
Sec. 1006. GC general commercial district.

(1006.1) *Intent of district:* It is intended that the GC zoning district be established and reserved for general business purposes. The regulations that apply within this district are designed to encourage the formation and continuance of a stable, economically healthy and compatible environment for businesses to serve city and regional commercial needs. These regulations are also intended to accommodate businesses which benefit from being located in close proximity to each other, and to discourage any encroachment by other uses capable of adversely affecting the basic commercial character of the district. It is further intended that these regulations will reduce traffic congestion, provide for adequate off-street parking, and limit the development of "strip" type business areas.

The city council does hereby find that, based upon studies conducted on behalf of the city and by other cities, big box developments, typically over 32,000 square feet for an individual business, and developments with over 150,000 square feet of retail space, can have negative impacts on a community. In particular, such developments can have a negative impact on the scale of retail development in the community, and can also adversely impact existing retail businesses in the city. Additionally, such developments can result in an over-supply of commercial development within the city, thereby shifting the economic focus of the community. Employment opportunities may also be adversely affected by such developments. Finally, such developments are contrary to the city's comprehensive plan, as well as the goals and objectives of providing public safety services to the city's residents. For the foregoing reasons, the city council has determined it to be in the best interests of the city to provide that such developments may only be established pursuant to a special use permit, subject to the terms and conditions for the application and approval thereof set for in this section.

(1006.2) *Permitted uses:* The following uses shall be permitted in any GC zoning district:

- (a) Retail business involving the sale of merchandise on the premises, provided no single tenant, owner, occupant, or business occupies more than 10,000 square feet, as follows:
 - (1) Antique shops, including antique auction houses.
 - (2) Art and school supply stores.
 - (3) Automotive car wash facilities.
 - (4) Automobile maintenance facilities (brake repair, installation of tires, tune-up shops, oil change services, emission stations, etc.) subject to all activities taking place within an enclosed building.
 - (5) Automotive parts store.
 - (6) Automotive rentals.
 - (7) Bakeries.
 - (8) Bar, nightclub, tavern and/ or lounges.
 - (9) Bicycle shops.
 - (10) Boat sales and supply.
 - (11) Book or stationery stores.
 - (12) Camera and/or photography store.
 - (13) Clothing sales and apparel stores.
 - (14) Consignment stores.
 - (15) Convenience food stores.
 - (16) Department stores.

-
- (17) Drive-in restaurants.
 - (18) Drop-off and/or donation center, provided that merchandise is dropped inside of an enclosed building or tenant space and there is no sale of donated merchandise on the premises.
 - (19) Drug stores.
 - (20) Electronic equipment sales and service (TV, VCR, stereo equipment, etc.).
 - (21) Florists.
 - (22) Food and/or grocery stores.
 - (23) Food catering establishments.
 - (24) Funeral home and mausoleum.
 - (25) Furniture rental and/or sales.
 - (26) Garden supply centers and greenhouses.
 - (27) Gift shops.
 - (28) Golf cart sales and supply.
 - (29) Hardware stores.
 - (30) Hobby shops.
 - (31) Ice cream shops.
 - (32) Interior decorating shops.
 - (33) Jewelry stores.
 - (34) Music stores.
 - (35) Newspaper publishing facility.
 - (36) Pet shops and/or grooming facilities.
 - (37) Photography shops and studios.
 - (38) Plumbing, electrical, pool and home building supply showrooms and sales centers provided there is no outside storage associated with the use.
 - (39) Radio, recording or television studios and broadcasting stations, not including a transmission tower on the premises.
 - (40) Radio and television repair shops.
 - (41) Record and/or video sales and rental services.
 - (42) Rental facilities provided there is no merchandise stored outside of the building and/or tenant space.
 - (43) Restaurants and lounges.
 - (44) Shoe sales.
 - (45) Small appliance repair shops.
 - (46) Sporting goods stores.
 - (47) Toy stores.

-
- (b) Business involving the rendering of a personal service on the premises, as follows:
- (1) Barber and/or beauty shops.
 - (2) Custom dressmaking and sewing shops.
 - (3) Day care facility, subject to the following conditions:
 - a. A minimum of 100 square feet of outdoor recreation area per child is provided, and the outdoor play area is enclosed with a six-foot tall fence.
 - b. Compliance with all state day care standards.
 - c. Compliance with all health regulations.
 - (4) Dry cleaning establishments, including dry cleaning pick-up and delivery stations, not to exceed 2,500 square feet of gross floor area.
 - (5) Locksmith shops.
 - (6) Nail salons.
 - (7) Photocopying and/or reproduction services.
 - (8) Shoe repair shops.
 - (9) Tailor shops.
 - (10) Travel agencies.
 - (11) Watch and clock repair shops.
- (c) Office for governmental, business, professional or general purposes, as follows:
- (1) Accounting offices.
 - (2) Animal hospitals and/or veterinary clinics.
 - (3) Banks and/or financial institutions.
 - (4) Clinics and health centers.
 - (5) Design studios (architecture, engineering, landscape architecture, etc.)
 - (6) Educational facilities.
 - (7) Insurance office.
 - (8) Instructional studios (art, dance, martial arts, yoga, etc.)
 - (9) Law offices.
 - (10) Medical offices (doctor, dentist, chiropractor, etc.).
 - (11) Other public or professional offices.
- (d) Commercial recreation facility located entirely within a building on the premises, as follows:
- (1) Amusement centers and arcades, including billiards and pool halls.
 - (2) Athletic and health clubs.
 - (3) Children's gym and/or indoor recreation facilities.
 - (4) Cultural facilities (art galleries, museums, theaters, libraries and other similar uses).
 - (5) Indoor recreation facilities (bowling alleys, skating rinks, shooting ranges, movie theaters, etc.).

-
- (e) Publicly owned building, facility or land.
 - (f) Building, facility or land for the distribution of utility services.
 - (g) Building, facility, or land for non-commercial park, recreation, thoroughfare or open space purposes.
 - (h) Private or semiprivate club, lodge or social center.
 - (i) Hotel or motel, subject to the following conditions:
 - (1) All guest rooms shall be accessible by internal hallways only.
 - (2) The lobby area shall be a minimum of 800 square feet in size.
 - (3) Each hotel/motel site shall be a minimum of two acres in size.
 - (4) Each hotel/motel shall provide on-site management 24 hours per day.
 - (5) Each guest room shall include a complete bathroom facility, including sink, toilet and tub/shower.
 - (6) On-site storage of commercial equipment shall be prohibited.
 - (7) Occupational tax licenses shall not be issued for any business operating out of a guest room at the hotel/motel.
 - (k) Post-secondary education, trade or vocational school.
 - (l) Accessory uses, as described herein.

(1006.2a) *Prohibited uses:* The following uses shall not be permitted in any GC zoning district:

- (a) Adult entertainment.
- (b) Adult novelty stores, book stores, entertainment centers, theatres, and amusement facilities, peep shows and/or massage parlors.
- (c) Automobile sales.
- (d) Bail bond services.
- (e) Bingo parlor.
- (f) Blood bank and/or plasma center.
- (g) Check cashing facilities.
- (h) Cemetery.
- (i) Crematory.
- (j) Extended stay lodging facilities.
- (k) Facilities for dumping, disposal, incineration or reduction of garbage or refuse.
- (l) Group homes.
- (m) Kennels.
- (n) Open yard for the sale, rental and/or storage of materials or equipment, including junk or salvage materials.
- (o) Pawn shops, second hand stores, closeout or liquidation stores, flea markets and/or bankruptcy or fire sales.
- (p) Scrap and salvage services.

(q) Second-hand clothing and/or thrift stores.

(r) Tattoo parlors.

(1006.3) *Conditional uses*: The following uses shall be permitted in any GC zoning district on a conditional basis:

(a) Retail business involving the sale of merchandise on an individual zoning lot where an individual tenant, owner, occupant, or business occupies more than 10,000 square feet subject to the following conditions:

(1) In addition to the conditions set forth in this subsection 1006.3. The maximum aggregate size of any commercial development shall be 150,000 square feet of floor area.

(2) No single commercial tenant, owner, occupant, or business shall occupy more than 32,000 square feet of floor area.

(3) No three commercial tenants, owners, occupants, or businesses shall occupy a combined floor area of more than 80,000 square feet.

(4) No more than six commercial tenants, owners, occupants, or businesses shall occupy more than 10,000 square feet of floor area each.

(5) All exterior building elevations that face public streets and/ or customer parking areas shall be designed so that there are no large expanses of blank walls. This requirement can be met by employing the use of architectural features including but not limited to the following: doors, windows, pilasters, columns, horizontal and vertical offsets, material and color variations, decorative cornices, awnings, canopies, murals, and graphics. In order to assure conformance with this requirement, exterior building elevations must be reviewed and approved as a part of the overall final site plan review process.

(6) Any tenant, occupant, or business that occupies more than 10,000 square feet shall provide the city attorney with a copy of the rental agreement between such tenant, owner, occupant, or business and its landlord which contains a contract provision prohibiting such person or entity from voluntarily vacating such premises or otherwise ceasing to conduct its retail business on such premises while simultaneously preventing the landlord, by continuing to pay rent or otherwise, from leasing the premises to another person or company who will operate a permitted business on the premises. If such a tenant, occupant or business voluntarily vacates such premises or otherwise ceases to conduct its retail business on the premises, the landlord shall be free to market and lease such premises to another person or company.

(7) The owner of the zoning lot shall prepare a traffic management plan which identifies the traffic problems that will be generated by development on the premises and which presents reasonable solutions to those problems. The plan must be prepared by a qualified professional traffic planner at no cost to the city, and it must be approved by the city engineer prior to the approval of the preliminary site plan or the issuance of a land disturbance permit or building permit, which ever occurs first.

(8) The owner of the zoning lot shall prepare a water management plan which identifies the water management problems that will be generated by development on the premises and which presents reasonable solutions to those problems. The plan must be prepared by a qualified professional engineer at no cost to the city, and it must be approved by the city engineer prior to the approval of the preliminary site plan or the issuance of a land disturbance permit or building permit, which ever occurs first.

(b) All conditional uses permitted in subsection 1005.3 for LC zoning districts shall be permitted as conditional uses in the GC zoning district, subject to the same conditions set forth in subsection 1005.3 and any additional conditions set forth in this subsection 1006.3.

- (c) Open setback depth for the sale, rental and/or storage of materials or equipment, excluding junk or salvage materials, provided that the area is entirely screened from the street and adjoining properties by a suitable fence or wall at least six feet in height above finished grade. The above required fence or wall must provide for a reasonable visual separation between the use and adjoining properties.
- (d) Commercial recreational facility or land where the use is not located entirely within a building on the premises, on the following conditions:
 - (1) The zoning lot is not less than one acre in area.
 - (2) Except for golf courses or other passive recreation areas, the zoning lot is not adjacent to or across the street from any residential zoning lot.
- (e) Transportation facility or terminal, provided service is primarily for passenger transportation rather than freight transportation.
- (f) Community hospital, including customary accessory functions, provided the zoning lot is not less than ten acres in area.
- (g) Church or other legitimate place of worship, including a one-family dwelling for a minister, on the following conditions:
 - (1) Notwithstanding any other requirements in this section, the following conditions shall apply to all churches regardless of zoning district:
 - (2) Minimum zoning lot area is three acres.
 - (3) Minimum lot width is 100 feet.
 - (4) Minimum setback area, front:

Building	40 feet
Parking	20 feet

- (5) Minimum setback area, side: 15 feet. If adjoining a residential lot, the building setback shall be 75 feet.
- (6) Minimum setback area, rear: 30 feet. If adjoining a residential zoning lot, the building setback shall be 75 feet.
- (7) Maximum building height: As approved by the fire department.
- (8) All zoning lots shall have direct access onto an arterial, major collector road or have access to an arterial, major collector or industrial/commercial road via a minor collector.
- (9) No parking shall be permitted within 20 feet of the property line of any adjoining residential zoning lot.
- (10) Parking and/or service areas shall be separated from adjoining residential lots by a suitable fence or wall six feet in height or a suitable planting screen six feet in height at time of planting. The required fence, wall, or screen must provide for a reasonable visual separation between properties. No fence or wall in excess of four feet may be placed in a setback area adjoining a public street.
- (11) One non-illuminated sign not greater than 32 square feet in area for each panel of a double-sided structure is permitted.
- (12) Parking: See section 909.
- (13) Lighting: See section (1005A.4)(n).

-
- (14) Any existing church in any zoning district may comply with either the requirement existing prior to enactment of this ordinance or they may comply with the conditions of this section. They shall not be permitted to comply with various sections of both requirements.

(1006.4) *Special Use Permit:* Certain uses, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted within the GC zoning district as a matter of right, but may, under the right set of circumstances and conditions be acceptable in certain specific locations. These uses are permitted only through the issuance of a special use permit by the mayor and city council after ensuring that the use can be appropriately accommodated on the specific property, will be in conformance with the comprehensive plan, can be constructed and operated in a manner which is compatible with the surrounding land uses and overall character of the community, and that the public interest and general welfare of the citizens of the city will be protected.

No inherent right exists to receive a special use permit; such permits are a special privilege granted by the city under a specific set of circumstances and conditions, and each application and situation is unique. Consequently, mere compliance with the generally applicable requirements may not be sufficient and additional measures, occasionally substantial, may be necessary to mitigate the impact of the proposed development. In other situations, no set of conditions would be sufficient to approve an application, even though the same request in another location might be approved.

1006.4(a) *Applicability:* The following uses may be permitted within the GC zoning district following issuance of a special use permit by city council:

- (a) Commercial and/or retail developments with more than 150,000 square feet of general commercial uses.
- (b) An individual retail business involving the sale of merchandise on an individual zoning lot where an individual tenant, owner, occupant or business occupies more than 32,000 square feet subject to the following:

1006.4(b) *Application:* The city planner shall prescribe the form(s) on which applications for a special use permit are made. Applications shall include the name and address of the applicant, the name and address of the owner of each zoning lot involved, and the relationship of the applicant and property owner in connection with the application. If the applicant or property owner is an entity other than an individual, the application shall also include detailed information regarding the principals of the entity. The city planner shall prescribe any other material that may reasonably be required to determine compliance with this article, with sufficient copies for necessary referrals and records.

Applications for special use permits shall not be deemed complete until each of the following items have been submitted to the city planner:

- (a) *Application package.* One copy of the appropriate application form and all necessary documentation must be fully completed and signed by the property owner or duly authorized agent with power of attorney.
- (b) *Fees.* Appropriate application fees as identified by city council shall be attached to the application package. Checks should be made payable to the City of Peachtree City.
- (c) *Property deed.* Two copies of the property deed(s) for all properties included in the application.
- (d) *Boundary survey.* Two copies of the boundary survey for each property included in the application shall be prepared by a certified land surveyor or licensed civil engineer and shall contain the following information:
 - (1) Bearings and distances with a scale of 1" = 100' or less, for all property lines and existing and proposed zoning district lines.
 - (2) Area of land proposed for consideration, in square feet or acres.
 - (3) Scale and north arrow.
 - (4) Names of boundary roads or streets and width of existing rights-of-way.

-
- (5) Geographic parcel identification number (GPIN).
 - (6) The land use and/or zoning classification of adjacent properties.
 - (7) An electronic copy of the legal description for each parcel included in the application.
- (e) *Written narrative.* The written narrative is a description of how the proposal relates to the relevant chapters of the comprehensive plan and should address the following elements at a minimum, as applicable:
- (1) *Land use.* Whether the proposed zoning and/ or land uses are consistent with the long-range land use designation, as well as:
 - (a) Proposed uses and impacts on public facilities.
 - (b) Proposed maximum number of dwelling units.
 - (c) Maximum height of all proposed structures.
 - (d) Mitigation of impacts on neighboring properties, including vehicular access plan, landscaping and screening, setback and buffer requirements, and transitioning of density/ intensity of land use.
 - (e) Proposed special amenities including a commitment to landscaping with indigenous, drought tolerant species.
 - (f) Proposed phasing of development and their relationship to supportive utilities, facilities, transportation, and service components to accommodate the impacts of the development.
 - (2) *Community design.* How the proposal will address the principles and standards of community design including, but not limited to:
 - (a) How the project fits within the village concept of the city as set forth in the city's comprehensive plan.
 - (b) Providing multi-use path connections between residential and commercial properties and community facilities.
 - (c) Incorporating crime prevention principles into site and building designs.
 - (d) Providing parking at the rear of commercial buildings.
 - (e) Locating structures close to the street edge.
 - (f) Eliminating or limiting large parking lots between public streets and building entrances.
 - (g) Preserving natural resources on the site.
 - (h) Incorporating natural storm water management designs as wet ponds and as architectural features of new developments.
 - (i) Protecting and restoring the natural terrain, drainage, and vegetation.
 - (j) Aligning new roads to the natural contours of the land.
 - (k) Building architecture, signs, landscaping, lighting, and retention of natural vegetation along roadways and property boundaries.
 - (l) Preserving and/or providing open space.
 - (3) *Economic development.* Identify whether or not the proposed use is an existing county-based business or targeted industry, as identified by the Fayette County development authority and/or the development authority of the city. Provide an estimate the development will have on the city's tax base.

-
- (4) *Fire and rescue.* Discuss how fire safety will be addressed:
 - (a) Impacts of the proposal on established level of service (LOS) standards.
 - (b) Additional mitigation measures such as sprinklers and fire-rated construction if outside travel time.
 - (c) Proposed improvements, including possible transportation improvements to achieve a satisfactory LOS.
 - (5) *Potable water.* Describe how water will be provided to the site:
 - (a) Relationship of the proposed development to supportive public utilities.
 - (b) Improvements proposed, especially if the proposal relies on groundwater or recharge areas.
 - (6) *Sewer.* Describe how sanitary sewer service will be provided to the site:
 - (a) Relationship of the proposed development to supportive public utilities, where consistent with the comprehensive plan.
 - (b) Proposed improvements to accommodate development.
 - (7) *Transportation.* Describe measures to achieve level of service 'D' or better. The limits of any traffic study shall be determined by the city engineer and the city's traffic consultant and shall include:
 - (a) Impacts of the proposal on established level of service (LOS) standards.
 - (b) Improvements proposed, both motorized and non-motorized.
 - (c) Address connectivity of sidewalks and/ or multi-use path system to adjacent properties, as well as the connectivity of internal roads to adjacent properties.
 - (f) *Schematic site plan.* Ten full size, one 11" × 17" reduction and one electronic copy of the schematic site plan shall be submitted as a part of the application package. All graphic plans shall be prepared at a scale of 1" = 100' or less and on a sheet size not to exceed 24" × 36". If prepared on more than one sheet, match lines shall be clearly indicated where the sheets join.

The schematic site plan shall be prepared by a registered landscape architect, architect or civil engineer licensed to practice in the state, and shall identify the existing features of the property such as existing structures, vegetation, and watercourses, and provide a schematic presentation of its intended use in a graphic, visual, and written format. The schematic site plan shall include specific site plan features of the proposed development including layout of internal roads, lots, and open space. At a minimum, the schematic site plan shall include the following:

- (1) Vicinity map at 1" = 2,000'.
- (2) Owner and project name.
- (3) Parcel identification numbers, name, present zoning, and zoning and use of all abutting or contiguous parcels.
- (4) Property lines with bearings and distances, and existing and proposed zoning district lines.
- (5) Area of land proposed for consideration, in square feet or acres.
- (6) Scale and north arrow.
- (7) Names of boundary roads or streets and width of existing rights-of-way.
- (8) Any easements and encumbrances on the property.
- (9) Topography, indicated by contour lines with an interval of not more than five feet.

-
- (10) Proposed roads, with right-of-way width, including those identified in the comprehensive plan that will connect with or pass through the subject property.
 - (11) General locations of proposed major access points to existing streets and to future rights-of-way identified in the comprehensive plan.
 - (12) Both sides of existing rights-of-way, with all existing and planned curb cuts shown.
 - (13) Tabulation of all building square footage proposed on the property.
 - (14) Location of any open space and buffer areas, storm water management facilities, and community and public facilities.
 - (15) Location of existing and proposed utilities.
 - (16) Vehicular and pedestrian circulation plan, including current and projected traffic counts and typical street sections, right-of-way improvements, access points, travel ways, parking, loading, stacking, sidewalks, and multi-use paths.
 - (17) Layout and orientation of any current and/or all proposed buildings and /or improvements, building use, height restrictions and building setback lines.
 - (18) Location and design of screening and landscaping.
- (g) *Environmental constraints analysis.* The environmental constraints analysis shall provide a description and generalized mapping of natural site conditions, with an emphasis on those significant environmental features that could be affected by the proposed development, and those that will be retained upon completion. A quantification of the acreage and percentage of the environmental features should also be included.

The analysis shall include a written description and generalized mapping of natural site conditions, with an emphasis on those significant environmental features that could be affected by the proposed development and those that will be retained upon completion of the project. The analysis shall also describe avoidance efforts and/or mitigation techniques to minimize the environmental impacts of the proposal.

The following information shall be addressed by a graphic plan and accompanying text:

- (1) Areas having slopes of 15 percent and greater, clearly indicated by separate shading devices (or written indication of "no areas having slopes of 15 percent and greater").
 - (2) Estimate the amount and extent of impervious and proposed pervious surfaces (show in tabular form). Identify general locations of impervious surfaces and estimate maximum impervious surface amounts upon completion of a development.
 - (3) Delineation of the areas of the property that will remain in a natural or undisturbed state upon completion of the project.
 - (4) Watercourses, to include the approximate location of the 100-year floodplain, if applicable, based on FEMA maps (or written indication of "no floodplain"), and proposed buffers along the watercourses.
- (h) *Traffic impact analysis.* A traffic impact analysis shall be submitted with each application. In addition, requests for a special use permit shall include the following:
- (1) Detailed transportation information identifying how the proposed development will interconnect with adjoining commercial and/or residential properties or developments, including, but not limited to, internal streets, sidewalks, multi-use paths, etc.
 - (2) A traffic impact analysis.
 - (3) An estimated parking tabulation for both on- and off-street parking, including an assessment for shared parking, which may supersede the requirements of the city's parking ordinance.

-
- (i) *Schematic land use plan.* This plan shall depict land areas within the overall development, including proposed land uses, buffers, open space, building setbacks and density.
 - (j) *Phasing plan.* This plan shall identify the order in which development, public facilities, improvements, and amenities will be provided, constructed, dedicated, or reserved.
 - (k) *Community facilities and infrastructure plan.* This plan shall identify the impact on community facilities and infrastructure, such as police and fire protection facilities, utilities, and other public use elements, and how the plan will address these issues.
 - (l) *Urban design guidelines.* These guidelines shall address in narrative and/ or graphic form those characteristics relating to proposed buildings and structures, including heights, massing, setbacks, etc.
 - (m) *Streetscape and landscape plan.* This plan shall demonstrate the planting concepts intended to be implemented within the proposed development.
 - (n) *Emergency response plan.* This plan shall address how the various components of the development will be accessible in the event of an emergency, and shall be coordinated and acceptable to the city's fire and police chief.
 - (o) *Architectural program.* This plan will identify the proposed architectural design, building materials and other aesthetic components of the overall development. The plan will also include details on the exterior lighting, site lighting and signage.
 - (p) Any information submitted by the applicant which references an impact on the city shall also set forth the mitigation measures to be implemented by the applicant to offset, reduce, or eliminate such impacts.

1006.4(d) *Review procedures.* Application for the establishment of special uses shall be submitted to the city planner and, upon determination that such application contains all necessary elements, shall be deemed received by the city and referred to the planning commission for its review and recommendation.

The planning commission shall report to the mayor and city council its recommendation as to the approval or disapproval of such application and any recommendation for establishment of conditions, in addition to those set forth in this article, deemed necessary to protect the public interest and welfare.

In considering applications for special use permits, the planning commission and city council shall use the standards set forth in section 1305 of this appendix and shall consider the following criteria:

- (a) Compatibility of the proposed use and location with the policies established in the comprehensive plan.
- (b) Compatibility of the proposed use with the character of adjacent properties and the surrounding neighborhoods and with existing and proposed development.
- (c) Availability of, or ability to provide, adequate utilities, drainage, parking and loading space, lighting, screening, landscaping and open space.
- (d) Provision of safe and convenient vehicular, pedestrian, bicycle, and alternate modes of transportation.
- (e) Compatibility of the proposed use with the intent and function of the GC zoning district.
- (f) Compliance with applicable performance standards and requirements as set forth in the city's land development ordinance.

In approving any application for special use permit, the city may by resolution:

- (a) Impose such reasonable standards, conditions or requirements, in addition to any specified within this chapter, as it may deem necessary to protect the public interest and welfare. Such additional standards may include, but are not limited to, special setbacks, buffer requirements, increased screening or landscaping requirements, and standards pertaining to traffic, circulation, noise, lighting, hours of operation and similar characteristics.

-
- (b) Require that a performance guarantee, acceptable in form, content and amount to the city be posted by the applicant to ensure continued compliance with all conditions and requirements that may be specified.
 - (c) Specify time limits or expiration dates for any such special use permits, including provisions for periodic review and renewal.

1006.4(e) *Procedures applicable to permits.* Unless otherwise specified by the conditions of the permit, failure to establish the special use authorized by the permit within two years from the date of approval by the city council shall cause the permit to terminate automatically. In the case of uses involving the construction of new buildings or other structures, the use shall be deemed "established" if all necessary foundation work has been completed within the two-year period and construction work is continuously and diligently pursued thereafter under a valid building permit. In the case of uses involving occupancy of land or an existing building, the use shall be deemed "established" only if the land or buildings have been occupied and the proposed activity conducted within the two-year period.

Unless otherwise specified in the conditions of a permit, the initial term of each special use permit shall be for one year from the date of approval. Upon compliance with those conditions and restrictions imposed by the city council and all relevant city ordinances, the special use permit shall, without application, be renewed automatically for additional successive one-year terms. However, a special use permit shall not be so renewed and shall expire at the end of the term or current renewal thereof if notice of noncompliance with any material condition or restriction is mailed by certified mail to the permittee, at the address shown on the application for the permit or any new address of which the city planner subsequently receives written notice, more than 30 days before the end of the term or the renewal thereof then in effect and such noncompliance is not corrected within 30 days to the satisfaction of the city planner.

The provisions of this section are cumulative with the power of injunction and other remedies afforded by law to the city and, further, shall not be so interpreted as to vest in any applicant any rights inconsistent or in conflict with the power of the city to rezone the subject property or to exercise any other power provided by law.

Once a special use permit is granted, such use may be enlarged, extended, increased in intensity or relocated only in accordance with the provisions of this section unless the city council, in approving the initial permit, has specifically established alternative procedures for consideration of future expansion or enlargement. If the use that is the subject of the special use permit becomes a use permitted as a matter-of-right through subsequent amendment of this chapter, the special use permit conditions shall be voided but only to the extent they are more restrictive than those conditions applicable generally to such by-right use.

Uses in a district for which a special use permit is required, which were legally existing without such a permit at the time of adoption of this chapter or an amendment thereto which required such a special use permit, shall not be deemed nonconforming uses, but shall, without further action, be deemed conforming special uses so long as they continue in existence. Such special uses shall be subject to the provisions of subsection (d) below with respect to any enlargement, extension, and increase in intensity or relocation.

Where any special use is discontinued for any reason for a continuous period of two years or more, the special use permit shall automatically terminate without notice. A use shall be deemed to have been "discontinued" when the use shall have ceased for any reason, regardless of the intent of the owner or occupier of the property to reinstitute the use at some later date. The approval of a new special use permit shall be required prior to any subsequent reinstatement of the use.

1006.4(f) *Amendment of special use permits.* An amendment is a request for any enlargement, expansion, and increase in intensity, relocation, or modification of any condition of a previously approved and currently valid special use. Amendments shall be processed as follows:

- (a) Non-material and insignificant modifications, shifts in location, slight changes in size, shape, intensity, or configuration may be authorized by the city planner provided there is nothing in the currently valid permit to preclude such action, the changes comply fully with other provisions of the permit and the Code, and that

there will be a five percent or less increase in either lot coverage or floor area over what was originally approved.

- (b) Minor enlargements, expansions, increases in intensity, relocations, or modifications of any conditions of an approved and currently valid special use may, without public hearing, be authorized, including the establishment or reestablishment of reasonable conditions, by resolution of the city council provided that such minor changes comply with the following criteria:
- (1) There will be a cumulative total of less than a ten percent increase in either total lot coverage or floor area;
 - (2) There will be no detrimental impact on any adjacent property caused by significant change in the appearance or the use of the property or any other contributing factor;
 - (3) Nothing in the currently valid special use permit precludes or otherwise limits such expansion or enlargement;
 - (4) The proposal conforms to the provisions of this article and is in keeping with the spirit and intent of the adopted comprehensive plan.

Any proposed amendment other than those provided for in subsections (1) and (2) above shall be considered a major amendment of a previously approved and currently valid special use and shall be approved in the same manner and under the same procedures as are applicable to the issuance of the original permit.

(1006.5) *Other requirements:* Unless otherwise specified in this Ordinance, uses permitted in GC zoning districts shall conform to the following standards:

- (a) Minimum zoning lot area: 30,000 square feet.
- (b) Minimum lot width: 150 feet.
- (c) Minimum front setback depth:
 - (1) Building: 40 feet.
 - (2) Driveway/parking: 20 feet.
- (d) Minimum side setback depth: Ten feet. If adjoining a residential zoning lot, the building setback shall be 75 feet.
- (e) Minimum rear setback depth: 20 feet. If adjoining a residential zoning lot, the building setback shall be 75 feet.
- (f) Maximum building height: The maximum height of all buildings shall not exceed 35 feet in height from finish grade to the ridge line or the tallest portion of the roof without first rezoning the property. In no case shall the maximum height of a building exceed 60 feet in height from finish grade to the ridge line or the tallest portion of the roof.

As part of the rezoning process, the proposed site access, site circulation and building design details regarding the overall building layout, proposed construction methods, and overall fire protection plan shall be reviewed and approved by the fire marshal and building official in accordance with current fire and building codes. The fire marshal and building official may impose additional or alternative requirements to the approval based on conditions to include, but not limited to, the type of building, construction type and/or the planned occupancy and use of the building and overall life safety considerations.

In addition, city staff and the planning commission shall review the building elevations in accordance with the city's design guidelines ordinance.

- (g) Parking: Refer to section 909.

-
- (h) Signs: Refer to chapter 66.
 - (i) Storage: No storage will be permitted on the zoning lot outside a fully enclosed building unless the storage area is entirely screened from the street and adjoining properties by a suitable fence or wall at least six feet in height above finished grade. The required fence or wall must provide for a reasonable visual separation between the storage area and any adjoining property.
 - (j) Access: All zoning lots shall have direct access onto an arterial, major collector or industrial/commercial road or have access to an arterial, major collector or industrial/commercial road via an access street.
 - (k) No automobile parking or service areas will be permitted within the required front setback depth or within 30 feet of the property line of any adjoining residential zoning lot.
 - (l) All parking and service areas must be separated from adjoining residential zoning lots by a suitable planting screen, fence or wall at least six feet in height above finished grade. The above required screen, fence or wall must provide for a reasonable visual separation between the properties.
 - (m) No outside loudspeaker systems shall be utilized.
 - (n) All lights or lighting arrangements used for purposes of advertising, security or night operations must be directed away from adjoining or nearby residential zoning lots.
 - (o) The plan must be designed in accordance with the requirements identified within the city's vegetation protection and landscape requirements ordinance.
 - (p) Items (c) and (o) above shall be binding standards on all development after March 5, 1981. Development completed prior to this date will not need to meet such standards now or in the future and will be limited to a 20-foot front setback depth.
 - (q) No use permitted in this zoning district shall be allowed to cover more than 75 percent of the zoning lot on which it is located with impervious surfaces.
 - (r) All properties developed for commercial purposes, whether they are occupied or not, shall be regularly maintained so they are not allowed to fall into a state of disrepair or neglect; and they shall consistently present a neat and orderly appearance to the general public as well as adjacent and nearby tenants and property owners.

(Ord. No. 875, 3-2-2006; Ord. No. 932, § 1, 2-21-2008; Ord. No. 975, § 1, 6-18-2009)

Editor's note(s)—Ord. No. 875, adopted March 2, 2006, repealed and reenacted § 1006 in its entirety to read as herein set out. Formerly, § 1006 pertained to similar subject matter and derived from Ord. No. 220, adopted November 6, 1980; Ord. No. 233, adopted April 2, 1981; Ord. No. 268, § 1(C)(7), adopted June 3, 1982; Ord. No. 366, § 19, adopted May 22, 1985; Ord. No. 408, adopted August 21, 1986; Ord. No. 650, adopted November 16, 1995; Ord. No. 743, § 1, adopted November 2, 2000.