

## **ARTICLE 9**

### **COMMERCIAL ZONED DISTRICTS (C-1:C-3)**

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#### **SECTION 9-1 INTENT**

**9-101.** It is the intent of the commercial zoning districts to provide for areas of compatible commercial and service businesses, as well as some residential uses in commercial structures and in travel trailer parks.

#### **SECTION 9-2 COMMERCIAL ZONING DISTRICTS**

**9-201.** The following commercial zoning districts are hereby created: C-1, Restricted Commercial District; C-2, General Commercial District; and C-3 Central Business District. Additional C-3 Central Business District regulations are set out in Article 10.

#### **SECTION 9-3 PERMITTED AND CONDITIONAL USES**

**9-301.** In the commercial zoning districts the uses listed in Table 9-1 within the designated zoning districts are permitted uses or conditional uses when so designated. Conditional uses require the issuance of a Conditional Use Permit in accordance with the provisions of Article 26.

No building or land shall be used and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses indicated in the following Table 9-1.

**TABLE 9-1  
COMMERCIAL ZONED DISTRICTS  
PERMITTED AND CONDITIONAL USES**

**P** = Indicates Permitted Uses

**C** = Indicates Conditional Uses

<b>USE</b>		<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
1.	Ambulance service.		<b>P</b>	<b>P</b>
2.	Amusement places, indoor.		<b>P</b>	<b>P</b>
3.	Animal hospitals.		<b>P<sub>(1)</sub></b>	<b>P<sub>(1)</sub></b>
4.	Any public building or land use by any department of the City, county, state or federal government	<b>C</b>	<b>C</b>	<b>P</b>
5.	Artists, authors, composers, studios and galleries	<b>P</b>	<b>P</b>	<b>P</b>
6.	Auditoriums, exhibition halls, fairgrounds, stadiums and similar uses.		<b>P</b>	<b>P</b>
7.	Automobile and truck wash services.		<b>P</b>	<b>C</b>
8.	Bowling alleys.	<b>C</b>	<b>P</b>	<b>P</b>
9.	Churches, similar places of worship.	<b>P</b>	<b>P</b>	<b>P<sub>(2)</sub></b>
10.	Convenience stores.	<b>P<sub>(3)</sub></b>	<b>P</b>	<b>P</b>
11.	Day care facilities: child care centers, day care homes, family day care homes, group day care homes and preschools.	<b>P</b>	<b>P</b>	<b>P</b>
12.	Dry cleaners-laundries, including self-service.		<b>P</b>	<b>P</b>
13.	Dwellings: When dwelling unit(s) located on other than ground floor of commercial structure.	<b>C</b>	<b>C</b>	<b>P</b>
14.	Electric-telephone substations and other similar public utility uses.	<b>P</b>	<b>P</b>	<b>P</b>
15.	Entertainment business, adult		<b>C<sub>(4)</sub></b>	
16.	Farm implement/machinery sales.		<b>P</b>	
17.	Food catering service, lockers-storage.		<b>P</b>	<b>P</b>
18.	Fraternal-civic-social organizations.	<b>P</b>	<b>P</b>	<b>P</b>
19.	Funeral, crematory and mortuary services	<b>P</b>	<b>P</b>	<b>P</b>
20.	Furniture repair, upholstery		<b>P</b>	<b>P</b>
22.	Garden supplies – nurseries, greenhouses.		<b>P</b>	<b>P</b>
22.	Golf driving ranges.		<b>C</b>	<b>C</b>
23.	Health and exercise spas, gymnasiums.	<b>P</b>	<b>P</b>	<b>P</b>
24.	Hospitals, clinics, laboratories.	<b>P</b>	<b>P</b>	<b>P</b>
25.	Hotels-motels.	<b>C</b>	<b>P</b>	<b>P</b>
26.	Kennels-boarding and breeding.		<b>C</b>	<b>C</b>
27.	Miniature golf.	<b>P</b>	<b>P</b>	<b>P</b>
28.	Mini-storage, self-storage.	<b>C</b>	<b>C</b>	<b>C</b>
20.	Mobile home sales.		<b>P</b>	<b>P</b>
30.	Monument engraving and sales.		<b>P</b>	<b>P</b>
31.	Motor vehicle repair.		<b>P<sub>(5)</sub></b>	<b>P<sub>(5)</sub></b>

<b>USE</b>		<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
32.	Motor vehicle body shop, provided all work shall be performed and all materials shall be stored within an enclosed building.		<b>C</b>	<b>C</b>
33.	Nursing homes, rest homes, convalescent homes and similar facilities.	<b>P</b>	<b>P</b>	<b>P</b>
34.	Offices: professional-business-educational-industrial-religious-philanthropic-public.	<b>P</b>	<b>P</b>	<b>P</b>
35.	Package liquor store.		<b>P</b>	<b>P</b>
36.	Pawn shops.		<b>C</b>	<b>C</b>
37.	Printing, including newspaper publishing.		<b>P</b>	<b>P</b>
38.	Private clubs.		<b>P<sup>(6)</sup></b>	<b>P<sup>(6)</sup></b>
39.	Race track and courses – vehicle and animal.		<b>C</b>	<b>C</b>
49.	Radio and television broadcasting studios (without transmission towers).	<b>P</b>	<b>P</b>	<b>P</b>
41.	Radio or television broadcasting studios (with transmission towers).	<b>C</b>	<b>C</b>	
42.	Radio, television or telephone transmitting station or towers, subject to further regulations set out in Article 23.	<b>C</b>	<b>C</b>	<b>C</b>
43.	Recreation centers.		<b>P</b>	<b>P</b>
44.	Recreational vehicles – trailers, equipment sales.		<b>P</b>	<b>C</b>
45.	Restaurants.	<b>P</b>	<b>P</b>	<b>P</b>
46.	Retail sales and rental of goods and merchandise including, but not limited to: antiques; apparel; appliances; bakeries; bicycles; books and stationery; building materials; carpet and other floor coverings; cigarettes; clocks; farm supplies; food and groceries; furniture; hardware; heating, plumbing, and air conditioning equipment; jewelry; musical instruments; motor vehicles, parts and supplies; pet shops; pharmacies; photographic supplies and cameras; and office equipment and supplies.	<b>P</b>	<b>P</b>	<b>P</b>
47.	Retail sales of services including, but not limited to: banks, barber and beauty shops; building contractors, including air-conditioning, heating, plumbing and electrical; cleaning and repair; diaper services; interior decorating; lawn care and landscaping; locksmith; message service; outdoor advertising; pet grooming; photocopying and blueprinting; and stenographic, duplicating and mailing services.	<b>P</b>	<b>P</b>	<b>P</b>

USE		C-1	C-2	C-3
48.	Schools: a. Public and private elementary schools	C	C	C
	b. Public and private secondary schools	C	C	C
	c. Postsecondary educational institutions	P	P	P
	d. Business and training/vocational schools	C	P	P
49.	Service stations.	P	P	C
50.	Storage or warehousing, except for products of a highly explosive, combustible or volatile nature.		C	C
51.	Taverns, bars and drinking establishments.		P <sup>(6)</sup>	P <sup>(6)</sup>
52.	Theaters, indoor.	P	P	P
53.	Theaters, outdoor.		C	C
54.	Travel trailer parks.		C <sup>(7)</sup>	
55.	Wholesale establishment.		C	C

**Permitted and conditional uses footnotes:**

- (1) Providing all services, runs and pens are within an enclosed building.
- (2) Parsonages and similar uses when located in the C-3 District must comply with the regulations set out in Item 13 (Dwellings) of Table 9-1.
- (3) Including the self-service dispensing of gasoline and related petroleum products, providing there is no motor vehicle repair or service.
- (4) Subject to requirements set out in Section 9-12.
- (5) Provided all work shall be performed within an enclosed building.
- (6) Provided not located within 200 feet of a church, school or hospital.
- (7) Subject to requirements set out in Section 9-11.

**SECTION 9-4 HEIGHT AND YARD REGULATIONS**

**9-401.**

- a. *Height:* Except as otherwise provided in Article 20, no building or structure shall exceed forty-five (45) feet in height in the C-1 or C-2 zoning districts.
- b. *Yard:* Front, side and rear yards shall comply with Table 9-2. Additional yard regulations are set out in Section 20-2.

**TABLE 9-2**

<i>District</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>
C-1	25 ft.	5 ft. – 1 or 2 stories 8ft. – 3 stories	25 ft.
C-2	25 ft.	10 ft. where property adjoins any residential-zoned district.	25 ft. where property adjoins any residential-zoned district.
C-3	0	0	0

**SECTIONS 9-5:9-9 (RESERVED FOR FUTURE USE)**

**SECTION 9-10 SUPPLEMENTAL REGULATIONS**

**9-1001.** Supplemental regulations for the commercial districts are set out in Article 20.

**SECTION 9-11 TRAVEL TRAILER PARKS**

**9-1101. Definition.** As used in this Article, the term travel trailer park means a campground for travel trailers, motor homes, camping trailers, recreational vehicles, camping tents and accessory service buildings and facilities for campgrounds.

**9-1102. Where Permitted.** A travel trailer park shall be allowed to locate only in the C-2 District and only upon issuance of a Conditional Use Permit issued in accordance with the provisions of this Article and Article 26.

**9-1103. General Requirements.**

- a. Any tract of land permitted as a travel trailer park after the effective date of these regulations must be at least one(1) acre in area.
- b. The applicant for a conditional use permit for a travel trailer park shall prepare and submit a schedule of construction, which shall provide for commencement of construction within a period of one (1) year following the approval of the permit by the Governing Body, and which shall provide that construction shall be completed within a period of two (2) years.
- c. The applicant shall prepare or cause to be prepared a development plan to be presented for review by the Planning Commission and Governing Body. This plan shall show the proposed development and shall conform with the following requirements:

1. The travel trailer park shall be located on a well-drained site that is not subject to objectionable noise, smoke, odors, or other objectionable influences including unpredictable or sudden flooding. Exposed ground surfaces in all parts of the park shall be paved, covered with stone or other solid materials or protected with a vegetative growth capable of preventing and eliminating dust.
2. Travel trailer parks shall have a maximum density of twenty (20) trailer spaces per acre. A minimum of one thousand two hundred fifty (1,250) square feet shall be provided for each trailer space.
3. Each travel trailer space shall be at least twenty (20) feet wide and fifty (50) feet deep and shall have a clearly defined or marked border.
4. Trailers shall be placed on each space so that there is at least a ten (10) foot clearance between trailers. No trailer or other structure shall be located closer than twenty (20) feet from any building within the park or from any property line surrounding the park, except where such property line is a public street. No trailer or other structure shall be located closer than twenty-five (25) feet from any public street.
5. All parks shall be provided with safe and convenient vehicular access to each trailer space. Surfacing and maintenance shall provide a smooth, hard and dense surface which should be well drained and shall meet the following requirements:
  - (a) One-way, no parking, 15-foot width.
  - (b) One-way, parking on one side only, 20-foot width.
  - (c) Two-way, no parking, 24-foot width.
  - (d) Two-way, parking on one side only, 27-foot width.
  - (e) Two-way, parking on both sides, 30-foot width.
6. All roadways and walkways within the travel trailer park shall be hard-surfaced and adequately lighted at night with electric lamps.
7. A solid or semi-solid fence, wall, or evergreen hedge six (6) feet in height and having a visual density of at least ninety (90) percent shall be installed and maintained by the owner when the district adjoins a residential zoning district except that said fence, wall, or hedge shall be reduced to forty-two (42) inches in height when located in a front yard.

8. A properly ventilated and constructed storm shelter shall be provided in a central or other convenient location within the travel trailer park. Each shelter size shall be equal to at least 21 square feet of shelter floor area per travel trailer space.

**9-1104. Water Supply.** An accessible, adequate, safe and potable supply of water shall be provided in each travel trailer park. Where a public supply of water is available, connection shall be made thereto and its supply used exclusively.

**9-1105. Sewage Systems.** An approved sewage system shall be provided within each travel trailer park. Where a public sewage system is located within 500 feet of the boundary of the park, connection shall be made thereto.

**9-1106. Electrical.** Electrical wiring systems shall be installed in accordance with any applicable City-adopted electrical codes. Main power lines not located underground shall be suspended at least eighteen (18) feet above the ground. There shall be a minimum of eight (8) feet of vertical clearance between any trailer and the overhead wiring.

**9-1107. Service Buildings.**

- a. A central service building containing the necessary toilet and other plumbing fixtures specified below shall be provided in travel trailer parks having camping spaces for units which do not have self-contained water and sewage systems. Such service buildings shall be located within a three hundred (300) foot radius of the spaces to be served

<i>Number of Spaces</i>	<i>Toilets</i>		<i>Urinals</i>	<i>Lavatories</i>		<i>Showers</i>		<i>Service Sink</i>
	<i>M</i>	<i>F</i>	<i>M</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	
<i>1 - 15</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>
<i>16 - 30</i>	<i>1</i>	<i>2</i>	<i>1</i>	<i>2</i>	<i>2</i>	<i>1</i>	<i>1</i>	<i>1</i>
<i>31 - 45</i>	<i>2</i>	<i>2</i>	<i>1</i>	<i>3</i>	<i>3</i>	<i>1</i>	<i>1</i>	<i>1</i>
<i>46 - 60</i>	<i>2</i>	<i>3</i>	<i>2</i>	<i>3</i>	<i>3</i>	<i>2</i>	<i>2</i>	<i>1</i>
<i>61 - 80</i>	<i>3</i>	<i>4</i>	<i>2</i>	<i>4</i>	<i>4</i>	<i>2</i>	<i>2</i>	<i>1</i>
<i>81 - 100</i>	<i>3</i>	<i>4</i>	<i>2</i>	<i>4</i>	<i>4</i>	<i>3</i>	<i>3</i>	<i>1</i>

- b. Where a travel trailer park is designed for and exclusively limited to use by units with self-contained water and sewage systems, only the following minimum sanitary facilities shall be required: For each one hundred (100) trailer spaces or fractional part thereof, there shall be one (1) flush toilet, one (1) lavatory, and one (1) shower for each sex.

**9-1108. Solid Waste.** The storage, collection and disposal of refuse in the travel trailer park shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. All refuse shall be stored in flytight, watertight, rodent-proof containers.

**9-1109. Open Fires.** Cooking shelters, barbecue pits, fireplaces, wood-burning stoves and incinerators shall be so located, constructed, maintained and used as to minimize fire hazard and smoke nuisance both on the property on which used and on neighboring properties. No open fire shall be permitted, except in facilities provided by the park operator.

## **SECTION 9-12 ADULT ENTERTAINMENT BUSINESSES**

**9-1201.** Adult entertainment businesses, by their nature, are known to produce deleterious effects on adjacent land uses and secondary negative impacts upon juveniles, especially where such businesses are clustered. For those reasons adult entertainment businesses are restricted to the C-2 District and their location subject to the issuance of a Conditional Use Permit in accordance with the provisions of Article 26 and this Section.

**9-1202.** Adult entertainment businesses include:

- a. Adult bookstore and/or video store. An establishment which offers for sale or rental books, magazines, photographs, films, video or other visual representations and/or other materials depicting sexual activity of any kind. Occasional sales of such books, magazines, etc., as determined by the Zoning Administrator, will not place a commercial establishment within this definition.
- b. Adult entertainment establishment. An establishment which provides adult sexually-oriented entertainment whether live or in the form of motion pictures, videos or other visual representations.
- c. Adult novelty store. An establishment which offers for sale printed matter, instruments, devices, visual materials and other paraphernalia designed and intended for use in connection with sexual activities. Occasional sales of such items, as determined by the Zoning Administrator, will not place a commercial establishment within this definition.

**9-1203.** Conduct of Business.

- a. No adult entertainment business shall:



1. Allow merchandise or activities of the business to be visible from any location outside the structure containing the business.
  2. Permit the observation of any material depicting, describing or relating to sexual activities from any location outside the structure containing the business.
  3. Be located within 500 feet of:
    - (a) another adult entertainment business;
    - (b) a residence, whether occupied or unoccupied;
    - (c) public or private school or library;
    - (d) church or similar place of worship;
    - (e) licensed child care center or child daycare facility; or
    - (f) a business establishment which sells alcoholic liquor for on-premises consumption.
- b. No more than one adult entertainment business use, as defined in section 9-1202, shall be conducted within any structure containing an adult entertainment business.