

### Article 3. - Commercial and Mixed-Use Districts

#### Sec. 9-2.301. - Purpose.

- (a) The specific purposes of the "Commercial" Districts are to:
  - (1) Provide for a full range of commercial uses.
  - (2) Strengthen the city's economic base and provide employment opportunities for residents of the city.
  - (3) Ensure the provision of services and facilities needed to accommodate planned population densities.
  - (4) Identify appropriate standards for new development.
- (b) Additional purposes of each "Commercial" District:
  - (1) *(CG) General Commercial.* To encourage areas of concentrated retail, generally located adjacent to major streets, such as Elm Avenue at Polk Street. The CG designation permits food, drug, clothing and other retail uses and services including small restaurants, laundry outlets among other services. Hotels, motels, and medical and professional offices are allowed in CG areas, subject to zoning provisions.
  - (2) *(CR) Retail Centers.* To maintain areas for regional shopping centers located at major circulation intersections. Large format or "big box" retail and auto sales as well as travel related services, such as hotels and gas stations are allowed.
  - (3) *(CS) Service Commercial.* To provide areas for retail and service uses that usually requires a single-purpose trip to visit one commercial establishment. Repair facilities, building materials, industrial suppliers, auto and accessory dealers, light manufacturing/ distributing, and wholesale and/or retail outlets are allowed in this designation.
  - (4) *(MX) Mixed-Use.* To provide areas for either horizontal or vertical mixed-use development consisting of commercial, service, office, and residential uses. Commercial uses are primarily retail or office in nature. All uses allowed in the Commercial General (CG) and Commercial Service (CS) designations are generally allowed in the MX designation. The Community Development Director may determine that Mixed-Use residential/commercial development may be subject to the Planned Development Combining Designation (P-D) zoning requirements in Chapter 3, Article 5. Residential uses on a given parcel shall not exceed fifteen (15) dwelling units/gross acre.

( [Ord. No. 776](#), § 1(Exh. A), eff. 9-5-2014)

#### Sec. 9-2.302. - Land use regulations.

- (a) Table 2.5 below prescribes the land use regulations for "Commercial" Districts. The regulations for each district are established by letter designations as follows:
  - (1) "Yes" designates permitted uses.
  - (2) "CUP" designates use classifications that are permitted after review and approval of a Conditional Use Permit by the Planning Commission.
  - (3) "(#)" numbers in parentheses refer to specific limitations listed at the end of the table.
  - (4) "No" designates uses that are not permitted.
- (b) Land use classifications are defined in Chapter 1, Article 2 "Definitions" of this title. In cases where a proposed specific land use or activity is not defined, an application shall be made to the Community Development Director, and the Planning Commission shall approve or deny the assignment of the

proposed land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this chapter.

Table 2.5: Land Use Regulations - Commercial Districts					
Use Classifications	CG	CR	CS	MX	Additional Regulations
Residential Uses					
Multiple Residences	No	No	No	Yes	Residential uses are allowed as a secondary use to a primary commercial use in the MX District. See Section 9-2.30(c) of this article for residential standards in the MX District.
Group Home	See subclassifications below				
Six or fewer residents				Yes	
Seven or more residents				CUP	
Residential Care Facilities, Limited	No	No	No	Yes	
Single Room Occupancy Facilities	CUP	No	No	No	
Transitional and Supportive Housing	No	No	No	Yes	Residential uses are allowed as a secondary use to a primary commercial use in the MX District. See Section 9-2.30(c) of this article for residential standards in the MX District. See Section 9-5.127, Transitional and Supportive Housing
Public and Semi-Public Uses					
Clubs and Lodges	No	No	Yes	Yes	Section 9-5.103, Alcoholic Beverage Sales
Colleges and Trade Schools, Public or Private	No	No	CUP	CUP	
Community Centers	Yes	No	No	Yes	

Cultural Institutions	CUP	No	CUP	CUP	
Family Day Care Homes	Yes	No	No	Yes	
Hospitals and Clinics	Yes	No	CUP	Yes	(CG, MX) Limited to establishments with a gross floor area of 5,000 square feet or less.
Instructional Services	Yes	No	Yes	Yes	
Park and Recreation Facilities, Public	Yes	Yes	Yes	Yes	
Religious Facilities	CUP	CUP	CUP	CUP	
Residential Care Facilities, General	Yes	No	No	Yes	Section 9-5.120, Residential Care Facilities
Schools, Public or Private	NO	NO	NO	CUP	(MX) Provided that such use shall be at least 1,800 feet from any MBL or MBH Zoning Designation.
Emergency Shelters	Yes	No	Yes	Yes	Section 9-5.109, Emergency Shelters
Commercial Uses					
Adult-oriented Businesses	No	No	No	No	
Aircraft Sales, Services, Storage	No	No	No	No	
Animal Care, Sales and Services	See subclassifications below.				
Kennels	CUP	No	CUP	CUP	(CG,CS) Provided that such use shall be completely enclosed in a building of soundproof construction.
Pet Stores	CUP	No	CUP	CUP	
Veterinary Services	CUP	No	CUP	CUP	(CG,CS) Provided that such use shall be

					completely enclosed in a building of soundproof construction.
Artists' Studios	Yes	No	Yes	Yes	
Automobile/Vehicle Sales and Services	See subclassifications below.				
Automobile/Vehicle Rentals	No	Yes	Yes	No	
Automobile/Vehicle Sales and Leasing	No	CUP	Yes	No	
Automobile/Vehicle Repair, Major	No	No	CUP	No	Section 9-5.106, Automobile/Vehicle Service and Repair, Major and Minor
Automobile/Vehicle Repair, Minor	No	Yes	Yes	No	Section 9-5.106, Automobile/Vehicle Service and Repair, Major and Minor
Automobile/Vehicle Washing	No	CUP	CUP	No	Section 9-5.107, Auto Service Stations and Car Washing
Large Vehicle and Equipment Sales, Service and Rental	No	No	CUP (1)	No	See footnotes
Service Station	CUP	CUP	CUP	CUP	Section 9-5.107, Auto Service Stations and Car Washing. (CG) Limited to establishments with a gross floor area of 5,000 square feet or less.
Banks and Financial Institutions	See subclassifications below.				
Banks and Credit Unions	Yes(2)	Yes	Yes	Yes	See footnotes
Check Cashing Businesses	Yes (2)	Yes (2)	Yes (2)	Yes (2)	See footnotes

Building Materials and Services	No	Yes	CUP	CUP	(CR, CS, MX) Bulk storage of sand, gravel or cement is not allowed.
Business Services	Yes	Yes	Yes	Yes	(CG,MX) Limited to establishments with a gross floor area of 5,000 square feet or less. Wholesale services are not allowed.
Commercial Entertainment and Recreation	See subclassifications below				
Large-scale Cinema Theaters (over 300 seats)	Yes	Yes	Yes	No	(CS)Drive-ins and outdoor movie theaters are prohibited.
Small-scale Cinema Theaters (300 seats and under)	No	Yes	Yes	CUP	
Eating and Drinking Establishments	See subclassifications below				
Bars/Night Clubs/Lounges	CUP	CUP	CUP	CUP	Section 9-5.103, Alcoholic Beverage Sales
Coffee Shops/Cafes	Yes	Yes	Yes	Yes	(CG) Drive-through facilities are prohibited.
Restaurants, equal to or less than 3,000 square feet	Yes	Yes	Yes	Yes	Section 9-5.103, Alcoholic Beverage Sales. (CG) Drive-through facilities are prohibited.
Restaurants, greater than 3,000 square feet	CUP	Yes	Yes	Yes	Section 9-5.103, Alcoholic Beverage Sales (CG) Drive-through facilities are prohibited.
Food and Beverage Retail Sales	Yes	Yes	Yes	Yes	Section 9-5.103, Alcoholic Beverage Sales. (CG) Limited to establishments with a gross floor area less than 40,000 square feet. (MX) General offices shall not be located on the ground floor if located in a building of two or more stories.
Funeral Parlors and Mortuaries	Yes	No	Yes	No	

Hotels and Motels	CUP	Yes	CUP	CUP	
Light Fleet Based Services	No	No	Yes	No	
Maintenance and Repair Services	Yes	Yes	Yes	Yes	Limited to establishments with a gross floor area less than 1,500 square feet. Outdoor work and outdoor storage is prohibited.
Nurseries and Garden Centers	Yes	Yes	Yes	Yes	
Offices	See subclassifications below				
General Offices	Yes	CUP	Yes (3)	Yes	(CG)General offices shall not be located on the ground floor if located in a building of two or more stories.
Walk-In Clientele	Yes	CUP	Yes (3)	Yes	(CG, MX) Limited to establishments with a gross floor area less than 1,500 square feet.
Parking, Public or Private	Yes	Yes	Yes	Yes	(CG, MX) Limited to parking areas for exclusive use of occupants, employees and patrons of the uses, buildings, stores, and businesses located in that zone.
Personal Services	Yes	Yes	Yes	Yes	
Retail Sales	See subclassifications below				
Less than 10,000 square feet per business	Yes	Yes	Yes	Yes	
10,000 to 50,000 square feet per business	CUP	Yes	Yes	CUP	
More than 50,000 square feet per business	No	CUP	CUP	No	
Retail Sales, Cannabis	CUP (4)	NO	CUP (4)	NO	Section 9-5.129, Cannabis Retail Facilities

Smoking Establishments	See subclassifications below.				
Tobacco Bars	CUP	CUP	CUP	CUP	Shall not be located within 300 feet of any Residential district, any educational, religious, or cultural institution.
Swap Meets	No	CUP	CUP	No	Section 9-5.124, Swap Meets
Wholesaling and Distribution	No	No	Yes	No	
Industrial Uses					
Construction and Material Yards	No	No	CUP	No	Section 9-4.208, Outdoor Storage
Freight/Truck Terminals and Warehouses	No	No	CUP	No	
Handicraft/Custom Manufacturing	No	Yes	Yes	No	(CR) Limited to establishments with a gross floor area less than 2,000 square feet.
Industry, Limited	No	No	Yes	No	
Recycling Facilities	See subclassifications below.				
Reverse Vending Machine	Yes	Yes	Yes	Yes	
Recycling Collection Facility	No	No	CUP	No	Section 9-5.119, Recycling Facilities
Recycling Processing Facility	No	No	No	No	Section 9-5.119, Recycling Facilities
Unattended Collection Boxes	CUP	CUP	CUP	CUP	Section 9-5.119, Recycling Facilities
Warehousing and Storage	See subclassifications below.				
Chemical, Mineral, and Explosives Storage	No	CUP	CUP	No	(CR) Limited to liquefied petroleum gas storage and sale when incidental to a permitted use.

Indoor Warehousing and Storage	No	No	Yes	No	
Outdoor Storage	No	No	CUP	No	Section 9-4.208, Outdoor Storage. (CS) Outdoor storage shall be incidental to a primary use, limited to 6,000 square feet and completely screened from public view by a six-foot high solid fence.
Personal Storage	No	No	CUP	No	Section 9-5.118, Personal Storage Facilities
Telecommunication Facilities	See subclassifications below.				
Modifications to existing Antenna and Transmission Facilities	Yes	Yes	Yes	Yes	Section 9-5.125, Telecommunication Facilities
New Antenna and Transmission Facilities	CUP	CUP	CUP	CUP	Section 9-5.125, Telecommunication Facilities
Facilities within Buildings	No	No	Yes	Yes	Section 9-5.125, Telecommunication Facilities. (CS, MX) Limited to radio and television studios.
Transportation Passenger Terminals	No	Yes	Yes	No	
Utilities, Major	No	No	No	No	
Utilities, Minor	Yes	Yes	Yes	Yes	
Other Applicable Types					
Accessory Uses and Structures	Yes	Yes	Yes	Yes	Section 9-5.101, Accessory Uses and Structures
Animal Keeping	No	No	No	Yes	Section 9-5.103, Animal Keeping
Caretaker Unit	No	Yes	Yes	No	(CR, CS) Limited to one dwelling for a caretaker or watchman and his or her immediate family, necessary and incidental to a use located in



					such zone.
Home Occupations	No	No	No	Yes	Section 9-5.113, Home Occupations
Nonconforming Use	Chapter 6, Article 2, Nonconforming Uses, Structures, and Lots				
Temporary Uses	See subclassifications below				
Seasonal Outdoor Sales from three to seven days (21)	Temporary Use Permits required		Section 9-5.126, Temporary Uses		
Long Term Special Events and Sales lasting eight days to three months					
All other types of temporary uses					
<p>Specific Limitations:</p> <p>1. Equipment service areas shall be screened by a solid wall eight (8) feet in height, or a dense landscaping screen, having a minimum depth of five (5) feet and a minimum height of six (6) feet within five (5) years of planting.</p> <p>2. Limited to establishments with a gross floor area less than 2,500 square feet, located on a collector or higher classification street, and at least 1,000 linear feet from any other check cashing business.</p> <p>3. Offices are permitted only as an accessory to a primary commercial use. Conditional Use Permit approval is required for office, business, or professional uses greater than 5,000 square feet in size per lot or integrated commercial development.</p> <p>4. Microbusinesses are not allowed in any commercial zones.</p>					

( [Ord. No. 776](#), § 1(Exh. A), eff. 9-5-2014; [Ord. No. 798, § 1, eff. 2-4-2017](#); [Ord. No. 802](#), § 2, eff. 4-14-2018; [Ord. No. 804](#), § 3, eff. 2-3-2018)

Sec. 9-2.303. - Development regulations.

- (a) *Base development regulations.* Table 2.6 prescribes the development standards for the Commercial Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this chapter, while individual letters refer to subsections that directly follow the table.

Table 2.6: Development Regulations - Commercial Districts					
Standard	CG	CR	CS	MX	Additional Standards
Lot and Density Standards					
Minimum Lot Area (s.f.)	6,000 s.f.	5,000 s.f.	5,000 s.f.	5,000 s.f.	
Minimum Lot Width (ft.)	60 ft.	60 ft.	60 ft.	60 ft.	Section 2. Exceptions to Minimum Lot Size, Width, and Depth
Minimum Lot Depth (ft.)	75 ft.	75 ft.	75 ft.	75 ft.	Section 2. Exceptions to Minimum Lot Size, Width, and Depth
Maximum Residential Density (units/gross acre)	n/a	n/a	n/a	15.0 units/acre	Section 3. Mixed-Use Standards, Chapter 6, Article 13, Density Bonus
Building Form and Location					
Minimum Yards					
Front (ft.)	0 ft.	0 ft.	0 ft.	0 ft.	Section 9-4.201, Building Projections into Yards
Interior Side (ft.)	0 ft.	0 ft.	0 ft.	0 ft.	Section 9-4.201, Building Projections into Yards; and (c)
Street Side (ft.)	0 ft.	0 ft.	0 ft.	0 ft.	Section 9-4.201, Building Projections into Yards
Rear (ft.)	0 ft.	0 ft.	0 ft.	0 ft.	Section 9-4.201, Building Projections into Yards; and (c)
Maximum Height (ft.)	50 ft.	50 ft.	50 ft.	50 ft.	Section 9-4.205, Heights and Height Exceptions; and (b)
Additional Standards					

Useable Open Space (sq. ft. per residential unit)	n/a	n/a	n/a	150 s.f. per unit	Section 9-2.303(c), Mixed-Use Standards
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(b) *Additional development standards.*

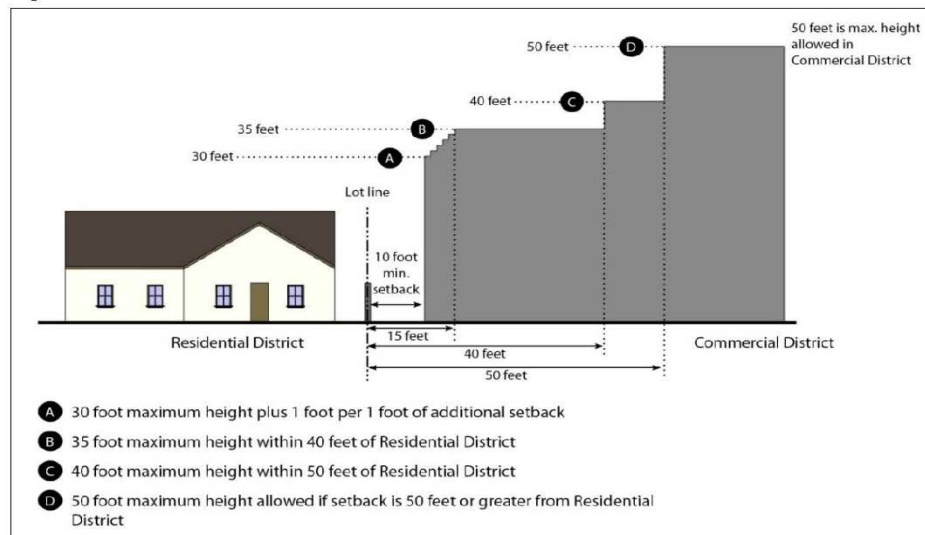
(1) *Exceptions to minimum lot size, width, and depth.* An exception to the minimum lot size, width and depth may be allowed with a Conditional Use Permit if a Master Plan for the site is submitted concurrently with the subdivision application. The plan shall indicate proposed land uses, building footprints, driveways, fire lanes, parking areas, landscaped areas, buffer yards, and other site features. The City Council must find that the proposed subdivision will create lots that are adequately sized, shaped, and oriented to meet or exceed all requirements for yards, buffer yards, parking, landscaping, fire lanes, and other requirements of this title.

(2) *Transitional standards.* Where a site is adjacent to a Residential district, the following standards apply:

a. *Height.*

1. The maximum height within forty (40) feet of a Residential district boundary is thirty-five (35) feet. The maximum height within fifty (50) feet of a Residential district boundary is forty (40) feet.
2. Buildings exceeding thirty (30) feet in height must be set back or stepped back one foot from the required interior side and rear setback lines for every foot of height above thirty (30) feet.

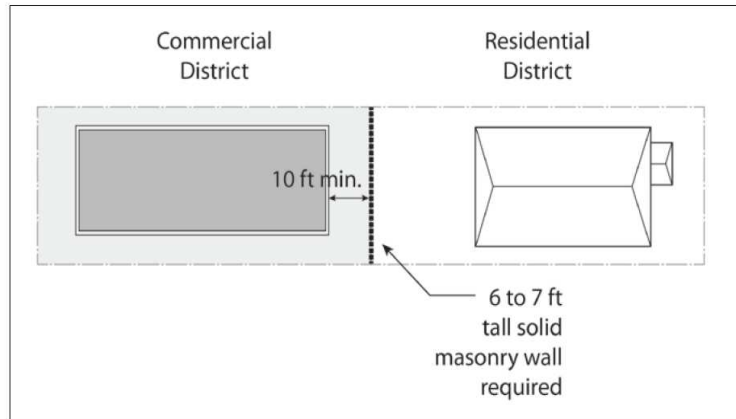
Figure 2.6



b. *Fences and yards.* Where a parcel in a commercial district is adjacent to a residential district, a solid masonry wall not less than six (6) feet nor more than seven (7) feet in height shall be erected along such property line, as follows:

1. Where the district boundary is at a rear lot line that is not on a right-of-way line, the wall shall be on that line.

Figure 2.7



2. Where the district boundary is on a side lot line that is not on a right-of-way line, the required wall shall be on, or parallel with, such side lot line. Such wall shall be reduced in height to three (3) feet when next to the required front yard of the adjacent residential district.

Figure 2.8

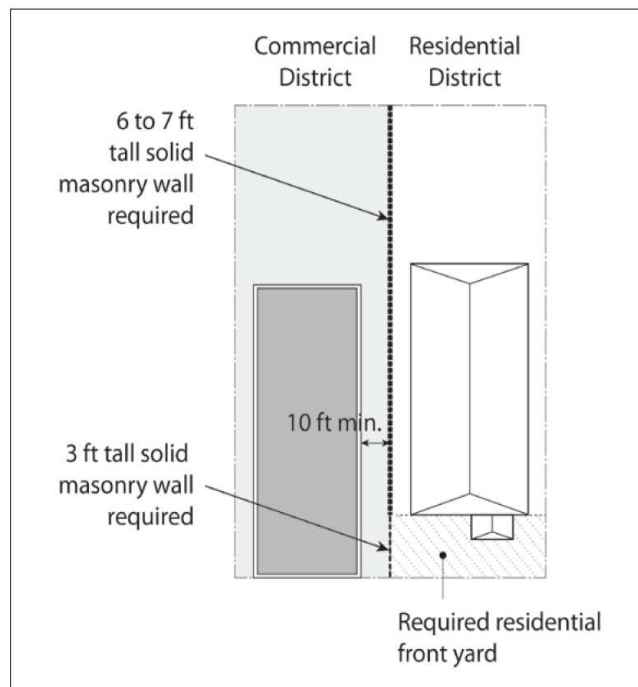
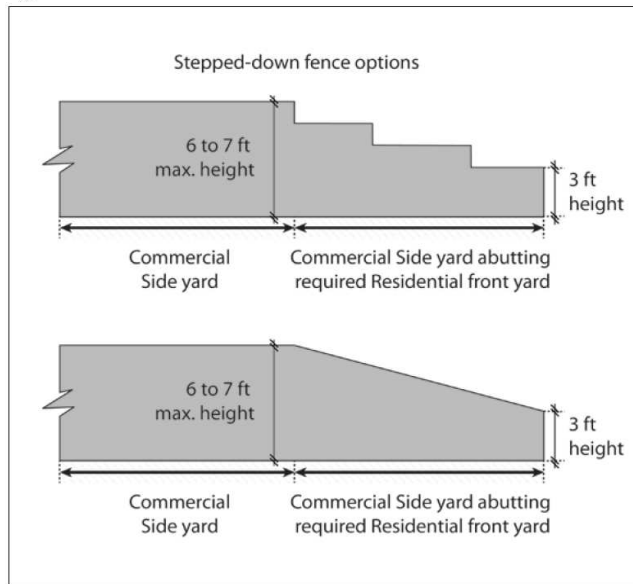
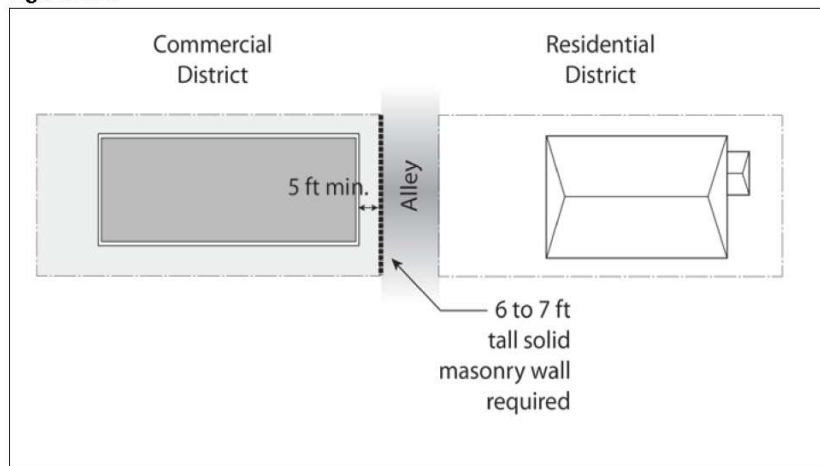


Figure 2.9



3. If the district boundary is an alley, the wall shall be along the length of the commercial property line against the alley. No driveway openings into the alley are allowed.

Figure 2.10

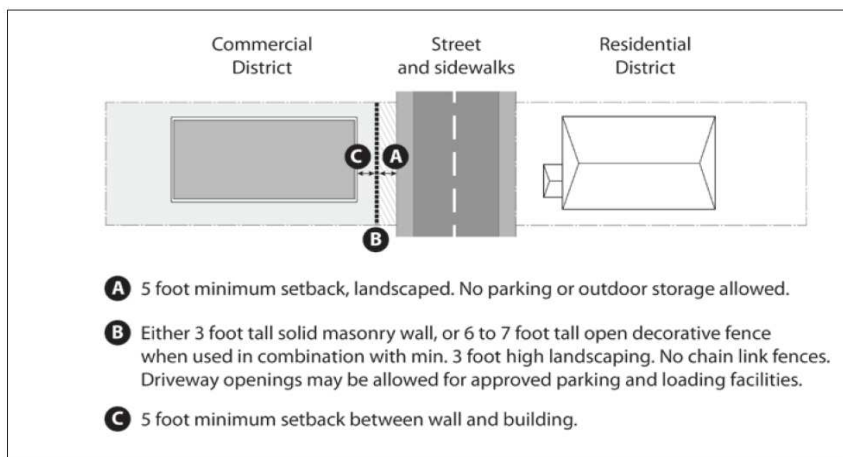


4. Exception: If the district boundary is a street, any wall constructed along such street in the Commercial District shall be set back from the property line a distance of five (5) feet. Such walls may include solid masonry walls of three (3) feet in height, or open decorative fences between six (6) and seven (7) feet in height provided that landscaping of minimum three (3) feet height is in place at the start of operations. Chain link fences are not allowed. The space between the wall and the property line shall be landscaped and maintained, and no parking and outdoor storage shall be allowed. Driveway openings may be allowed into the street for approved parking and loading facilities. Structures shall be set back at least an additional five (5) feet from the wall. Outdoor storage is allowed within the setback between the wall and the structure, provided that it is screened from public view.
- (3) *Pedestrian access between adjacent commercial developments.* If a commercial property shares a property line with another commercial property, pedestrian access shall be provided at

the shared property line, to allow for increased walkability and connectivity between commercial properties.

- (4) *Increased yard for commercial properties adjacent to Residential Districts.* If a commercial property shares a property line with a Residential district, there shall be minimum yard setback of ten (10) feet on the commercial property from the shared property line. If a commercial property is across an alley or street from a Residential district, there shall be an additional minimum yard setback of five (5) feet for any structure on the commercial property, measured from the required wall set back from the subject property line.
- (5) *Increased yard for certain institutional uses.* Any building erected or used for a school, government, or other institutional use mentioned elsewhere in this title, shall be located at least fifteen (15) feet from a Residential district, notwithstanding any lesser requirement in the district where located, provided such building shall not be required to be located more than five (5) feet from any lot line adjacent to any alley. The City Council may waive this requirement for accessory buildings to provide reasonable accommodation.

Figure 2.11



- (6) *Downtown design guidelines.* Development in commercial properties that are within the Downtown Overlay District are also subject to the Downtown Overlay District and Downtown Design Guidelines.
- (7) *Pedestrian connections.* Pedestrian ways five (5) feet or more in width may be required:
  - a. To connect all buildings on the site to one another, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
  - b. Through the middle of blocks that are more than 600 feet in length;
  - c. To connect cul-de-sac or dead-end streets;
  - d. To provide access to other community facilities such as shopping centers; and/or
  - e. To provide access to trails or bikeways shown in the General Plan.
  - f. All outdoor walkways shall be illuminated in accordance with the requirements of Section 9-4.206, Lighting and Illumination, of this title.
  - g. All sidewalks shall conform to the requirements of Title 7, Chapter 2, Sidewalks, Crosswalks, Curbs, Gutters and Driveways, of the Municipal Code. Street trees shall be provided per the requirements of Title 7, Chapter 3, Trees and Shrubs, of the Municipal Code.
  - h. Primary pedestrian routes and access points shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a

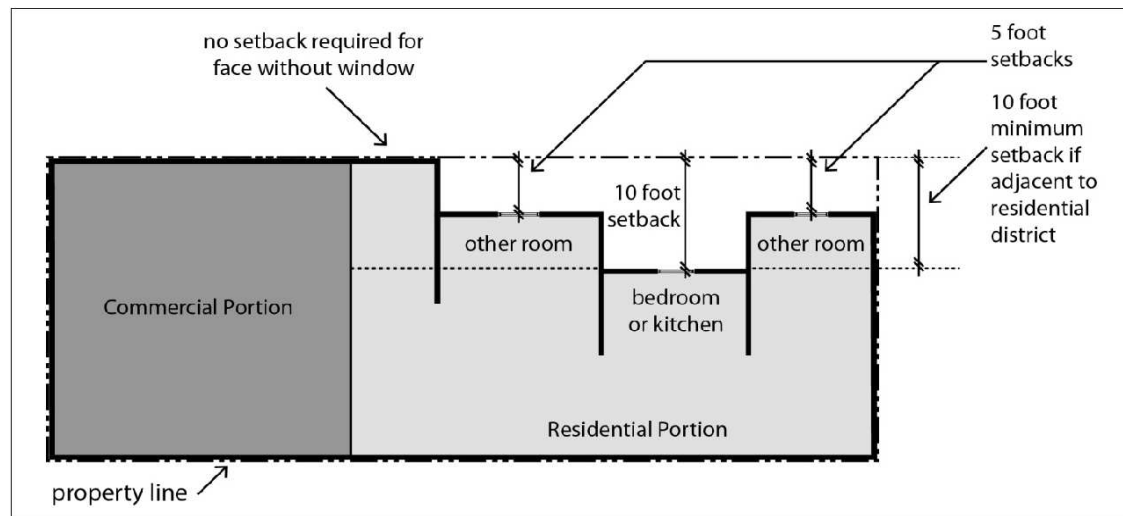
different paving material, or another method. Where a required walkway is parallel and adjacent to an auto travel lane, it shall be raised or separated from the auto travel lane by a raised curb at least four (4) inches high, bollards, or other physical barrier.

(c) *Mixed-Use standards.* In the Mixed-Use district, residential uses may be permitted if all of the following conditions are met:

- (1) *Residential uses ancillary.* Residential land uses are required to be ancillary to a primary commercial use on the subject site(s). Residential-only developments are prohibited in the Mixed-Use district.
- (2) *Area of residential land uses.* The combined area of all ground floor residential land uses, which includes residential buildings and residential-only parking areas, shall occupy less than fifty (50) percent of the site's total land area.
- (3) *Location of residential units.* Residential units are permitted at the side, rear and/or above the commercial uses.
- (4) *Residential building entry and orientation requirements.*
  - a. Entrances to residential units shall be physically separated from the entrance to the permitted commercial uses and clearly marked with a physical feature incorporated into the building or an appropriately scaled element applied to the facade.
  - b. Garages or other enclosed or covered parking facilities for use by residents shall not be significantly visible feature from the public street or from adjacent bikeways, sidewalks or other pedestrian amenities. Residential parking shall be clearly signed and reserved for the residents.
- (5) *Pedestrian connections.* Pedestrian ways five (5) feet or more in width may be required:
  - a. To connect all buildings on the site to one another, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
  - b. Through the middle of blocks that are more than 600 feet in length;
  - c. To connect cul-de-sac or dead-end streets;
  - d. To provide access to playgrounds, parks, schools, shopping centers, or similar community facilities; and/or
  - e. To provide access to trails or bikeways shown in the General Plan.
  - f. All outdoor walkways shall be illuminated in accordance with the requirements of Section 9-4.206, Lighting and Illumination, of this title.
  - g. All sidewalks shall conform to the requirements of Title 7, Chapter 2, Sidewalks, Crosswalks, Curbs, Gutters and Driveways, of the Municipal Code. Street trees shall be provided per the requirements of Title 7, Chapter 3, Trees and Shrubs, of the Municipal Code.
  - h. Primary pedestrian routes and access points shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, or another method. Where a required walkway is parallel and adjacent to an auto travel lane, it shall be raised or separated from the auto travel lane by a raised curb at least four (4) inches high, bollards, or other physical barrier.
- (6) *Usable open space.* A minimum of 150 square feet of usable open space is required per residential unit and may be provided as common or private open space on balconies or patios.
- (7) *Side and rear yard setback requirements for residential units.* In order to provide light and air for residential units in mixed-use buildings, the following minimum setbacks apply to the residential portion of the building(s). In any case in which an interior yard is also adjacent to a Residential district boundary, the following setbacks shall apply.

- a. Five (5) feet for any wall with windows.
- b. Ten (10) feet for any wall with bedroom or kitchen windows.

**Figure 2.12**



( [Ord. No. 776](#), § 1(Exh. A), eff. 9-5-2014)