

	RESIDENTIAL DISTRICTS						MIXED-USE DISTRICTS					COMMERCIAL DISTRICTS										DOWNTOWN DISTRICTS						EMPLOYMENT, INDUSTRIAL, OTHER				
	RUL	UE	RF	RL	OT-A	MH	LMN	MMN	HMN	OT-B	OT-C	CC	CCN	CCR	CG	CG-CAC	CS	NC	CL (RA)	CL (OA)	HC	H. CORE	CA/C /NM	I/R	RC	CN	EC	E	I	POL	T	
COMMERCIAL/RETAIL USES																																
Adult oriented uses																																
Adult day/respite care center																																
Animal Boarding																																
Artisan and photography studios and galleries																																
Bars, taverns																																
Night clubs																																
Bed & breakfast establishments																																
Child care centers																																
Clubs and Lodges																																
Convenience retail stores without fuel sales																																
Convenience retail stores with fuel sales																																
Convenience shopping centers																																
Convention and conference centers																																
Day Shelter																																
Dog day-care facility																																
Drive-In Facilities																																
Grocery stores																																
Supermarkets																																
Enclosed mini-storage facility																																
Entertainment facilities and theaters																																
Exhibit halls																																
Food Catering or small food product preparation																																

Basic Development Review

Minor Amendment

Type 1 (Administrative Review)

Building Permit

Type 2 (Planning and Zoning Commission)

License

Additional Use Standards

Type 2 (Planning and Zoning Commission)Additional Use Standards

	RESIDENTIAL DISTRICTS						MIXED-USE DISTRICTS					COMMERCIAL DISTRICTS										DOWNTOWN DISTRICTS						EMPLOYMENT, INDUSTRIAL, OTHER				
	RUL	UE	RF	RL	OT-A	MH	LMN	MMN	HMN	OT-B	OT-C	CC	CCN	CCR	CG	CG-CAC	CS	NC	CL (RA)	CL (OA)	HC	H. CORE	CA/C /NM	I/R	RC	CN	EC	E	I	POL	T	
COMMERCIAL/RETAIL USES																																
Food Truck Rally												▣	▣		▣			▣		▣	▣	▣	▣	▣		▣	▣					
Frozen Food Lockers															▣				▣	▣										▣		
Funeral homes											▨	▣	▣	▨	▣		▣▩		▣	▣								▨	▣			
Gasoline stations												▣			▣		▣▩	▣	▣					▨	▨		▨	▣		▣		
Health and membership clubs												▣		▣	▣	▨	▣▩	▣		▣	▨	▣▩	▣	▣		▣	▣	▨	▣			
Homeless Shelters												▨			▨		▨▩					▨	▨	▨		▨	▨	▨	▨			
Indoor Kennel													▣		▣		▣▩		▣	▣	▣									▣		
Limited indoor recreation establishments							▨					▣	▣	▣	▣		▣▩	▣	▣	▣	▨	▣▩	▣	▣		▣	▣	▨	▣			
Unlimited Indoor Recreation Establishments												▨	▨	▨	▨	▨	▣▩				▨											
Lodging establishments												▣	▣	▣	▣	▣	▣▩		▣	▣	▨	▨	▨	▨		▣	▣	▨				
Long-term care facility												▨	▨	▨		▨					▨	▨	▨	▨		▨	▨	▨	▨			
Medical centers/clinics												▣	▣	▣	▣	▨	▣▩	▣	▣	▣	▣							▣	▣			
Medical marijuana centers												▣	▣	▣	▣		▣▩					▣▩	▣▩	▣▩		▣▩	▣▩					
Micro-brewery/distillery/winery												▣	▣		▣		▣▩	▨	▣	▣	▣	▣▩	▨	▨		▨	▨	▣	▨			
Music Studio												▣	▣	▣	▣		▣▩					▣	▣	▣		▣	▣	▣	▣			
Music Facility, Multi-Purpose												▣	▣	▣								▣	▣	▣		▣	▣		▣			
Offices, financial services & clinics							▨	▨	▣		▣	▣	▣	▣	▣	▣▩	▣	▣	▣	▣	▣	▣▩	▣	▣		▣▩	▣▩	▣	▣			
Outdoor amphitheater												▨	▨	▨	▨		▨▩	▨			▨	▣	▣	▨		▨						
Plant Nurseries & Greenhouses		▨													▣		▣▩			▣								▣	▣			
Plumbing, electrical, and carpenter shops															▣		▣▩		▣	▣									▣			
Print Shop												▣	▣	▣	▣		▣▩	▣	▣	▣	▣	▣	▣	▣		▣	▣	▣	▣			
Open air farmers markets								▣	▣			▣	▣		▣			▣		▣	▣	▣	▣	▣		▣	▣					
<div><div><div>▣ Basic Development Review</div><div>▣▩ Minor Amendment</div></div><div><div>▣ Type 1 (Administrative Review)</div><div>▣▩ Building Permit</div></div><div><div>▨ Type 2 (Planning and Zoning Commission)</div><div>▣ License</div></div><div><div>▴ Additional Use Standards</div></div></div>																																

	RESIDENTIAL DISTRICTS						MIXED-USE DISTRICTS					COMMERCIAL DISTRICTS										DOWNTOWN DISTRICTS						EMPLOYMENT, INDUSTRIAL, OTHER				
	RUL	UE	RF	RL	OT-A	MH	LMN	MMN	HMN	OT-B	OT-C	CC	CCN	CCR	CG	CG-CAC	CS	NC	CL (RA)	CL (OA)	HC	H. CORE	CA/C /NM	I/R	RC	CN	EC	E	I	POL	T	
COMMERCIAL/RETAIL USES																																
Parking lots and garages (as principle use)											▣	▨			▨		▣		▣			▨	▨	▨		▨	▨	▣	▣			
Personal and business service shops							▣	▨	▣		▣	▣	▣	▣	▨	▨	▣	▣	▣	▣		▣/▣	▣/▣	▣		▣	▣/▣	▣				
Recreational uses															▨		▣												▨			
Restaurant (limited mixed-use)								▣	▨																							
Restaurants (standard)												▣	▣	▣	▣	▨	▣	▣	▣	▣	▨	▣/▣	▣	▣		▣	▣	▨	▨			
Restaurants (fast food with drive-thru)															▨	▨																
Restaurants (fast food without drive-thru)												▣	▣	▣	▣	▨	▣	▣	▣	▣		▣/▣	▣	▣		▣	▣	▨	▨			
Restaurants, Drive-In															▨		▣	▨	▣									▨	▨			
Retail marijuana stores												▣	▣	▣	▣		▣					▣/▣	▣/▣	▣/▣		▣/▣	▣/▣					
Retail establishments												▣	▣	▨	▣	▣	▣	▣	▣	▣		▣/▣	▨	▨		▣	▣					
Large Retail establishments												▨	▨		▨	▣	▨					▨	▨	▨								
Retail stores (with vehicle servicing)												▨			▣		▣												▣			
Retail stores/supply yards (with outdoor storage)															▨		▣												▨			
Small scale reception center		▨										▣	▣	▨	▣	▨	▣			▣		▣	▣	▣		▣	▣					
Harmony Cooridor Community Shopping Center																					▨											
Harmony Cooridor Lifestyle Shopping Center																					▨											
Harmony Cooridor Regional Shopping Center																					▨											
Harmony Cooridor Neighborhood Service Center																					▨											
I-25 Activity Centers															▨																	
Unlimited Indoor Recreation Establishments												▨	▨	▨	▨	▨	▣									▨			▣			
Boat sales with storage															▨														▨			
Vehicle Sales															▨		▣		▣								▨		▨			

▣

Basic Development Review

▣

Minor Amendment

▣

Type 1 (Administrative Review)

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Type 2 (Planning and Zoning Commission)

▨

Building Permit

▣

License

▨

Additional Use Standards

	RESIDENTIAL DISTRICTS						MIXED-USE DISTRICTS					COMMERCIAL DISTRICTS										DOWNTOWN DISTRICTS						EMPLOYMENT, INDUSTRIAL, OTHER					
	RUL	UE	RF	RL	OT-A	MH	LMN	MMN	HMN	OT-B	OT-C	CC	CCN	CCR	CG	CG-CAC	CS	NC	CL (RA)	CL (OA)	HC	H. CORE	CA/C /NM	I/R	RC	CN	EC	E	I	POL	T		
COMMERCIAL/RETAIL USES																																	
Vehicle Major Repair																																	
Vehicle Minor Repair																																	
Farm implement & heavy equipment sales																																	
Manufactured home/recreational vehicle/truck sales																																	
Equipment, Truck, trailer rental																																	
Equipment Rental est. (without outdoor storage)																																	
Veterinary Hospital																																	
Veterinary facilities/small animal clinics or hospitals																																	



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- (g) *Compliance with Other Standards.* The property upon which the seasonal overflow shelter is located must continue to comply with the standards of this Code, at least to the extent of its original compliance (so as to preclude any greater deviation from the standards of this Code by reason of a seasonal overflow shelter being located thereon).

**(D) Wildlife Rescue and Education Centers**

- (1) Limited in the LMN zone district to within five hundred five hundred (500) feet of East Vine Drive or railroad property abutting and parallel to East Vine Drive.

### 4.3.3 COMMERCIAL/RETAIL USES

**(A) Adult Day/Respite care centers**

- (1) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.

**(B) Adult-Oriented Uses**

- (1) Adult-oriented uses are permitted only in the zone districts shown in the Use Table of Division 4.2.
- (2) Adult-oriented uses shall not be established, operated or maintained within one thousand (1,000) feet of the boundary of any residential zone district (whether within or beyond the City's jurisdictional boundary), any structure occupied for residential purposes, any public park or playground, any child care center, any outdoor recreation facility, any limited indoor recreation use, any place of worship or assembly, any school meeting all of the requirements of the compulsory education laws of the State and/ or any other adult-oriented use. An adult-oriented use lawfully operating as a conforming use shall not be rendered a nonconforming use by the subsequent location of a residential district or residential use, public park or playground, child care center, outdoor recreation facility, limited indoor recreation use, place of worship or assembly, or school within one thousand (1,000) feet of said adult-oriented use.
- (3) Method of Measurement. All measurements required pursuant to this use shall be made from the nearest property line of the property from which spacing is required (pursuant to paragraph (B) of this Section) to the nearest entrance of the building in which the adult-oriented use is to occur, using a straight line, without regard to intervening structures or objects.
- (4) Displays, Screenings. Advertisements, displays or other promotional materials displaying or depicting "specified anatomical areas" or "specific sexual activities" shall not be shown or exhibited so as to be visible or audible to the public from adjacent streets, sidewalks or walkways or from other areas outside the establishment; and all building openings, entries and windows for adult-oriented uses shall be located, covered or screened in such manner as to prevent the interior of such premises from being viewed from outside the establishment.
- (5) No adult bookstore, adult novelty store or adult retail store that, as of June 14, 2002, had adult material in excess of twenty (20) percent of its stock-in-trade, or derived in excess of twenty (20) percent of its revenues from such material, or devoted in excess of twenty (20) percent of its interior business or interior advertising to such material, or maintained in excess of twenty (20) percent of its gross floor area or display space for the sale or rental of such material, shall be allowed to increase its adult material business beyond the percentages that existed on June 14, 2002.
- (6) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.

**(C) Animal Boarding**

- (1) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.

**(D) Bars and Taverns**

- (1) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.

**(E) Bed and Breakfast Establishment**

- (1) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.
- (2) In the LMN, MMN, HMN, OT-B zone district such use shall be limited to six (6) beds not including on site staff.

**(F) Child Care Center**

- (1) Outdoor Play Area Table:

<i>Minimum Outdoor Play Area for a Child Care Center</i>	
15 Children or less	1,200 square feet
More than 15 Children	75 square feet per child for 33% of the child capacity of the center

- (2) An outdoor play area as stated above shall not be required for drop-in child care centers.
- (3) For the purposes of this subsection, the capacity of the center is calculated based upon indoor floor space reserved for school purposes of forty (40) square feet per child. Any such play area on the site of the child care center within or abutting any residential district shall be enclosed by a decorative solid wood fence, masonry wall or chain link fence with vegetation screening, densely planted. The height of such fence shall be a minimum of six (6) feet and shall comply with other fences regulations within this code. Where access to child care centers is provided by other than local streets, an off-street vehicular bay or driveway shall be provided for the purpose of loading and unloading children.
- (4) If active and continuous operations are not carried on for a period of twenty-four (24) consecutive months in a child care center which was approved for operation within a residential dwelling, the child care center use shall be deemed to have been abandoned. Such child care center use may thereafter be reestablished only upon approval of a new application in accordance with all applicable provisions of this Code.
- (5) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.

**(G) Convenience retail stores with fuel sales**

- (1) In the LMN, CC, CCN, NC, I zone districts such use shall be spaced at least three thousand nine hundred sixty (3,960) feet (three-quarters [ $\frac{3}{4}$ ] of a mile) from any other such existing or permitted fueling station.
- (2) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.

**(H) Convenience Shopping Center**

- (1) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.
- (2) In the I zoned district such use may include Drive-in restaurants.
- (3) In the NC zone district such shall be three thousand nine hundred sixty (3,960) feet from any other any other such existing or permitted fueling station.

**(I) Day Shelter**

- (1) In the D, CC, CCN, CCR, CG/CAC, CS, I zone districts such use shall not exceed ten thousand (10,000) square feet and shall be located within one thousand three hundred twenty (1,320) feet (one-quarter  $\frac{1}{4}$  mile) of a Transfort route.

**(J) Dog Day-Care Facility Regulations**

- (1) All services provided by a dog day-care facility shall be conducted within a completely enclosed, soundproof building.
- (2) All dog day-care facilities shall be designed and constructed in a manner that reasonable mitigates emission of odor to persons owning, occupying or patronizing properties adjacent to such facilities.

**(K) Drive-in Restaurant**

- (1) In the E, I zone districts such use is only permitted in a convenience shopping center.
- (2) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.
- (3) In the N-C zone district such use shall exclude drive-thru restaurant.

**(L) Enclosed Mini-storage Facility**

- (1) In the CS zoned districts such use shall be at least 150 feet from South College Avenue.
- (2) Not permitted in the South College Gateway Area.
- (3) In the LMN zone district such use shall be located within five hundred (500) feet of East Vine Drive or of the railroad property abutting and parallel to East Vine Drive.

**(M) Fast Food Restaurant**

- (1) In the CC, CCN, CCR, CS, NC, CL, E, and I zone districts, such use is prohibited as a drive-in or drive-through facilities.
- (2) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.

**(N) Funeral Homes**

- (1) In the OT-C such use shall be located in the street-fronting principal building.

**(O) Grocery Stores**

- (1) In the D, CC, CCN, CCR, CS, NC zone districts shall occupy between five thousand [5,000] and forty-five thousand [45,000] square feet).

**(P) Indoor Kennel**

- (1) In the HC zone district only permitted in community or regional shopping center.

**(Q) Limited indoor recreation establishments**

- (1) In the LMN zone district such use shall be located within five hundred (500) feet of East Vine Drive or of the railroad property abutting and parallel to East Vine Drive.

**(R) Micro-brewery/distillery/winery**

- (1) In the HC zone district only permitted within a community, lifestyle, regional, and convenience shopping center.
- (2) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.

**(S) Neighborhood Centers**

- (1) In the LMN zone district such use shall contain two (2) or more of the following uses:
 

<ul style="list-style-type: none"> <li>(a) mixed-use dwelling units;</li> <li>(b) retail stores;</li> <li>(c) convenience retail stores;</li> <li>(d) personal and business service shops;</li> <li>(e) small animal veterinary facilities;</li> <li>(f) offices, financial services and clinics;</li> <li>(g) community facilities;</li> <li>(h) neighborhood support/recreation facilities; schools;</li> <li>(i) child care centers;</li> <li>(j) limited indoor recreation establishments;</li> <li>(k) open-air farmers markets;</li> <li>(l) places of worship or assembly;</li> <li>(m) dog day care;</li> </ul>	<ul style="list-style-type: none"> <li>(n) music studio;</li> <li>(o) micro brewery/distillery/winery;</li> <li>(p) standard fast food restaurants (without drive-in or drive-through facilities);</li> <li>(q) artisan and photography studios and galleries;</li> <li>(r) convenience retail stores with fuel sales that are at least three-quarters (<math>\frac{3}{4}</math>) mile from any other such use and from any gasoline station;</li> <li>(s) grocery store;</li> <li>(t) health and membership club, provided that such use or uses are combined with at least one (1) other use.</li> </ul>
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**(T) Small Animal Veterinary Clinic and Hospital Regulations**

- (1) All facilities of a small animal veterinary clinic or a small animal veterinary hospital, including all treatment rooms, cages, pens, kennels and exercise runs, shall be maintained within a completely enclosed, soundproof building.
- (2) All such veterinary clinics and hospitals shall be designed and constructed in a manner that reasonably mitigates any emission of odor to persons owning, occupying or patronizing properties adjacent to such clinics or hospitals.



- (3) All such veterinary clinics and hospitals shall be designed and constructed in a manner that reduces the sound coming from any such clinic or hospital to the level of sixty-five (65) decibels at any given abutting property line.
- (4) No such veterinary clinic or hospital shall board any animal for any length of time except where such boarding is necessary to provide surgical or other medical care to the animals.

**(U) Open Air Farmers Markets**

- (1) In the HC zone district only permitted in neighborhood, community and regional shopping centers only.

**(V) Outdoor Storage Facility**

- (1) In the CL/RA zone district such use may include a towing yard, provided such use is setback at least thirty five (35) from an arterial street.

**(W) Personal and Business Service Shop**

- (1) In the HC zone district only permitted within a neighborhood, community, lifestyle and regional center.

**(X) Research Laboratories**

- (1) In the South College Gateway Area Overlay such use is not permitted.

**(Y) Small Scale Reception center**

- (1) In the UE zone district such use shall comply with the following performance standards
  - (a) **Lot Size.** Minimum lot size shall be seven (7) acres.
  - (b) **Building Size.** The total floor area of any new building shall not exceed seven thousand five hundred (7,500) square feet and the total aggregate floor area of new and existing buildings shall not exceed fifteen thousand (15,000) square feet.
  - (c) **Building Location and Separation from Residential Areas.** All buildings shall be located a minimum of three hundred (300) feet from the nearest dwelling on any abutting property, except that in cases where there are no dwellings on such abutting property, all buildings shall be located a minimum of two hundred fifty (250) feet from the nearest property line of such abutting property.
  - (d) **Outdoor Spaces, Location and Separation From Residential Areas.** All outdoor spaces such as lawns, plazas, gazebos and/or terraces used for social gatherings or ceremonies associated with the reception center shall be located within one hundred (100) feet of the primary building and shall be located a minimum of three hundred (300) feet from the nearest dwelling on any abutting property, except that in cases where there are no dwellings on such abutting property, all outdoor spaces, as described above, shall be located a minimum of two hundred fifty (250) feet from the nearest property line of such abutting property.

- (e) **Nonresidential Abutment.** At least one-sixth (1/6) of the reception center's property boundary must be contiguous to property that is zoned in one (1) or more of the following nonresidential zone districts within the City:

- (I) D;
- (II) CC;
- (III) CCN;
- (IV) CCR;
- (V) CG;
- (VI) CS;
- (VII) NC
- (VIII) CL;
- (IX) HC;
- (X) E;
- (XI) I.

- (f) **Access.** Vehicular access to the reception center shall be only directly from an arterial street so as to not add traffic to existing local neighborhood streets.

- (g) **Buffering.** If the reception center abuts a single unit dwelling or property zoned for such activity, buffering shall be established between the two (2) land uses sufficient to screen the building, parking, outdoor lighting and associated outdoor activity from view. A combination of setbacks, landscaping, building placement, fences or walls and elevation changes and/or berming shall be utilized to achieve appropriate buffering.

- (h) **Hours of Operation.** Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. Sunday through Thursday and 8:00 a.m. to 12:00 a.m. on Friday and Saturday.

- (i) **Noise.** No noise will be permitted in violation of Chapter 20, Article II of the City Code, and the following limitations will also apply:

- (I) Music that is not amplified (such as stringed quartets or acoustic guitars) will be allowed out of doors, but shall end no later than 8:00 p.m. Sunday through Thursday, and 9:00 p.m. on Friday and Saturday.
- (II) Except during wedding ceremonies, sound-amplifying equipment used out of doors shall be limited to speakers with a maximum power rating of fifty (50) watts permanently installed as part of the design of outdoor spaces such as lawns, plazas, gazebos and/or terraces.

- (j) **On-Site Caretaker.** There shall be a manager or owner on site during all hours of operation.

- (k) **Parking Lot Lighting.** Parking lot lighting, if used at all, shall conform to the requirements contained in Article 5.12, and shall be further restricted such that the fixture does not exceed a height of fourteen (14) feet above ground level.

#### (Z) **Standard Restaurant**

- (1) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.

**(AA) Recreational Uses**

- (1) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.

**(BB) Retail Establishment**

- (1) In the CG zone district such use shall be 25,000 sq. ft. or under in size.
- (2) In the HC zone district only permitted within a neighborhood, community, lifestyle and regional center.

**(CC) Retail Establishment, Large**

- (1) In the CG zone district such use shall be greater than 25,000 sq. ft.

**(DD) Retail and Supply Yard establishment with outdoor storage**

- (1) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.

**(EE) Vehicle major repair, servicing and maintenance establishments**

- (1) Not permitted in the South College Gateway Area Overlay.

**(FF) Vehicle minor repair, servicing and maintenance establishments**

- (1) In all permitted zone districts such use shall be conducted indoors.
- (2) Not permitted in the South College Gateway Area Overlay.

**(GG) Vehicle Sales and Leasing Establishments for Cars and light trucks**

- (1) In the CS District, shall be limited to ten (10) percent of the total linear frontage of both sides of North College Avenue between Vine Drive and the northern City limits or the intersection of North College Avenue and State Highway 1, whichever results in the shortest linear distance. These uses shall be located at least one hundred fifty (150) feet from South College Avenue.
- (2) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.
- (3) In the I zone district such use may include boats, manufactured housing, farm implements and heavy excavation equipment.
- (4) In the CG, CL/RA zone districts such use may include outdoor storage.
- (5) In the CS zone district such use shall be limited to ten (10) percent of the total linear frontage of both sides of North College Avenue between Vine Drive and the northern City limits or the intersection of North College Avenue and State Highway 1, whichever results in the shortest linear distance.
- (6) In the CS zone district such use shall be setback 150 ft. from South College Avenue.

**(HH) Veterinary Hospital**