

CITY OF LAVON, TEXAS
ORDINANCE NO. 2022-07-02

Amend Zoning Ordinance – Alcohol-related Uses

AN ORDINANCE OF THE CITY OF LAVON, TEXAS AMENDING THE CITY'S ZONING ORDINANCE BY ADDING DEFINITIONS AND STANDARDS FOR ALCOHOL-RELATED USES IN SECTION 9.03.032 AND SECTION 9.03.061; PROVIDING FOR PERMITTED AND CONDITIONAL ALCOHOL-RELATED USES IN THE RETAIL DISTRICT (R) SECTION 9.03.131 (B) AND (C), MAIN STREET DISTRICT (M) SECTION 9.03.132 (B) AND (C), AND BUSINESS PARK DISTRICT (B) SECTION 9.03.133 (C); AMENDING OFF-STREET PARKING AND LOADING REGULATIONS AND ESTABLISHING OFF-STREET PARKING AND LOADING REGULATIONS FOR ALCOHOL-RELATED USES IN SECTION 9.03.173 AND SECTION 9.03.175 RESPECTIVELY, ADDING APPLICATION REQUIREMENTS AND STANDARDS OF REVIEW FOR A CONDITIONAL USE PERMIT FOR ALCOHOL-RELATED USES IN SECTION 9.03.211; PROVIDING SAVINGS, CUMULATIVE REPEALER, AND SEVERABILITY CLAUSES; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lavon, Texas (the “City”) is a Type A general law municipality; and

WHEREAS, at the May 7, 2022 Special Election of the City, the voters of the City passed a proposition for the legal sale of all alcoholic beverages including mixed beverages including mixed beverages in the City; and

WHEREAS, Chapter 211 “Municipal Zoning Authority” of the Texas Local Government Code authorizes a city to adopt ordinances regulating the zoning of property within the city and Chapter 109, Subchapter C “Local Regulation of Alcoholic Beverages” of the Texas Alcoholic Beverage Code authorizes a city to adopt ordinances regulating the sale and consumption of alcoholic beverages; and

WHEREAS, the Planning and Zoning Commission of the City and the City Council of the City (the “City Council”), in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested, and the City Council is of the opinion and finds that said changes should be granted and that the Comprehensive Zoning Ordinance should be amended.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, THAT:

SECTION 1. INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. AMENDMENT

Article 9.03 “ZONING ORDINANCE” of the City of Lavon Code of Ordinances shall be amended as provided in Exhibit “A” attached hereto and incorporated herein, with additions indicated by underline and deletions by strikethrough, as follows in:

- 1) Section 9.03.032 “Permitted Use Table” to provide standards for alcohol-related uses;

- 2) Section 9.03.061 “General” to provide definitions and standards for alcohol-related uses;
- 3) Section 9.03.131 “Retail District (R)” to provide for alcohol-related uses in (b) “Permitted Uses”, and (c) “Conditional Uses”;
- 4) Section 9.03.132 “Main Street District (M)” to provide for alcohol-related uses in (b) “Permitted Uses, and (c) “Conditional Uses”;
- 5) Section 9.03.133 “Business Park District (B)” to provide for alcohol-related uses in (c) “Conditional Uses”;
- 6) Section 9.03.173 “Off-street Parking Requirements” to amend off-street parking requirements for alcohol-related uses;
- 7) Section 9.03.175 “Off-street Loading Space Requirements” to amend off-street parking and loading requirement regulations for alcohol-related uses; and
- 8) Section 9.03.211 “Conditional Use” to provide for application requirements and standards of review for a conditional use permit for alcohol-related uses.

SECTION 3. SAVINGS

That all rights and remedies of the City are expressly saved as to any and all violations of the provisions of any Ordinances regulating, affecting, or relating to zoning, land use and/or development which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 4. CUMULATIVE REPEALER

That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5. SEVERABILITY

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6. PENALTY

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not less than One

Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day or part of a day during or on which a violation occurs or continues.

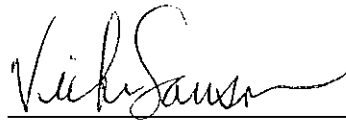
SECTION 7. PUBLICATION

The City Secretary of the City is hereby directed to publish the Caption, Penalty, and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

SECTION 8. EFFECTIVE DATE

That this Ordinance shall be in full force and effect from and after its date of passage, in accordance with law, and it is so ordained.

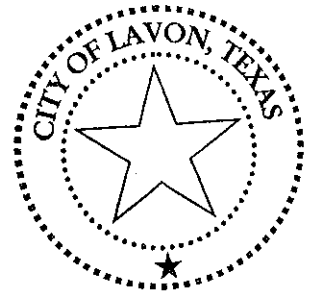
DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on the 19th day of July 2022.



Vicki Sanson, Mayor

ATTEST:



Rae Norton, City Secretary

CITY OF LAVON, TEXAS
ORDINANCE NO. 2022-07-02

EXHIBIT "A"

Proposed Changes – Excerpted Sections

Insertions - underlined

Deletions - ~~struck through~~

ARTICLE 9.03 ZONING ORDINANCE

Division 2. Districts and Zoning District Map

Sec. 9.03.032 Permitted use table

The following table presents the zoning district classifications and a summary of the permitted and conditional uses within those classifications. Uses are listed as being permitted (P), permitted by conditional use permit (C), and not permitted (as signified by "--").

If a use is not listed in the zoning ordinance or on the table, the use is prohibited. An applicant may request an amendment to the zoning ordinance to request the addition of an unlisted use.

**Figure 9.1.2.2
ZONING USE SUMMARY TABLE**

P = Permitted Use C = Conditional Use -- = Not Permitted

	RESIDENTIAL DISTRICTS				NONRESIDENTIAL & SPECIAL DISTRICTS			
	A	SF-1	SF-2	SF-4	R	M	B	PD
RESIDENTIAL USES								
Single family (SF) detached dwelling	P	P	P	P	--	P	--	P
Home based business within a SF dwelling	P	P	P	P	--	P	--	P
Single family - zero lot line	--	--	--	--	--	--	--	P
Single family attached - townhomes	--	--	--	--	--	--	--	P
Duplex	--	--	--	--	--	--	--	P
Multi-family dwelling	--	--	--	--	--	C	--	C

Real estate model home	--	C	C	C	--	--	--	P
Vertically mixed use multifamily residential and retail	--	--	--	--	--	P	--	--
Bed and Breakfast	--	--	--	--	--	C	--	--
Manufactured home detached dwelling park	C	--	--	--	--	--	--	--
Guest house, caretaker or security quarters for SF dwelling	P	P	--	--	--	--	--	--
Accessory structure with restrictions	P	P	P	P	--	--	--	--
SF parking garage	P	P	P	P	--	--	--	--
SF swimming pool	P	P	P	P	--	--	--	P
SF hobby shed	P	P	P	P	--	--	--	--
SF tennis court	P	P	P	P	--	--	--	P

	RESIDENTIAL DISTRICTS				NONRESIDENTIAL & SPECIAL DISTRICTS			
	A	SF-1	SF-2	SF-4	R	M	B	PD
RETAIL, COMMERCIAL, PERSONAL SERVICE USES								
<u>Alcohol: mixed beverage sales (on-premises consumption) ¹</u>	--	--	--	--	<u>P¹</u>	<u>P¹</u>	<u>P¹</u>	<u>P¹</u>
<u>Alcohol: wine and malt beverage sales (on-premises consumption) ¹</u>	--	--	--	--	<u>P¹</u>	<u>P¹</u>	<u>P¹</u>	<u>P¹</u>
<u>Alcohol: mixed beverage package store (on- and/or off-premises consumption)</u>	--	--	--	--	<u>C¹</u>	--	--	<u>C¹</u>
<u>Alcohol: wine and malt beverage package store (on- and/or off-premises consumption)</u>	--	--	--	--	<u>C¹</u>	--	--	<u>C¹</u>
Amusement establishment	--	--	--	--	C	C	--	P
Animal boarding, kennel or shelter	C	--	--	--	--	--	--	P

Automobile fueling station	--	--	--	--	C	--	--	P
Automobile service establishment	--	--	--	--	C	--	P	P
Bakery/confectionery retail establishment	--	--	--	--	C	C	--	C
Building material sales	--	--	--	--	C		--	P
Business service and sales	--	--	--	--	P	P	--	P
Carwash	--	--	--	--	C	--	--	P
Cash and retail lending service establishment	--	--	--	--	C	--	--	C
Commercial greenhouse or nursery	C	--	--	--	--	--	--	--
Commercial stable	C	C	--	--	--	--	--	--
Dry-cleaning retail establishment	--	--	--	--	C	C	--	P
Establishments > 75% revenue from alcohol sales	--	--	--	--	G	--	--	G
Exercise and sports establishment	--	--	--	--	C	C	--	P
Financial institution	--	--	--	--	P	P	--	P
Home and residence services	--	--	--	--	P	P	--	P
Hotel	--	--	--	--	C	--	--	P
Insurance	--	--	--	--	P	P	--	P
Medical and state licensed health services	--	--	--	--	P	P	--	P
Merchandise rental	--	--	--	--	C	--	--	P
Nursery, garden, landscape material sales	--	--	--	--	C	--	--	P
Outdoor or drive-thru sales or service	--	--	--	--	C	C	--	P
Personal services	--	--	--	--	P	P	--	P
Pet grooming and care services	--	--	--	--	C	C	--	C

Pharmacy	--	--	--	--	P	P	--	P
Private clubs and organizations (indoor)	--	--	--	--	C	--	--	C
Professional service and sales	--	--	--	--	P	P	--	P
Recreational vehicle park	C	--	--	--	--	--	--	--
Real estate	--	--	--	--	P	P	--	P
Restaurant	--	--	--	--	P	P	--	P
Retail sales	--	--	--	--	P	P	--	P
Retail storage facilities	--	--	--	--	C	--	--	P
Second-hand/used goods/pawn shop	--	--	--	--	C	--	--	C
Tattoo service and similar body artwork	--	--	--	--	C	--	--	C
Technical service and sales	--	--	--	--	P	P	--	P
Vapor smoking services	--	--	--	--	C	C	--	C
Vehicle display and sales	--	--	--	--	--	--	--	P
Vehicle parking garage	--	--	--	--	--	--	--	P
Vertically mixed use retail and multifamily residential	--	--	--	--	--	P	--	--
Veterinarian service, animal clinic	C	--	--	--	C	C	--	P

	RESIDENTIAL DISTRICTS				NONRESIDENTIAL & SPECIAL DISTRICTS			
INSTITUTIONAL & CIVIC USES	A	SF-1	SF-2	SF-4	R	M	B	PD
Cemetery or mausoleum	P	P	P	--	--	--	--	--
Church or place of worship	P	P	P	P	C	C	--	P
Community recreational use	--	C	C	C	--	--	--	--
Community swimming pool	--	C	C	C	--	--	--	P

Manufacturing - appliance, instrument, controller	--	--	--	--	--	--	P	--
Manufacturing - device, parts, vehicle	--	--	--	--	--	--	P	--
Manufacturing - die, tooling, equipment, machinery	--	--	--	--	--	--	P	P
Materials bending, cutting, machining, molding, welding	--	--	--	--	--	--	P	P
Medical or scientific laboratory	--	--	--	--	--	--	--	P
Open storage and open processing operations	--	--	--	--	--	--	C	--
Outside sales and storage	--	--	--	--	--	--	--	P
Packaging of parts and materials prev manufactured	--	--	--	--	--	--	P	P
Parts assembly, materials sorting prev manufactured	--	--	--	--	--	--	P	P
Professional, scientific and technical services	--	--	--	--	--	--	P	P
Storage of flammable liquids and materials	--	--	--	--	--	--	C	--
Temporary concrete batch plant	--	C	C	C	--	--	--	P
Trade contractor office and dispatch	--	--	--	--	--	--	--	P
Truck repairs and service	--	--	--	--	--	--	P	--
Warehousing and distribution facilities	--	--	--	--	--	--	P	P
Wholesale enterprises w/o materials storage and distrib	--	--	--	--	--	--	P	--

1. Selling, storing, dispensing, or otherwise handling of alcoholic beverages for on-premises consumption shall be incidental and secondary to a use on the same premises (ex. hotel, restaurant, winery, etc.), which shall be construed to mean that at least 40 percent of the gross receipts of such business shall be from non-alcohol, food sales, or off-premises

consumption. Alcohol-related uses shall meet all requirements for distance as specified in Division 10 (Use Regulations).

The table does not supersede the zoning ordinance. There may be restrictions for permitted and conditional uses.

For uses listed in the PD District, consult property-specific PD ordinances.

Uses not identified as permitted or conditional are prohibited.

(Ordinance 2018-03-02, sec. 9.1.2.2, adopted 3/20/18)

(g) Before the fifteenth (15th) day before the date of the hearing, notice of the time and place of the public hearing shall be published in an official newspaper or a newspaper of general circulation in the city.

Division 3. Definitions

Sec. 9.03.061 General

Alcohol: brewpub (on- and/or off-premises consumption). A business to brew, bottle, can, package, and/or label malt beverages with potential sale of the malt beverages it produces to ultimate consumers at the business for on- or off-premise consumption.

Alcohol: manufacturing and distribution (on- and/or off-premises consumption). A business relating to the manufacturing and/or distribution of alcohol beverages, also including storing, importing, transferring, selling, and/or distributing of malt beverages, wine, and/or distilled spirits for on- and/or off-premises consumption.

Alcohol: mixed beverage package store/retailer (on- and/or off-premises consumption). A business selling distilled spirits, wine, and/or malt beverages to consumers for on- and/or off-premises consumption, including the possible transportation of its inventory between its other licensed locations within the same county, transportation/delivery of alcoholic beverage orders to its end-consumer customers, conducting product tastings on the package store premises, and/or other related sales activity.

Alcohol: mixed beverage sales (on-premises consumption). A business including the incidental or secondary sale of malt beverages, wine, and/or distilled spirits for on-

premises consumption.

Alcohol: wine and malt beverage package store/retailer (on- and/or off-premises consumption). A business selling wine and/or malt beverages (no distilled spirits) to consumers for on- and/or off-premises consumption, including the possible transportation of its inventory between its other licensed locations within the same county, transportation/delivery of alcoholic beverage orders to its end-consumer customers, conducting product tastings on the package store premises, and/or other related sales activity.

Alcohol: wine and malt beverage sales (on-premises consumption). A business including the incidental or secondary sale of malt beverages and/or wine (no distilled spirits) for on-premises consumption.

Distilled spirits. A liquor or similar alcoholic beverage distilled from grains, fruits, or other fermentable ingredients. Much stronger than beer and wine, distilled spirits (ex. brandy, gin, rum, tequila, whiskey, vodka, bourbon, etc.) and various flavored liqueurs.

Division 6. Regulations Applicable to Mixed Use and Nonresidential Districts

Sec. 9.03.131 Retail district (R)

(b) Permitted uses. The following are permitted when such use is conducted entirely within the interior of a building. A permitted use does not include a use when it is identified as a conditional use herein.

- (1) Business, professional and technical service and sales
- (2) Financial institution, insurance, real estate
- (3) Medical, pharmacy and state licensed health services
- (4) Personal service, and service for home and residence
- (5) Privately owned educational and day care facility
- (6) Retail sales in individual buildings or in planned centers of retail users
- (7) Restaurant

- (8) Federal, state or local governmental use
- (9) Alcohol: mixed beverage sales (on-premises consumption)*
- (10) Alcohol: wine and malt beverage sales (on-premises consumption)*

* Selling, storing, dispensing, or otherwise handling of alcoholic beverages for on-premises consumption shall be incidental and secondary to a use on the same premises (ex. hotel, restaurant, winery, etc.), which shall be construed to mean that at least 40 percent of the gross receipts of such business shall be from non-alcohol, food sales, or off-premises consumption. Alcohol-related uses shall meet all requirements for distance as specified in Division 10 (Use Regulations).

(c) Conditional uses.

- (1) Automobile fueling and gasoline filling station
- (2) Automobile service establishment
- (3) Car wash
- (4) Outdoor, drive-in or drive-through sales or service activity
- (5) Amusement, theater, exercise and sports establishment
- (6) Bakery/confectionery retail establishment
- (7) Building materials sales
- (8) Church or place of worship at free standing or individual sites
- (9) Dry-cleaning retail establishments with no processing on site
- (10) Hotel
- (11) Landscaping material sales
- (12) Merchandise rental
- (13) Pet grooming and care services
- (14) Veterinarian services
- (15) Vapor smoking services
- (16) Retail storage service facilities
- (17) ~~Establishments that derive more than seventy-five (75) percent of its~~

revenue from the sale of alcoholic beverages

(4817) Private clubs and organizations (indoor)

(4918) Second hand/used goods/pawn shop provided the lot on which a similar establishment is located is more than one thousand (1,000) feet from the location of the proposed use; the one thousand (1,000) foot distance shall be measured between the lots and along the public street

(2019) Cash and retail lending service establishment provided the lot on which a similar establishment is located is more than one thousand (1,000) feet from the location of the proposed use; the one thousand (1,000) foot distance shall be measured between the lots and along the public street

(2420) Tattoo service and similar body artwork establishment provided the lot on which a similar establishment is located is more than one thousand (1,000) feet from the location of the proposed use; the one thousand (1,000) foot distance shall be measured between the lots and along the public street

(21) Alcohol: mixed beverage package store (on- and/or off-premises consumption)*

(22) Alcohol: wine and malt beverage package store (on- and/or off-premises consumption)*

(23) Alcohol: brewpub (on- and/or off-premises consumption)*

* Selling, storing, dispensing, or otherwise handling of alcoholic beverages for on-premises consumption shall be incidental and secondary to a use on the same premises (ex. hotel, restaurant, winery, etc.), which shall be construed to mean that at least 40 percent of the gross receipts of such business shall be from non-alcohol, food sales, or off-premises consumption. Alcohol-related uses shall meet all requirements for distance as specified in Division 10 (Use Regulations).

Sec. 9.03.132 Main street district (M)

(b) Permitted uses. The following are permitted when such use is conducted entirely within the interior of a building, except when identified as conditional use herein.

- (1) Business, professional and technical service and sales
- (2) Financial institution, insurance, real estate
- (3) Medical, pharmacy and state licensed health services
- (4) Personal service and services for home and residence
- (5) Day care for child and adult and educational services
- (6) Retail sales as individual enterprises within individual and separate structures
- (7) Planned centers of more than one individual retail uses
- (8) Restaurant
- (9) Single family detached dwelling
- (10) Townhouse
- (11) Home based business within single family detached dwelling
- (12) Federal, state or local governmental use
- (13) Vertically mixed use retail and multi-family residential
- (14) Alcohol: mixed beverage sales (on-premises consumption)*
- (15) Alcohol: wine and malt beverage sales (on-premises consumption)*

** Selling, storing, dispensing, or otherwise handling of alcoholic beverages for on-premises consumption shall be incidental and secondary to a use on the same premises (ex. hotel, restaurant, winery, etc.), which shall be construed to mean that at least 40 percent of the gross receipts of such business shall be from non-alcohol, food sales, or off-premises consumption. Alcohol-related uses shall meet all requirements for distance as specified in Division 10 (Use Regulations).*

Sec. 9.03.133 Business park district (B)

(c) Conditional uses. Conditional uses include the following uses when such uses are conducted entirely within the interior of a building. Equipment necessary to the manufacturing process outside of the building shall be screened from the public street and adjoining property. Building shall be minimum of fifteen thousand (15,000) square feet.

(1) Manufacturing processes that bake, blend, coat, dip, draw, distill, extract, extrude, heat, mill, refine, reclaim, recycle, roll and any process not identified, provided any such process is conducted entirely within a building and provided no emission or contaminants shall leave the property. Such process shall meet all permitting requirements of the U.S. Environmental Protection Agency, Texas Commission [on] Environmental Quality and similar regulating federal and state agencies. Waste handling, disposal and pretreatment studies and certifications shall be required for all products, by-products and waste materials produced.

The emission of particulate matter from all sources shall not exceed the level specified by the Texas Commission on Environmental Quality or regulations specified by the Texas Department of Health. Proof that emissions comply with applicable permitting requirements shall be provided to city.

(2) Storage of all flammable liquids and materials.

(3) Open storage and open processing operations, including on-site sand and gravel processing and storage, sand blasting or similar uses provided said particulate matter shall not leave the property nor be transported across the boundary property line of the tract on which the use is located.

(4) Alcohol: manufacturing and distribution (on- and/or off-premises consumption).*

**Selling, storing, dispensing, or otherwise handling of alcoholic beverages for on-premises consumption shall be incidental and secondary to a use on the same premises (ex. hotel, restaurant, winery, etc.), which shall be construed to mean that at least 40 percent of the gross receipts of such business shall be from non-alcohol, food sales, or off-premises consumption. Alcohol-related uses shall meet all requirements for distance as specified in Division 10 (Use Regulations).*

Division 8. Off-Street Parking and Loading Regulations

Sec. 9.03.173 Off-street parking requirements

(a) In all zoning districts, off-street parking, also known as on-site parking, shall be provided for each of the uses identified herein-below at the ratios specified herein at the time any building or structure is (a) erected or (b) structurally altered, or at such other time when the use of an existing building is changed, except as otherwise specified by this chapter. The ratios specified herein shall be considered the minimum number of on-site vehicle parking spaces required by the city and these minimum ratios are not intended to be reflective of current market or industry trends.

(b) Parking requirements:

Alcohol: brewpub (on- and/or off-premises consumption) - one (1) parking space for every two hundred (200) square feet of retail or event area for businesses including on-premises consumption, plus one (1) parking space per employee on the largest shift.

Alcohol: manufacturing and distribution (on- and/or off-premises consumption) - one (1) parking space for every two hundred (200) square feet of retail or event area for businesses including on-premises consumption, plus one (1) parking space per employee on the largest shift. Businesses within this use without on-premises consumption, one (1) parking space per employee and one (1) space for each five hundred (500) square feet of showroom space.

Alcohol: mixed beverage package store/retailer (on- and/or off-premises consumption) - one (1) parking space for every two hundred (200) square feet of building floor area.

Alcohol: mixed beverage sales (on-premises consumption) - one (1) parking space for every two hundred (200) square feet of building floor area.

Alcohol: wine and malt beverage package store/retailer (on- and/or off-premises consumption) - one (1) parking space for every two hundred (200) square feet of building floor area.

Alcohol: wine and malt beverage sales (on-premises consumption) - one (1) parking space for every two hundred (200) square feet of building floor area.

(a) Auditorium or similar gathering assembly - one (1) parking space for every four (4) seats.

(b) — Bank or Financial Institution - one (1) parking space for every three hundred (300) square feet of floor area.

(c) — Cemetery or mausoleum - cemetery parking requirement at a rate of 2.5 percent of the cemetery site dedicated to off street parking. For a cemetery gathering building, room or public structure the parking requirement shall be a minimum of one (1) parking space for each 300 (three hundred) square feet of building or structure space. The interior roadways (non-public streets and roadways) of the cemetery may act to meet the cemetery parking requirement except for the building parking space requirement which shall be at a rate of 300 per square feet.

(d) — Church - one (1) parking space for every three hundred (300) square feet of floor area, except that for assembly areas one (1) space shall be provided for every four (4) seats in an assembly area.

(e) — Civic center - one (1) parking space for every three hundred (300) square feet of floor area, except that for assembly areas one (1) space shall be provided for every four (4) seats in an assembly area.

(f) — Educational facility - one (1) parking space per each employee plus one (1) parking space for every four (4) classrooms for elementary levels, plus one (1) parking space for every four (4) students for secondary and higher levels of education.

(g) — General office - one (1) parking space for every three hundred (300) square feet of floor space.

(h) — Group home - four (4) parking spaces.

(i) — Home based bed and breakfast business - one (1) parking space for each sleeping room.

(j) — Hospital or medical/health care facility - one (1) parking [space] for every two (2) patient beds plus one (1) parking space for every one and one-half (1-1/2) employees.

(k) — Hotels and motels: one (1) parking space for each sleeping room plus one (1) parking space for every three hundred (300) square feet of meeting or commercial assembly floor area.

(l)—Library - one (1) parking space for every four hundred (400) square feet of floor area.

(m)—Manufacturer home park development - two (2) parking spaces per single residential unit and one (1) community parking space within a community parking area for every two (2) residential units.

(n)—Manufacturing and assembly - one and one half (1-1/2) parking spaces for every one (1) employee for businesses with two (2) or more work shifts, one (1) parking space per employee for businesses with one (1) work shift.

(o)—Medical office or clinic - one (1) parking space for every two hundred (200) square feet of floor area.

(p)—Multifamily dwellings.

(1) One (1) parking space for each dwelling unit have two (2) or fewer bedrooms.

(2) Two (2) parking spaces for each dwelling unit have more than two (2) bedrooms.

(3) One (1) guest parking for every five (5) dwelling units.

(4) Recreational vehicle and utility vehicle storage area of one (1) space for every five (5) dwelling units.

(q)—Personal services including spas, beauty and barber shops, one (1) parking space for every two hundred (200) square feet of floor area.

(r)—Recreational, amusement, health club, country clubs, and similar membership uses - public or private:

(1) One (1) parking space for every two hundred (200) square feet of building floor area.

(2) Two (2) parking spaces for every outside or inside game court.

(3) One (1) parking space for each four (4) seats of outdoor assembly bleachers or indoor seating.

(4) Seventy (70) spaces for every playing field used for league play.

(5) Two (2) parking spaces for every golf course green or driving range tee.

- (6) Five (5) parking spaces for every bowling alley.
- (s)—Retail sales uses, including general merchandise and/or grocery store - one (1) parking space for every two hundred and fifty (250) square feet of building floor area.
- (t)—Restaurants - one (1) parking space for every three (3) seats with a minimum of eight (8) parking spaces provided and one and one-half (1-1/2) parking spaces per employee.
- (u)—Service providers to the general public other than listed in this division - one (1) parking space for every three hundred (300) square feet of building floor area.
- (v)—Single dwelling unit including a manufactured home - two (2) covered parking spaces for each dwelling unit located behind the front yard building line and not within the side yard.
- (w)—Warehousing/distribution center - one (1) parking space per each employee on one (1) shift and one and one half (1-1/2) parking spaces per employee for two (2) or more work shifts.

(1) Mini-warehouses, self-storage - one (1) parking space per employee and one (1) parking space for each three hundred (300) square feet of office and showroom space.

(2) Retail showroom/warehouse - one (1) parking space per employee and one (1) space for each five hundred (500) square feet of showroom space.

(x)—Unclassified use - for uses not included above, one (1) parking space for each three hundred (300) square feet of floor area.

(c) Rules for computing number of parking spaces. In computing the number of parking spaces required for each of the above uses the following rules shall govern:

(1) The term "floor area" means the gross floor area of the specific use.

(2) Where fractional spaces result, the parking spaces required shall be constructed to be the next higher whole number.

(3) Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, to create a need for an increase in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

Whenever any building is enlarged to the extent of 50 percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

(4) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

(5) In the case of potential conflicts between parking requirements in computation of requirements, the requirement resulting in the most required spaces shall apply.

Sec. 9.03.175 Off-street loading space requirements

(a) For alcohol-related uses:

(1) A minimum of one striped off-street loading space, not conflicting with fire lanes, drive aisles, or off-street parking, shall be required for alcohol-related uses as follows:

a. Alcohol: manufacturing and distribution without on-premises consumption - 12 feet by 60 feet

b. All other Alcohol-related uses – 12 feet by 35 feet.

(2) Distance from property lines shall be as follows:

a. Any loading dock or structure and its associated loading spaces shall be:

1. Set back a minimum distance of 200 feet from any adjacent residential use or zoning district; and

2. Set back a minimum distance of 75 feet from any public street or front property line; and

3. Oriented away from the street frontage.

b. Any loading spaces not associated with a loading dock or structure shall be set back a minimum distance of 50 feet from any adjacent residential use or zoning district, and there shall be no minimum setback if the subject property abuts a non-residential use or lot line.

c. In instances where a property has more than one street frontage, the bay doors shall be oriented away from the street frontage with the greatest width. If the streets are the same width, then the bay doors shall be oriented away from the property's front lot line.

(3) Loading docks which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m. and are adjacent to a residential use or districts shall be designed and constructed to enclose the loading operation on three sides to reduce noise, with the open end directed away from residential property.

Division 10. Use Regulations

Sec. 9.03.211 Conditional use

(d) A conditional use permit shall be required as stated in Division 2 (Districts and Zoning District Map) for each place of business for alcohol-related uses, regardless of property adjacency and/or ownership. Each conditional use permit for alcohol-related uses shall provide a clear location map and an exhibit with proposed physical features relating to the business.

(de) Conditional use permit application. An application for a conditional use permit shall be submitted to the planning and zoning commission and shall include the following:

- (1) A written description of the proposed use.
- (2) A plan showing the location of the proposed use on the site.
- (3) For alcohol-related uses, a statement describing the proximity to other similar alcohol-related uses and associated strategy and/or justification.
- (34) Any additional information required by the zoning administrator.

(ef) Review by the planning and zoning commission and the city council of a conditional use permit application.

- (1) The planning and zoning commission shall hold a public hearing after proper advertisement and make a recommendation to the city council.
- (2) The city council shall hold a public hearing and approve, approve with conditions, or deny the conditional use permit based on the review criteria

below[.]

(fg) Conditional use permit review criteria. In evaluating a conditional use permit application, the planning and zoning commission and the city council shall consider whether the proposed use:

(1) For alcohol-related uses:

a. Mitigates all potential parking, noise, lighting, and outdoor event/entertainment space from existing and future neighboring uses;

b. Provides refined and high-quality design and theming of the exterior of the property and building that contributes to a family friendly, sophisticated, and lake-oriented city character (to include building materials, signage, architecture, lighting, colors, landscaping, and other features); –

c. Positively blends into location along street corridor and/or area with compatible and tasteful siting, form, and -features; and

d. Proximity to other similar alcohol-related uses (to prevent over-saturation of similar alcohol-related uses in one particular area, a certain corridor, or the city overall without associated strategy and/or justification).

(2) Compliments or is compatible with the surrounding uses and community facilities;

(23) Contributes to, enhances, or promotes the welfare of the area of request and adjacent properties;

(34) Is not detrimental to the public health, safety, or general welfare;

(45) Conforms in all other respects to all applicable zoning regulations and standards; and

(56) Is in conformance with the comprehensive plan.

(gh) Additional conditions on a conditional use permit.

(1) As a condition of approval, the planning and zoning commission and city council may impose reasonable conditions upon the conditional use permit consistent with the comprehensive plan, other stated development goals and

objectives of the city and the requirements of other city regulations.

(2) Such conditions may include, but are not limited to the location, health, safety, arrangement, operation, duration, traffic, parking, and type and manner of construction of any use for which a conditional use permit is requested.

(hi) Effect of conditional use permit.

(1) The granting of a conditional use permit has no effect on the uses permitted by right and does not waive the regulations of the underlying zoning district.

(2) A conditional use permit runs with the land; therefore, a new owner is not required to reapply for a conditional use permit unless a time limit that has been established terminates.

(ij) Conditional use permit and the zoning map.

(1) When the city council authorizes granting of a conditional use permit, the zoning map shall be amended according to its legend to indicate that the affected area has conditional and limited uses.

(2) The amendment is to indicate the appropriate zoning district for the approved use and shall be suffixed by a "C" designation.