

ARTICLE VI
COMMERCIAL DISTRICT REGULATIONS

SECTIONS

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6-101 PURPOSES OF COMMERCIAL DISTRICTS

6-101.1 General Purposes

The commercial districts established by this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. These goals include, among others, the following:

1. To provide sufficient space, in appropriate locations in proximity to established residential areas, for local retail and service trades catering specifically to the recurring shopping needs of the occupants of nearby residences.
2. To protect both retail and service developments and nearby residences against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences.
3. To protect both retail and service developments and nearby residences against congestion, by regulating the intensity of retail and service developments consistent with their marketing functions, by restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities.
4. To provide sufficient and appropriate space, and in particular sufficient area, to meet the needs of the area's expected future need for modern, planned commercial floor space, including the need for off-street parking space in areas where a large proportion of customers come by automobile, and to encourage the tendency of commercial establishments to concentrate in integrated planned developments, to the mutual advantage of both consumers and merchants.
5. To provide sufficient space in appropriate locations for commercial districts to satisfy specific functional needs of the area, and in particular the need for medical services, and the needs of the general public traveling along major thoroughfares.

6. To provide sufficient space in appropriate locations for the mixture of compatible residential and restricted commercial developments where standards for development will provide protection for the environmental essentials of either.
7. To provide appropriate locations for transitional uses intervening between commercial developments and residential areas, and thereby alleviate the friction inherent between dissimilar activities.
8. To provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities.
9. To provide freedom of architectural design, in order to encourage the development of more attractive, efficient, and economic building forms, within appropriate standards which ensure that buildings are in character with their surroundings.
10. To promote the most desirable use of land and direction of building development in accord with a well considered plan, to promote stability of commercial development, to strengthen the economic base of the area, to protect the character of the districts and their peculiar suitability for particular uses, to conserve the value of land and buildings.

6-101.2 Purposes of Commercial Districts

1. CG, Commercial - General Districts

This district is designed to provide for a wide range of commercial uses concerned with retail trade and consumer services; amusement and entertainment establishments; automotive and vehicular service establishments; transient sleeping accommodations; drive-in stores; eating and drinking places, financial institutions; and offices. The uses in this district service a broad market spectrum and, therefore, ease of automotive access is a requirement. However, it is not intended that this district permit uses which generate large volumes of truck traffic. Community facilities and utilities necessary to serve these districts, or necessary for the general community welfare are also permitted. Appropriate open space between commercial and residential areas is required. This classification is intended to recognize an existing undesirable development pattern but not repeat or significantly expand the pattern beyond those areas where such is already established.

2. CI, Commercial - Interchange Districts (Amended by Ordinance No. 513, November 15, 2001)

This district is designed to provide adequate space at major freeway interchanges for uses that are directly related to the needs of the motoring public. Due to the extremely hazardous condition found at the I-40/Highway 96, Interchange, it has been determined that the uses and activities permitted must be carefully evaluated relative to traffic

generation and other site specific characteristics, including access, that have a direct bearing on the health, safety and welfare of the motoring public. Community facilities and utilities necessary to serve these districts, or necessary for the general community welfare are also permitted. Bulk limitations established for uses in these districts are designed to recognize the market need of the uses and activities that are permitted. Appropriate locations for this district are near major transportation interchanges in clustered development patterns and not patterns of striped commercial development extending in a continuous manner along major traffic arteries.

3. CNS, Convenience Neighborhood Service Districts

These districts are intended to provide locations for retail and personal service operations serving a limited market area and engaged in the retail sale of goods and/or services from the site of frequently and recurrently needed items for personal consumption or household use. The permitted establishments are those which provide for regular local shopping and which, therefore, are visited frequently by customers. Community facilities and utilities necessary to serve these districts, or necessary for the general community welfare are also permitted. These districts may occur along and at the intersection of arterial and community collector streets, characteristically are small, and are widely distributed throughout the community for convenient accessibility. It is expressly intended that these districts be limited in gross land area and building bulk so as to maintain compatibility with the surrounding residential environment. The bulk regulations are established to provide for maximum compatibility between the commercial activity in these districts and adjacent residential activity. The establishment of a new district of this nature must be preceded by the development of residential areas capable of supporting the proposed activities.

4. CMU, Commercial - Mixed Use Districts

These districts are designed primarily to provide sufficient space in appropriate locations for establishments and uses engaged in wholesale trade, the warehousing of a wide variety of products or materials, manufacturing processes having the highest performance standards and the least objectionable characteristics, and services ancillary thereto. As these districts tend to generate relatively large volumes of heavy vehicular traffic and have other characteristics detrimental to residential environments, their locations are removed from the proximity of residential districts insofar as possible. Where these districts must necessarily abut residential areas, requirements designed to lessen incompatible features of commercial development are stipulated. In addition, a selection of consumer retail trade establishments, consumer service uses, and community facilities and utilities, considered necessary to service the principal uses in these districts or necessary for the general community welfare, are permitted.

5. CC, Commercial Community Districts **(Amended by Ordinance No.509, August 16, 2001)**

This district is designed to provide for a wide range of commercial uses concerned with retail trade and consumer services; amusement and entertainment establishments; eating and drinking places, financial institutions; and offices. The uses in this district service a broad market spectrum and, therefore, ease of pedestrian and vehicular access is a requirement. This district is intended to be a pedestrian friendly environment wherein bikeways and pedestrian walkways will link all uses located therein. Community facilities and utilities necessary to serve these districts, or necessary for the general community welfare are also permitted. Appropriate open space between commercial and residential areas is required.

6. OPS, Office/Professional Service Districts

These districts are designed to provide for transitional uses between more intensive commercial activities occurring along major traffic arteries and residential areas. The permitted uses are ones which tend to produce relatively low volumes of traffic. In addition to the office activities, certain community facilities are permitted which are compatible with other uses permitted within these districts. The intensity of use permitted within these districts is controlled by more restrictive regulation of the bulk of buildings consistent with their intended transitional function.

7. TCMU, Town Center Mixed Use District **(Added by Ordinance No.509, August 16, 2001)**

This district is designed to provide for the complete integration of commercial retail and consumer service, financial and professional office, amusement, eating and drinking establishments, and higher intensity residential uses within the Main Street Mixed Use sub-district of the Town Center Overlay District. It is the clear intention that multiple land uses be integrated into mixed use structures that are designed to a pedestrian scale and oriented directly to the street. The segregation of uses, while permitted, is to be discouraged in favor of structures designed for retail, consumer service, restaurants and other comparable activities located at the street level, with office and residential uses located on the second and third stories of structures.

The building setback, bulk and design standards for this district are intended to create an attractive, active and engaging street environment for the use and convenience of the pedestrian. Buildings are intended to be built generally to the sidewalk line along the majority of a block face. Building facades oriented to the street should be designed to a high architectural standard, with sensitive articulation of walls, an abundance of (clear) glass area and easily identifiable main entrances oriented to the street. Service areas and loading docks should be oriented away from the street and to the greatest extent possible, screened from public view. Drive-through facilities should be located to the side or rear of buildings and not towards the public street. Sidewalks widths along storefronts

should be of sufficient width to encourage outdoor activities and pedestrian interaction, and should contain street trees and high quality street furniture such benches, trash receptacles and bicycle stands of comparable character and quality.

It is the expressed intention of this district to discourage on-site vehicular parking lots located between the street and the building, and to emphasize the careful placement and arrangement of joint-use parking lots oriented to the rear or side of buildings. The parking requirements associated with uses located within this urban district may be lower than comparable uses located in a suburban setting given the availability of on-street parking, the close proximity of residential neighborhoods and the emphasis on pedestrian and bicycle mobility in lieu of the automobile.

8. OG, Office General Districts **(Added by Ordinance No.509, August 16, 2001)**

These districts are designed to provide suitable areas for medium to large scale office and community service facilities within free standing structures or multi-building complexes located along major arterial streets, at major intersections, and within the Town Center Overlay District, particularly the Government Core sub-district. This district is designed to permit either single or mixed-occupancy facilities at a range of intensities with building types generally comparable to the scale and bulk of high density multi-family structures. This district is intended to permit a broad range of administration service, community assembly, educational, health care, religious assembly, banking, financial, insurance and real estate service activities, along with a limited range of office-related general business and communication services.

6-102 USES AND STRUCTURES

6-102.1 General Provisions

Principal uses of buildings or other structures and land have been classified and combined into major classes and activity types in Article III, of this ordinance. The procedure for interpreting the classes and type of activities is provided in Article III, Section 3-101. Table 6-102A, presents a tabulation of uses and structures which are classified as "principal permitted" (P), "permitted with supplemental provisions" (SUP) or "conditional" (C) uses within the various commercial districts. The supplemental design provisions with which (SUP) and (C) uses and activities are required to comply appear in Article III, Section 3-104 (Supplemental Use Regulations).

6-102.2 Principal Permitted Uses (P)

Principal permitted uses are permitted as a matter of right within the district indicated, subject to the general requirements established for the district wherein the use is located.

(Amended by Ordinance No. 513, November 15, 2001)

TABLE 6-102A

**PERMITTED AND CONDITIONAL USES AND STRUCTURES
ALLOWABLE WITHIN MIXED USE AND COMMERCIAL DISTRICTS**

DISTRICTS	CG	CI	CMU	CNS	CC	OPS	MSMU	OG
<u>PRINCIPAL USES AND ACTIVITIES</u>								
<u>I. RESIDENTIAL ACTIVITIES</u>								
A. Permanent Residential Activity								
1. Single-Family Dwelling								
2. Duplex Dwelling								
3. Multi-Family Dwelling					SUP(1)		P	
4. Manufactured Home								
B. Semi-Transient Residential Activity								
1. Lodging House Lodging Houses								
<u>II. COMMUNITY FACILITY ACTIVITIES</u>								
A. Administrative Services	P	P	P	P	P	P	P	P
B. Child Care Facilities	SUP	C	SUP	SUP	SUP	SUP	P	SUP
C. Community Assembly	P	P	P	SUP	SUP	SUP	P	P
D. Cultural and Recreational Facilities	P	P	P	C	C	C	C	C
E. Educational Facilities	P	P	P	P	P	P	P	P
F. Essential Public Transport, Communication and Utility Services	P	P	P	P	P	P	P	P
G. Extensive Impact Facilities	C	C	C					
H. Health Care Facilities	SUP	SUP	SUP	C	C	C		C
I. Intermediate Impact Facilities	C	C	C				C	C
J. Religious Facilities	C	C	C	C	C	C	P	C
K. Special Institutional Care Facilities	C	C	C					
L. Special Personal and Group Care Facilities	C	C	C	C	C	C		C
M. Waste Disposal Operations		C						
		C						
<u>III. COMMERCIAL ACTIVITIES</u>		C						
A. Adult Oriented Business								
B. Animal Care and Veterinary Services	SUP	SUP	SUP	SUP	SUP			
C. Automotive Parking	P	P	P		SUP		P	
D. Automotive and Marine Craft Sales, Service and Repair	P	P	P					
E. Banking, Financial, Insurance and Real Estate Services	P	P	P	SUP	SUP	SUP	P	P
F. Convenience Retail Sales and Services	P	P	P	SUP	SUP	SUP	P	
G. Entertainment and Amusement Services – Limited	C		C		C		C	
H. General Business and Communications	P	P	P	SUP	SUP	SUP	P	
I. General Retail Trader	P	P	P		SUP		SUP	

TABLE 6-102A (Cont'd)

**PERMITTED AND CONDITIONAL USES AND STRUCTURES
ALLOWABLE WITHIN MIXED USE AND COMMERCIAL DISTRICTS**

DISTRICTS	CG	CI	CMU	CNS	CC	OPS	MSMU	OG
J. Group Assembly and Commercial Outdoor Recreation	C		C					
K. Outdoor Material and Equipment Sales and Repair	P		P					
L. Professional Services – Medical	P		P	SUP	SUP	SUP	P	P
M. Professional Services – Nonmedical	P		P	SUP	SUP	SUP	P	P
N. Restaurant, Full Service	P	P	P	SUP	SUP	SUP	P	
O. Restaurant, Fast Food	P	P	P					
P. Scrap Operations								
Q. Self-service Storage	P		P					
R. Transient Habitation	P	P	P				P	
S. Warehousing, Goods, Transport, and Storage	P		P					
T. Wholesale Sales	P		P					
IV. MANUFACTURING ACTIVITIES								
A. Manufacturing – Limited			SUP					
ACCESSORY USES AND ACTIVITIES								
Accessory Day Care	ASP	ASP	ASP		ASP			ASP
Accessory Storage	P	P	P	P	P		P	
Administrative Office	P	P	P	P	P		P	
Employee Cafeteria	ASP	ASP	ASP		ASP			ASP
Private Recreational Facilities	P	P	P		P		P	
Production for Retail Sale	ASP	ASP	ASP		ASP		ASP	
Residential Occupancy	ASP	ASP	ASP		ASP		P	

KEY TO INTERPRETING USE CLASSIFICATIONS

- P = Use Permitted by Right Within the District
- SUP = Principal Use Permitted with Supplemental Provisions
- C = Conditional Use (Subject to Approval by the Board of Appeals)
- ASP = Accessory Use Permitted with Supplemental Provisions

GENERAL NOTES

(1) See Subsection 6-104.1

6-102.3 Use Permitted with Supplemental Provisions (SUP)

A use permitted with conditions is an activity, use or structure which is permitted subject to a finding by the Zoning Administrator that the specific standards indicated for the use in question have been met. Only those uses and structures so indicated in Table 6-102A, may be allowed within the districts indicated.

6-102.4 Conditional Uses (C)

A conditional use is an activity, use, or structure which may require large land area, have unique operating, traffic generating or other characteristics that may tend to dominate or adversely affect the area more than do other uses permitted within the same zone district. Because the impacts of these uses cannot be satisfactorily predetermined for every possible location within a zone district, these land uses are permitted only upon approval by the Board of Appeals. Each conditional use is subject to a finding by the Board of Appeals that the specific standards indicated for the use in question have been met. Only those uses and structures so indicated in Table 6-102A, may be allowed within the districts indicated.

6-102.5 Accessory Uses

In addition to the principal activities expressed above, each activity type shall be deemed to include activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity when such accessory activity is located on the same zone lot as such principal activity and meets the further conditions set forth in Article III, Section 3-105. Accessory uses designated with the Letter "P", on Table 6-102A, are permitted as a matter of right and no permit is required to conduct the activity in question. Those accessory uses designated with the letters "ASP" do require a permit obtained from the Office of the Zoning Administrator. Permits for accessory uses designated "ASP" shall be issued upon demonstration that the activity in question meets the requirements established for such activity Article III, Section 3-105.

6-102.6 Temporary Uses

The temporary uses and structures specified in Article III, Section 3-106, as permissible within residential districts may be permitted for the limited time periods indicated for each such use or activity.

6-102.7 Uses Not Permitted

Any uses or structures not allowable as permitted uses, conditional uses, temporary uses or accessory uses are prohibited within the various commercial districts.

6-103 BULK REGULATIONS

6-103.1 General

The minimum lot dimensions, maximum lot coverage, minimum front, rear, interior and street side yards, maximum building heights and minimum separation between buildings on the same zone lot within any base commercial district shall be as indicated in Table 6-103A, (Bulk Regulations for Commercial Districts), and the additional bulk regulations specified in this section. For certain uses, alternative bulk regulations may be specified in this section or other sections of this zoning ordinance. Bulk regulations for planned unit development (**PUD**) overlay districts shall be as specified in Article VIII.

6-103.2 Lot Dimensions

No lot shall be created and no building permit or zoning approval shall be issued for any lot that does not meet the following minimum dimensional requirements, unless otherwise provided in the preliminary development plan of a planned unit development.

1. Lot Area

a. Minimum Area

Within the various commercial districts, the minimum horizontal area of a lot shall not be less than that indicated in Table 6-103A (Bulk Regulations for Commercial Districts), or as may be otherwise specified in this ordinance.

b. Reduction in Lot Area Prohibited

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot width, building area, or other requirements of the zoning ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

2. Lot Width

The minimum lot width (measured at the building line) shall not be less than indicated in Table 6.103A, or otherwise specified in this ordinance.

3. Lot Frontage

All lots shall have a minimum of fifty (50) feet of frontage on a publicly dedicated and maintained street, except that lots located along the terminus of a cul-de-sac shall have a minimum of thirty-five (35) feet of frontage. Within the Town Center Overlay District, minimum required lot frontages shall be established by the governing NRPUD as approved by the Board of Commissioners. **(Amended by Ordinance 509, August 16, 2001)**

(Amended by Ordinance 509, August 16, 2001)

TABLE 6-103A

**HEIGHT BULK, LOT SIZE, AND OPEN SPACE
REQUIREMENTS WITHIN MIXED USE AND COMMERCIAL DISTRICTS**

I. PROVISIONS APPLICABLE TO COMMERCIAL, INDUSTRIAL AND COMMUNITY FACILITIES ACTIVITIES	CG	CI	CMU	CNS	CC	OPS	MSMU	OG
A. Maximum Lot Coverage by All Buildings (as % of Total Lot Area)	50	50	50	30	50	40	70	40
B. Maximum Impermeable Surface Ratio (as % of Total Lot Area)	80	80	80	70	70	70	90	75
C. Minimum Area Requirement for Zone Lots (in 000 Square Feet)	10	10	10	10	10	10	N/A	N/A
D. Maximum Height (in Feet), (4)	35	35	35	35	35	35	45	45
E. Minimum Yard Requirements (1), (3)								
Front	30	30	30	30	30	30	0	30
Side, (2)	10	10	10	10	10	10	0	10
Rear	20	20	20	20	20	20	0	20
II. PROVISIONS APPLICABLE TO RESIDENTIAL ACTIVITIES								
(NOTE: See Subsection 6-104.1.)								
GENERAL NOTES								
<ol style="list-style-type: none"> 1. At all points along the boundary separating any commercial district from any residential the special yard and setback provisions of Subsection 6-103.4, Subpart 6, shall apply. 2. See Subsection 6-103.4, Subpart 7, for party wall provisions. 3. Front, Side and Rear Yard requirements for the OG District located within the Town Center Overlay District shall be established by the NRPUD as deemed appropriate by the city commission. 4. Structures within the MSMU and OG Districts shall be a maximum of three (3) stories in height. 								

4. Maximum Permitted Lot Coverage

Within the various commercial districts, the maximum zone lot coverage by all buildings (principal and accessory) shall not exceed the percentage of the total area of the zone lot indicated in Table 6.103A.

5. Maximum Impermeable Surface Ratio

Within the various industrial district, the impermeable surface ratio, computed by dividing the impermeable surface area by the total lot area shall not exceed the percentage indicated in Table 6-103A.

6-103.3 Height Regulations

1. Basic Requirements

The maximum permitted height for buildings shall not, except as provided in Subpart 2, of this section, (below) exceed that set forth for the various commercial districts in Table 6-103A.

2. General Exception to Height Regulations

The height limitation contained in the district regulations does not apply to spires, belfries, cupolas, radio towers, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

6-103.4 Yard Regulations

1. Permitted Obstructions in Required Yards

In all commercial districts, the following shall not be considered obstructions when located within a required yard except that items shall comply with Subsection 6-103.5.

- a. Arbors and trellises.
- b. Awnings or canopies projecting from a building wall over a required yard not more than six (6) feet, and having no supports other than provided by the wall or its integral parts.
- c. Chimneys projecting not more than three (3) feet into, and not exceeding two (2) percent of the area, of the required yard.
- d. Driveways subject to other specific provisions of this ordinance related directly thereto.
- e. Eaves, gutters, or down spouts, projecting into or over required yards not more than twenty-four (24) inches or twenty (20) percent of the width of such yard, whichever is the lesser distance.

- f. Fire escapes or staircase, the riser area of which shall be at least fifty (50) percent open, and whose vertical projection downward onto a required yard does not exceed thirty (30) percent of the area of such yard.
- g. Flagpoles, having only one structural ground member.
- h. Fountains.
- i. Mailboxes.
- j. Open terraces, including natural plant landscaping.
- k. Retaining walls.
- l. Sculpture or other similar objects of art.
- m. Street furniture such as, but not limited to benches, drinking fountains, trash receptacles, ash trays, light standards, or directional signs.
- n. Vents necessary for use of fallout shelters constructed below grade of such yards, but excluding all other parts of such shelters.
- o. Walls or fences not exceeding six (6) feet in height measured from finish grade level at any point along the length of, and on any side of, such walls or fences, and not roofed or structurally part of a building.

2. Measurement of Yard Width

In all commercial districts, the width or depth of a yard shall be measured perpendicular to lot lines.

3. Dimension of Yards

Except as otherwise provided herein, in all commercial districts yards of such dimensions as set forth in Table 6-103A, shall be provided for all commercial, manufacturing and community facilities activities.

4. Accessory Off-Street Parking in Required Yards

Accessory off-street parking may be permitted within the required yards of commercial districts only to the extent set forth below. Within any area where permitted such parking areas shall: Be properly maintained and have no obstructions thereon, except as permitted by Subpart 1, of this section, and shall not obstruct the visibility triangle as required by Subsection 6-103.5.

a. Accessory Off-Street Parking in Required Front Yards **(Amended by Ordinance 509, August 16, 2001)**

Within any commercial district not located within the Main Street Mixed Use Subdistrict of the Town Center Overlay District, permitted or required accessory off-street parking may be permitted within ten (10) feet of the front lot line. Within the Main Street Mixed Use Subdistrict of the Town Overlay District, off-street parking shall be prohibited between the building and the front lot line. Off-street parking areas in that subdistrict shall be located either to the rear or side of buildings.

b. Accessory Off-Street Parking in Side Yards

In all commercial districts, accessory off-street parking may be located within five (5) feet of any side lot line, except when such yard is adjacent to a residential district. (See Subpart 6, of this section, for special provisions applicable along residential district boundaries).

c. Accessory Off-Street Parking and Loading in Rear Yards **(Amended by Ordinance 509, August 16, 2001)**

Within the Town Center Overlay District, parking and loading areas may occur back to the rear property line if so authorized by the enacting PUD. Except as provided by Subpart 6, of this section, in all commercial districts, accessory off-street parking or loading may be located within ten (10) feet of any rear lot line except when such yard is adjacent to a residential district. (See Subpart 6, of this section, for special provisions applicable along residential district boundaries).

5. Special Provisions for Through Lots

In all commercial districts no rear yard is required for a through lot. In lieu thereof a front yard shall be required for each frontage.

6. Special Provisions Applying to Required Yards and Building Setbacks Along District Boundaries Coincident with Side or Rear Lot Line of Zone Lot in any Residential District **(Amended by Ordinance 509, August 16, 2001)**

In all commercial districts, except those associated with a corresponding NRPUD located within the Town Center Overlay District; and along such portion of the boundary of a commercial district which coincides with a lot line of a zone lot in any residential district the following yard provisions shall apply. Except as required to meet the provisions of Subpart c, (below), the open space may be utilized for parking. Within the Town Center Overlay District, minimum required lot frontages shall be established by the governing NRPUD as approved by the Board of Commissioners.

a. Special Front Setback

Regardless of the front yard provisions established for any commercial district, no building located on any zone lot adjacent to any residential district shall extend closer to the street than the average of the distances of the buildings located within one hundred (100) feet of the lot whereon the commercial activity is located; provided that no building shall be required to setback more than twice the minimum front yard applicable within the commercial district.

b. Special Side and Rear Yards

Along all portions of the boundary of any commercial zone lot where such lot abuts or is contiguous to any residential zone lot without an intervening public street, an open area, unobstructed from the ground to the sky, shall be provided within the commercial district, said area being at least twenty (20) feet in width or depth. Such open area shall not be used for accessory off-street parking, or accessory off-street loading, or for storage or processing of any kind.

7. Special Provisions for Party Walls

In commercial districts, side or rear yard requirements may be waived along the side or rear adjacent to another commercially zoned lot if the following conditions are met:

- a. At all points of attachment adjoining buildings shall be separated from each other by a four (4) hour wall in accordance with the Standard Building Code and fire code.
- b. A party wall may bisect the dividing line of two (2) adjacent lots so that one-half (1/2) of the party wall is located on each of the properties, provided that the owners of each property sign a covenant running with the land and granting an easement on the property to the owners of the adjoining property for the purpose of maintaining, reconstructing or protecting the party wall.
- c. In the event of the construction of a building on the lot line, the wall along the lot line, if it is not constructed as a party wall between two (2) buildings, shall be built in such a manner that it will meet all requirements of Subpart a, of this section, without regard to the wall or building on the adjoining property.
- d. No wall constructed within ten (10) feet of a property line shall have less than a four (4) hour fire rating and shall have such additional ratings as required by the Standard Building Code.

6-103.5 Obstructions Prohibited at Street Intersections (Amended by Ordinance 509, August 16, 2001)

On a corner lot, no fence, wall, hedge, or other planting or structure that will materially obstruct vision between a height of two and one-half (2 1/2) feet and ten (10) feet above the center line grades of the intersecting streets shall be erected, placed, or maintained within the triangular area formed by the street lines at such corner lots and a straight line joining such street lines at points which are thirty-five (35) feet distance from the intersection of the street lines and measured along said street lines. In case of rounded street lines at the intersecting streets, such measurement shall be made from the point of intersection of the tangents of the curve constituting the rounding. The above requirements shall not apply to development located within the Town Center Overlay District wherein setbacks from intersections shall be established by the governing NRPUD, as approved by the Board of Commissioners.

6-103.6 Requirements for Fire Lanes (Amended by Ordinance 509, August 16, 2001)

Fire lanes with a minimum width of ten (10) feet shall be located adjacent to the front and rear entrances of all commercial buildings. Such fire lanes shall be positioned directly adjacent to emergency water facilities designed for fire protection and shall be paved with an all weather surface capable of supporting the imposed loads of fire apparatus. The required fire lanes shall not be obstructed in any manner, including the parking of vehicles. Installation of No Parking signs or other appropriate notice, or of approved obstructions inhibiting parking, may be required and if installed shall be maintained. The owner or his representative of a building which is adjacent to the fire lane shall be responsible for keeping the fire lane free of obstructions. The above requirements shall not apply to development located within the Town Center Overlay District wherein requirement shall be established by the governing NRPUD, as approved by the Board of Commissioners.

6-104 SUPPLEMENTAL DESIGN PROVISIONS

6-104.1 Density, Height, Lot Size, and Open Space Requirements Applicable to Residential Activities

The provisions of this section apply to any residential building or mixed building located on any zone lot or portion of a zone lot in any commercial district. The following requirements shall not apply to development located within the Town Center Overlay District wherein requirement shall be established by the governing NRPUD, as approved by the Board of Commissioners. **(Amended by Ordinance 509, August 16, 2001)**

1. Provisions Applicable to Residential Buildings

Within those commercial districts where residential uses are permitted, the height, density, bulk, lot size and open space provisions applicable to the RM-8 District (See Article V, Table 5-103A) shall apply to all residential buildings located upon any zone lot or portion of a zone lot. The supplemental provisions appearing in Article V, Subsection 5-104.1, shall apply to all residential buildings located in any commercial district.

2. Provisions Applicable to Mixed Buildings

The provisions appearing below shall apply to all mixed buildings where such are permitted within any commercial district.

a. Maximum Bulk Permitted

For any mixed building permitted within any commercial district the height, density, bulk, lot size and open space provisions applicable to the RM-8, District (see Article V, Table 5-103A) shall apply.

b. Calculation of Residential Density Permitted in Mixed Buildings

To determine the residential density permitted within any mixed building the following procedure shall be utilized.

- i. The zone lot upon which the mixed building is located will be apportioned as to its nonresidential-residential components. (Example: If twenty-five (25) percent of a mixed building is to be utilized for commercial purposes and seventy-five (75) percent of the lot area will be used in calculating the residential density permitted).
- ii. The residential density permitted will then be calculated in a like manner as for any zone lot located within said district.
- iii. In no instance, however, shall the total building bulk permitted be increased beyond that established for the district within which the mixed building is located.

6-104.2 Development Standards for Commercial Complexes

1. Purpose

The provisions of this section are applicable to all commercial complexes, as defined by this Ordinance (see Article II, Section 2-102). The intent of this provision is to assure coordination of certain critical design elements within commercial complexes by Planning Commission review of the master development plan required for all such development by Article XIV, Subsection 14-103.3. Provided, however, that in any instance where this use is located within a planned unit development this requirement may be fulfilled by submission of the plans required by that section.

2. Parking and Access Control

The parking and access control provisions contained in Article IX, Subsection 9-102.7, "Joint Parking Facilities", shall apply within all commercial complexes.

3. Design Standards

The following design standards shall apply to all site development plans submitted for property located within any commercial complex.

- a. Site features such as landscaping, site fences, walls, refuse and recycle containers shall be coordinated into a unitary design and shall otherwise comply with all provisions of Article X, "Landscaping and Screening".
- b. Buildings shall incorporate similar design elements, such as surface materials, color, roof treatment, windows and doors on all sides of the building(s) to achieve a unity of design. The sides of a building that face a public street shall include elements such as windows, doors, color, texture, landscaping and wall treatment to provide visual interest and prevent development of a long continuous blank wall.
- c. All buildings within a multi-building complex shall achieve a unity of design by use of similar architectural elements, such as roof form, exterior building materials, colors and window pattern.
- d. Site drainage shall be designed to incorporate all buildings and structures included with the total development site.
- e. A "Common Signage Plan" meeting the standards established in Article XI, Subsection 11-103.2, shall be required for all commercial complexes.

4. Standards for Internal Walkways

The following design standards for internal walkways shall apply within all commercial complexes.

- a. Walkways, a minimum of five (5) feet in width, shall be provided from the public sidewalk or right-of-way to the building. At a minimum these walkways shall connect street crossings to the major points of building entry.
- b. Walkways shall be provided along the full length of the building on any side which provides building access to the public or where public parking is available, to provide safe and comfortable pedestrian access to the building.
- c. Internal walkway surfaces shall be designed to be visually attractive and distinguishable from driving surfaces through use of durable, low maintenance materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort.

6-104.3 Special Provisions Applicable to CNS, Convenience Neighborhood Service and OPS, Office/Professional Service Districts

1. Purpose

The special provisions set forth herein are intended to provide design criteria for commercial activities proposed for location on a zone lot or portion of a zone lot within Convenience Neighborhood Service (CNS) and Office/Professional Service (OPS) Districts. It is the express purpose of these provisions to establish design criteria and to provide for implementation of these provisions by review of the site plan required for all commercial complexes by Section 6-104.2 (above); provided, however, that in any instance where this use is located within a planned unit development this requirement may be fulfilled by submission of the plans required by those sections.

2. Design Criteria, General

It is intended that commercial activities when permitted within these districts generally shall be small, unobstructive, and produce negligible off-site impact. To this end, no individual commercial establishment shall be of such size or character as to create the impression of general commercial development. In addition, hours of operation, outdoor display of goods, signage and lighting shall be restricted so as to reduce or eliminate possible negative influences upon the surrounding residential neighborhood.

3. Design Criteria, Detailed

a. Location

These facilities are intended to meet the very limited function of providing convenience goods and services to the surrounding residents. The locations for these operations are limited to intersections of arterial or major collector streets which are identified on the latest adopted Major Street Plan.

b. Maximum Size of Establishments

No individual commercial establishment shall have a gross floor area exceeding five thousand (5,000) square feet.

c. Building Design

Buildings must be constructed of masonry and wood and shall be residential in scale and architectural design.

d. Conduct of Operations

All sales, service, or display in connection with commercial establishments shall be within completely enclosed buildings, and there shall be no display, service, or storage outside such buildings. No public address systems or other devices for reproducing or amplifying voices or music shall be mounted outside such buildings or be audible beyond any line of the lot on which the building is situated.

e. Exterior Storage

Exterior storage of goods or materials of any kind is prohibited. The placement of waste disposal facilities is permitted in the rear of the commercial operation only and shall not be located in any front or side yard. Such facilities shall be totally screened using similar exterior materials from which the outside walls of the principal building is constructed and shall be maintained in a clean and orderly manner.

d. Lighting

During hours of darkness when convenience establishments are in operation, parking areas and pedestrian ways on the premises shall be lighted to an intensity of at least 0.6 foot candle. No such lighting shall be directed in a manner which illuminates adjoining residential premises and no source of incandescent or mercury vapor illumination shall be directly visible from any residential property, or from any street. No neon lights inside or outside structures shall be visible from any residential property, or from any street.

e. Noise

No noise detectable at the property line may be generated on the site.

f. Special Sign Provisions

No signs intended to be read from off the premises shall be permitted in connection with convenience establishments except as generally permitted in the district for residential uses; and in addition, one sign, not exceeding sixteen (16) square feet in area, mounted flat against the side of the building, for each face of the building exposed to a public street. Where more than one convenience establishment is located in the same building, signs in accordance with the above formula may be permitted for each. No such sign shall extend or be mounted above or beyond the wall of the building.

4. Special Parking Provisions

Where any commercial use or activity permitted within CNS or OPS Districts adjoins any existing residential use, the following special provisions may be utilized, singly or in combination, in order to off-set any negative impacts of the parking upon the use and enjoyment of the adjoining residential activity.

- a. Parking shall be restricted or prohibited within front or side yards which adjoin a residential use or activity.
- b. No parking area may be located within any buffer yard required by the provisions of Subpart 6, of Subsection 6-103.4.
- c. Off-site parking may be located on a lot other than the same lot to which the spaces are accessory provided that:
 - i. Such spaces are located in a mixed-use, or commercial district.
 - ii. Such spaces are located to draw a minimum of vehicular traffic to and through streets having predominantly residential frontage.
 - iii. Such spaces are located no farther than four hundred (400) feet from the nearest boundary of the lot occupied by the activities to which they are accessory.
 - iv. Such spaces are in the same ownership as the use(s) to which they are accessory and necessary instruments are executed to ensure the required number of spaces will remain available throughout the life of such use(s), and
 - v. Such spaces conform to all applicable district regulations of the district in which they are located.

5. Special Yard Requirements

Along such portions of the boundary of any CNS or OPS District where such lot abuts or is contiguous to any residential zone lot, buffer yard(s), as required by Subpart 6, of Subsection 6-103.4, shall be required. Such yards may be used only for purposes of screening.

6. Maximum Size of Convenience Neighborhood Service (CNS) Zone Districts

Due to limited service nature of the Convenience Neighborhood Service (CNS) Zone Districts and the potential for negative impact upon nearby residential activities no Convenience Neighborhood Service (CNS) Zone District shall be created which exceeds two (2) acres in size.

6-104.4 Building Setback, Bulk and Façade Standards for the Main Street Mixed Use District (Added by Ordinance 509, August 16, 2001)

1. Purpose

The special design provisions set forth herein are intended to create an attractive, safe and pedestrian oriented Main Street Mixed Use area within the Town Center.

2. Design Criteria

a. Front Yard Setbacks

Buildings built to the front property line are strongly encouraged. Front building walls shall be located no more than fifteen (15) feet from the front property line.

b. Street Wall as a Percentage of Lot Frontage

Buildings built to the front sidewalk line shall be the predominant character of the Main Street Mixed Use area. A minimum of fifty (50) percent of the each lot frontage shall be comprised of building wall built up to or within fifteen (15) feet of the front property line.

c. Building Heights at the Street Line

Buildings heights shall not exceed three (3) stories; the maximum street facade elevation shall be forty-five (45) feet as measured from the finished sidewalk grade to the top of wall (including parapets).

d. Street Wall Glazing

A minimum of fifty (50) percent and a maximum of eighty-five (85) percent of a street facing building facade shall be comprised of transparent glass area. Ground floor store levels should provide prominent display windows easily viewed from the sidewalk. Blank walls oriented to the street shall not exceed fifty (50) feet in length.

e. Street Facade Design

Building designs that provide an attractive appearance and an interactive relationship with the sidewalk shall be required. Encouraged are facade designs that promote outdoor activity and contain interesting architectural features such as awnings, columns, porches, decorative stoops, courtyards, terraces and upper story balconies. Building facades comprised predominantly of natural looking materials such a brick, stone, stucco and painted wood are encouraged in lieu of synthetic materials such a vinyl coated elements and aluminum siding.

f. Sidewalk Standards

Sidewalks located between the street curb line and a front building wall should be a minimum of eight (8) feet in width. A minimum clearance of seven (7) feet shall be maintained at all times along the frontage of the sidewalk and to and from the main doorway(s) into business establishments.