DIVISION 12. - O-1 OFFICE DISTRICT

Sec. 28-521. - Purpose.

The O-1 office district is intended to provide for development of offices serving primarily local and community needs in locations which have convenient access to the major street system. Such locations may be adjacent to residential areas and, therefore, height, yard and other requirements are designed to maintain compatibility of scale with a residential environment.

Sec. 28-522. - Permitted uses.

Permitted uses in the O-1 district are:

(1) Single-family dwellings, detached.

(2) Single-family (zero lot line) dwellings.

(3) Two-family dwellings, duplexes. (Only one two-family dwelling is permitted per lot.)

(4) Public uses, such as parks, libraries, buildings and municipal zoos.

(5) Schools including public and private schools, elementary and secondary schools, preschools, kindergartens, nursery schools and special schools, provided the use meets all setback, lot size and other development requirements applicable.

(6) Houses of worship, convents, rectories, parsonages and parish houses.

(7) Fire stations, police stations, artesian wells, pumping stations, lakes, boat docks, boathouses, water supply reservoirs, filter beds, water tanks, towers or standpipes and marinas.

(8) Railroad rights-of-way, railroad tracks, bridges and signals.

(9) Public utilities; poles, wires and transmission and/or distribution lines and other transmission and distributing appurtenances, but not including storage facilities, electrical energy production facilities, transformers or relay substations.

(10) Clinics and lab services, but not including veterinary clinics.

(11) Office buildings.

(12) Studios of artists, photographers, crafts and custom trades.

(13) Accessory off-street parking and loading facilities subject to the provisions of article VII of this chapter.

(14) Accessory signs subject to the provisions of article VIII of this chapter.

(15) Other accessory uses subject to the provisions of section 28-926.

(16) Financial institutions.

(17) Home occupation subject to the provisions of section 28-928 and all other applicable provisions of this chapter.

(18) Travel bureaus.

(19) Licensed group home.

(20) Commercial and vocational schools.

(21) Child care facilities.

(22) Golf courses, but not miniature courses or driving ranges.

(23) Sale of beer for on-premise consumption, provided that such use is located on a public golf course.

(24) Wireless communication system antennas on alternate independent support structures.

(25) Adult day care facilities.

(26) Photostating and copy services.

(27) Small packaging and shipping services.

(28) Community home I.

(29) Single-family detached (zero lot line) dwellings.

(30) Personal service shops.

(31) Excavation, mining and/or removal of material limited to sand, soil or gravel, as an accessory use for the purpose of construction on the property or development of the property for a permitted use by right or by special permit; provided the excavation, mining and/or removal of material meet the following:

a. The amount of material being removed from the site is not more than 125,000 cubic yards;

b. A site grading permit is issued meeting all requirements of article III, division 3 of this chapter for a period of time that is specified in the site grading permit which period of time shall be reasonable for the amount of work that is being done as part of the construction on the property or development of the property for a permitted use, as determined by the building official; and

c. If excavation, mining and/or removal of material is intended to create a water body or lake as an accessory use, the area of the water body or lake cannot exceed ten percent of the total area of the tract or lot where it is being constructed. This applies to the parent tract or lot and further division of the parent tract or lot will not permit additional water bodies or lake to exceed ten percent of the total area of the parent tract or lot.

(32) Farmers' markets (except on lots containing only single-family uses) provided that a farmers' market permit has been issued in accordance with chapter 13 of this Code.

(33) Sale of alcohol for off-premise consumption provided that such use occurs at a permitted farmers' market.

(34) Community gardens provided that a community garden permit has been issued in accordance with chapter 13 of this Code (unless such permit is not required under chapter 13 of this Code).

(35) Temporary commercial parking facility.

(36) Bed and breakfast homestay establishment provided that a bed and breakfast facility license has been issued in accordance with chapter 13 of this Code.

(37) Short term rental type I provided that a short term rental facility license has been issued in accordance with chapter 13 of this Code.

(38) Short term rental type II provided that a short term rental facility license has been issued in accordance with chapter 13 of this Code.

(Ord. No. 1986-49, § 1(4.1202), 9-16-86; Ord. No. 1987-3, § 13, 2-17-87; Ord. No. 1987-24, § 12, 12-21-87; Ord. No. 1988-45, § 10, 10-18-88; Ord. No. 1990-61, §§ 6, 8, 14, 15, 17, 12-18-90; Ord. No. 1996-3, §§ 3, 4, 2-20-96; Ord. No. 1997-25A, § 1, 6-17-97; Ord. No. 1997-30, § 1(f), 7-1-97; Ord. No. 2004-0122, § 1, 4-6-04; Ord. No. 2004-0332, § 1, 6-15-04; Ord. No. 2007-291, § 2, 5-1-07; Ord. No. 2010-131, § 1, 3-2-10; Ord. No. 2010-692, § 1, 12-7-10; Ord. No. 2011-116, § 1, 3-1-11; Ord. No. 2013-483, § 1, 8-20-13; Ord. No. 2014-432, § 1, 8-5-14 ; Ord. No. 2017-703 , § 2, 8-1-17)

Sec. 28-523. - Special uses.

Uses which may be allowed in the O-1 district by special permit in accordance with the provisions of section 28-121 et seq. are:

(1) Sale of beer and wine for consumption off premises; provided that such use is located in a nonconforming retail grocery store.

(2) Public utilities; electrical energy production facilities, transformers or relay substations and storage facilities.

(3) Reserved.

(4) Airport or heliport, subject to approval of the Federal Aviation Administration.

(5) Hospitals.

(6) Schools; colleges or universities.

(7) Excavation, mining and/or removal of any material, including, but not limited to, sand, soil and gravel, as an accessory use for the purpose of construction on the property or development of the property for a permitted use by right or by special permit, if (1) the amount of material being removed from the site is more than 125,000 cubic yards, or (2) the excavation and/or mining involving the removal of material is intended to construct a water body or lake as an accessory use and the area of the water body or lake exceeds ten percent of the total area of the lot or tract where it is being constructed; provided the excavation, mining and/or removal is conducted in accordance with all terms and conditions of the special use permit, the surface mining and excavation guidelines and all other applicable ordinances and codes of the city and meets the following conditions:

a. The property on which the excavation, mining and/or removal operation is conducted is not located within 1,000 feet of 26 or more dwelling units, and

b. Trucks used to transport excavated material from an excavation or mining operation site shall not be driven on a local or collector street that provides vehicular access to a residential subdivision containing 26 or more dwelling units.

(8) Monopole and stealth antenna structures at any height for wireless communication system.

(9) Vocational rehabilitation enterprises, with a letter of support from the appropriate state or federal agency.

(10) Clubs or lodges.

(11) Convalescent or rest homes.

(12) Outdoor recreational and amusement facility.

(13) Community home II.

(14) Bed and breakfast inn provided that a bed and breakfast facility license has been issued in accordance with chapter 13 of this Code.

(15) Reserved.

(16) Reserved.

(17) Financial institutions providing goods or services directly to customers in motor vehicles outside of an enclosed structure.

(18) Transitional shelter I.

(19) Reserved.

(20) Transitional shelter II.

(21) Dwelling, small lot single-family provided that:

a. The dwelling is located within the limits of the area depicted in the Imagine Waco, A Plan for Greater Downtown.

b. The dwelling is located on a street that is 26 feet or wider and on-street parking is not restricted.

c. If the dwelling is located on an arterial or collector street or the lot is less than 40 feet in width, access should be from an alley or an approved shared driveway with adjoining lot(s).

d. The following architectural requirements will apply in addition to the requirements of section 28-223:

(i) Front building façades must maintain a minimum of 25 percent openings in the wall which must consist of windows and doors. A side building façade located on a corner lot must maintain a minimum of 15 percent openings in the wall which must consist of windows and doors.

(ii) Primary and accessory building materials must remain complimentary to each other, and of the surrounding character of similar structures.

(iii) All structures must have at least one primary entrance. The main entrance of the home shall face the front property line.

(iv) All structures shall provide an entry-level covered porch with a minimum depth of five feet along at least 50 percent of the front building façade.

(Ord. No. 1986-49, § 1(4.1203), 9-16-86; Ord. No. 1987-3, §§ 8, 10, 2-17-87; Ord. No. 1987-24, §§ 1, 9, 12-21-87; Ord. No. 1987-33, § 1, 6-9-87; Ord. No. 1987-64, § 1, 11-24-87; Ord. No. 1989-30, § 6, 7-18-89; Ord. No. 1990-61, § 13, 12-18-90; Ord. No. 1997-2, § 1(b), (c), 2-4-97; Ord. No. 1997-30, § 1(g), 7-1-97; Ord. No. 1998-53, § 1, 2-2-99; Ord. No. 2003-0405, § 1, 7-15-03; Ord. No. 2004-0122, § 1, 4-6-04; Ord. No. 2004-0332, § 1, 6-15-04; Ord. No. 2005-287, § 2, 5-3-05; Ord. No. 2010-692, § 1, 12-7-10; Ord. No. 2010-693, § 1, 12-7-10; Ord. No. 2013-481, § 1, 8-20-13; Ord. No. 2013-483, § 1, 8-20-13; Ord. No. 2016-174 , § 1, 3-1-16; Ord. No. 2017-703 , § 2, 8-1-17)

Sec. 28-524. - Lot area.

Except as otherwise provided in section 28-901, every lot on the O-1 district upon which a structure or use is erected, altered or maintained shall have:

(1) *All permitted uses.* An area of not less than 6,000 square feet; and a minimum width of 60 feet.

(2) *Two-family dwelling.* An area of not less than 3,000 square feet per dwelling unit; and a minimum width of 60 feet.

(3) *Uses allowed by special permit.* Same as for permitted uses, subject to the provisions of section 28-130.

(4) *Single-family attached and detached (zero lot line) dwelling.* An area of not less than 4,000 square feet per dwelling unit; and a minimum width of 40 feet.

(5) *Single-family dwelling.* An area of not less than 6,000 square feet per dwelling unit; and a minimum width of 50 feet.

(6) *Small lot single-family dwelling.* An area of not less than 3,000 square feet per dwelling unit: and a minimum width of 30 feet.

(Ord. No. 1986-49, § 1(4.1204), 9-16-86; Ord. No. 2007-291, § 2, 5-1-07; Ord. No. 2007-356, § 2, 6-5-07; Ord. No. 2016-174 , § 1, 3-1-16)

Sec. 28-525. - Height restrictions.

Except as provided in section 28-903, no structure or use in the O-1 district shall be erected, altered or maintained which exceeds two stories or 35 feet in height.

(Ord. No. 1986-49, § 1(4.1205), 9-16-86)

Sec. 28-526. - Yard requirements.

Except as provided in section 28-904, no structure or use in the O-1 district shall be erected, altered or maintained unless the following yards are provided:

(1) *All permitted uses.* A front yard of not less than 25 feet; a rear yard of not less than 25 feet; and two side yards of not less than five feet each, except that:

a. Where abutting an R-1 or R-2 district, a side yard of not less than 25 feet shall be provided.

b. The required side or rear yard adjacent to a lot in an R-1A, R-1B or R-1C district shall be increased by one foot for each two feet, or fraction thereof, by which the principal structure exceeds 25 feet in height.

c. A side yard of not less than 15 feet shall be provided where a side yard is adjacent to a side street, except as provided in section 28-904(f).

d. For detached (zero lot line) dwelling; a side yard not less than ten feet opposite the zero lot line side yard; provided, that the distance between principal detached structures on adjacent lots shall not be less than ten feet.

e. For small lot single-family dwelling; a front yard of not less than 25 feet; a rear yard of not less than 25 feet; and two side yards with a combined width of not less than ten feet; provided, that the distance between principal structures on adjacent lots shall not be less than ten feet.

(2) *Uses allowed by special permit.* Same as for permitted uses in subsection (1) of this section, subject to the provisions of section 28-130(b).

(Ord. No. 1986-49, § 1(4.1206), 9-16-86; Ord. No. 2007-291, § 2, 5-1-07; Ord. No. 2016-174 , § 1, 3-1-16)

Sec. 28-527. - Additional regulations.

Uses in the O-1 district shall also comply with the following regulations:

(1) Section 28-171 requiring review of development plans for all uses except single-family dwellings.

(2) Chapter 9 regulating development in the escarpment zone.

(3) Chapter 11 regulating development in floodplains.

(4) A permit is required for all site work of property and for the construction or substantial alteration of a parking lot. "Substantial alteration" includes the adding of spaces or reconstruction of the parking lot area. Single-family residential uses shall be exempt from this requirement.

(Ord. No. 1986-49, § 1(4.1207), 9-16-86; Ord. No. 1998-82, § 1, 5-4-99)

Sec. 28-528. - Distance requirements.

(a) A community home I located in the O-1 district shall be located at least ½-mile from another community home I.

(b) A community home II located in the O-1 district shall be located at least 500 feet from any lot used for a school, day care center, or another community home II, transitional shelter, shelter, or halfway house.

(c) A transitional shelter located in the O-1 district shall be located at least 500 feet from any lot used for a school, day care center, or another transitional shelter, community home II, shelter, or halfway house.

(Ord. No. 2004-0332, § 1, 6-15-04)

Secs. 28-529—28-545. - Reserved.

DIVISION 4. - R-1B SINGLE-FAMILY RESIDENCE DISTRICT

Sec. 28-321. - Purpose.

The R-1B single-family residence district is intended to provide for single-family development at moderate density, where a full range of urban services can be provided. A limited range of compatible uses are also permitted either to provide services to residents or maintain low-intensity use of open land. Lot area, yard and other requirements are designed to encourage maintenance of quality residential areas in character with contemporary standards.

(Ord. No. 1986-49, § 1(4.401), 9-16-86)

Sec. 28-322. - Permitted uses.

Permitted uses in the R-1B district are:

(1) Single-family dwellings.

(2) Public uses, such as parks, libraries, buildings and municipal zoos.

(3) Schools including public and private schools, elementary and secondary schools, preschools, kindergartens, nursery schools and special schools, provided the use meets all setback, lot size and other development requirements applicable.

(4) Houses of worship, convents, rectories, parsonages and parish houses.

(5) Golf courses, but not miniature courses or driving ranges.

(6) Fire stations, police stations, artesian wells, pumping stations, lakes, boat docks, boathouses, water supply, reservoirs, filter beds, water tanks, towers or standpipes and marinas.

(7) Railroad rights-of-way, railroad tracks, bridges and signals.

(8) Public utilities; poles, wires and transmission and/or distribution lines and other transmission and distributing appurtenances, but not including office buildings or storage facilities, electrical energy production facilities, transformers or relay substations.

(9) Accessory off-street parking and loading facilities subject to the provisions of article VII of this chapter.

(10) Accessory signs subject to the provisions of article VIII of this chapter.

(11) Other accessory uses subject to the provisions of section 28-926.

(12) Home occupations subject to the provisions of section 28-928 and all other applicable provisions of this chapter.

(13) Agriculture; farming and raising of agricultural products.

(14) Sale of beer for on-premise consumption, provided that such use is located on a public golf course.

(15) Wireless communication system antennas on alternate independent support structures.

(16) Community home I.

(17) Vineyards.

(18) Excavation, mining and/or removal of material limited to sand, soil or gravel, as an accessory use for the purpose of construction on the property or development of the property for a permitted use by right or by special permit; provided the excavation, mining and/or removal of material meet the following:

a. The amount of material being removed from the site is not more than 125,000 cubic yards;

b. A site grading permit is issued meeting all requirements of article III, division 3 of this chapter for a period of time that is specified in the site grading permit which period of time shall be reasonable for the amount of work that is being done as part of the construction on the property or development of the property for a permitted use, as determined by the building official; and

c. If excavation, mining and/or removal of material is intended to create a water body or lake as an accessory use, the area of the water body or lake cannot exceed ten percent of the total area of the tract or lot where it is being constructed. This applies to the parent tract or lot and further division of the parent tract or lot will not permit additional water bodies or lake to exceed ten percent of the total area of the parent tract or lot.

(19) Temporary commercial parking facility.

(Ord. No. 1986-49, § 1(4.402), 9-16-86; Ord. No. 1987-24, § 12, 12-21-87; Ord. No. 1988-45, § 10, 10-18-88; Ord. No. 1990-61, §§ 6, 8, 12-18-90; Ord. No. 1996-3, § 4, 2-20-96; Ord. No. 1997-30, § 1(b), 7-1-97; Ord. No. 2004-0332, § 1, 6-15-04; Ord. No. 2008-453, § 3, 9-2-08; Ord. No. 2010-692, § 1, 12-7-10; Ord. No. 2014-432, § 1, 8-5-14)

Sec. 28-323. - Special uses.

Uses which may be allowed in the R-1B district by special permit in accordance with the provisions of section 28-121 et seq. are:

(1) Sale of beer and wine for consumption off premises; provided that such use is located in a nonconforming retail grocery store.

(2) Licensed group homes.

(3) Clubs, lodges, fraternities and sororities where the chief activity is not a business.

(4) Public utilities; electrical energy production facilities, transformers or relay substations and storage facilities.

(5) Reserved.

(6) Airport or heliport, subject to approval of the Federal Aviation Administration.

(7) Hospitals.

(8) HUD-Code manufactured home parks or recreational vehicle parks or HUD-Code manufactured home subdivisions.

(9) Cemeteries.

(10) Excavation, mining and/or removal of any material, including, but not limited to, sand, soil and gravel, as an accessory use for the purpose of construction on the property or development of the property for a permitted use by right or by special permit, if (1) the amount of material being removed from the site is more than 125,000 cubic yards, or (2) the excavation and/or mining involving the removal of material is intended to construct a water body or lake as an accessory use and the area of the water body or lake exceeds ten percent of the total area of the lot or tract where it is being constructed; provided the excavation, mining and/or removal is conducted in accordance with all terms and conditions of the special use permit, the surface mining and excavation guidelines and all other applicable ordinances and codes of the city and meets the following conditions:

a. The property on which the excavation, mining and/or removal operation is conducted is not located within 1,000 feet of 26 or more dwelling units, and

b. Trucks used to transport excavated material from an excavation or mining operation site shall not be driven on a local or collector street that provides vehicular access to a residential subdivision containing 26 or more dwelling units.

(11) Reserved.

(12) Vocational rehabilitation enterprises, with a letter of support from the appropriate state or federal agency.

(13) Reserved.

(14) Bed and breakfast homestay establishment provided that a bed and breakfast facility license has been issued in accordance with chapter 13 of this Code.

(15) Nursery or greenhouse (retail or wholesale).

(16) Reserved.

(17) Kennels and stables.

(18) Veterinarian clinics (no outside kennels).

(19) Child care facilities provided that: a. the lot sides or fronts onto an O, C, or M district, or fronts in a collector or arterial street; b. the driveway will be no closer than 100 feet from a signalized intersection; and c. the lot is not in the same block face (including both sides of the street) where any other child care facility or licensed group home already exists.

(20) Outdoor recreational and amusement facility.

(21) Community gardens provided that a community garden permit has been issued in accordance with chapter 13 of this Code (unless such permit is not required under chapter 13 of this Code).

(22) Adult day care facilities.

(23) Commercial funeral home, provided the lot has frontage on a street classified as an arterial or limited-access freeway, the lot is a minimum of at least one acre, and the lot is not located closer than 200 feet from a residential use.

(24) Mortuary services as an accessory use to a commercial funeral home and subject to the provisions of section 28-926.

(25) Wineries.

(26) Reserved.

(27) Farmers' markets (except on lots containing only single-family uses) provided that a farmers' market permit has been issued in accordance with chapter 13 of this Code.

(28) Sale of alcohol for off-premise consumption provided that such use occurs at a permitted farmers' market.

(29) Transitional shelter I.

(30) Dwelling, small lot single-family provided that:

a. The dwelling is located within the limits of the area depicted in the Imagine Waco, A Plan for Greater Downtown.

b. The dwelling is located on a street that is 26 feet or wider and on-street parking is not restricted.

c. If the dwelling is located on an arterial or collector street or the lot is less than 40 feet in width, access should be from an alley or an approved shared driveway with adjoining lot(s).

d. The following architectural requirements will apply in addition to the requirements of section 28-223:

(i) Front building façades must maintain a minimum of 25 percent openings in the wall which must consist of windows and doors. A side building façade located on a corner lot must maintain a minimum of 15 percent openings in the wall which must consist of windows and doors.

(ii) Primary and accessory building materials must remain complimentary to each other, and of the surrounding character of similar structures.

(iii) All structures must have at least one primary entrance. The main entrance of the home shall face the front property line.

(iv) All structures shall provide an entry-level covered porch with a minimum depth of five feet along at least 50 percent of the front building façade.

(31) Short term rental type II provided that a short term rental facility license has been issued in accordance with chapter 13 of this Code.

(32) Short term rental type I provided that a short term rental facility license has been issued in accordance with chapter 13 of this Code.

(33) Crematory services as an accessory use to a commercial funeral home and subject to the provisions of section 28-926.

(Ord. No. 1986-49, § 1(4.403), 9-16-86; Ord. No. 1987-3, §§ 8, 10, 2-17-87; Ord. No. 1987-24, §§ 1, 9, 14, 12-21-87; Ord. No. 1987-64, § 1, 11-24-87; Ord. No. 1988-45, § 14, 10-18-88; Ord. No. 1989-30, §§ 5, 6, 7-18-89; Ord. No. 1990-61, §§ 11, 15, 12-18-90; Ord. No. 1992-25, § 4, 7-7-92; Ord. No. 1997-2, § 1(a), 2-4-97; Ord. No. 1997-25A, § 1, 6-17-97; Ord. No. 1997-30, § 1(c), 7-1-97; Ord. No. 1998-53, § 1, 2-2-99; Ord. No. 2004-0332, § 1, 6-15-04; Ord. No. 2005-287, § 2, 5-3-05; Ord. No. 2007-290, § 3, 5-1-07; Ord. No. 2008-453, § 3, 9-2-08; Ord. No. 2010-692, § 1, 12-7-10; Ord. No. 2010-693, § 1, 12-7-10; Ord. No. 2011-116, § 1, 3-1-11; Ord. No. 2011-117, § 1, 3-1-11; Ord. No. 2013-481, § 1, 8-20-13; Ord. No. 2013-483, § 1, 8-20-13; Ord. No. 2016-174 , § 1, 3-1-16; Ord. No. 2017-703 , § 2, 8-1-17; Ord. No. 2018-568 , § 1, 6-5-18)

Sec. 28-324. - Lot area.

Except as otherwise provided in section 28-901, every lot in the R-1B district upon which a structure or use is erected, altered or maintained shall have:

(1) *Single-family dwelling.* An area of not less than 6,000 square feet per dwelling unit; and a minimum width of 50 feet. On curvilinear streets, on culs-de-sac and in areas where side lot lines are not parallel, lot width may be measured at the building setback line rather than the property line.

(2) *Small lot single-family dwelling.* An area of not less than 3,000 square feet per dwelling unit; and a minimum width of 30 feet.

(3) *All other permitted uses.* An area of not less than one acre; and a minimum width of 100 feet.

(4) *Uses allowed by special permit.* A minimum area of not less than 7,000 square feet and a minimum width of not less than 60 feet, subject to the provisions of section 28-130.

(Ord. No. 1986-49, § 1(4.404), 9-16-86; Ord. No. 2003-0523, § 1, 9-2-03; Ord. No. 2016-174 , § 1, 3-1-16)

Sec. 28-325. - Height restrictions.

Except as provided in section 28-903, no structure or use in the R-1B district shall be erected, altered or maintained which exceeds 2½ stories or 35 feet in height.

(Ord. No. 1986-49, § 1(4.405), 9-16-86)

Sec. 28-326. - Yard requirements.

Except as provided in section 28-904, no structure or use in the R-1B district shall be erected, altered or maintained unless the following yards are provided:

(1) *Single-family dwelling and small lot single-family dwelling.* A front yard of not less than 25 feet; two sides of not less than five feet each; and a rear yard of not less than 25 feet.

(2) *All other permitted uses.* A front yard of not less than 50 feet; two side yards of not less than 25 feet each; and a rear yard of not less than 50 feet.

(3) *Uses allowed by special permit.* A front yard of not less than 25 feet; two side yards of not less than six feet each; and a rear yard of not less than 25 feet; subject to the provisions of section 28-130(b).

(Ord. No. 1986-49, § 1(4.406), 9-16-86; Ord. No. 2003-0523, § 2, 9-2-03; Ord. No. 2016-174 , § 1, 3-1-16)

Sec. 28-327. - Additional regulations.

Uses in the R-1B district shall also comply with the following regulations:

(1) Section 28-171 requiring review of development plans for all uses except single-family dwellings.

(2) Chapter 9 regulating development in the escarpment zone.

(3) Chapter 11 regulating development in floodplains.

(4) A permit is required for all site work of property and for the construction or substantial alteration of a parking lot. "Substantial alteration" includes the adding of spaces or reconstruction of the parking lot area. Single-family residential uses shall be exempt from this requirement.

(Ord. No. 1986-49, § 1(4.407), 9-16-86; Ord. No. 1998-82, § 1, 5-4-99)

Sec. 28-328. - Distance requirement.

A community home I located in the R-1B district shall be located at least ½-mile from another community home I.

(Ord. No. 2004-0332, § 1, 6-15-04)

Secs. 28-329—28-345. - Reserved.

DIVISION 16. - C-2 COMMUNITY COMMERCIAL DISTRICT

Sec. 28-621. - Purpose.

The C-2 community commercial district is intended to provide for a variety of mutually supporting compatible business and multifamily residential uses in unified centers and related groupings of individually developed sites; and to encourage high quality commercial and multifamily residential development in convenient locations accessible to major traffic arteries outside major transportation corridors.

(Ord. No. 1986-49, § 1(4.1601), 9-16-86)

Sec. 28-622. - Permitted uses.

Permitted uses in the C-2 district are:

(1) Financial institutions.

(2) Clinics and lab services, but not including veterinary clinics.

(3) Clubs, lodges, where the chief activity is not a business.

(4) Commercial and vocational schools.

(5) Convalescent or rest homes.

(6) Dressmaking, millinery, tailor shops, shoe repair shops and similar shops.

(7) Child care facilities.

(8) Office buildings.

(9) Personal service shops.

(10) Restaurants.

(11) Retail sales, excluding automobiles, trucks, farm machinery, construction machinery and equipment, agricultural and farm supplies, motorcycles, HUD-Code manufactured homes and RVs.

(12) Studios of artists, photographers, crafts and custom trades.

(13) Physical, cultural and health services, including gymnasiums and reducing salons.

(14) Travel bureaus.

(15) Repair and servicing of bicycles, radios, televisions, appliances, keys and similar consumer articles, but not including motorized vehicles.

(16) Commercial funeral home.

(17) Public uses, such as parks, libraries, buildings and municipal zoos.

(18) Schools including public and private schools, elementary and secondary schools, preschools, kindergartens, nursery schools and special schools, provided the use meets all setback, lot size and other development requirements applicable.

(19) Houses of worship, convents, rectories, parsonages and parish houses.

(20) Golf courses, but not miniature courses or driving ranges.

(21) Fire stations, police stations, artesian wells, pumping stations, lakes, boat docks, boathouses, water supply reservoirs, filter beds, water tanks, towers or standpipes and marinas.

(22) Railroad rights-of-way, railroad tracks, bridges and signals.

(23) Public utilities; poles, wires and transmission and/or distribution lines and other transmission and distributing appurtenances, but not including storage facilities, electrical energy production facilities, transformers or relay substations.

(24) Accessory off-street parking and loading facilities subject to the provisions of article VII of this chapter.

(25) Accessory signs subject to the provisions of article VIII of this chapter.

(26) Other accessory uses subject to the provisions of section 28-926.

(27) Alcoholic beverages, sale for off-premises consumption.

(28) Bakeries, retail.

(29) Catering establishments.

(30) Cleaning, dyeing and laundry plants, commercial.

(31) Printing, blueprinting, binding and publishing, lithographing and engraving.

(32) Home occupation subject to the provisions of section 28-928 and all other applicable provisions of this chapter.

(33) Laundries, self-serve commercial.

(34) Photostating and copy services.

(35) Indoor recreational facility.

(36) Religious, philanthropic and educational institutions, museums.

(37) Equipment rental (small domestic).

(38) Multiple-family dwellings.

(39) Auto, retail gas sale, only with convenience stores.

(40) Office and business equipment sales offices.

(41) Townhouse dwellings.

(42) Licensed group homes.

(43) Motel and hotels and attached restaurants.

(44) Sale of beer for on-premises consumption, provided that such use is located on a public golf course.

(45) Wireless communication system antennas on alternate independent support structures.

(46) Mortuary services as an accessory use to a commercial funeral home and subject to the provisions of section 28-926.

(47) Retail sales exclusively outside an enclosed building, provided that a private open air vending permit has been issued in accordance with Chapter 13 of this Code for such use.

(48) Adult day care facilities.

(49) Small packaging and shipping services.

(50) Community home I.

(51) Enclosed outside storage subject to the provisions of section 28-926.

(52) Outside display subject to the provisions of section 28-926.

(53) Restaurants, retail sales, or personal, automobile or financial services providing goods or services directly to customers in motor vehicles outside of an enclosed structure not adjacent to a lot used for residential purposes, or an R zoning district.

(54) Excavation, mining and/or removal of material limited to sand, soil or gravel, as an accessory use for the purpose of construction on the property or development of the property for a permitted use by right or by special permit; provided the excavation, mining and/or removal of material meet the following:

a. The amount of material being removed from the site is not more than 125,000 cubic yards;

b. A site grading permit is issued meeting all requirements of article III, division 3 of this chapter for a period of time that is specified in the site grading permit which period of time shall be reasonable for the amount of work that is being done as part of the construction on the property or development of the property for a permitted use, as determined by the building official; and

c. If excavation, mining and/or removal of material is intended to create a water body or lake as an accessory use, the area of the water body or lake cannot exceed ten percent of the total area of the tract or lot where it is being constructed. This applies to the parent tract or lot and further division of the parent tract or lot will not permit additional water bodies or lake to exceed ten percent of the total area of the parent tract or lot.

(55) Reserved.

(56) Farmers' markets (except on lots containing only single-family uses) provided that a farmers' market permit has been issued in accordance with chapter 13 of this Code.

(57) Sale of alcohol for off-premise consumption provided that such use occurs at a permitted farmers' market.

(58) Community gardens provided that a community garden permit has been issued in accordance with chapter 13 of this Code (unless such permit is not required under chapter 13 of this Code).

(59) Temporary commercial parking facility.

(60) Bed and breakfast homestay establishment provided that a bed and breakfast facility license has been issued in accordance with chapter 13 of this Code.

(61) Bed and breakfast inn provided that a bed and breakfast facility license has been issued in accordance with chapter 13 of this Code.

(62) Short term rental type I provided that a short term rental facility license has been issued in accordance with chapter 13 of this Code.

(63) Short term rental type III provided that a short term rental facility license has been issued in accordance with chapter 13 of this Code.

(64) Live/work unit.

(Ord. No. 1986-49, § 1(4.1602), 9-16-86; Ord. No. 1987-3, § 9, 2-17-87; Ord. No. 1987-24, §§ 12, 15, 20, 12-21-87; Ord. No. 1987-58, § 9, 10-27-87; Ord. No. 1988-45, § 10, 10-18-88; Ord. No. 1988-73, §§ 5, 7, 1-3-89; Ord. No. 1989-13, § 1, 3-28-89; Ord. No. 1990-13, §§ 2, 4, 4-17-90; Ord. No. 1990-61, §§ 6, 8, 12, 15, 16, 12-18-90; Ord. No. 1992-35, § 5, 10-6-92; Ord. No.

1995-62, § 1, 12-5-95; Ord. No. 1996-3, § 4, 2-20-96; Ord. No. 1997-25A, § 1, 6-17-97; Ord. No. 1997-30, § 1(h), 7-1-97; Ord. No. 2003-0383, § 1, 7-1-03; Ord. No. 2004-0122, § 1, 4-6-04; Ord. No. 2004-0332, § 1, 6-15-04; Ord. No. 2005-287, § 2, 5-3-05; Ord. No. 2005-437, § 2, 8-2-05; Ord. No. 2006-455, § 3, 8-1-06; Ord. No. 2007-290, § 3, 5-1-07; Ord. No. 2010-131, § 1, 3-2-10; Ord. No. 2010-692, § 1, 12-7-10; Ord. No. 2010-693, § 1, 12-7-10; Ord. No. 2011-116, § 1, 3-1-11; Ord. No. 2013-483, § 1, 8-20-13; Ord. No. 2014-432, § 1, 8-5-14 ; Ord. No. 2017-703 , § 2, 8-1-17; Ord. No. 2018-907 , § 1, 10-2-18)

Sec. 28-623. - Enclosed structures required.

All principal uses in the C-2 district shall be conducted within a completely enclosed structure. There shall be no open storage.

(Ord. No. 1986-49, § 1(4.1603), 9-16-86; Ord. No. 2005-437, § 2, 8-2-05)

Sec. 28-624. - Special uses.

Uses which may be allowed in the C-2 district by special permit in accordance with the provisions of section 28-121 et seq. are:

(1) Greenhouses and nurseries (retail only).

(2) Restaurants, retail sales, or personal, automobile or financial services providing goods or services directly to customers in motor vehicles outside of an enclosed structure adjacent to a lot used for residential purposes, or an R zoning district.

(3) Theaters (not drive-in).

(4) Vocational rehabilitation.

(5) Veterinary clinics, but not including open kennels.

(6) Hospitals.

(7) Excavation, mining and/or removal of any material, including, but not limited to, sand, soil and gravel, as an accessory use for the purpose of construction on the property or development of the property for a permitted use by right or by special permit, if (1) the amount of material being removed from the site is more than 125,000 cubic yards, or (2) the excavation and/or mining involving the removal of material is intended to construct a water body or lake as an accessory use and the area of the water body or lake exceeds ten percent of the total area of the lot or tract where it is being constructed; provided the excavation, mining and/or removal is conducted in accordance with all terms and conditions of the special use permit, the surface mining and excavation guidelines and all other applicable ordinances and codes of the city and meets the following conditions:

a. The property on which the excavation, mining and/or removal operation is conducted is not located within 1,000 feet of 26 or more dwelling units, and

b. Trucks used to transport excavated material from an excavation or mining operation site shall not be driven on a local or collector street that provides vehicular access to a residential subdivision containing 26 or more dwelling units.

(8) Monopole and stealth antenna structures at any height for wireless communication system.

(9) Cemeteries.

(10) Reserved.

(11) Reserved.

(12) Schools; colleges or universities.

(13) Carpet cleaning.

(14) Parcel or package delivery and express services.

(15) Public utilities; shops, yards, generation, storage and substations.

(16) Residential quarters for caretakers and similar personnel.

(17) Community home II.

(18) Reserved.

(19) Reserved.

(20) Self-storage warehouses.

(21) Transitional shelter II.

(22) Recreational vehicle parks subject to chapter 15 of the Code.

(23) Crematory services as an accessory use to a commercial funeral home and subject to the provisions of section 28-926.

(24) Automobile car-washing establishments.

(Ord. No. 1986-49, § 1(4.1604), 9-16-86; Ord. No. 1987-24, § 16, 12-21-87; Ord. No. 1987-58, § 7, 10-27-87; Ord. No. 1987-64, § 1, 11-24-87; Ord. No. 1988-45, § 1, 10-18-88; Ord. No. 1989-30, § 6, 7-18-89; Ord. No. 1995-62, § 2, 12-5-95; Ord. No. 1997-2, § 1(c), 2-4-97; Ord. No. 1997-30, § 1(i), 7-1-97; Ord. No. 1998-53, § 1, 2-2-99; Ord. No. 2003-0049, § 1, 1-21-03; Ord. No. 2003-0405, § 1, 7-15-03; Ord. No. 2004-0122, § 1, 4-6-04; Ord. No. 2004-0332, § 1, 6-15-04; Ord. No. 2005-287, § 2, 5-3-05; Ord. No. 2006-455, § 5, 8-1-06; Ord. No. 2010-692, § 1, 12-7-10; Ord. No. 2011-117, § 1, 3-1-11; Ord. No. 2013-481, § 1, 8-20-13; Ord. No. 2013-483, § 1, 8-20-13; Ord. No. 2017-702 , § 1, 8-1-17; ; Ord. No. 2017-703 , § 2, 8-1-17; Ord. No. 2018-568 , § 1, 6-5-18; Ord. No. 2018-991 , § 1, 11-6-18)

Sec. 28-625. - Lot area.

Except as otherwise provided in section 28-901, every lot in the C-2 district upon which a structure or use is erected, altered or maintained shall have:

(1) *All permitted uses.* An area of not less than 10,000 square feet; and a minimum width of 80 feet.

(2) *Multifamily dwelling.* An area of not less than 1,740 square feet per dwelling unit; and a minimum width of 50 feet.

(3) *Uses allowed by special permit.* Same as for permitted uses, subject to the provisions of section 28-130.

(4) *Townhouse dwelling.* An area of not less than 3,000 square feet for each dwelling unit; and a minimum width of 20 feet for each dwelling unit.

(Ord. No. 1986-49, § 1(4.1605), 9-16-86; Ord. No. 1988-73, § 8, 1-3-89)

Sec. 28-626. - Height restrictions.

Except as provided in section 28-903, no structure or use in the C-2 district shall be erected, altered or maintained which exceeds two stories or 35 feet in height.

(Ord. No. 1986-49, § 1(4.1606), 9-16-86)

Sec. 28-627. - Yard requirements.

Except as provided in section 28-904, no structure or use in the C-2 district shall be erected, altered or maintained unless the following yards are provided:

(1) *All permitted uses.* A front yard of not less than 20 feet and no minimum side or rear yard is required, except that:

a. A side yard of not less than ten feet shall be required where the side yard is adjacent to a side street.

b. Any rear or side yard abutting an R-3 or O district shall not be less than 15 feet.

c. Any rear or side yard abutting an R-1 or R-2 district shall not be less than 25 feet.

d. The required side or rear yard adjacent to a lot in an R-1A, R-1B or R-1C district shall be increased by one foot for every two feet, or fraction thereof, by which the principal structure exceeds 25 feet in height.

(2) *Uses allowed by special permit.* Same as for permitted uses in subsection (1) of this section, subject to the provisions of section 28-130(b).

(Ord. No. 1986-49, § 1(4.1607), 9-16-86)

Sec. 28-628. - Additional regulations.

Uses in the C-2 district shall also comply with the following regulations:

(1) Section 28-171 requiring review of development plans for all uses except single-family dwellings.

(2) Chapter 9 regulating development in the escarpment zone.

(3) Chapter 11 regulating development in floodplains.

(4) A permit is required for all site work of property and for the construction or substantial alteration of a parking lot. "Substantial alteration" includes the adding of spaces or reconstruction of the parking lot area. Single-family residential uses shall be exempt from this requirement.

(Ord. No. 1986-49, § 1(4.1608), 9-16-86; Ord. No. 1998-82, § 1, 5-4-99)

Sec. 28-629. - Distance requirements.

(a) A community home I located in the C-2 district shall be located at least ½-mile from another community home I.

(b) A community home II located in the C-2 district shall be located at least 500 feet from any lot used for a school, day care center, or another community home II, transitional shelter, shelter, or halfway house.

(c) A transitional shelter located in the C-2 district shall be located at least 500 feet from any lot used for a school, day care center, or another transitional shelter, community home II, shelter, or halfway house.

(Ord. No. 2004-0332, § 1, 6-15-04)

Secs. 28-630—28-645. - Reserved.