

11-209.4 Yards

11-209.4.1 On lots adjacent to residential districts, all buildings shall be located to conform to the side yard requirements for the adjacent residential districts.

11-209.4.2 Canopy over gasoline pumps minimum 10 feet off right-of-way or property line.

11-209.5 Height

Buildings shall not exceed six (6) stories nor seventy-five (75) feet in height.

11-209.6 Subject to off-street parking requirements in Section 11-203.7

11-210 PROVISIONS GOVERNING C-3 COMMERCIAL DISTRICTS (GENERAL COMMERCIAL)

11-210.1 Uses Permitted

11-210.1.1 Any use permitted in Commercial C-2 Districts, including service stations, funeral homes, offices and financial institutions. *[Added 5-7-84, Ordinance #122]*

11-210.1.2 Auto sales; packaged feed and seed stores; furniture and appliance stores; auto garage and repair shops; motels, restaurants; warehousing and storage uses.

11-210.1.3 Specialized recreation facilities such as billiard halls, skating rinks, bowling alleys, miniature golf courses, theaters, horse show arenas, stadiums, and similar uses.

11-210.1.4 On-premises advertising in accordance with Section 11-203.9.3 and other signs as permitted in Section 11-203.9.

11-210.1.5 Accessory uses or structures customarily incidental to the above permitted uses.

11-210.1.6 Uses may be subject to F-1 Floodplain Regulations found in Section 11-219.

11-210.2 Uses Permitted on Appeal

11-210.2.1 Same as for C-2 District, except single-family residential, major warehousing and storage uses. *[Added 5-7-84, Ordinance #122]*

11-210.2.2 Uses subject to written approval of the Livingston Municipal Board of Zoning Appeals, and subject to such conditions (normally involving the possible prevention of traffic, parking, health, and aesthetic problems) as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.

11-210.2.3 Uses may be subject of F-1 Floodplain Regulations found in Section 11-219.

11-210.2.4 Multi-family Housing

- 11-210.2.5 Residential Care Home for Aged in accordance with specific provisions of 11-215.5.
- 11-210.2.6 Day Care Facilities for Young Children or Elderly Adults in accordance with specific provisions of 11-215.6.
- 11-210.2.7 Accessory structures for single-family residences (pre-existing prior to adoption of this ordinance in September 1972). Accessory structures must meet the requirements outlined in Section 11-205.4.6 for an R-1 Low Density Residential District.
- 11-210.3 Uses Prohibited**
- 11-210.3.1 Single-family residential.
- 11-210.3.2 Industrial uses.
- 11-210.3.3 Storage above ground consisting of inflammable liquids in excess of one-thousand (1,000) gallons. [Amended 5/7/84, Ordinance #122, was 750 gallons]
- 11-210.3.4 Storage of explosives.
- 11-210.3.5 Truck terminals.
- 11-210.3.6 Junkyards.
- 11-210.3.7 Uses not specifically permitted, permitted on appeal or permitted by implication are considered prohibited. [Added 12/1/86, Ordinance #127]
- 11-210.3.8 Off-premise signs and other signs as prohibited in Section 11-203.9.2.

11-210.4 Yards

11-210.4.1 Front

Lots shall be considered fronting on either arterial or collector streets. All principal and accessory structures shall be set back from the right-of-way lines of streets the maximum distance shown below, according to their classifications as indicated on the latest official thoroughfare plan:

Arterial Streets	40 feet [Amended 4/7/75]
Collector Streets	40 feet
Minor Streets	30 feet [Added 5/7/84]

- 11-210.4.2** Side
 Interior side yard setback of 5 feet. On the street side of a corner lot, the side yard requirement is one-half the usual front yard setback. [Added 5/7/84, Ordinance #122]
- 11-210.4.3 Rear setback of 10 feet. [Added 5/7/84, Ordinance #122]
- 11-210.4.4 Canopy over gasoline pumps minimum 10 feet off right-of-way or property line.
- 11-210.4.5 Multi-family residential shall meet lot area and yard requirements as in R-2.
- 11-210.5 Off street parking is subject to requirements established in Section 11-203.7 And off-street loading shall be provided according to the specific use of the structure.
- 11-210.6 Buildings shall not exceed maximum height of three (3) stories or 35 feet. [Added 5/7/84, Ordinance #122]

11-211 REQUIREMENTS FOR PLANNED COMMERCIAL

NOTE: *Ordinance #122 (5-7-84)* actually deleted C-4 Planned Commercial District as a separate district, although design standards and plan review requirements were retained for any new commercial building over 20,000 square feet and/or four (4) or more separate commercial units in any C District.

- 11-211.1** Intent
 As Livingston grows, so will the need for planned shopping centers. Because of the difficulty in pinpointing locations to meet future requirements of community retailing, no effort has been made to district these shopping areas on the Municipal Zoning Map in advance of actual development proposals. This is termed the "*floating zone*" approach, which permits optimum flexibility in planning and design as related to specific economic and physical characteristics of both site and environment. The planning requirements for future shopping centers shall be as follows:
- 11-211.2** Location Requirements
- 11-211.2.1 Be located next to a peripheral artery or at the intersection of two (2) arterial streets.
- 11-211.2.2 Have a site of not less than one and one-half (1-1/2) acres.
- 11-211.2.3 Provide not less than six thousand (6,000) square feet of actual floor space.
- 11-211.2.4 Follow a site plan prepared by the property owner(s) or his agents and approved by the Planning Commission.

11-211.3 Petition and Site Plan

11-211.3.1 Before any shopping center district shall be officially designated on the municipal zoning map, a petition shall be filed with the Planning Commission. This petition shall be signed by all legal owners of properties to be included in such district, with the legal description of each owner's property following his signature. This petition shall request that the Planning Commission approve for recommendation to the Board of Mayor and Aldermen the establishment of a shopping center district to include the properties of such signers as set forth in the petition. This petition shall be accompanied by certification by an attorney that the signers of the properties as presented are the legal owners.

11-211.3.2 There shall be filed concurrently with the Commission, by or on behalf of such property owners, a preliminary site plan of the development contemplated for the combined properties of such owners within the proposed district. Such site plan shall bear the signatures of the owners, and shall provide the following data:

- (a) The location, arrangement, and dimensions of automobile storage areas, and parking aisles, bays, and angles.
- (b) The location, arrangement, and dimensions of loading and unloading space and docks.
- (c) The location, arrangement, and dimensions of vehicular entrances, exits, and driveways.
- (d) The location, arrangement, and dimensions of pedestrian entrances, exits, and driveways.
- (e) The basic layout of water, sewer, and storm drainage systems.
- (f) The type of construction materials for walkways, drives, fences, and other accessory structures.
- (g) A topographic overlay or separate topographic map when the elevation exceeds five (5) feet per one hundred (100) lineal feet.
- (h) The location and exterior dimensions of all structures.
- (i) The location, size, height, and orientation of signs.

11-211.3.3 Procedure for Approval

The following procedure shall establish a tract as a shopping center district.

- (a) Submission to the Planning Commission of a letter of application with a preliminary site plan and supporting data; these data shall include a time schedule for construction, as a minimum. Other data such as a market analysis, a financial report, and a traffic study may be additionally required.
- (b) Review of the application and data by the Planning Commission.
- (c) Recommendation of any approved plan by the Planning Commission to the City Board.
- (d) Action by the City Board on the proposed Municipal Zoning Map amendment, following a public hearing.
- (e) Should the Municipal Zoning Map amendment be approved by the City Board, the applicant must submit a final site plan to the Planning

Commission. A performance bond covering public improvements may be required by the Planning Commission before final approval, and before referral to the Building Inspector for the issuance of a building permit. The developer shall adhere to the approved schedule for beginning and completing construction.

11-211.3.4 Dimensional Standards

The following dimensional standards shall be maintained by the developer.

- (a) Coverage of the lot or tract shall not exceed twenty-five (25) percent; FAR shall not exceed fifty (50) percent.
- (b) The height of any structure shall not exceed thirty-five (35) feet nor two and one-half (2-1/2) stories.
- (c) The principal structure or structures shall not be less than fifty (50) feet from a property line, including automobile storage area, loading and unloading space, circulation space, and space for landscaping, lighting, and signs.

11-211.3.5 Design Standards

The following design standards shall be maintained by the developer.

- (a) **Signs.** Each shop may have a wall sign and a projecting sign advertising the name of the store and the type of products sold therein. Also, a shopping center may have two (2) ground signs advertising the center, but not the businesses therein.
 - (1) Wall signs shall not extend above or beyond a building wall, nor project more than one foot from the face of the structure.
 - (2) Projecting signs shall be of one size.
 - (3) Ground signs shall be of permanent construction and shall not exceed twenty-five (25) feet in height. The area of each exposed face shall not exceed eighty (80) square feet. If only one sign is erected, the area of each face may be increased by fifty (50) percent.
 - (4) To avoid excessive advertising and to insure a harmonious appearance to the center, the composition and size of shop signs shall be controlled by written agreement between the owner and tenants.
- (b) **Access and Traffic Control.** To control the traffic generated, the developer may be required to pay the cost of installing or constructing any of the following facilities on streets providing access to a shopping center: (1) street widening; (2) ingress and egress driveways; (3) acceleration and deceleration lanes; and (4) traffic control devices and signs, including channelization. When the developer is held responsible for traffic control construction, such responsibility and subsequent liability shall constitute a contractual agreement between the developer and the city.

- (c) **Circulation and Parking Layout.** An automobile storage area and adequate servicing driveways shall be provided within the boundaries of a shopping center. Space to the rear of shops shall not be considered usable by the public and shall be creditable to fifty (50) percent of the number of required parking spaces for employees. An exception to this requirement may be made by the Planning Commission, if a shopping center is the central mall type. In such case all sections of the required automobile storage area shall be provided with adequate connecting internal driveways and means of ingress and egress to the public streets.
- (d) **Off-Street Loading.** Each shop shall be provided with a rear or side entrance that is accessible to a servicing driveway and not a part of the circulation system used by the vehicles of shoppers. Loading and unloading facilities shall be arranged so that trucks will not block the passage of other vehicles on servicing driveways, not extend into other private or public driveways, or streets for vehicular circulation.
- (e) **Storage of Waste.** The refuse disposal area and storage containers shall be maintained in such manner as to meet local health requirements, and shall be screened from view.
- (f) **Lighting.** Lighting facilities shall be installed in a manner which will protect adjoining streets and neighboring properties from direct glare and from hazardous interference.

11-212 PROVISIONS GOVERNING I-1 INDUSTRIAL DISTRICTS (LIGHT)

11-212.1 Uses Permitted

- 11-212.1.1 Industrial uses, such as the manufacture of textiles and apparel; fabrication and assembly of machinery and other products of metal, wood, or other materials; and similar uses.
- 11-212.1.2 Wholesaling, warehousing, and storage uses; heavy commercial uses; truck terminals.
- 11-212.1.3 Accessory uses or structures customarily incidental to the above permitted uses.
- 11-212.1.4 Uses may be subject to F-1 Floodplain Regulations found in Section 11-219.
- 11-212.1.5 On-premises advertising in accordance with Section 11-203.9.3 and other signs as permitted in Section 11-203.9.1.
- 11-212.1.6 Day Care Facilities for Young Children or Elderly Adults in accordance with specific provisions of 11-215.6.

11-212.2 Uses Permitted on Appeal

- 11-212.2.1 Public and semi-public uses except educational, cultural, medical, and recreational facilities.
- 11-212.2.2 Uses subject to written approval of the Livingston Municipal Board of Zoning Appeals, and subject to such conditions as the Municipal Board of Zoning