313 COMMUNITY BUSINESS DISTRICT (CBD)

313-1 Intent and Purpose

Commercial centers in this District are intended to provide the community with a mix of retail, service and business establishments on a medium to large-scale. Medium through high density residential uses, as well as various office and institutional uses, may be permitted.

313-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

313-2.1 Accessory Uses and Structures - Section 430-1.

313-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

A. Is exempt from application of the Public Facility Standards under Section 501-2;

B. Is not in an “Area of Special Concern” as designated on the applicable Community Plan map;

C. Is on an existing lot;

D. Does not amend any previous approval or previous condition of approval;

E. Is in compliance with all applicable standards of this Code; and

F. Is not a telecommunication facility allowed through a Type II or III procedure.

313-2.3 Bus Shelter - Section 430-23.

313-2.4 Recycle Drop Box - Section 430-113.

313-2.5 Temporary Use - Section 430-135.1.

313-2.6 Facility 3 and 4 Communication Towers that:

A. Do not exceed a maximum height of seventy-five (75) feet; and

B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.

313-2.7 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

313-2.8 Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:

A. Do not exceed a maximum height of seventy-five (75) feet; and

B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

313-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

313-3.1 Access to a manufactured dwelling park - Section 430-77.14

313-3.2 Adult Book Stores - Section 430-3.

313-3.3 Ambulance Service - Section 430-9.1.

313-3.4 Automotive Parts and Related Services - Tire, battery and auto and boat accessory stores, indoor motorcycle sales and auto parts stores.

313-3.5 Convenience Grocery - Section 430-35.

313-3.6 Eating and Drinking Establishments - Those with drive-in or drive-up windows shall address Section 430-41.

313-3.7 Commercial School - such as vocational, music, dance, martial arts.

313-3.8 Drive-in or Drive-up Establishments (includes beverage venders, film sales, locksmith and other similar uses) - Section 430-41.

313-3.9 Fabrication, Processing and Repair Facilities - Limited to primarily retail sales of custom products fabricated, processed, printed, repaired or installed on the premises within an entirely enclosed building (may include windshield, running boards, vehicle oil and lubrication, minor repair and other similar uses).

313-3.10 Financial, Insurance and Real Estate Services and Institutions.

313-3.11 Food Market - All types.

313-3.12 Fuel Dealership - Section 430-49.

313-3.13 Funeral Home, Mausoleum and Crematorium.

313-3.14 Group Care Facilities - Section 430-53.1 through 430-53.5.

313-3.15 Lodging Place - Hotel, Motel under fifty (50) units.

313-3.16 Medical and Health Services - including laboratories, clinics, offices, supplies, rental, sales & service, veterinary offices and clinics which do not have outdoor kennels, animal hospitals and ambulance services.

313-3.17 Membership Organizations - including churches.

313-3.18 Offices.

313-3.19 Outdoor storage in conjunction with a permitted use provided:

A. The storage area does not exceed ten (10) percent of the floor area of the permitted use; and

B. The storage area is screened from all surrounding uses, parking areas, and public rights-of-way.

313-3.20 Park and Ride Facility - Section 430-89.

313-3.21 Commercial Parking Facility.

313-3.22 Personal Service Establishments - including but not limited to laundry, dry cleaning, garment repair, barber and beauty shops, shoe repair, photographic studios and clothing rental establishments.

313-3.23 Public Building - Section 430-103.

313-3.24 Public Utility - Section 430-105.

313-3.25 Radio Station.

313-3.26 Retail Business Establishment with a maximum gross floor area of fifty-thousand (50,000) square feet.

313-3.27 Service Businesses - including but not limited to adjustment and collection agencies, advertising agency, business management services, credit agency, duplicating, addressing, blue printing, photocopying, mailing and stenographic services, employment agency, office equipment rental agencies, telephone answering service, and other business services such as bondsmen, drafting, detective agencies, notary public and like services, building services such as cleaning and mail order stores.

313-3.28 Service Station, Car Wash - Section 430-123.

313-3.29 Special Recreation Use - Section 430-131.

313-3.30 Theaters (not including Drive-in Theater).

313-3.31 Transit Center - Section 430-137.

313-3.32 A Type I or Type II Home Occupation in a nonconforming residence as an interim temporary use subject to the standards of Section 430-63.1 - Type I Home Occupation or Section 430-63.2 - Type II Home Occupation.

313-3.33 Construction of a local street not in conjunction with a development application or within existing right-of-way.

313-3.34 Communication Towers greater than seventy-five (75) feet and up to two-hundred (200) feet in height - Section 430-109.

313-3.35 Uses Accessory and Incidental to an Allowed Use, not Otherwise Permitted by Section 313-2.2:

A. Garages for storage and maintenance of motor vehicles used by the principal use;

B. Storage of motor fuels and lubricating oils for vehicles used by the principal use;

C. Maintenance and utility shops for equipment used by the principal use;

D. Central heating, air conditioning and refrigeration plants;

E. Educational facilities;

F. Buildings for storage of documents, records, testing and research equipment, experimental models and other personal property related to the principal use;

G. Clinics, cafeterias, lounges and recreational facilities for employees;

H. Living quarters for custodians and caretakers;

I. Laundry facilities; and

J. Electrical substation.

313-3.36 Nursery School - Section 430-121.

313-3.37 Parking not in conjunction with a Permitted Use - Section 430-91.

313-3.38 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

313-3.39 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

313-4 Uses Which May be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all

other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

313-4.1 Heliport - Section 430-59.

313-4.2 Retail Business Establishments exceeding a maximum gross floor area of fifty-thousand (50,000) square feet.

313-4.3 Uses Which May be Permitted Through a Type III Planned Development Procedure:

In addition to the requirements of Section 313-4, the following uses may be permitted when processed through a Type III Planned Development. The review of the proposed use shall consider whether the use will unduly duplicate an existing use if the proposed location will best serve the public interest and not detrimentally impact existing uses in the County.

A. Lodging Places - Hotel, Motel over fifty (50) units.

B. Regional Scale Facilities - such as arena, auditorium, convention center, exhibition hall, stadium, zoo, hospitals, amusement parks.

C. Regional Shopping Center.

D. Residential Dwelling Units, subject to the following:

(1) Twenty-five (25) units per acre when not in conjunction with a commercial use. The standards of the R-25+ District shall apply; and

(2) When in conjunction with a commercial use and included within the same structure there shall be no minimum density required. The standards of the Community Business District shall apply.

313-4.4 Communication Towers greater than two-hundred (200) feet in height - Section 430-109.

313-4.5 Broadcast Towers – Section 430-109.

313-4.6 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:

A. Clubhouse.

B. Meeting hall.

C. Day care facility - Section 430-53.2.

D. Recreation center.

E. Gymnasium.

F. Indoor swimming pool.

313-5 Prohibited Uses

313-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed, as determined through the provisions of Section 202-2.2.

313-5.2 The use of a manufactured dwelling except as provided in Section 430-135.1 - Temporary Uses and 430-1.2 D. - Accessory Use.

313-5.3 New dwelling units except pursuant to Section 313-4.3 D.

313-5.4 Mobile home, boat, trailer and auto sales.

313-5.5 The location of service facilities such as high schools, hospitals, nursing homes, public assembly and high density residential development in airport approach zones. Location of these facilities shall be avoided within any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.

313-5.6 Auto wrecking yards.

313-6 Dimensional Requirements

313-6.1 Lot Area:

The minimum lot area shall be eight-thousand five hundred (8,500) square feet.

313-6.2 Yard Requirements:

The minimum yard requirements shall be:

A. Twenty (20) foot front yard;

B. Side and rear yards:

(1) Where abutting a residential district the side and rear yard shall be no less than that required by the abutting district;

(2) Except on corner lots, and as in one (1) above, there are no required side or rear yards;

(3) On a corner lot the side or rear yard abutting the street shall be twenty (20) feet; and

C. Additional setbacks may be required as specified in Sections 411 and 418.

313-6.3 Height:

A. The maximum height for structures shall be one-hundred (100) feet except as modified by other Sections of this Code.

B. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

313-6.4 Lot Dimensions:

A. The minimum average lot width shall be eighty-five (85) feet;

B. The width at the access point shall be forty (40) feet; and

C. The minimum average lot depth shall be eighty-five (85) feet.

313-7 Article IV - Development Standards

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

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