

Midway City Council
10 January 2018
Work Meeting

Parking / Commercial Zones

CHAPTER 16.5 COMMERCIAL C-2 AND C-3 ZONES

- Section 16.5.1 Objectives and Characteristics**
- Section 16.5.2 Permitted and Conditional Uses**
- Section 16.5.3 Site Development Standards**

Section 16.5.1 Objectives and Characteristics

These zones have been established as districts in which the primary use of the land is for planned and integrated commercial and service uses. It is intended that these zones shall be characterized by a harmonious grouping of a variety of stores, shops, office buildings, or other permitted uses in an organized development. These zones have also been established to create new development which is characterized by well landscaped frontages, safe access and egress, proper parking design, coordinated site planning, and buildings which follow the objectives of the City Master Plan and resort architectural requirements. Emphasis in the approval of plans in the C-2 zone shall be to protect the appearance of the entrances to the City. Development in the C-3 zone is intended to create a shopping and financial center for the City and surrounding territory. Another objective of the commercial zones is to mitigate potential negative impacts upon residential zones caused by commercial activity. The City commercial zones are surrounded by residential areas on all sides and buffering restrictions are necessary.

Section 16.5.2 Permitted and Conditional Uses

A. The peculiar character and nature of conditional uses (those designated by "C") require special consideration. Therefore, the Planning Commission review of these conditional uses shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development in accordance with existing and future needs. The City Council shall deny or approve these conditional uses based upon the character of the zone, the surrounding land use, traffic, utilities and other public requirements.

B. In the following list of possible uses in the C-2 and C-3 zones, those designated "P" will be a permitted use. Uses designated as "C" will only be allowed when approved as a conditional use by the City Council. Uses designated as "N" will not be allowed in the zone.

USES	C-2	C-3
Retail, grocery, and service stores (up to 25,000 sq. ft.) Tobacco sales and e-cigarettes (no more than 5% of total retail)	P	P
Professional offices and clinics	P	P
Auto detailing, gas stations and car washes	C	N
Alcohol dispensing establishments <u>(with local consent)</u>	C	C

Rest Homes/Nursing/Convalescent Facilities/Assisted Living	P	P
Day Care	P	P
Recreational activity businesses, photo, art, and craft galleries, retail show rooms	P	P
Engraving, publishing, and printing	P	P
Mortuaries and wedding chapels	P	P
New and used vehicle sales <u>and rentals</u>	C	N
Hospitals	P	P
Short-term lodging facilities	P	P
Cafes and restaurants	P	P
Public and quasi-public buildings (police/fire stations)	P	P
Barber, beauty shops, massage therapy and day spas	P	P
Vehicle parking (<u>not associated with another use</u>)	C	C
Repair shops (other than auto) (no outside storage)	P	P
Veterinarian and pet grooming services (no outside kennels or keeping of animals)	P	P
Mixed Use (See Section 16.5.2(I))	C	C
Commercial PUDs and commercial condominium projects	C	C
Private academies/studios (education, art, dance, sports, etc.)	P	P
Carpentry and woodworking shops (no outside storage)	C	C
Electrician shops (no outside storage)	P	P
Plumbing shops (no outside storage)	P	P

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2-11, Section Added, eff. 04/11/2012; 2013-15, Section Amended, eff.03/18/15; 2015-04, Section Amended eff. 7/8/15; 2016-13, Section Amended eff. 7/13/16; 2016-15, Section Amended eff. 11/2/16)

Section 16.5.3 Site Development Standards

Site Development Standards

A. Minimum lot area: none

B. Minimum building setback from property line for all commercial structures:

1. Front. 10' minimum and 30' maximum from the property line; however, an accessory or secondary building may be allowed by the City Council to be set back further provided all provision of this Title are met.
2. Side. None
3. Rear. None
4. Fuel pumps. 20 feet from any street
5. Setback from residential zones: 15 feet
6. Commercial structure setback from existing residential uses: 8 feet
7. Residential structure setback *as part of a mixed-use development* (single-family and apartments): 10 feet
8. Mixed-Use Structures. The commercial area of the structure must comply with the commercial structure setback requirements. The residential area of the structure located behind the commercial must comply with the residential structure setback requirements. Residential areas located above commercial may use the commercial structure setback requirements.
9. The City Council, upon an applicant's request, may approve a setback different than listed in this section based on specific circumstances of the site and building orientation or specific use of a proposal.

C. Building Heights

1. Minimum: 8 feet (see Section 16.13.110)
2. Maximum: 35 feet (see Section 16.13.100)

D. All building sizes and setbacks are also subject to the requirements of the building code adopted by the City Council. Building heights shall be subject to this Title.

E. All parking shall be located at the side or rear of the main building on each commercial zoning lot. The City Council, upon an applicant's request, may approve a parking plan different than listed in this section based on specific circumstances of the site and building orientation or specific use of a proposal.

F. Each new construction commercial building must have a door facing Main Street if the lot fronts Main Street.

G. Notwithstanding any other provision contained herein, structures and setbacks must comply with Section 16.13.15: Clear View Triangle of Intersecting Streets.

H. A landscaping plan is required for all permitted and conditional uses in the commercial zones. The plan will be reviewed by the Visual and Architectural Committee during the approval process and must meet the requirements found in Section 16.13.22.

I. Mixed-Use Standards.

1. Lots less than one acre:

- a. Frontage: 70 feet
- b. One single-family dwelling (above, behind or detached)
- c. A minimum of 20 percent of the gross square feet of all structures on the lot must be deed-restricted as commercial.

2. Lots greater than one acre:

- a. Frontage: 200 feet
- b. Up to 20 residential units per acre
- c. A minimum of 20 percent of the gross square feet of all structures on the lot must be deed-restricted as commercial.

(2010-32, Section Amended, eff. 12/08/2010; 2015-04, Section Replaced eff. 7/8/15; 2016-15, Section Amended eff. 11/2/16)

Section 16.13.39 Off-Street Parking and Loading

The following regulations are established to increase safety and lessen congestion in the public streets, to provide adequately for parking needs associated with the development of land and increased automobile usage, to set standards for off-street parking according to the amount of traffic generated by each use, and to reduce the on-street storage of vehicles.

A. The number of spaces required below for each land use are established as minimum requirements.

1. Residential structures shall provide two parking spaces per unit.
2. Boarding houses and bachelor dwellings shall have one parking space for each 100 feet of floor space devoted to bedrooms or one space for each two persons living on the premises, whichever is greater.
3. Hospitals shall have one visitor parking space per two patient beds, plus one parking space for each employee at work in the hospital during daylight hours.
4. Convalescent, nursing, and other such institutions shall have one visitor parking space per three patient beds, plus one parking space for each employee at work in the home during daylight hours.
5. Hotels and motels shall have one parking space per room or suite, plus one parking space for each employee at work on the premises during daylight hours.
6. Private clubs and lodge halls shall have one parking space per two persons based on the design capacity of the facility.
7. Commercial recreation uses shall have one parking space per two patrons, based on the design capacity of the facility.
8. Churches shall have one parking space per three seating spaces in the main assembly room.
9. Theaters, auditoriums, sports arenas, and spaces of assembly shall have one parking space per two people based on the design of the structure.
10. Mortuaries or funeral homes shall have 40 parking spaces or one space for each 60 square feet of floor space in all assembly rooms, whichever is greater.
11. Medical clinics shall have four parking spaces per staff doctor, plus one parking space for each non-doctor employee at work on the premises during daylight hours.
12. Restaurants, taverns and lounges shall have one parking space per 250 square feet of dining room floor space.
13. Banks, professional offices, and other business buildings not specifically mentioned elsewhere in this sub-section shall have one parking space per 250 square feet of floor area in the building devoted to public use.
14. Retail stores, personal service shops, and other business buildings shall have parking spaces at the rate of four per 1,000 square feet of retail floor area.
15. Drive-in restaurants shall have at least twelve off-street parking spaces or sufficient off-street parking spaces to accommodate all patrons or customers, whichever is greater. No patron or customer may be served in automobiles, which are parked on public streets.
16. Industrial, manufacturing, and wholesale establishments shall have one parking space per two employees based on the largest shift.
17. Living quarters above or below the main level of a business in the commercial zone shall have one parking space assigned to each dwelling unit.
18. Uses not mentioned. The required off-street parking for any use not listed above shall be determined by the Planning Commission. The Planning Commission shall make the determination based on similar uses listed above.

B. Location and Control of Parking Facilities.

The off street parking facilities required by this Ordinance shall be located on the same lot or parcel of land as the use they are intended to serve, unless a cross parking agreement has been entered into with a neighboring party; said agreement must be approved by City Council.

C. Computation of Required Parking Spaces.

For the purpose of computing off-street parking spaces (a space nine feet wide and 18 feet deep), which are required by this Ordinance, the following rules shall apply:

1. Floor area shall mean gross floor area, unless otherwise specified for a particular use.
2. In stadiums, sports arenas, churches, and other places of assembly in which benches or pews are used in place of seats, each 18 inches of length of such benches or pews shall be counted as one seat.

D. Combined Parking Areas.

The required off-street parking and loading facilities may be provided collectively for two or more buildings or uses, provided that the total number of parking spaces shall not be less than the sum of the requirements for each of the individual uses. Nevertheless, if the applicant can show, by using nationally recognized studies, the City Council may reduce the amount of parking.

E. Mixed Uses.

In the event that two or more uses occupy the same zoning lot or parcel of land, the total requirements for off street parking and off-street loading space shall be the sum of the requirements of the various uses computed separately. Nevertheless, if the applicant can show, by using nationally recognized studies, the City Council may reduce the amount of parking.

F. Access to Parking Facilities.

1. Access driveways shall be a minimum of 24 feet in width and provide for ingress to and egress from all parking and loading facilities. Each parking and loading space shall be easily accessible to the intended user.
2. Forward travel in an automobile to and from parking facilities from a dedicated street or alley shall be required for all uses, except for parking, which has been provided in connection with one and two family dwellings. The parking area shall be adequate to facilitate the turning of vehicles to permit forward travel upon entering a street.
3. Access to all off-street parking facilities shall be designed in a manner that will not interfere with the movement of vehicular and pedestrian traffic.

G. Circulation within a Parking Area.

Circulation within a parking area shall comply with the following requirements:

1. Parking area with more than one aisle must be so arranged that a car need not enter the street to reach another aisle within the same parking area. Aisles must be at least 24 feet wide.
2. Directional signs shall be required to differentiate between entrance and exit access points to the streets.

H. Location of Parking Facilities.

Restricted parking and loading facilities shall be located at the side and rear of buildings. Off-street parking space which is required in connection with a use shall be construed to be part of that use and shall not be located within a zone unless expressly permitted herein.

I. Lighting of Parking Areas.

Any lighting used to illuminate off street parking facilities or vehicle sales areas shall be so arranged as to reflect the light away from the adjoining premises in any residential zone. Lighting shall meet the requirements of the Midway City Nuisance Ordinance.

J. Continuing Obligation.

The required off-street parking and loading facilities shall be a continuing obligation of the property owner so long as the use requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for an owner of any building or use to discontinue or dispense with the required vehicle parking or loading area which meets the requirements of this Ordinance.

K. Plot Plan Approval Required.

At the time a building permit is requested for any building or structure, or at the time the use of land is changed which requires additional off street parking spaces, a plot plan shall be submitted showing the location and layout of such required spaces along with access aisles, roadways, curbs and curb cuts. The Planning Commission shall disapprove such plans if it finds that the required spaces are not usable for standard sized automobiles or do not comply with the requirements for off-street parking as set forth in this Ordinance.

(2009-15, Section Added, eff. 12/23/2009) (2016-02, Section Amended, eff. 3/9/16)

Section 16.13.40 Requirements for Single-Family Dwelling Units

A. Single-family dwelling units shall be constructed on permanent foundations.

B. Each single-family dwelling unit shall be not less than twenty (20) feet in depth at the narrowest point. The depth shall be considered to be the lesser of the two (2) primary dimensions of the dwelling exclusive of attached garages, bay windows, room additions, or other similar appendages.

(2010-26, Section Added, eff. 8/25/2010) (2016-05, Section Amended, eff. 5/11/16)

Section 16.13.41 Requirements for Solar Panels

A. The purpose of this section is to regulate the permitting of solar panels for personal use and encourage renewable energy practices with minimal regulation while mitigating negative effects.

B. Flush mounted roof solar panels are allowed as a permitted use in any zone as long as the panels are mounted flush (or minimum parallel separation allowed for cooling) with the roof and are a maximum of 4” thick.