

Section 26: Commercial District

(orig. 3-26-13)

A. Intent and Purpose

1. The Commercial Districts are intended to provide areas for low to high density commercial office, retail, services and activities, where allowed. (orig.3-26-13)
2. Contained in this section are the allowed land uses, building and lot standards (including minimum setbacks) and other general requirements for each specific commercial zone district. (orig.3-26-13)
3. The Commercial Zone Districts are divided as follows: (orig.3-26-13)
 - a. Restricted Commercial-One
 - b. Commercial-One (C-1)
 - (1) Convenience Level
 - (2) Neighborhood Level
 - (3) Community Level
 - (4) Regional Level
 - c. Commercial-Two (C-2)

B. Permitted Uses (orig. 3-26-13)

| Uses | RC-1 | C-1 | | | | C-2 |
|--|--------------------------|---------------------------|--------------|-----------|----------|-----|
| | | Convenience | Neighborhood | Community | Regional | |
| Medical and dental offices, clinics and small veterinary clinics with no outside facilities. | X | X | X | X | X | X |
| Business and professional offices | X | X | X | X | X | X |
| Laboratory, except those involved in any hazardous process of that emit noxious noise dust, fumes or odor. | X, <5,000 s.f. GLA | X, < 5,000 s.f. GLA | X | X | X | X |
| State licensed day-care center or preschool or nursery | X | X | X | X | X | X |
| Grocery Store, Supermarket | | X, <10,000 s.f. GLA | X | X | X | X |
| Gas station, service station or car wash. | | X | X | X | X | X |
| Auto repair facility | | X (max. 4 bays) | X | X | X | X |
| Fuels stores | | | | | | X |
| Convenience retail shopping facility Including but not limited to drug stores, liquor stores, florists, newsstands, hardware stores, livestock feed stores, auto supply stores, and retail food specialty shops which sell food products not intended to be consumed on the premises, such as butcher shops, candy stores, bakeries, dairy product shops, delicatessens. | | X, <5,000 s.f. GLA | X | X | X | X |
| Restaurants, excluding drive-thru and fast food, | | X, <4,000 s.f. of GLA. | X | X | X | X |
| Specialty Restaurant, no drive –thru. | | X, <1,200 s.f. GLA | X | X | X | X |
| Restaurants, including specialty, brew-pub, vintern's, fast food, drive-in or carry-out | | | X | X | X | X |

| Uses | RC-1 | C-1 | | | | C-2 |
|---|------|--------------------|--------------|-------------------------|----------|-----|
| | | Convenience | Neighborhood | Community | Regional | |
| Convenience service establishments, including but not limited to: barber and beauty shops, cleaners, shoe repair shops, laundries. | | X | X | X | X | X |
| Electronic funds transfer facility substation, photo service facility. | | X | X | X | X | X |
| Low intensity specialty goods and services, including but not limited to: art gallery, antiques, artisan shops, photo studio, gift shop, plant store or nursery, taxidermy, furniture store, pet store, blueprint, newspaper office, apparel, appliances. | | X, <5,000 s.f. GLA | X | X | X | X |
| Taverns and lounges | | X | X | X | X | X |
| Banks and other financial institutions | | | X | X | X | X |
| Arcades, pool halls, dance and other lesson type studios. | | | X | X | X | X |
| Department stores and/or discount stores | | | | X, <75,000 s.f. of GLA. | X | X |
| Nightclubs and discotheques | | | | X | X | X |
| Entertainment facilities, including but not limited to movie theaters, bowling alleys, skating rinks, pool halls. | | | | X | X | X |
| Building material retail stores | | | | X | X | X |
| Building material sales | | | | | | X |
| Recreational facilities, including but not limited to swimming, tennis, health and court sports facilities. | | | | X | X | X |
| Hotels and motels | | | | X | X | X |
| Private colleges and schools including: trade, vocational and professional schools and student and faculty housing, when located on the same lot or tract as the school for which the housing is being provided. | | | | X | X | X |
| Rental stores, excluding automobiles, campers, trailers and heavy equipment. | | X | X | X | X | X |
| Motor vehicle, recreational vehicle and trailer sales, leasing or rental (new or used). | | | | | | X |
| Rental agencies for heavy equipment | | | | | | X |
| Repair for motor vehicles, recreational vehicles, or trailers. | | | | | | X |
| Auditoriums and conference rooms | | | | | | X |
| Ambulance services | | | | | | X |
| Shops for custom work to include electrical, plumbing, air conditioning, and similar type shops. | | | | | | X |

| Uses | RC-1 | C-1 | | | | C-2 |
|--|------|-------------|--------------|-----------|----------|-----|
| | | Convenience | Neighborhood | Community | Regional | |
| Fabrication and manufacturing of any type set forth in the I-3 Zone District are permitted, except those uses involved in any hazardous process or that emit noxious noise, dust, fumes or odor and provided that no machinery greater than 5 horsepower is utilized and that activities are enclosed. | | | | | | X |
| Wholesale businesses | | | | | | X |
| Cold-storage plants | | | | | | X |
| Amusement parks | | | | | | X |
| Auction house excluding those for animals | | | | | | X |
| Home for social rehabilitation or adjustment for up to 20 residents plus staff, not located within 750 ft. of a similar type facility. | | | | | | X |
| Temporary shelter for the homeless which is not located within a 750 ft. of another such shelter. | | | | | | X |
| Sexually Oriented Businesses located in accordance with the provision of the General Provisions and Regulations Section of this Zoning Resolution. | | | | | | X |
| Telecommunications Land Uses shall comply with the provisions of the Telecommunication Uses Section of this Zoning Resolution. | X | X | X | X | X | X |
| Energy Conversion Systems (ECS) land uses shall comply with the Alternative Energy Resources Section of the Zoning Resolution. | X | X | X | X | X | X |

C. Accessory Uses (orig. 3-26-13)

| Uses | RC-1 | C-1 | | | | C-2 |
|--|------|-------------|--------------|-----------|----------|-----|
| | | Convenience | Neighborhood | Community | Regional | |
| Construction Trailers during construction only, not to exceed to two years. | X | X | X | X | X | X |
| Customer and employee parking of operable motor vehicles, either open or covered. | X | X | X | X | X | X |
| Living Quarters for not more than one family in a commercial building not a dwelling. | | X | X | X | X | X |
| Retail Sale of Permissible Fireworks in a temporary fireworks sales facility provided the facility complies with the requirements of H.4. and obtains a yearly permit from the County. | | X | X | X | X | X |

D. Special Uses

The following uses shall be permitted only upon review by the Planning Commission and Approval by the Board of County Commissioners: (orig. 3-26-13)

| Uses | RC-1 | C-1 | | | | C-2 |
|--|------|-------------|--------------|-----------|----------|-----|
| | | Convenience | Neighborhood | Community | Regional | |
| Holding area for motor vehicles (operable or inoperable) removed from public roads and awaiting disposition by proper legal authorities. Such motor vehicles shall be enclosed by a closed fence (one preventing view) at least 8 feet in height. | | X | X | X | X | X |
| Religious Assemblies or private clubs | | X | X | X | X | |
| A group living facility, other than homes for social rehabilitation, or a home where up to 6 unrelated individuals are living together, that is occupied by more than one registered sex offender. | X | X | X | X | X | X |
| Oil and gas drilling and production such operations shall conform to the standards contained in the Drilling and Production of Oil and Gas Section of this Zoning Resolution, except as modified by the Board of County Commissioners in the resolution approving the Special Use. | X | X | X | X | X | X |

E. Lot and Building Standards (orig. 3-26-13)

| Districts | | Setbacks | | | | | |
|-------------|---------------------|-----------------------|--------|--------|---------------------|--------|--------|
| | | Setbacks – Structural | | | Setbacks – Gas Pump | | |
| | | Front | Sides | Rear | Front | Sides | Rear |
| RC-1 | | 50 ft. | 20 ft. | 20 ft. | NA | | |
| C-1 | Convenience | 50 ft. | 20 ft. | 20 ft. | 18 ft. | 18 ft. | 20 ft. |
| | Neighborhood | 50 ft. | 20 ft. | 20 ft. | 18 ft. | 18 ft. | 20 ft. |
| | Community | 50 ft. | 50 ft. | 50 ft. | 18 ft. | 18 ft. | 20 ft. |
| | Regional | 50 ft. | 50 ft. | 50 ft. | 18 ft. | 18 ft. | 20 ft. |
| C-2 | | 50 ft. | 20 ft. | 20 ft. | 18 ft. | 18 ft. | 20 ft. |

| Districts | | Building Height | | Lot Size |
|-------------|---------------------|-----------------|--------------------|---------------------------------------|
| | | Structural | Roof Mounted Solar | |
| RC-1 | | 35 ft. | 45 ft. | Min 1 Acre (43,560 s.f.) ¹ |
| C-1 | Convenience | 35 ft. | N/A | Min 1 Acre (43,560 s.f.) ¹ |
| | Neighborhood | 46 ft. | N/A | Min. 6 Acres (261,360 s.f.) |
| | Community | 60 ft. | N/A | Min. 10 Acres (435,600 s.f.) |
| | Regional | 80 ft. | N/A | Min. 30 Acres (1,306,800 s.f.) |
| C-2 | | 50 ft. | N/A | None |

¹ Unless the existing property ownership and any adjacent property in the same ownership total less than 1 acre as of July 27, 1978, the enactment of this 1 acre minimum requirement.

1. Area Calculations

Acreage requirements for all Commercial-One sub-districts may be satisfied by either of the following: (orig.3-26-13)

- a. Area of lot or tract, or the total area of two or more contiguous lots or tracts held in single ownership. (orig.3-26-13)
- b. Area of Plat or Exemption from Platting in which subject lot is located, provided that said property together with sufficient contiguous property to satisfy this minimum area requirement were in the Commercial-One Zone District or were in a comparable use area of a Planned Development Zone District at the time of such platting or exemption. (orig.3-26-13)

F. Enclosure Of Activities

- 1. RC-1 – No outdoor storage shall be permitted. Trash containers shall be screened from public view. (orig.3-26-13)
- 2. C-1 - Commercial activities, except restaurants, childcare facilities, plant nurseries, and parking lot sales accessory to a permitted use when located on the same lot, shall take place in a completely enclosed building. (orig.3-26-13)
- 3. C-2 – All activities and outdoor storage shall be adequately screened from surrounding properties and public view. (orig.3-26-13)

G. Fences

- 1. Maximum fence height:
 - a. RC-1: 6 ft. (orig.3-26-13)
 - b. C-1: 8 ft. (orig.3-26-13)
 - c. C-2: 8 ft. (orig.3-26-13)
- 2. Fence permits are required for any fence over 42 inches in height. (orig.3-26-13)
- 3. No barbed wire shall be permitted as material for a boundary or perimeter fence. However, boundary or perimeter fences may include not more than 4 strands of barbed wire as the top 18 inches or less of the fence, which may be angled inward up to 45 degrees, provided the lowest strand of barbed wire is at least 6 feet above the ground. (orig.3-26-13)
- 4. No electric fence is allowed as a boundary or perimeter fence. (orig.3-26-13)
- 5. Fences on corner lots must comply with the vision clearance triangle requirements as specified in the Definitions Section of this Zoning Resolution, except that fences constructed of woven wire or ornamental iron which are 80 percent open may be erected up to a maximum height of 8 feet. (orig.3-26-13)
- 6. Where allowed, accessory outside storage shall be enclosed and concealed by a closed fence (one preventing view) at least 6 feet in height. When abutting a residential zone district, fencing shall be wooden or masonry, or replaced with mature hedge. Such fence shall be constructed and maintained in good condition. As used in this section, accessory outdoor storage shall not include employee or customer parking lots or merchandise displayed for sale. Accessory outside storage shall not exceed the height of the fence, except for operable vehicles, trailers, and other equipment designed to be towed or lifted as a single component. Where the topography of the land is such that a fence would not prevent view from adjoining property or right-of-way, the Director of Planning and Zoning may waive this requirement. No accessory outdoor storage shall be allowed within a required front setback or within any required landscaping area. (orig.3-26-13; am. 3-3-15)

H. General Requirements

- 1. All setbacks shall be measured from the foundation or wall; however, eaves, roof overhangs and fireplaces may protrude 24 inches into the setback. (orig.3-26-13)

2. Corner lots must comply with the vision clearance triangle requirements as specified in the Definitions Section of this Zoning Resolution (orig.3-26-13)
3. No structure may be erected, placed upon or extend over any easement unless approved in writing by the agency or agencies having jurisdiction over such easement. (orig.3-26-13)
4. A temporary fireworks sales facility (i.e., tent rather than the stakes) must be a minimum of 100 feet from the property line of adjacent property located in a residential or agricultural zone district. Accessory storage of fireworks is permitted if fully enclosed in a metal storage container, and must be a minimum of 50 feet from the property line of adjacent property located in a residential or agricultural zone district. (orig.3-26-13)
5. Recreational facilities shall conform to the setback requirements for a main building in this zone district. Enclosure fences immediately surrounding these facilities shall not exceed 12 feet in height. (orig.3-26-13)