Setback/Height

See Table 7.3

5:13.3 Off-Street Parking/Loading

See Table 12.1

5:13.4 Screening and Buffering

Screening shall be provided in accordance with the provisions set forth in Section 12:9, Screening and Buffering Requirements.

6:1 Permitted Uses, Special Exceptions, and Conditional Uses

Principle uses shall be allowed within the base zoning districts of this ordinance in accordance with Table 6.1.

6:1.1 Uses Permitted By-Right = P

A “P” indicates that a use type is permitted by-right in the respective zoning district, subject to compliance with all other applicable regulations of this ordinance.

6:1.2 Uses Subject to Conditions = C

A “C” indicates that a use type is permitted in the respective zoning district only if it complies with use-specific conditions and all other applicable regulations of this ordinance. The applicable conditions are found at the end of Table 6.1. The number following the “C” provides a cross-reference to the use-specific conditions.

6:1.3 Special Exception Uses = SE

An “SE” indicates that a use type is permitted only if reviewed and approved in accordance with the Special Exception procedures of Article 11, subject compliance with use-specific conditions and all other applicable regulations of this ordinance.

6:1.4 Uses Not Allowed

A blank cell indicates that a use type is not permitted in the respective zoning district, unless it is otherwise expressly allowed by other regulations of this ordinance.

6:1.5 New or Unlisted Uses

If an application is submitted for a use type that is not listed as an allowed use in one or more zoning districts, the Zoning Administrator shall be authorized to make a similar use interpretation.

Table 6.1 Uses Permitted, Uses By Special Exception, And Conditional Uses

Use	R-R3	R-R1	R-S	R-20 - R-7.5	R-20A	R-M 10	R-M 20	R-MA	R-MHP	O-D	POD	NC	C-1	C-2	C-3	S-1	I-1	I-2	ESD-PM
ABC (Liquor sales)														P					
Adult entertainment establishments (Sexually Oriented Business)																C ¹			
Agricultural crops, trees	P	P	P													P	P		
Amusement/Theme park																P			
Amusements – commercial														P	P	P			
Animal shelters														P	P	P			
Arena, stadium, exhibition hall															SE	SE	SE		
Armory														SE	SE				
Auction house/Auction lot - cars equipment														P	P	P			
Auditorium														SE	SE	SE			
Automatic teller machines										P	P	P	P	P	P	P	P	P	
Automobile repair facility																C ²	C ²		
Automobile service facility														P	P	P			
Automobile service station														P	P	P			
Automobile, boats, motorcycles, and rv sales, service and rental														P	P	P			
Automobile storage (Wrecked or damaged)																C ²	C ²		
Automobile wash (All types)													C ³	P	P	P			
Bank, savings and loan association, or similar financial institution										P	P	P	P	P	P	P			
Barber and/or beauty shop												P	P	P	P	P			
Bed and breakfast	C ⁴	C ⁴	C ⁴	C ⁴	C ⁴							P	P	P	P				
Big Box Retail														C ²⁶	C ²⁶				
Boathouse	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵										
Broadcasting studio, radio or TV										P	P		P	P	P	P			
Business incubator centers										P	P		P	P	P	P	P	P	
Cabinets/carpentry/carpenter shop															P	P	P		
Care Facilities – Child/Adult																			
Care Center						C ⁶	C ⁶			P	P	P	P	P	P	P			
Day Care Center						SE	SE	SE		P	P	P	P	P	P	P			
Day Care Center in a Church	C ⁷	C ⁷	C ⁷	C ⁷	C ⁷	C ⁷	C ⁷	C ⁷	C ⁷	P	P	P	P	P	P	P			
Day Care Home	C ¹³	C ¹³	C ¹³	C ¹³	C ¹³	C ¹³	C ¹³	C ¹³	C ¹³				P	P	P	P			
Group Care Home						SE	SE	SE											
Nursing Care Facility										P	P		P	P	P	P			
Nursing Care in Home	SE	SE	SE	SE	SE	SE	SE	SE	SE										
Catering establishment														P	P	P			
Cemetery	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Church	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P	P	P	P	P	P		SE
Clothing alteration												P	P	P	P	P			
Columbaria	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸				P	P	P	P			
Communication towers	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	SE	P	P	P	P		

Use	R-R3	R-R1	R-S	R-20 - R-7.5	R-20A	R-M 10	R-M 20	R-MA	R-MHP	O-D	POD	NC	C-1	C-2	C-3	S-1	I-1	I-2	ESD-PM
Concert hall														P	P	P			
Dance studio													P	P	P				
Dry cleaning/laundry (On premises if clothing is brought in by customers)												P	P	P	P				
Dry Cleaning, institutional																P	P		
Dwelling - accessory										C ⁹	P	C ⁹	C ⁹	C ⁹	C ⁹	C ⁹	C ⁹		
Dwelling - accessory, temporary	SE	SE	SE	SE	SE	SE	SE	SE	SE										
Dwelling - multiple-family						P	P	P			P	P							
Dwelling - single-family attached				C ¹⁰	C ¹⁰	P	P	P			P	P							
Dwelling - single-family detached	P	P	P	P	P	P	P	P			P	P							P
Dwelling - zero lot line	P	P	P	P	P	P	P	P			P	P							P
Dwelling - manufactured multi-section home	C ¹¹	C ¹¹	C ¹¹	C ¹¹	C ¹¹	C ¹¹	C ¹¹	C ¹¹	P										
Dwelling, manufactured single-section home	C ¹¹	C ¹¹	C ¹¹					C ¹¹	P										
Electronics and home appliance repair														P	P	P			
Emergency Service, Fire, Police, EMS	SE	SE	SE	SE	SE	SE	SE	SE			P	P		P	P	P	P	P	
Equipment sales and rental														P	P	P	P		
Fairgrounds - public														SE	SE	SE			
Farm Animals, Livestock, Barns, Stables	P	P	P		C ²⁵														
Feed and seed sales														P	P	P	P		
Fireworks Stands, temporary														P	P	P			
Flea Market														P	P				
Florists, Flower and Gift Shops										P									
Funeral home														P	P	P			
Garden Center													P	P	P				
Gas sales - commercial and industrial																P	P		
Golf courses	SE	SE	SE	SE	SE									P	P	P	P	P	
Governmental Facilities and Operations	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Group Homes	C ¹²	C ¹²	C ¹²	C ¹²	C ¹²	C ¹²	C ¹²	C ¹²											C ¹²
Group industrial development																P	P	P	
Gunsmith												P	P	P	P	P			
Home occupation	C ¹³	C ¹³	C ¹³	C ¹³	C ¹³	C ¹³	C ¹³	C ¹³											C ¹³
Horses in residential zones	P	P	P	C ¹⁴	C ²⁵														
Hospital										P	P			SE	P	SE			
Hotel/Motel														P	P	P			
Industrial/Service																P	P	P	
Industrial Light																	P	P	
Industrial Heavy																	P		
Junkyards																	SE		
Kennel (outside runs)																P			
Laboratories																P	P	P	
Landfills - sanitary	P	P	P													P	P		

Use	R-R3	R-R1	R-S	R-20 - R-7.5	R-20A	R-M 10	R-M 20	R-MA	R-MHP	O-D	POD	NC	C-1	C-2	C-3	S-1	I-1	I-2	ESD-PM
Landscape business														P	P	P			
Laundromat, self-service												P	P	P	P	P			
Library												P	P	P	P	P			
Linen or towel supply business														P	P	P			
Locksmith												P	P	P	P	P			
Lumber yards																	P		
Mail order house														P	P	P			
Manufactured home park office									P										
Manufactured home sales														P	P	P			
Medical clinic										P	P		P	P	P	P			
Mega-Church													P	P	P	P		P	
Merchant power plants																		P	
Mini-warehouses														C ¹⁵	C ¹⁵	P	P		
Monuments and tombstones sales														P	P	P			
Motor sport/race track																		P	
Museum	SE	SE	SE	SE	SE									P	P	P			
Music Teachers/Schools										P									
Nightclub, tavern														P					
Non Commercial Nursery/Greenhouse					P														
Nursery/Greenhouse	P	P	P										P	P	P	P			
Office- Business										P	P	P	P	P	P	P	P	P	
Office- Medical										P	P	P	P	P	P	P	P	P	
Parking Facility (Indoor/outdoor)													P	P	P	P			
Pawn shop														P	P				
Pest or insect control business														P	P	P			
Pet grooming / boarding (Indoor)												P	P	P	P	P			
Photo processing (Production)																	P		
Photography studios										P		P	P	P	P	P			
Plumbing business														P	P	P			
Post offices										C ¹⁶	C ¹⁶	C ¹⁶	C ¹⁶	C ¹⁶	C ¹⁶	C ¹⁶			
Primary metal industries																		P	
Print shop														P	P	P			
Public Utility	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Quarries																		P	
Recreation-(commercial) indoor or outdoor including skating, swimming, game courts, health facilities, driving ranges													P	P	P	P			
Recreation-private/public/ nonprofit) indoor or outdoor including skating, swimming, game courts, health facilities, driving ranges	SE	SE	SE	SE	SE	SE	SE	SE				P	P	P	P				
Recreation-(Community Area)	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷	C ¹⁷
Recreation- Private, Game Courts and Swimming Pools on Single Family Lots	C ¹⁸	C ¹⁸	C ¹⁸	C ¹⁸	C ¹⁸	C ¹⁸	C ¹⁸	C ¹⁸	C ¹⁸	C ¹⁸	C ¹⁸	C ¹⁸	C ¹⁸	C ¹⁸	C ¹⁸	C ¹⁸	C ¹⁸	C ¹⁸	C ¹⁸

Use	R-R3	R-R1	R-S	R-20-R-7.5	R-20A	R-M 10	R-M 20	R-MA	R-MHP	O-D	POD	NC	C-1	C-2	C-3	S-1	I-1	I-2	ESD-PM
Recording studio										P	P			P	P	P			
Recycling collection and processing center																	P		
Recycling convenience center														P	P	P	P		
Recycling drop box	C ¹⁹	C ¹⁹	C ¹⁹	C ¹⁹	C ¹⁹	C ¹⁹	C ¹⁹	C ¹⁹	C ¹⁹	P	P	P	P	P	P	P	P	P	
Recycling trailer										P	P	P	P	P	P	P	P		
Restaurant												P	P	P	P	P			
Retail/Mercantile												C ³	C ³	P	P				
Riding academies	SE	SE	P		P														
Salvage yard																		SE	
Sand and gravel pits																P	P		
Schools-Colleges, universities	C ²¹	C ²¹	C ²¹	C ²¹	C ²¹	C ²¹	C ²¹	C ²¹	C ²¹	C ²¹	C ²¹	C ²¹	C ²¹	C ²¹	C ²¹	C ²¹			
Schools – Commercial												P	P	P	P				
Schools, primary, secondary	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE			SE
Shopping Center												P	P	P	P				
Shooting range, outdoor	SE	SE	SE														SE	SE	
Shooting range, indoor														C ²²	C ²²	C ²²			
Sign, painting, manufacture														P	P	P			
Storage buildings for on-site residents						P	P	P	P										
Storage Units (temporary, portable)	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³		C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³
Theatre/motion pictures (indoor)													C ²⁴	P	P				
Tire recapping and retreading plant																	P		
Trim / Upholstery														P	P	P			
Truck terminal																P	P		
Veterinary hospitals	SE	SE	SE													P			
Veterinary offices and clinics	SE	SE	SE							SE	SE		P	P	P	P			
Welding shop																P	P		
Wholesaling, warehousing, and distribution																P	P		

Section 7:3 Determining Setback Lines in All Districts

All setback lines adjacent to a public right-of-way are measured from the edge of the public right-of-way. When the right-of-way is not known, the setback shall be measured from the edge of the pavement or back of the curb, if present, and each required setback shall be increased by a minimum of 10 feet. (See Graphics 1, 2, and 3 below)

For additional minimum setback requirements, refer to the Transportation Corridor Preservation Ordinance #3079 (Appendix C.).

Section 7:3.1 Setbacks/Height

Table 7.3 Setback/Height Requirements

District	Minimum Lot Width (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)	Maximum Height (feet)
RR-3 Rural Residential	150	30 Residential 40 Collector 50 Arterial	5	5	45
RR-1 Rural Residential	75	30 Residential 40 Collector 50 Arterial	5	5	45
R-S Residential Suburban	30	30 Residential 40 Collector 50 Arterial	5	5	45
R-20/ R-20A Single-Family Residential	30	20 Residential 30 Collector 50 Arterial	5	5	45
R-15 Single-Family Residential	30	20 Residential 30 Collector 50 Arterial	5	5	45
R-12 Single-Family Residential	30	20 Residential 30 Collector 50 Arterial	5	5	45
R-10 Single-Family Residential	30	20 Residential 30 Collector 50 Arterial	5	5	45
R-7.5 Single-Family Residential	30	20 Residential 30 Collector 50 Arterial	5	5	45
R-M10 Multifamily Residential	30 See Section 7:3.9	20 Residential 30 Collector 50 Arterial	25 See Section 7:3.9	25 See Section 7:3.9	45
R-M20 Multifamily Residential	30 See Section 7:3.9	20 Residential 30 Collector 50 Arterial	25 See Section 7:3.9	25 See Section 7:3.9	45

District	Minimum Lot Width (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)	Maximum Height (feet)
R-MA Multifamily Residential	30 See Section 7:3.9	20 Residential 30 Collector 50 Arterial	25 See Section 7:3.9	25 See Section 7:3.9	45
R-MHP Manufactured Home Park	None	35	15	15	45
O-D Office	None	25	25 See Section 7:3.8	20 See Section 7:3.8	45
POD Office	None	15	25 See Section 7:3.8	20 See Section 7:3.8	45 See Section 7:3.7
NC Neighborhood Commercial	None	15 See Section 7:3.6	25 See Section 7:3.8	20 See Section 7:3.8	45 See Section 7:3.7
C-1 Commercial	None	25 See Section 7:3.6	None See Section 7:3.6	20 See Section 7:3.6	45
C-2 Commercial	None	25 See Section 7:3.6	None See Section 7:3.6	20 See Section 7:3.6	45
C-3 Commercial	None	25 See Section 7:3.6	None See Section 7:3.6	20 See Section 7:3.6	45
S-1 Services	None	45	25	20	45
I-1 Industrial	None	50	See Section 7:3.10	See Section 7:3.10	90
I-2 Industrial	None	See Section 8:4.10	See Section 8:4.10	See Section 8:4.10	90
ESD-PM	None	30	15 From other structure	15 From other structure	35
PD	N/A	N/A	See Section 8:1.4	See Section 8:1.4	N/A

To determine the classification of a specific street, refer to the definitions in Section 4 of this ordinance.

Section 12:2 Off-Street Parking

There shall be provided at the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area; or before conversion from one type of use or occupancy to another, permanent off-street parking space in the amount specified by this section. Such parking space may be provided in a parking garage or properly graded and improved open space. All portions of the required space, which are paved, shall be marked in accordance with the standards contained herein. Lines shall be visibly marked with paint.

Table 12.1 -Minimum Parking Requirements
Minimum Parking Requirements
1. Single-family detached, single-family attached (not more than two units), garden court and zero lot line structures: Two spaces.
2. Two-family detached structures: Two spaces per unit.
3. Multifamily structures not over four units: 1 1/2 spaces per unit
4. Multifamily structures or group developments over four units: Parking shall be provided in the following ratio: one space per one-bedroom or efficiency unit, 1 1/2 spaces per two-bedroom unit, and two spaces per three or more bedroom unit. In addition, visitor parking shall be provided in a ratio of ten percent of the total required parking for such development
Assembly- (with seating) One space for each four seats in the assembly area (Unless specifically addressed in this section)
Assembly- (without seats) One space per 30 square feet of net assembly area.
Automobile repair/service facility- Three spaces per service bay, not including the service bay itself
Automobile Wash (Full Service)- Fifteen spaces per wash unit.
Adult/child Day Care Center – Four spaces per 1000 square feet of floor area
Commercial recreation, outdoor- One space for each 2000 square feet of site area. (Unless specifically addressed in this section)
Commercial recreation, indoor- One space for each 200 square feet of gross floor area.
Community Recreation Area – With Swimming Pool - One space for every 100 square feet of water surface area. Without Swimming Pool – One space per 30 square feet of assembly area.
Driving range- One space for each driving tee
Golf course- Four spaces for each green plus requirements for any other associated use
Hospital / Assisted Care/ Nursing -Facilities- One space per residential dwelling unit; one space per each hospital bed; one space per every 3 group care beds; one space per every 5 nursing beds, whichever is provided.
Hotel, Motel, or Motor court One space for each room to be rented plus requirements for any other use associated with the establishment such as offices, restaurants, and assembly uses.
Factory, industrial – Minimum of 1 space per 500 square feet of leasable floor area for the first 3,000 square feet and then 1 space per 1,500 square feet of leasable floor area thereafter.
Miniature Golf- One space for each hole
Office and Professional Building- Minimum of 3 spaces per 1000 square feet of leasable floor area.
Office Medical or Dental- Three spaces for each examining room
Restaurant, freestanding- One space for each three seats. With dance floor area, shall provide additional parking spaces based upon one space for 35 square feet of dance floor
Retail Sales and Group Commercial- Minimum of 3 spaces per 1000 square feet of leasable floor area.
Schools, Private Grade, elementary, middle school – 1 per classroom High school – 7 per classroom
Warehousing and Flex Space Uses – Minimum of 1 space per 500 square feet of leasable floor area for the first 3,000 square feet and then 1 space per 2,500 square feet of leasable floor area thereafter.