

ZONING TEXT AMENDMENT NO. 21-001
LEGISLATIVE DRAFT
(Feb. 18, 2021)

Inserted text shown as **bold and underlined font**

Deleted text shown as ~~strikeout~~

Section 2.2 Building Use Regulations

Legend:

--	Not Permitted
•	Included Use: these uses are allowed by right, subject to Site Plan Review.
ZA	<u>Requires Conditional Use Permit approval by Zoning Administrator</u>

Section 2.2.1 Use Types

1) Retail

i) General Retail Requirements

- (1) Minimum interior height for ground level retail of all types is fourteen (14) feet from floor to ceiling. Use conversions in an existing building may not be required to meet this requirement.
- (2) Any uses featuring outdoor sales or outdoor storage not clearly ancillary to use shall require a Conditional Use Permit.
- (3) **All building uses with alcohol sales and/or service require Conditional Use Permit approval by the Zoning Administrator. However, the following businesses proposing to sell alcoholic beverages for on-site or off-site consumption are exempt from the conditional use permit process:**
 - (a) **Retail uses with no more than 10% of the floor area devoted to sales, display, and storage of alcoholic beverages provided the sale of alcoholic beverages is not in conjunction with the sale of gasoline or other motor vehicle fuel.**
 - (b) **Restaurants, bars, and liquor stores located 300 feet or more from any R or PS district, public or private school, church, or public use.**

(c) Florist shops offering the sale of a bottle of an alcoholic beverage together with a floral arrangement.

Section 2.2.1 Use Types

- 1) Retail
- d) Eating & Drinking Establishments

Full service	•
w/ Outdoor dining	•
w/ Live entertainment	c
w/ Dancing	c
w/ Alcohol	€ <u>ZA</u>
Vendor carts, spaces, or stands	•
Adult entertainment facilities	--

2.2 BUILDING USE REGULATIONS

For the purposes of this Plan, all permitted and conditionally permitted building uses have been classified into Use Types. Each Use Type is defined in text below and includes uses such as those listed in the accompanying Use Charts. The Use Charts include specific permitted, conditional and prohibited uses for each Use Type.

Uses listed as “permitted” in the Development Standards Charts are further regulated herein and are defined as uses permitted by right subject to approval of a Site Plan Review. Uses listed as *conditional* in this section are defined as those which require special consideration either of their impacts on the neighborhood and land uses in the vicinity and/or of their physical organization and design. A conditional use shall be considered for approval if the proposed use conforms with all requirements specified in the conditional use policy, and if it conforms with the goals and vision of the Plan.

All permitted uses for a single Center or Segment are allowed either alone or in combination with any other permitted uses within a parcel. Proposed uses that are not explicitly listed in the Use Charts may be permitted if it is determined by the Planning Director that the proposed uses meet the purpose and intent of the Plan.

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a) Specialty Goods Anchors

Definition: A “regional destination” non-food retail store that is at least 30,000 square feet in size and is a proven generator of significant pedestrian traffic and sales such as those listed.	Department stores	•
	General merchandise stores	•
	Book superstores	•
	Electronics superstores	•
	Quality home department superstores	•

b) Community Oriented Anchors

Definition: A “local destination” convenience store that is at least 15,000 square feet in size and is a proven generator of pedestrian traffic and sales such as those listed	Supermarkets	•
	Specialty food markets	•
	Pharmacies & convenience superstores	•
	Community oriented anchors over 65,000 s.f.	c

c) Entertainment Anchors

Definition: An Establishment providing resources or activities for exercise, relaxation, or enjoyment that is at least 15,000 square feet in size and is a proven generator of significant pedestrian traffic and sales such as those listed.	Movie theaters	c
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d) Eating & Drinking Establishments

Definition: Restaurants, bars, clubs, or other drinking/entertainment establishments such as those listed.	Full service	•
	w/ Outdoor dining	•
	w/ Live entertainment	c
	w/ Dancing	c
	w/ Alcohol	ZA
	Vendor carts, spaces, or stands	•
Adult entertainment facilities	--	

Special Conditions for Eating & Drinking Establishments

- (1) Vendor Carts, spaces, or stands within the public right-of-way shall require a conditional use permit.
- (2) Chairs and tables for outdoor dining shall be permitted on sidewalks within the setbacks zone and within the public right-of-way provided that:
 - (a) The use maintains a minimum five-foot wide unobstructed portion of sidewalk corridor which is clear and unimpeded for pedestrian traffic.
 - (b) The use keeps the full width of the building entrance clear and unimpeded for building access.

e) Specialty Goods & Foods

Definition: General retail establishments selling quality/specialty goods such as those listed.	Apparel & accessory stores	•
	Book stores	•
Large Scale Goods: goods that, due to their size, may require close access by cars and trucks such as appliances, electronics, sporting goods, furniture, and home furnishings	Art galleries	•
	Open air markets	•
	Second hand / antique stores	•
	Appliance & electronics stores	•
	Sporting goods stores	•
	Furniture & home furnishings stores	•

f) Commercial Recreation & Entertainment

Definition: Establishments providing resources or activities for exercise, relaxation, or enjoyment such as those listed.	Small scale movie theaters	c
	Bowling centers & billiard parlors	c
	Health & exercise clubs	c
	Amusement arcades	c

g) Convenience Uses

Definition: Small businesses selling food and goods, or providing convenience services, to serve nearby residential neighborhoods such as those listed.	Small scale pharmacies	•
	Small scale grocery or food sales	•
	Convenience stores	•
	Delicatessens, cafes, bakeries	•
	Florists	•
	Hardware stores / lock & key shops	•
	Video rentals	•
Eating & drinking establishments w/ less than 12 seats	•	

h) Business Services

Definition: Small to medium sized businesses providing services to local businesses and residents such as those listed.	Banks	•
	Mail / shipping services	•
	Office supply	•
Special Conditions for Business Services	Photo copying & printing	•
	Financial services	c

- (1) Financial services shall be permitted in this category providing that they are offer services that cater to and generate pedestrian traffic. Other financial services uses are to be considered under “3) Office,” in this section.

i) Personal Services

Definition: Small to medium sized businesses providing services to local households such as those listed.	Barber shops / hair & nail salons	•
	Tanning salons & spas	•
	Yoga & karate studios	•
	Dry cleaning establishments	•
	Self service laundromats	•

j) Personal Enrichment Services

Definition: Provision of instructional services or facilities	Driver education	•
	Yoga, dance, martial arts, or other fitness studios	•
	Fine arts & crafts	•

k) Service Commercial & Repair

Definition: Businesses providing services to industry, services that are industrial in nature, or services that are best suited to an auto-oriented environment such as those listed	Plumbing services	•
	Vacuum cleaner, sewing, and appliance repair	•
	Gas stations	c

l) Large Scale Commercial Goods

Definition: Businesses whose primary activity is the sale or repair of large scale / commercial goods that are not particularly well suited to pedestrian districts and that require close access by cars and trucks such as those listed	Warehouse retail	•
	Equipment retail	•
	Construction supply	•
	Restaurant supply	•
	Auto supply stores	•