

ARTICLE C. C COMMERCIAL DISTRICT

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10-7C-1: GENERAL DESCRIPTION:

This district is intended to provide for the normal range of commercial services within the community in such a manner that the district will accommodate both quick stop and longer visit shopping, as well as provide for additional retail, cultural and entertainment trade. It also provides for the conduct of general and professional offices to provide for the needs and convenience of the people of the city and the wider community in such a manner as to not be offensive to a general neighborhood containing residential, religious, recreational and educational elements. It is intended that this district be located as not to introduce traffic into a solely residential district. Additionally, district regulations are intended to minimize traffic congestion and noise, provide adequate and controlled parking and expansion area, allow safe pedestrian movement, minimize adverse impacts on residential areas, encourage improved commercial site design and layout, and promote the reuse and development of existing commercial structures, and encourage visual quality in commercial development. Outdoor storage of goods and merchandise is prohibited. (2010 Code § 22-48)

10-7C-2: USES PERMITTED:

Property and buildings in the C commercial district shall be used only for the following purposes:

- A. Any use permitted in any residential district, offices for executive, administrative, professional accounting and insurance offices, banks, credit unions, savings and loan companies and associations, real estate offices, clerical, stenographic, drafting and sales, and nonprofit corporations, and other businesses which perform services on the premises.
- B. Publicly owned building, exchanges and public utility offices, but not including electrical or gas substations, museums, cultural centers and open space designed to serve persons conducting business in this district, convalescent home, rest home, nursing home and hospitals, public or private.
- C. Generally recognized retail businesses which supply commodities on the premises for persons residing in adjacent residential areas, such as, but not limited to, bakeries or stores selling books, stationery, clothing, dairy products, delicatessens, dry goods, florists, groceries, hardware, meat market, pharmacies and self-service gas stations (no repair).
- D. Personal service establishments which perform services, such as, but not limited to, appliance and small items shops (watches, radios, televisions, shoes, etc.), beauty parlors or barbershops, dance schools, photographic, artists and other miscellaneous studios, post offices, self-service laundries, tailor shops and governmental office buildings serving persons living in adjacent residential areas.
- E. Professional services, including medical clinics (outpatient only) and offices of doctors, dentists, osteopaths and similar professions. (2010 Code § 22-48)

10-7C-3: USES BY REVIEW:

A. Scope: The development and administration of a zoning ordinance is based upon the division of the city into zone districts within which districts the use of land and buildings and the bulk and position of buildings and structures in relation to the land are relatively uniform. It is recognized, however, that there are occasions when in addition to the principal permitted uses,

other uses, hereinafter referred to as "uses by review", because of their unique characteristics and because of the uniqueness of their proposed location, may be allowed after careful consideration of the impact of the particular uses upon the neighborhood and the public facilities thereon.

B. Conditions For Authorization: No use by review shall be granted by the city commission until the planning commission first finds:

1. Surrounding Neighborhood: The value and qualities of the neighborhood surrounding the use by review are not substantially injured.
2. Intent Of General Description: The use by review is consistent with the intent and purpose of the particular zone to promote public health, safety and general welfare.
3. Land Use Plan: The use by review is in keeping with the land use plan of the city.

C. Uses Permitted: The following uses may be permitted after review in accordance with subsection B of this section:

Billiard parlors, pool halls.

Building, plumbing, electrical and mechanical contractor shops.

Business schools.

Car wash.

Ceramic shops.

Commercial greenhouses and garden supply shops.

Mortuary establishments.

Public or private parking lots needed to accommodate any use permitted in the commercial zoning districts.

Restaurants, cafes or drive-in restaurants.

Service stations (excluding body repair work).

Other uses which, in the opinion of the planning commission, are similar to the above uses and are in keeping with the general description of the zoning district and meet the three (3) standards as specified in subsection E of this section.

D. Notice And Public Hearing Required: The city commission may grant a use that is listed under the uses by review in a particular zone or as otherwise provided for after recommendation and at least one public hearing by the planning commission. The subject property will be required to be posted twenty (20) days prior to the public hearing. In addition, prior to the hearing, a written notice shall be mailed to all owners of real property located within a three hundred foot (300') radius of the exterior boundary of the property proposed for the use by review. The applicant shall, at his own cost, provide the city with a certified list of property owners from an abstractor, together with a copy of any restrictive covenants that are applicable to the tract which is the subject of the use by review. The mailed and posted notices shall contain the following:

1. Legal description of the property and the street address or approximate location in the municipality;
2. Present zoning of the property and use by review sought by the applicant;
3. Date, time and place of the public hearing.

E. Conditions For Authorization: No use by review shall be granted by the city commission until the planning commission first finds:

1. Surrounding Neighborhood: The value and qualities of the neighborhood surrounding the use by review are not substantially injured;
2. Intent Of General Description: The use by review is consistent with the intent and purpose of the particular zone to promote public health, safety and general welfare.
3. Land Use Plan: The use by review is in keeping with the land use plan of the city.

F. Application: An application for a use by review shall be filed with the building inspector. Any evidence as may be necessary to enable the planning commission and city commission to properly consider the request should accompany the application.

G. Preapplication Review: Prior to submission of a site plan, the applicant should discuss with the building inspector the procedure and the requirements of the general layout of the site, utilities, access to arterials, general design and narrative, the availability of existing services, and similar matters. The intent of the preapplication review is to expedite the site plan review process and to facilitate the approval of the development. (2010 Code § 22-48)

10-7C-4: SITE DEVELOPMENT PLAN:

In the interest of protecting the health, safety and welfare of the inhabitants of the city, and in order to protect the quality of life within said city, the city shall not issue a commercial building permit, as provided for by section [10-6-2](#) of this title, until the planning commission has reviewed and approved a site development plan. Review and approval or disapproval of such site development plan shall be at a public hearing held pursuant to the provisions of subsection [1-6-3J](#) of this code. For purposes of this section, "business" or "commercial" shall mean that structure that is to be used for the employment of one or more persons for the purpose of earning a livelihood, activities of persons to improve their economic conditions and generally relate to commercial and industrial engagements. In considering such commercial or business building permit application, the planning commission shall comply with the following procedures and requirements:

A. Notice And Hearing: The planning commission shall hold a hearing to consider approval or denial of such site plan within twenty (20) days of the filing of such commercial or business site development plan with the city. The planning commission shall give at least five (5) days' notice of such hearing to the applicant. The purpose of such hearing shall be for review and consideration of approving or denying the site development plan as submitted.

B. Plan Information Required: The developer and/or owner shall prepare and submit to the city a site development plan, which site development plan shall contain the following information:

1. Written legal description;
2. Scale drawing of the property in the appropriate dimensions prepared and signed by a registered architect, engineer or surveyor;
3. Scale, north arrow, date and legend;
4. Name, address and telephone number of the property owner and applicant;
5. Location and size of existing easements, utilities and rights of way, and any future easements, utilities and rights of way;
6. Location of existing building and structures with appropriate dimensions;
7. Location of proposed buildings, structures and other items with dimensions showing compliance with the applicable building, fire and zoning standards of this city code;
8. Location and type of landscaping to verify the attaining of fifty (50) landscaping points for each one hundred (100) square feet of required landscape area, pursuant to the landscape policy of the planning commission;
9. Location, arrangement and dimensions of automobile parking spaces, width of the aisles and the angle of parking, to include truck loading and unloading spaces and docks and handicap spaces;
10. Location and dimensions of all vehicular entrances, exits and drives;
11. A separate written request, if needed, for any items that are requested to be waived or amended, with appropriate material necessary to justify the request;
12. Location and dimensions of pedestrian entrances, exits, walks and walkways, and handicap access;
13. General drainage system to comply with the drainage ordinances and policies of the city, indicating the location, size and grade of ditches, catch basins and dips, and connections to existing drainage systems and on site stormwater detention systems;
14. Location and materials of walks and fences;
15. Location, size, height and orientation of all signs, other than signs flat on building facades;

16. Size of the site;
17. Finished grading by contours of two feet (2') supplemented where necessary by spot elevation if required by the building inspector.

C. Site Plan Submission And Review:

1. All site plans shall be reviewed and approved by the planning commission prior to the issuance of any building permit or occupancy permit for the property.
2. The site plan shall be submitted to the building inspector no later than ten (10) days prior to the planning commission meeting date at which it is to be considered.
3. The building inspector shall review the site plan for completeness and compliance with the provisions of these regulations. Any necessary modifications shall be forwarded to the applicant for resubmittal.
4. After review, the building inspector shall provide to the planning commission a written report recommending and listing reasons for the approval or denial of the site plan.
5. After submission, the planning commission shall consider the site development plan as submitted at a meeting of that body. The planning commission, after considering and reviewing said site development plan, shall either approve or disapprove such site plan.

D. Approval: After approval of a site development plan and issuance of a commercial building permit, the land within the area covered by the site development plan shall be developed only in accordance with the site development plan as finally approved by the planning commission. Any change, erasure, modification, revision or deviation from that plan shall be considered invalid and a violation of the provisions of this section, unless said change, erasure, modification, revision or deviation shall have first been submitted to the city and approved according to the above procedure. It is further provided, that should a change in property ownership occur after approval of the site development plan, the site development plan as approved by the planning commission shall be honored and maintained in its entirety. (2010 Code § 22-48)

10-7C-5: AREA AND SUPPLEMENTAL REGULATIONS:

A. Access: All site plans shall have adequate and safe vehicular access to adjacent streets. No curb cut or driveway will be permitted within one hundred feet (100') of any intersection, measured along the right of way line from the property corner to the center of the driveway, unless there is frontage of less than one hundred feet (100') at the time of passage hereof, in which case a driveway may be allowed the maximum possible distance from the property corner. Joint use of a single driveway by two (2) abutting property owners may be authorized by the planning commission when inadequate space or separation exists in order to ensure safety of the motorist along a public street and limit access points. Ingress and egress points shall be limited to one cut, with a maximum of thirty six feet (36') at the property line. Ingress and egress drives shall be built in accordance with the specifications and policies governing curb and utility cuts. Access to primary and secondary arterials will be allowed only after the property owner provides adequate traffic control of ingress and egress as approved by the city engineer. Additional driveways may be considered and granted when the planning commission deems them to be in the public interests.

B. Area Regulations: The requirements for approval of site plans shall be as follows:

1. Front Yard: All buildings shall set back from the street right of way line to provide a front yard having not less than twenty five feet (25') in depth; provided, that such setback shall not apply to any structure on Main Street or any area of exclusive commercial use.
2. Side Yard: On the side of a lot adjoining a dwelling district or any residential structure, there shall be a side yard not less than ten feet (10'). For uses located on corner lots, there shall be a side yard setback of not less than fifteen feet (15') in case such lot is back to back with another corner lot, and twenty five feet (25') in all other cases.
3. Rear Yard: The rear yard area shall be twenty five feet (25') and if the building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof, of not less than thirty feet (30').

C. Lighting:

1. All lighting in parking areas, as part of signs and advertising, or special lighting, shall be so arranged to avoid unreasonable reflection or radiation into any residential zone.

2. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity which will not interfere with adjacent land uses or the use of adjacent streets. (2010 Code § 22-48)

D. Parking: The provisions of section [10-8-7](#) of this title shall be complied with. (2010 Code § 22-48; amd. 2012 Code)

E. Surfacing: All of the property used for parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be paved with asphalt or concrete to a standard acceptable to the City Engineer and properly maintained. All other areas of the property shall be maintained in good condition year round or be provided with an all weather surface. (2010 Code § 22-48)

F. Screening: On the property adjoining a Residential District, not separated by a street, there shall be provided an aesthetic visual barrier consisting of suitable natural and/or manmade material, at least seventy five percent (75%) opaque and not less than five feet (5') in height. The property owner and/or developer shall submit a proposal for screening that will meet the screening requirements. The proposal shall be in the form of a drawing of a typical section of the screen and a list of the materials to be used. The Planning Commission may require reasonable changes in the proposal before adopting it as part of the site plan. The screening and screening material provided in accordance with the adopted site plan shall be maintained in good condition. In the event adjoining property is being utilized for dwelling purposes at the time commercial development is proposed, screening shall be required. (2010 Code § 22-48; amd. 2012 Code)

10-7C-6: BUSINESS SIGNS:

A. Signs And Advertising: Nameplates and signs relating only to the use of the store or to the products sold on the premises are permitted. This Code shall be complied with. Mobile signs shall not be permitted in any location that will obstruct the vision of motorists and shall be satisfactorily anchored to prevent a hazard by moving unexpectedly. Mobile signs shall be limited to a duration of sixty (60) days per year at any location.

B. Business Signs And Displays: Business signs, poster boards, bulletin boards or similar displays in the C Commercial District shall conform to the following requirements:

1. Business signs shall not exceed two hundred (200) square feet in surface area and thirty five feet (35') in height identifying the business or activity conducted on the premises. Ground signs shall not exceed eight feet (8') in height. Ground signs are not permitted on lots that do not have setbacks on the front and sides.

2. Lots without both front and side setbacks may have one business sign, not exceeding thirty two (32) square feet in surface area, and identifying the business or activity conducted on the premises may be attached to the building on each street frontage of the building. Signs that extend from the building frontage must overhang at a height of not less than ten feet (10'), and shall not have a maximum projection greater than six feet (6'). In cases where two (2) or more businesses occupy the same building, the total surface area may not exceed the thirty two (32) square foot limitations unless the frontage is fifty feet (50') or greater, then a thirty two (32) square foot sign is permitted for each business.

3. Signs with flashing lights are not permitted.

4. A real estate sign advertising the sale, rental or lease of the premises may be erected on each street frontage. The sign shall not exceed thirty two (32) square feet in surface area or eight feet (8') in height, and illumination, if any, shall be by constant light. All signs shall be erected on private property and shall not encroach upon any public street or walk, and shall not overhang at a height of less than ten feet (10'), and shall not have a maximum projection greater than six feet (6'). (Ord. 466, 10-9-2018)

10-7C-7: APPEALS:

Appeals to any decision of the Planning Commission may be taken by any person aggrieved thereby to the City Commission. Appeals shall be taken within thirty (30) days from the date of the decision by filing with the City Clerk a notice of appeal specifying the grounds thereof, and by paying a filing fee as established by resolution of the City Commission at the Office of the City Clerk at the time the notice is filed. The Chairperson of the Planning Commission shall forthwith transmit to the City Commission copies of all the papers constituting the record of said matter, together with a copy of the ruling or order from which the appeal is taken. An appeal stays all proceedings in furtherance of the action appealed from. The City Commission shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The City Commission shall not rehear an appeal once decided unless it is shown by the appellant that all pertinent facts of the case were not brought before the City Commission at the public hearing, and that for some reason he was prevented from presenting such facts, or that the facts of the case have materially changed since the public hearing. (2010 Code § 22-48; amd. 2012 Code)

10-7C-8: AMENDMENTS TO SITE DEVELOPMENT PLAN:

Minor changes to the site plan may be accomplished administratively through the building inspector, so long as substantial compliance is maintained with the approved site plan. Proposed changes which could represent a significant departure from the site plan, as approved by the planning commission or mayor and city commission, shall require resubmittal. Major changes to an approved site plan which would require resubmittal shall include, but not be limited to, an increase in the bulk of any building by more than five percent (5%), and increase in residential density, or an increase in total ground area covered by buildings by more than five percent (5%). (2010 Code § 22-48)