

CHAPTER 1125

B-5 Court Square Business District

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1125.001 INTENT.

The primary intent of the B-5 Court Square District is to designate the area surrounding the Court Square for certain retail and service uses that will complement the historic nature of the area while serving the entire community.

(Ord. A-2248. Passed 4-9-01.)

1125.01 PRINCIPAL USES.

No building, structure or land shall be erected, altered or used which is arranged or designed for other than one or more of the following uses, except as provided herein and in Chapter 1109. The following retail business and service establishments:

- (a) Antique shop for retail sales and display and incidental restorations;
- (b) Apparel store; shoe store; millinery shop; dressmaking establishment or tailor;
- (c) Appliances sales and/or service;
- (d) Art store, including hobbies and crafts, supplies, sales and exhibits;
- (e) Automobile parts store - retail sales only;
- (f) Bail and surety bond offices;
- (g) Bakery; baking of goods primarily for retail sales on the premises directly to the consumer;
- (h) Barber shop; beauty shop; weight loss center; tanning salon;
- (i) Bicycle sales and repair shop;
- (j) Bookstores; newsstands;
- (k) Broadcasting studio for radio and/or television productions;
- (l) Business offices; office building; professional offices; commercial offices; medical/dental clinic;
- (m) Camera and photographic supplies primarily for retail sales;
- (n) Commercial day care center;
- (o) Confectioneries;
- (p) Consignment shop;
- (q) Dance studio;

- (r) Delicatessen;
 - (s) Department store, discount store;
 - (t) Drug store;
 - (u) Financial institution;
 - (v) Florist shop;
 - (w) Funeral home or mortuary;
 - (x) Furniture store, including new and used home furnishings, appliances, sewing machines, wall and floor coverings;
 - (y) Gift or novelty shop;
 - (z) Grocery; meat market, fruit and vegetable store, supermarket;
 - (aa) Hardware store, paint store, sporting goods store;
 - (bb) Home office;
 - (cc) Indoor theater;
 - (dd) Jewelry store;
 - (ee) Laundry pickup store; self-service laundry; self-service dry cleaner;
 - (ff) Locksmith;
 - (gg) Movie theater;
 - (hh) Municipal or governmental building;
 - (ii) Music stores; record sales, instrument sales and service, music lessons;
 - (jj) Pawn shop;
 - (kk) Pet stores, provided that boarding of animals is limited to those currently for sale on the premises; dog grooming;
 - (ll) Photography studio;
 - (mm) Post office; telegraphic office; bus depot;
 - (nn) Private club or lodge;
 - (oo) Professional/scientific/medical laboratories and studios not utilizing hazardous or flammable materials;
 - (pp) Public library or other public cultural facility;
 - (qq) Publicly owned recreation facility;
 - (rr) Public parking area;
 - (ss) Religious institution;
 - (tt) Restaurant, but not including drive-in establishments; liquor sales, subject to applicable regulations and such permits as may be required by law;
 - (uu) Shoe repair shop;
 - (vv) Soda fountain or ice cream parlor;
 - (ww) Tavern, night club, liquor bar, cocktail lounge, all subject to applicable regulations, licenses and such permits as may be required by law;
 - (xx) Trade or business school;
 - (yy) Wireless telecommunications facility, subject to the provisions of Chapter 1150;
 - (zz) Gun shop, with no shooting range;
 - (aaa) Video rental.
- (Ord. A-2248. Passed 4-9-01; Ord. A-2419. Passed 1-24-05; Ord. A-2508. Passed 2-26-07. Ord. A-2642. Passed 5-24-10.)

1125.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Board and subject to the provisions of Chapter 1147:

- (a) Billiard room or pool hall; commercial recreation facility;
- (b) Commercial parking facility, subject to the provisions of Section 1147.37;
- (c) Dry cleaning establishment using not more than two clothes cleaning units, neither of which shall have a rated capacity of more than sixty pounds;
- (d) Home occupation;
- (e) Motor vehicle customizing shop;
- (f) Motor vehicle full service station, motor vehicle sales, rental or lease and public garage, but not including body and fender work or painting;
- (g) Motor vehicle self service station/mini market;
- (h) Motor vehicle wash facility;
- (i) Off-street parking accessory to any principal use, excluding a dwelling, not located on the same lot as the principal use;
- (j) Outdoor storage, subject to the provision of Section 1147.38;
- (k) Printing, photocopying, silk screening, graphic arts business primarily retail in nature, serving the consumer directly and not occupying more than 2,000 square feet of floor area for printing presses and/or production equipment;
- (l) Public utility building necessary for the furnishing of adequate service to the area, but not including a garage, outdoor storage yard or warehouse;
- (m) Single-family dwellings, two-family dwellings and multi-family dwellings above the first floor (street level) when the first floor is used as a nonresidential use subject to the requirements of Section 1147.28.

(Ord. A-2248. Passed 4-9-01; Ord. A-2419. Passed 1-24-05.)

1125.03 ACCESSORY USES.

Accessory uses, buildings and structures customarily incidental to any use listed as a permitted principal or conditional use in this chapter shall be permitted in conjunction with such use, provided that such buildings comply with yard setbacks of this district and that the total ground floor area of such accessory uses, buildings and structures does not exceed ten percent of the lot area nor fifty percent of the ground floor area of the principal building, including:

- (a) Architectural canopy sign, subject to the provisions of Chapter 1149;
- (b) Directional sign, subject to the provisions of Chapter 1149;
- (c) Downtown sidewalk displays;
- (d) Off-street parking facility;
- (e) On premises sign, subject to the provisions of Chapter 1149;
- (f) Political sign;
- (g) Portable or temporary sign, subject to the provisions of Chapter 1149;
- (h) Projecting sign, subject to the provisions of Chapter 1149;
- (i) Real estate sign, nameplate and institutional bulletin board, subject to the provisions of Chapter 1149;
- (j) Temporary building for uses incidental to construction;
- (k) Temporary structure for uses related to labor disputes.

(Ord. A-2248. Passed 4-9-01.)

1125.04 REQUIRED CONDITIONS.

All businesses, services or processing shall be conducted wholly within a completely enclosed building, except for off-street parking and conditionally approved outdoor storage. Sidewalk sales and displays are permitted as regulated by Section 1125.08. All products produced on the lot, whether primary or incidental, shall be sold at retail primarily on the lot where produced. Processes and equipment employed and goods produced or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste.

(Ord. A-2248. Passed 4-9-01; Ord. A-2419. Passed 1-24-05.)

1125.05 HEIGHT REGULATIONS.

No building or structure shall exceed the following height, except as provided in Chapter 1107:

- (a) Principal uses
(except as provided in Section 1128.01).....3 stories, but not to exceed 60 feet
 - (b) Accessory uses2 stories, but not to exceed 25 feet
- (Ord. A-2248. Passed 4-9-01.)

1125.06 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall apply, except as provided in Chapter 1107:

- Business usesnone
- Various uses approved by the Board of Appeals as conditional uses (business first floor, residential above):
- Lot areanone
- Lot area per dwelling unit1,000 sq. ft. per bedroom
- Lot width.....none
- Front yard depth.....none
- Side yard widthnone
- Rear yard depth.....none

(Ord. A-2248. Passed 4-9-01.)

1125.07 MINIMUM FLOOR AREA.

Dwellings, if approved by the Board of Appeals as a conditional use, shall have a minimum floor area (in square feet) as follows:

Multi-family dwelling (dwellings in mixed use structure):

- Efficiency/studio500
- One bedroom.....600
- Two bedrooms800
- Three bedrooms1,000
- Four or more bedrooms.....1,200

(Ord. A-2248. Passed 4-9-01.)

1125.08 DOWNTOWN SIDEWALK DISPLAYS.

Sidewalk display of retail goods, wares, merchandise and services shall be permitted as an accessory use subject to the following requirements:

- (a) The goods, wares, merchandise and services offered shall be limited to those permitted as a principal use in the B-5 District.
- (b) The hours of such display shall be limited from 9:00 a.m. to 9:00 p.m.
- (c) A minimum clear distance of six (6) feet between the display of such retail goods, wares, merchandise and services and the backside of the curb, or any public facility or appurtenance including, but not limited to, fire hydrants, utility poles, park benches, street trees, traffic signs, and trash receptacles shall be maintained.
- (d) Any sidewalk area designated for off-street loading and parking shall not be used for such display.
- (e) The exterior open space around the principal building shall be maintained in a clean, safe and sanitary condition as specified in Section 1313.17 of the Code of Ordinances.
- (f) A merchant may not occupy another merchant's sidewalk area with such display; all displays shall be limited to the goods, wares, merchandise and services offered for sale by the merchant adjacent to the sidewalk area.
- (g) No display shall be attached, chained, or in any manner affixed to any tree, post, sign, or other fixture, curb or sidewalk within or near the permitted area.
- (h) Service of food and beverages shall be permitted in the display area. However, no cooking or food preparation shall be permitted, except that such activities may be authorized by the City Manager in conjunction with City-recognized events open to the general public.
- (i) The City Manager may further limit the type and time period of such display by reason of inclement weather or other conditions which may cause risk to public health, safety and general welfare.

(Ord. A-2248. Passed 4-9-01.)

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