

# Chapter 17.28 C-3R ZONE

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## § 17.28.010 Purpose.

In order to provide for areas within the city in which commercial and residential uses can be developed, the following regulations of this chapter shall be applicable to all properties classified in zone C-3R.

(Prior code § 9386)

## § 17.28.020 Permitted uses.

No person shall use, or permit the use of, any property zoned C-3R except as herein provided:

A. Principal Uses. Premises in the C-3R zone may be used for the following principal uses:

1. Any principally permitted uses allowed in zone C-3 or R-3;
2. Art supply shops;
3. Artificial limbs, orthopedic and therapeutic devices;
4. Auction houses or stores;
5. Automobile and trailers, sales;
6. Bakeries, including wholesale operations when conducted in conjunction with retail sales;
7. Battery sales, installation and service;
8. Bicycle sales, service and repair;
9. Blueprint shops;
10. Book binderies;
11. Building material sales and storage;
12. Ceramic stores;
13. Ceramic manufacturing incidental to retail sales from the premises provided the total volume of kiln space does not exceed 16 cubic feet;
14. Dairy products, limited to retail sales and package plant, providing that if any part of such operation is to be conducted in the open, specifically including drive-in type uses, a conditional use permit shall first be obtained;
15. Drive-in restaurants, with no car service;
16. Equipment rental services, including rototillers, power mowers, sanders, power saws, cement mixers, and other similar equipment;
17. Feed and grain sales;
18. Frozen food lockers;
19. Furniture shops (new and used);
20. Garden supplies;
21. Health food stores;

22. Hotels, catering to transient occupancy only;
23. Job shop printers;
24. Kennels (entirely within enclosed building);
25. Laboratories, medical, dental, X-ray, biochemical;
26. Lapidary shops, retail sales and service, repair of equipment;
27. Lawnmowers, retail sales, service and repair;
28. Linoleum and floor tile, retail sales;
29. Markets, wholesale and jobbers;
30. Mimeographing and addressograph services;
31. Nurseries;
32. Office equipment and supplies;
33. Optical establishments, including the sale of lenses and frames and the grinding and mounting of lenses;
34. Patio equipment and outdoor furniture;
35. Photoengraving and finishing;
36. Printers or publishers;
37. Radio and television broadcasting studios;
38. Secondhand goods and furniture stores;
39. Take-out sale of prepared food;
40. Telephone answering service;
41. Tourist information centers;
42. Toy shops;
43. Trailers, rental of house trailers;
44. Trailer sales, not to include truck trailers;
45. Typewriter sales and incidental repairs;
46. Variety stores;
47. Vending machines, coin-operated machine and amusement devices, sales, service and rental;
48. Upholstery shops;
49. Other similar uses which the commission finds, pursuant to Section 17.04.090 of this title, to be of a comparable nature and class of those enumerated above;
50. Any of the following uses shall be allowed in zone C-3R, provided a conditional use permit therefor is first obtained. Manufacturing, compounding, assembly, packaging or treatment of articles or merchandise from any of the following materials:
  - a. Glass,
  - b. Iron, not including foundries,

- c. Metal, products of precious metals; steel and brass stamp, including hand and machine engraving; metal fabricating, spinning and storage,
- d. Paper, not including the manufacture of paper itself,
- e. Pottery,
- f. Textiles,
- g. Wood, including a planing mill;

51. Any of the following uses shall be allowed in zone C-3R, provided a conditional use permit therefor is first obtained. Manufacturing, compounding, assembling, processing packaging or treatment which creates any of the following products:

- a. Batteries,
- b. Beds and bedsprings,
- c. Cigars,
- d. Cigarettes,
- e. Clocks,
- f. Food products, except lards, pickles, sauerkraut, sausage or vinegar,
- g. Furniture,
- h. Gloves,
- i. Hearing equipment,
- j. Mattresses,
- k. Motors, electric,
- l. Prefabricated buildings,
- m. Shoes,
- n. Statuary,
- o. Wearing apparel, and garments;

52. Commercial hand laundries (not including industrial laundries);

53. Truck servicing and repairing, relating to vehicles of five-ton unladen weight or greater, provided a conditional use permit therefor is first obtained;

54. Residential uses shall be allowed in zone C-3R provided a conditional use permit, pursuant to the provisions of Chapter 17.96 and this section is first obtained therefor;

55. Motels, provided that a conditional use permit, pursuant to the provisions of Chapter 17.96 and this section, is first obtained therefor;

56. Condominiums, developed in accordance with Chapter 17.60 of this code, provided that a conditional use permit, pursuant to the provisions of Chapter 17.96 and this section, is first obtained therefor.

**B.** Accessory Uses. Property zoned C-3R may be used for accessory uses, provided that such uses are incidental to, and do not substantially alter the character of, any permitted principal use, including, but not limited to:

- 1. Accessory uses, buildings or structures;

2. Accessory dwelling units and junior accessory dwelling units pursuant to Chapter 17.54;
  3. Building materials, storage of, only when used in construction of a building or structure and then only during the construction and for 30 days thereafter, including the contractor's temporary office, provided that any such accessory use shall be located on the lot where the building project is taking place or on a lot abutting the construction site.
- C. Temporary Use Permits. Premises in the C-3R zone may be utilized for activities for which a temporary use permit is required.  
(Ord. 1000; Ord. 1129, 1997; Ord. 1220 § 1, 2017; Ord. 1266 § 7, 2020; Ord. 1269 § 4, 2021)

§ 17.28.030 **Limitations on permitted uses.**

Every use in any C zone shall comply with the following:

- A. All uses shall be conducted within a completely enclosed building except for those uses which are customarily conducted in the open, such as the sale of cars, boats and recreational vehicles, as determined by the planning commission pursuant to Section 17.04.090 of this code.
- B. All outdoor storage permitted under subsection A of this section shall be maintained in an area of a lot, approved by the director, completely enclosed by a view-obscuring fence or wall and paved with macadam or asphaltic pavement in accordance with adopted city standards therefor. Surfacing of such area shall be designated, constructed and maintained so as to dispose of all surface water.
- C. All outdoor sales permitted under subsection A of this section shall be limited to commodities sold at retail on the premises.
- D. Any commercial use which uses or produces hazardous materials, petroleum products, greases or oils shall be required to install and maintain an interceptor or clarifier and shall dispose of such hazardous materials, petroleum products, greases and oils only in accordance with applicable local, state and federal law. All pre-existing commercial uses not in compliance with this subsection shall be required to comply with this section within 90 days of the effective date of the ordinance enacting this provision.

(Prior code § 9386a; Ord. 1129, 1997)

§ 17.28.040 **Development standards.**

The following development standards shall be applicable to each use, building or structure located in zone C-3R, except as hereinafter set forth:

- A. Lots.
  1. Area. The minimum required lot area of each lot in the C-3R zone shall be 5,000 square feet.
  2. Width. The minimum width of each lot in the C-3R zone shall be 50 feet.
  3. Depth. The minimum depth of each lot in the C-3R zone shall be 100 feet.
- B. Yards. The following yard areas shall be required, and observed, on all C-3R-zoned properties:
  1. Front Yards. In the C-3R zone every lot shall have and maintain front yards as follows:
    - a. Residential uses in the C-3R zone shall have and maintain a front yard not less than 20 feet in depth from the public right-of-way, provided that commercial uses may be placed in such front yard.
    - b.

For commercial uses in the C-3R zone, no building, wall, structure or fence may be located closer than 10 feet to the property line. Except as otherwise provided in this chapter, the space between the building, wall, structure, or fence and the property line shall be landscaped and permanently maintained, and not otherwise used.

2. Side Yards. In the C-3R zone every lot shall have and maintain side yards as follows:
  - a. Each lot in the C-3R zone occupied by a commercial use, which has a side lot line abutting any lot located in any of the R zones, shall have and maintain a side yard area of not less than 10 feet in width on the side adjoining such residentially zoned lot.
  - b. Where a permitted driveway enters the side wall of a building, that portion of such side wall shall be located not less than 20 feet from the side lot line of the lot upon which located.
  - c. On corner lots and reversed corner lots, a minimum 10 foot side yard shall be provided. Except as otherwise provided in this chapter, the space between the building, wall, structure, or fence and the property line shall be landscaped and permanently maintained, and not otherwise used.
3. Rear Yards. Each lot in the C-3R zone occupied by a commercial use, which has a rear lot line abutting any lot located in any of the R zones, shall have and maintain a rear yard area not less than 10 feet in depth. Each C-3R zoned lot occupied by a commercial use, the lot line of which is separated from a residentially zoned lot by a public alley, shall maintain a rear yard not less than five feet in depth.

**C. Buildings.**

1. Height. No building or structure in the C-3R zone shall exceed a height of 70 feet; provided that where a lot in the C-3R zone has one or more common lot lines with a lot zoned R-1, no building or structure on such C-3R-zoned lot, located within 50 feet of such common lot line, shall exceed the maximum height permitted for buildings or structures in the R-1 zone.
2. Building Bulk. Buildings, including accessory buildings and structures, may cover all of the area of any lot in the C-3R zone, except for required yard areas, and areas required for off-street parking facilities.

**D. Off-Street Parking.** Each lot in the C-3R zone shall have and maintain off-street parking facilities as is required by Chapter 17.76 of this code.

**E. Loading.** Each lot classified in the C-3R zone shall have and maintain such loading facilities as may be required by Chapter 17.76 of this code.

**F. Required Walls.** Each lot in the C-3R zone occupied by a commercial use, which has a common side or rear lot line with any R zoned property, shall have and maintain a solid masonry wall not less than six feet in height, in and along all such side and rear lot lines. Any such fence so required which is adjacent to the side of a required front yard area on the adjoining zoned property, shall conform to the height regulations applicable to front yard areas in such R zoned property.

**G. Trash Facilities.**

1. Each lot in the C-3R zone shall be provided with facilities for the storage and collection of trash as follows:
  - a. All outside trash and garbage collection areas shall be enclosed by a view-obscuring wall or fence, not less than six feet in height, so that the contents thereof are not visible from any public street or adjacent R zoned property; except that such enclosures shall not be required if such trash and garbage is kept in substantial metal containers, with close-fitting lids.

b.

All trash, rubbish and garbage receptacles shall be regularly cleaned, inspected and maintained in a clean, safe and sanitary condition.

c. All trash storage areas shall be located for convenient vehicular access for pickup and disposal.

2. All existing uses, buildings and structures which do not comply with the provisions of this subsection as of the effective date of the ordinance codified in this section, shall so comply within 12 months after such effective date.

#### H. Compressors, Motors, Etc.

1. Each lot in the C-3R zone which has, as an accessory to a permitted use, compressors, air conditioning units or similar machinery, located outside of the exterior walls of any building, shall comply with the following:

a. All such mechanical equipment shall be enclosed within a permanent noncombustible enclosure subject to the approval of the building inspector and subject to all yard area regulations.

b. All such mechanical equipment shall be maintained in a clean and proper condition to prevent a collection of litter and filth and to avoid the emission of unnecessary noise, dust or fumes.

2. All existing uses, buildings and structures which do not comply with the provisions of this subsection as of the effective date of the ordinance codified in this section, shall so comply within 12 months after such effective date.

I. Storefront Security Bars and/or Gates. Storefront security bars and/or gates shall include, but not be limited to, any type of stationary, fold up, pivoting, rotating, or roll up solid metal or metal lattice work, mesh, or crossed bar grates used to prevent passage through a door or window opening.

1. Storefront security bars and/or gates shall only be installed within the interior walls of commercial buildings or structures, and shall be prohibited on the exterior of such buildings or structures.

2. Storefront security bars and/or gates shall not obstruct windows and entryways, and shall not be predominately visible from the exterior of the building when business operations are being conducted on site.

3. Legal Nonconforming Storefront Security Bars and/or Gates.

a. Any legal nonconforming storefront security bars and/or gates, which have been destroyed or deteriorated and cannot be repaired without its removal, shall be permanently removed or brought into conformance.

b. Any existing storefront security bars and/or gates which are nonconforming to this subsection shall be removed or brought into conformance not later than three years from the date of the ordinance codified in this section was adopted by the city council.

i. Any business or property owner may seek an extension of time from the otherwise applicable amortization schedule pursuant to the provisions of subsection (I)(4).

4. Extension of Time from Amortization Period.

a. The planning division may accept an application for an extension of time from the amortization period either before or after the date of expiration of such nonconforming use set forth in subsection (I)(3)(b).

- b. The extension of time request shall be reviewed by the planning commission. The planning commission may only consider one extension of time per property. The commission, or the city council upon appeal, shall make the following findings in approving or conditionally approving an application for the extension of time request:
  - i. That the strict application of the nonconforming storefront security bars and/or gates provisions will create an unreasonable hardship upon the applicant, which was not brought about by an act of the applicant.
  - ii. That the extension of time request will not be materially detrimental to the public, health, safety, or general welfare, or to the use, enjoyment or valuation of property of other persons located within the vicinity.
  - iii. That sufficient evidence has been submitted to support the need for the extension of time and appropriate amount of time.
- c. Written notice of time and place of hearings conducted by the planning commission, or city council upon appeal, relating to such matter shall be given not less than 10 consecutive calendar days in advance of such hearing to the applicant and/or property owner whose property is within a 300 foot radius of the subject lot. All persons interested in such matter shall be given a reasonable opportunity to present relevant evidence relating to the request.

J. Exceptions. Any use, building or structure which is in existence, or for which a building permit has been issued, as of the effective date of the ordinance codified in this section, and which, as of such date, conformed to all zoning regulations of the city then in effect, shall not be rendered nonconforming within the meaning of Chapter 17.100 of this code, solely by reason of the application of the development standards, as set forth in this section, thereto; provided that any such existing use, building or structure, in case of expansion or reconstruction, shall, as to that portion thereof, comply with the provisions of this section.

(Ord. 988; Ord. 1129, 1997; Ord. 1196 § 1, 2013; Ord. 1236 § 3, 2018; Ord. 1266 § 8, 2020)

§ 17.28.050 **Site plan review.**

Prior to submission of plans to the building department, for an application for a building permit for any building or structure in the C-3R zone, the applicant shall comply with the provisions of Chapter 17.92 of this code with regard to site plans.

(Prior code § 9389.1; Ord. 1221 § 3, 2017)

§ 17.28.060 **Exemption of existing uses.**

Notwithstanding any provision of this title to the contrary, any building and/or structure located on any C-3 zoned lot or for which building permits have been issued which: (1) was in existence or for which building permits have been issued as of the fourth day of August, 1969; and (2) conformed to the zoning regulations of the city in effect as of such date; and (3) would otherwise be rendered nonconforming solely by reason of the application thereto of Sections 17.28.040 and 17.28.050 of this chapter, shall not be deemed to have acquired a nonconforming status, within the meaning of Section 17.08.010 of this code, provided:

- A. That any new use, building or structure, proposed to be located on such lot shall comply with all of the regulations contained in this title as to such proposed new use, building or structure; and
- B. That the exemption granted in this section shall not apply to any building or structure which is damaged or destroyed, by any cause, to the extent that the cost of reconstruction or rehabilitation thereof would exceed an amount equal to the then value of such building or structure, as estimated by the city's building official, for building permit purposes.

(Prior code § 9389.2)