

PLANNING COMMISSION REPORT

Regular Agenda -- Public Hearing Item

PC Staff Report
10/21/13

ITEM NO. 4 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; *BAR OR LOUNGE* AS PERMITTED USE IN CN2 (SMS)

TA-13-00336: Consider a Text Amendment to various articles in Chapter 20 of the City Code, the Land Development Code, to include *Bar or Lounge* as a permitted use in the CN2 (Neighborhood Commercial Center) District. *Initiated by City Commission on 9/3/13 on behalf of Dan and Chelsea Rose.*

RECOMMENDATION: Staff recommends approval of the proposed amendment, TA-13-00336, to add *Bar or Lounge* as a permitted use by-right (Option 1) amending Section 20-403 of the Land Development Code and that the Planning Commission forward a recommendation for approval to the City Commission.

Reason for Request: The location of a neighborhood bar would be consistent with the purpose of the CN2 District by providing services at the neighborhood level.

RELEVANT GOLDEN FACTOR:

- Conformance with the comprehensive plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No comments received prior to printing.

ATTACHMENTS

- Attachment A – Existing text of Sections 20-403 & 20-509 in entirety
- Attachment B – Map of existing CN2 District locations

RELEVANT DEVELOPMENT CODE DEFINITIONS

20-1701 Licensed Premises

A [Premises](#) where alcoholic liquor or cereal malt beverages, or both, by the individual drink as defined by K.S.A. Chapter 41, and amendments thereto, is served or provided for consumption or use on the [Premises](#) with or without charge. This term shall include drinking establishments, Class A Private Clubs, Class B Private Clubs, and cereal malt beverage retailers, all as defined by K.S.A. Chapter 41, and amendments thereto and [City Regulations](#).

20-1724 EATING AND DRINKING ESTABLISHMENTS

Sale of prepared food and beverages for on- and off-[Premises](#) consumption. The following are eating and drinking establishment use types:

(3) Bar or Lounge

An establishment that may include food service but that emphasizes the service of alcoholic beverages for consumption on the [Premises](#). Any establishment generating more than 45% of its gross revenues from alcoholic beverages (on a weekly average) shall be deemed to be a bar and not a restaurant.

OVERVIEW OF PROPOSED AMENDMENT

A request for initiation of a text amendment to the *Land Development Code* was submitted to the Planning Office to add *Bar or Lounge* as a permitted use in the CN2 District. The *Bar or Lounge* use is currently permitted in the CD, CC, CR & CS Districts and allowed with a Special Use Permit in the MU Districts.

Prior to the adoption of the *Land Development Code* in 2006, this use, identified under that code as a *Licensed Premises*, was permitted in the C-2, C-3, C-4 & C-5 Districts. The previous code did not include any specific restrictions on *Licensed Premises* in the C-2 District. Properties that previously were zoned C-2 converted to the CN2 District as part of the 2006 code adoption.

Staff has reviewed existing uses in the CN2 District to determine what businesses became nonconforming with this change. According to the most recent Retail Survey, it appears that there are four drinking establishments located in existing CN2 properties. These businesses are located in the Wakarusa Marketplace (Wakarusa & Bob Billings Parkway), Hillcrest Shopping Center (9th & Iowa), and the 19th & Haskell Shopping Center. The businesses occupy suites in these commercial buildings that range from 2,000 – 8,000 square feet.

The applicant has suggested that the location of a neighborhood bar would be consistent with the purpose of the CN2 District by providing services at the neighborhood level. The City Commission initiated this proposed amendment at their September 3, 2013 meeting.

Section 20-208(a) provides the purpose statement for the CN2 District: The CN2, Neighborhood Shopping Center District, is primarily intended to implement the Comprehensive Plan's "Neighborhood Commercial Centers" policy of providing for the sale of goods and services at the neighborhood level. Options have been provided that would allow this use with either Development Standards or approval of a Special Use Permit if the Commission does not believe it is appropriate to permit this use by-right in the CN2 District. In Staff's opinion, it is reasonable to permit this use as a by-right use in all CN2 Districts.

Proposed Article Changes

Changes to the text are shown below and are noted in **red**. Additions are underlined and deletions are ~~struck through~~. The entire Sections 20-403 & 20-509 are provided at the end of this report as Attachment A for reference.

Option 1: Add *Bar or Lounge* as a permitted use by-right in the CN2 District.

Amend Section 20-403:

20-403 NONRESIDENTIAL DISTRICT USE TABLE

| <div>Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed</div> | | Base Zoning Districts | | | | | | | | | | | | | | | Use-Specific Standards (Sec. 20-) |
|--|-------------------------------|-----------------------|-----|----|----|----|----|----|----|-----|----|----|----|----|-----|----|--------------------------------------|
| | | CN1 | CN2 | MU | CO | CD | CC | CR | CS | IBP | IL | IM | IG | OS | GPI | H | |
| COMMERCIAL USE GROUP | | | | | | | | | | | | | | | | | |
| Eating & Drinking Establishments | Accessory Bar | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | - | - | - | - | - | 509 |
| | Accessory Restaurant | - | - | - | - | - | - | - | - | A | - | - | - | - | - | - | |
| | Bar Or Lounge | - | P | S* | - | P* | P* | P* | P* | - | - | - | - | - | - | - | 509 |
| | Brewpub | - | P* | S* | - | P* | P* | P* | P* | - | - | - | - | - | - | - | 509 |
| | Fast Order Food | P* | P* | P | P* | P* | P* | P* | P* | - | P* | - | - | - | - | A* | 511/509 |
| | Fast Order Food, Drive-In | - | S | - | - | - | P | P | P | - | P | - | - | - | - | - | |
| | Nightclub | - | - | - | - | P* | - | P* | P* | - | - | - | - | - | - | - | 509 |
| | Private Dining Establishments | P* | P* | - | P* | P* | P* | P* | P* | P* | - | - | - | - | - | - | 539 |
| | Restaurant, Quality | P* | P* | P | P* | P* | P* | P* | P* | P* | P* | - | - | - | - | - | 524 |

Option 2: Add Bar or Lounge as a permitted use with Use Standards similar to those required for Fast Order Food establishments in the CN2 District in Section 20-509(3) which limits the gross floor area of the use to no more than 3,000 square feet. [Several of the existing bars would remain legal, but nonconforming with this standard.]

Amend Section 20-403 and Section 20-509:

20-403NONRESIDENTIAL DISTRICT USE TABLE

| Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed | | Base Zoning Districts | | | | | | | | | | | | | | | Use-Specific Standards (Sec. 20-) |
|--|-------------------------------|-----------------------|-----|----|----|----|----|----|----|-----|----|----|----|----|-----|----|-----------------------------------|
| | | CN1 | CN2 | MU | CO | CD | CC | CR | CS | IBP | IL | IM | IG | OS | GPI | H | |
| COMMERCIAL USE GROUP | | | | | | | | | | | | | | | | | |
| Eating & Drinking Establishments | Accessory Bar | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | - | - | - | - | - | 509 |
| | Accessory Restaurant | - | - | - | - | - | - | - | - | A | - | - | - | - | - | - | |
| | Bar Or Lounge | - | P | S* | - | P* | P* | P* | P* | - | - | - | - | - | - | - | 509 |
| | Brewpub | - | P* | S* | - | P* | P* | P* | P* | - | - | - | - | - | - | - | 509 |
| | Fast Order Food | P* | P* | P | P* | P* | P* | P* | P* | - | P* | - | - | - | - | A* | 511/509 |
| | Fast Order Food, Drive-In | - | S | - | - | - | P | P | P | - | P | - | - | - | - | - | |
| | Nightclub | - | - | - | - | P* | - | P* | P* | - | - | - | - | - | - | - | 509 |
| | Private Dining Establishments | P* | P* | - | P* | P* | P* | P* | P* | P* | - | - | - | - | - | - | 539 |
| | Restaurant, Quality | P* | P* | P | P* | P* | P* | P* | P* | P* | P* | - | - | - | - | - | 524 |

20-509 EATING AND DRINKING ESTABLISHMENTS

The restrictions in (1) and (2) shall apply to a Licensed Premises use. The Fast Order Food establishments in 3(i) and 4 are not permitted to be a Licensed Premise:

(3) Standards that Apply in CN1 and CN2 Districts

~~Fast Order Food establishments shall be permitted in CN1 and CN2 Districts provided that the Gross Floor Area shall not exceed 3,000 square feet.~~

- (i) **Fast Order Food establishments shall be permitted in CN1 Districts provided the Gross Floor Area shall not exceed 3,000 square feet.**
- (ii) **Fast Order Food and Bar or Lounge establishments shall be permitted in CN2 provided the Gross Floor Area shall not exceed 3,000 square feet.**

Option 3: Add *Bar or Lounge* as a use permitted with a Special Use Permit in the CN2 District.

Amend Section 20-403 to require approval of a Special Use Permit in CN2:

20-403NONRESIDENTIAL DISTRICT USE TABLE

| Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed | | Base Zoning Districts | | | | | | | | | | | | | | | Use-Specific Standards (Sec. 20-) |
|--|-------------------------------|-----------------------|----------|----|----|----|----|----|----|-----|----|----|----|----|-----|----|-----------------------------------|
| | | CN1 | CN2 | MU | CO | CD | CC | CR | CS | IBP | IL | IM | IG | OS | GPI | H | |
| COMMERCIAL USE GROUP | | | | | | | | | | | | | | | | | |
| Eating & Drinking Establishments | Accessory Bar | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | - | - | - | - | - | 509 |
| | Accessory Restaurant | - | - | - | - | - | - | - | - | A | - | - | - | - | - | - | |
| | Bar Or Lounge | - | <u>S</u> | S* | - | P* | P* | P* | P* | - | - | - | - | - | - | - | 509 |
| | Brewpub | - | P* | S* | - | P* | P* | P* | P* | - | - | - | - | - | - | - | 509 |
| | Fast Order Food | P* | P* | P | P* | P* | P* | P* | P* | - | P* | - | - | - | - | A* | 511/509 |
| | Fast Order Food, Drive-In | - | S | - | - | - | P | P | P | - | P | - | - | - | - | - | |
| | Nightclub | - | - | - | - | P* | - | P* | P* | - | - | - | - | - | - | - | 509 |
| | Private Dining Establishments | P* | P* | - | P* | P* | P* | P* | P* | P* | - | - | - | - | - | - | 539 |
| | Restaurant, Quality | P* | P* | P | P* | P* | P* | P* | P* | P* | P* | - | - | - | - | - | 524 |

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The characteristics of commercial centers are described in *Horizon 2020*, Chapter 5 – Commercial Land Use. Neighborhood centers may contain a variety of commercial uses, including a grocery store, convenience store, and other similar retail shops and services. The plan states that to insure there are a variety of commercial uses and no one use dominates a center, no one store shall occupy more than 40,000 square feet with the exception of a grocery store. These centers are designed to provide for the sale of goods and services at the neighborhood level.

CRITERIA FOR REVIEW AND DECISION-MAKING

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

1) Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition; and

The proposed text amendment corrects an inconsistency between the uses permitted in the *Development Code* and those uses allowed in the previous zoning regulations. The text amendment also eliminates nonconformities that were unintentionally created when the *Licensed Premises/Bar or Lounge* use was omitted from those uses allowed in the CN2 District.

The zoning diagnostic that was prepared before the *Development Code* was drafted suggested that there were not significant differences in the various commercial districts in the previous code. The *Bar or Lounge* use may have been omitted from the CN2 District to provide more distinction in the various districts. That change obviously did not consider the creation of nonconformities for existing businesses in the previous C-2 District.

2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).

Horizon 2020 outlines criteria for the location of neighborhood commercial centers. These nodes should be located on one corner of either an arterial/collector street intersection or an arterial/arterial intersection. The plan also emphasizes the integration of neighborhood centers with the surrounding residential neighborhoods by including pedestrian access and appropriate transitional elements, such as back to back relationships, landscaping and screening.

Activity associated with a *Bar or Lounge* use is primarily confined to the interior building space in a development; however some establishments could have outdoor patios or occasional temporary parking lot events. Most CN2 centers have been oriented to the adjacent streets rather than opening out to the adjacent residential properties. When new outdoor activity areas are proposed, the potential impacts to nearby properties are evaluated and can be addressed at the site plan stage of development.

Permitting the *Bar or Lounge* use in the CN2 District is consistent with the purpose of this neighborhood district to provide a variety of commercial services at the neighborhood level. The Development Code provides protections, such as bufferyard requirements between commercial and residential properties, which can mitigate potential impacts to surrounding properties.

Attachment A - Existing Development Code Text (Section 20-403 in entirety)

20-403 NONRESIDENTIAL DISTRICT USE TABLE

| Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed | | Base Zoning Districts | | | | | | | | | | | | | | | Use-Specific Standards (Sec. 20-) |
|--|---------------------------------------|-----------------------|-----|----|----|-------|----|----|----|-----|----|----|----|----|-----|----|-----------------------------------|
| | | CN1 | CN2 | MU | CO | CD | CC | CR | CS | IBP | IL | IM | IG | OS | GPI | H | |
| RESIDENTIAL USE GROUP | | | | | | | | | | | | | | | | | |
| Household Living | Accessory Dwelling | P* | - | P* | - | - | - | - | - | - | - | - | - | - | - | - | 534 |
| | Attached Dwelling | P* | - | P* | - | - | - | - | - | - | - | - | - | - | P* | - | 503 |
| | Cluster Dwelling | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 702 |
| | Detached Dwelling | P* | - | P | - | - | - | - | - | - | - | - | - | - | P* | A* | 508 |
| | Duplex | P* | - | P* | - | - | - | - | - | - | - | - | - | - | - | - | 503 |
| | Manufactured Home | - | - | - | - | - | - | - | - | - | - | - | - | - | P | A | |
| | Manufactured Home, Residential-Design | P* | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 513 |
| | Mobile Home | - | - | - | - | - | - | - | - | - | P | - | P | - | P | A | |
| | Mobile Home Park | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| | Multi-Dwelling Structure | - | P* | P* | - | P*/S* | P* | | P* | - | - | - | - | - | S | A | 517 |
| | Non-Ground Floor Dwelling | P* | P* | P* | - | P* | P* | - | P* | - | - | - | - | - | - | - | 517/542 |
| | Work/Live Unit | P* | P* | P* | - | P*/S* | P* | - | P* | - | P* | - | - | - | - | - | 517/541 |
| | Zero Lot Line Dwelling | P* | - | P | - | - | - | - | - | - | - | - | - | - | - | - | 531 |
| | Home Occupation, Type A or B | - | - | P* | - | - | - | - | - | - | - | - | - | - | - | - | |
| Group Living | Assisted Living | - | - | P | - | - | - | - | - | - | - | - | - | - | S | S | |
| | Congregate Living | - | - | P* | - | - | - | - | - | - | - | - | - | - | - | - | 546 |
| | Dormitory | - | - | - | - | - | - | - | - | - | - | - | - | - | - | A | |
| | Fraternity or Sorority House | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| | Group Home, General (11 or more) | S | S | S | S | S | S | S | S | - | - | - | - | - | - | A | |
| | Group Home, Limited (10 or less) | P | - | P | - | - | - | - | - | - | - | - | - | - | - | - | |
| PUBLIC AND CIVIC USE GROUP | | | | | | | | | | | | | | | | | |
| Community Facilities | Cemetery | P* | P* | - | P* | - | P* | P* | P* | P* | P* | - | - | P* | P* | - | 505 |
| | College/University | S | P | P | P | P | P | P | P | P | P | - | P | - | P | A | |
| | Cultural Center/ Library | S | P | P | S | P | P | - | - | P | - | - | - | S | P | A | |
| | Day Care Center | S* | P* | S* | S* | S* | P* | P* | P* | P* | P* | A* | P* | - | - | - | 507 |
| | Day Care Home, Class A | P | P | P* | - | P | P | - | P | - | - | - | - | - | - | - | |
| | Day Care Home, | S*/A* | P* | S* | - | P | P | - | P | - | - | - | - | - | - | - | 507 |

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|--|---|------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-----------------------------------|
| | | CN1 | CN2 | MU | CO | CD | CC | CR | CS | IBP | IL | IM | IG | OS | GPI | H | |
| | Class B | | | | | | | | | | | | | | | | |
| | Detention Facilities | - | - | - | - | - | - | - | - | - | S | S | S | - | S | - | |
| | Lodge, Fraternal & Civic Assembly | S* | S* | S* | S* | P* | P* | P* | P* | - | P* | - | - | - | P* | - | 512 |
| | Postal & Parcel Service | - | P | P | P | P | P | P | P | P | P | P | P | - | P | - | |
| | Public Safety | S | P | P | P | P | P | P | P | P | P | P | P | - | P | - | |
| | School | P | P | P | P | P | P | P | P | - | - | - | - | - | P | - | |
| | Funeral and Interment | - | P* | - | P* | P* | P* | P* | P* | P* | P* | - | - | A* | - | - | 505 |
| | Temporary Shelter | S*/A* | S*/A* | S*/A* | S*/A* | S*/A* | S*/A* | S*/A* | S*/A* | S* | S*/A* | - | S* | - | S* | S*/A* | 544/522 |
| | Social Service Agency | P | P | P | P | P | P | P | P | P | P | - | P | - | P | A | |
| | Community Meal Program | S/A* | S/A* | S/A* | S/A* | S/A* | S/A* | S/A* | S/A* | S | S/A* | - | S | - | S | S/A* | 522 |
| | Utilities, Minor | P*/S* | P*/S* | P*/S | P*/S* | P*/S* | P*/S* | P*/S* | P*/S* | P*/S* | P*/S* | P*/S* | P*/S* | P*/S* | P*/S* | - | 530 |
| | Utilities and Service, Major | S | S | S | S | S | S | S | S | S | S | P | P | S | P | - | |
| Medical Facilities | Community Mental Health Facility | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | -- | |
| | Extended Care Facility, General | - | S | - | S | - | - | - | - | S | - | - | - | - | - | A | |
| | Extended Care Facility, Limited | P | P | P | P | - | - | - | - | - | - | - | - | - | S | A | |
| | Health Care Office, Health Care Clinic | P | S | P | P | P | P | P | P | P | P | - | - | - | P | A | |
| | Hospital | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | |
| | Outpatient Care Facility | P* | P* | P* | P* | P* | P* | P* | P* | - | - | - | - | - | P* | A* | 519 |
| Recreational Facilities | Active Recreation | S | P | P | S | S | P | P | P | P | P | - | S | S | A*/S* | A | 532 |
| | Entertainment & Spectator Sports, General | - | - | - | - | P | P | P | P | - | - | - | - | - | S | - | |
| | Entertainment & Spectator Sports, Limited | - | P | P | - | P | P | P | P | - | - | - | - | S | P | - | |
| | Participant Sports & Recreation, Indoor | - | P | P | - | P | P | P | P | P | P | - | - | - | P | A | |
| | Participant Sports & Recreation, Outdoor | - | - | S | - | - | P | P | P | P | P | - | - | - | A*/S* | - | 532 |

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|--|------------------------------------|------------------------------|-----|----|----|----|----|----|----|-----|----|----|----|----|-----|----|-----------------------------------|
| | | CN1 | CN2 | MU | CO | CD | CC | CR | CS | IBP | IL | IM | IG | OS | GPI | H | |
| | Passive Recreation | P | P | P | P | P | P | P | P | P | P | P | P | P | P | A | |
| | Nature Preserve/ Undeveloped | P | P | P | P | P | P | P | P | P | P | P | P | P | P | A | |
| | Private Recreation | P | P | P | - | P | P | - | P | - | - | - | - | P | P | A | |
| Religious Assembly | Campus or Community Institution | P* | P* | P* | P* | P* | P* | P* | P* | - | P* | - | - | - | - | A* | 522 |
| | Neighborhood Institution | P* | P* | P* | P* | P* | P* | P* | P* | - | P* | - | - | - | - | - | 522 |
| COMMERCIAL USE GROUP | | | | | | | | | | | | | | | | | |
| Animal Services | Kennel | - | - | - | - | - | P | P | P | - | P | - | P | - | - | - | |
| | Livestock Sale | - | - | - | - | - | S | S | S | - | P | - | P | - | - | - | |
| | Sales and Grooming | P | P | P | P | P | P | P | P | - | P | - | P | - | - | - | |
| | Veterinary | - | P | P | P | P | P | P | P | P | P | - | P | - | - | - | |
| Eating & Drinking Establishments | Accessory Bar | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | - | - | - | - | - | 509 |
| | Accessory Restaurant | - | - | - | - | - | - | - | - | A | - | - | - | - | - | - | |
| | Bar Or Lounge | - | - | S* | - | P* | P* | P* | P* | - | - | - | - | - | - | - | 509 |
| | Brewpub | - | P* | S* | - | P* | P* | P* | P* | - | - | - | - | - | - | - | 509 |
| | Fast Order Food | P* | P* | P | P* | P* | P* | P* | P* | - | P* | - | - | - | - | A* | 511/509 |
| | Fast Order Food, Drive-In | - | S | - | - | - | P | P | P | - | P | - | - | - | - | - | |
| | Nightclub | - | - | - | - | P* | - | P* | P* | - | - | - | - | - | - | - | 509 |
| | Private Dining Establishments | P* | P* | - | P* | P* | P* | P* | P* | P* | - | - | - | - | - | - | 539 |
| | Restaurant, Quality | P* | P* | P | P* | P* | P* | P* | P* | P* | P* | - | - | - | - | - | 524 |
| Office | Administrative and Professional | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | A | P* | - | P* | A* | 518 |
| | Financial, Insurance & Real Estate | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | - | - | - | - | A* | 510 |
| | Other | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | A | P* | - | - | - | 537 |
| Parking Facilities | Accessory | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | 535 |
| | Commercial | - | S | S | S | S | P | P | P | P | P | P | P | - | P | A | |

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|--|-------------------------------------|------------------------------|-----|----|----|----|----|----|----|-----|----|----|----|----|-----|----|-----------------------------------|
| | | CN1 | CN2 | MU | CO | CD | CC | CR | CS | IBP | IL | IM | IG | OS | GPI | H | |
| Retail Sales & Service | Building Maintenance | - | P | S | - | P | P | P | P | - | P | P | P | - | A | A | |
| | Business Equipment | - | P | P | - | P | P | P | P | P | P | P | - | - | - | - | |
| | Business Support | - | P | P | P | P | P | P | P | P | P | P | P | - | - | A | |
| | Construction Sales and Service | - | - | - | - | - | P | P | P | - | P | - | P | - | - | A | |
| | Food and Beverage | P* | P* | P* | P* | P* | P* | P* | P* | - | P* | - | - | - | - | A* | 511 |
| | Mixed Media Store | P* | P* | P* | P* | P* | P* | P* | P* | - | P* | - | - | - | - | - | 516/528 |
| | Personal Convenience | P* | P* | P* | - | P* | P* | P* | P* | - | P* | - | - | - | - | A* | 520 |
| | Personal Improvement | P* | P* | P* | - | P* | P* | P* | P* | - | P* | - | - | - | A* | A* | 521 |
| | Repair Service, Consumer | P* | P* | P* | - | P* | P* | P* | P* | - | P* | - | - | - | - | - | 523 |
| | Retail Sales, General | P* | P* | P* | P* | P* | P* | P* | P* | - | P* | - | - | - | - | A* | 525 |
| | Retail Establishment, Large | - | - | - | - | - | P* | P* | S* | - | - | - | - | - | - | - | 526 |
| | Retail Establishment, Medium | - | P* | P* | - | P* | P* | P* | P* | - | - | - | - | - | - | - | 526 |
| | Retail Establishment, Specialty | - | P* | P* | - | P* | P* | P* | P* | - | - | - | - | - | - | - | 526 |
| Sexually Oriented Businesses | Sexually Oriented Media Store | - | - | P* | - | - | - | - | - | - | - | - | - | - | - | - | 528 |
| | Physical Sexually Oriented Business | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 528 |
| | Sex Shop | - | - | - | - | - | P* | P* | P* | - | - | - | - | - | - | - | 528 |
| | Sexually Oriented Theater | - | - | - | - | - | P* | P* | P* | - | - | - | - | - | - | - | 528 |
| Transient Accommodation | Bed and Breakfast | P* | - | P* | - | - | - | - | - | - | - | - | - | - | - | - | 504 |
| | Campground | - | - | - | - | - | P | P | P | - | - | - | - | S | - | - | |
| | Hotel, Motel, Extended Stay | - | - | P | - | P | P | P | P | - | P | - | - | - | - | A | |

| Key: <i>A = Accessory</i> <i>P = Permitted</i> <i>S = Special Use</i> <i>* = Standard Applies</i> <i>- = Use not allowed</i> | | <i>Base Zoning Districts</i> | | | | | | | | | | | | | | | Use-Specific Standards (Sec. 20-) |
|--|-----------------------------------|------------------------------|-----|----|----|----|----|----|----|-----|----|----|----|----|-----|----|-----------------------------------|
| | | CN1 | CN2 | MU | CO | CD | CC | CR | CS | IBP | IL | IM | IG | OS | GPI | H | |
| Vehicle Sales & Service | Cleaning (Car Wash) | - | S | - | - | - | P | P | P | - | P | A | P | - | - | - | |
| | Fleet Storage | - | - | - | - | - | P | P | P | - | P | P | P | - | - | A | |
| | Gas and Fuel Sales | - | S | S | - | - | P | P | P | - | P | P | P | - | - | - | |
| | Truck Stop | - | - | - | - | - | - | S | - | - | - | - | S | - | - | - | |
| | Heavy Equipment Repair | - | - | - | - | - | P | P | P | - | P | P | P | - | - | - | |
| | Heavy Equipment Sales/Rental | - | - | - | - | - | P | P | P | - | P | - | P | - | - | - | |
| | Inoperable Vehicles Storage | - | - | - | - | - | P | P | P | - | P | P | P | - | - | - | |
| | Light Equipment Repair | - | S | - | - | S | P | P | P | - | P | - | P | - | - | - | |
| | Light Equipment Sales/Rental | - | P* | - | - | S | P | P | P | - | P | - | P | - | - | - | 545 |
| | RV and Boats Storage | - | - | - | - | - | P | P | P | - | P | - | P | - | - | - | |
| INDUSTRIAL USE GROUP | | | | | | | | | | | | | | | | | |
| Industrial Facilities | Explosive Storage | - | - | - | - | - | - | - | - | - | - | - | P | - | - | - | |
| | Industrial, General | - | - | - | - | - | - | - | - | - | P | P | P | - | - | - | |
| | Industrial, Intensive | - | - | - | - | - | - | - | - | - | - | - | P | - | - | - | |
| | Laundry Service | - | - | - | - | - | P | P | P | - | P | P | P | - | - | - | |
| | Manufacturing & Production, Ltd. | - | - | P | - | S | S | S | S | P | P | P | P | - | - | - | |
| | Manufacturing & Production, Tech. | - | - | - | - | S | P | P | P | P | P | P | P | - | - | - | |
| | Research Service | - | - | - | S | S | P | P | P | P | P | P | P | - | - | - | |
| | Scrap and Salvage Operation | - | - | - | - | - | - | - | - | - | S* | - | S* | - | - | - | 527 |
| Wholesale, Storage & Distribution | Exterior Storage | - | - | - | - | - | A* | A* | A* | A* | A* | A* | A* | - | A* | A* | 538 |
| | Heavy | - | - | - | - | - | S | S | S | - | S | - | P | - | - | - | |
| | Light | - | - | - | - | - | P | P | P | P | P | P | P | - | S | - | |

| Key: <i>A = Accessory</i> <i>P = Permitted</i> <i>S = Special Use</i> <i>* = Standard Applies</i> <i>- = Use not allowed</i> | | <i>Base Zoning Districts</i> | | | | | | | | | | | | | | | Use-Specific Standards (Sec. 20-) |
|--|--------------------------------------|------------------------------|-----|----|----|----|----|----|----|-----|----|----|----|----|-----|----|-----------------------------------|
| | | CN1 | CN2 | MU | CO | CD | CC | CR | CS | IBP | IL | IM | IG | OS | GPI | H | |
| | Mini-Warehouse | - | - | - | - | - | P | P | P | - | P | - | P | - | - | - | |
| OTHER USES GROUP | | | | | | | | | | | | | | | | | |
| Adaptive Reuse | Designated Historic Property | S* | S* | S* | S* | S* | S* | S* | S* | S* | S* | S* | S* | S* | S* | S* | 501 |
| | Greek Housing Unit | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| Agriculture | Agricultural Sales | - | - | - | - | - | P | P | P | - | P | - | P | - | - | - | |
| | Agriculture, Animal | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| | Agriculture, Crop | P | P | P | P | - | P | P | P | P | P | P | P | - | P | - | |
| Communications Facilities | Amateur & Receive-Only Antennas | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | 536 |
| | Broadcasting Tower | - | - | - | - | S | - | - | - | P | P | P | P | - | - | A | |
| | Communications Service Establishment | P | P | P | P | P | P | P | P | P | P | - | P | - | P | A | |
| | Telecommunications Antenna | A* | A* | A* | A* | S* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | 529 |
| | Telecommunications Tower | S* | S* | S* | S* | S* | S* | S* | S* | S* | S* | P* | S* | S* | A* | A* | 529 |
| | Satellite Dish | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | A* | 536 |
| Mining | Mining | - | - | - | - | - | - | - | - | - | - | - | S* | - | - | - | 515 |
| Recycling Facilities | Large Collection | - | - | - | - | - | P | P | P | - | P | P | P | - | - | - | 540 |
| | Small Collection | P | P | P* | P | P | P | P | P | P | P | - | P | - | A | A | 540 |
| | Processing Center | - | - | - | - | - | - | - | - | - | S | S | S | - | - | - | |

Attachment A (continued) - Existing Development Code Text (Section 20-509 in entirety)

20-509 EATING AND DRINKING ESTABLISHMENTS

The restrictions in (1) and (2) shall apply to a [Licensed Premises](#) use. The [Fast Order Food](#) establishments in 3 and 4 are not permitted to be a Licensed Premise:

(1) Accessory Uses to Hotels

A hotel with 50 or more rooms may have a restaurant as an [Accessory Use](#); a restaurant may be permitted as a second [Principal Use](#) on the same property as a smaller hotel, subject to all of the other conditions applicable to the use and the district in which it is located, including separate Parking requirements.

A hotel with 100 or more rooms may have a [Bar](#) as an [Accessory Use](#), subject to all of the other conditions applicable to the use and the district in which it is located, including separate Parking requirements.

A hotel with 150 or more rooms may have a [Nightclub](#) or other live entertainment as an [Accessory Use](#).

(2) Accessory Bars

In any [Zoning District](#) allowing a Restaurant as a permitted use and allowing an [Accessory Bar](#), the [Accessory Bar](#) shall be allowed only subject to the following standards:

- (i) the [Accessory Bar](#) shall not constitute more than 25% of the [Floor Area](#) of the eating & drinking establishment;
- (ii) the [Accessory Bar](#) shall not have a separate Street entrance; and
- (iii) if at any time the sales of alcoholic beverages in the eating & drinking establishment constitute more than 55% of gross sales for any two months or longer measuring period, the [Bar](#) shall be deemed to be a [Principal Use](#) and the operator shall be subject to penalties under this Development Code for operation of an unlawful use.

(3) Standards that Apply in CN1 and CN2 Districts

[Fast Order Food](#) establishments shall be permitted in CN1 and CN2 Districts provided that the [Gross Floor Area](#) shall not exceed 3,000 square feet.

(4) Standards that Apply in CO District

[Fast Order Food](#) establishments are permitted in the CO District provided that the total [Floor Area](#) does not exceed 10 percent (10%) of the total [Gross Floor Area](#) of all floors of the office [Building](#) or of all [Buildings](#) in the office complex in which the use is located.

(5) Standards that Apply in CD District

The following restrictions apply to [Licensed Premises](#) in the CD district:

- (i) The [Licensed Premises](#) use in CD shall be required to derive from the sales of food for consumption on the [Premises](#) not less than 55% of all the [Licensed Premises'](#) gross receipts for a calendar year from sales of food and beverages on such [Premises](#).
- (ii) The City Manager or his/her designee shall establish an administrative procedure for the investigation and enforcement of this requirement that shall include the annual reporting of appropriate sales and receipt information from [Licensed Premises](#) governed by this Section.

- (iii) The expansion, extension, enlargement, or alteration of a non-conforming use created by these restrictions shall be governed by Article 15 of this Code.

(6) Standards that Apply in the MU District

A [Bar or Lounge](#) use shall only be allowed for property applying and approved for a zoning map amendment to the MU District after July 1, 2010. A [Bar or Lounge](#) use shall be prohibited for all property with MU District zoning granted prior to July 1, 2010.