

Section 11
BUSINESS DISTRICTS

- 11.01 Purpose
- 11.02 B-1 Central Business District
- 11.03 B-2 General Business District
- 11.04 B-3 Regional Shopping District
- 11.05 BP, Business Park District

11.01 **PURPOSE**

The business districts set forth herein are established to protect public health and promote public safety, comfort, convenience and the general welfare, and to protect the economic base of the City and the value of property. These general purposes include, among others, the following specific objectives:

1. To promote the most desirable use of land in accordance with a well considered plan so that adequate space is provided in appropriate locations for the various types of business uses, thereby protecting and strengthening the economic base of the City.
2. To place in separate districts those businesses which may create noise, odors, hazards, unsightliness or which may generate excessive traffic.
3. To permit selected business uses in districts where adjacent to or inclusion in a residential area has sufficient elements of service or convenience to such areas to offset the disadvantage.
4. To encourage the grouping in appropriate locations of compatible business uses which will tend to draw trade that is mutually interchangeable and so promote public convenience and business prosperity and contribute to the alleviation of traffic and pedestrian congestion.
5. To provide for the establishment of off-street parking facilities, permitted and required, so as to alleviate traffic congestion and so promote shopping convenience and business prosperity.

11.02 **B-1 CENTRAL BUSINESS DISTRICT** *Amended, Ord. 04-3-1*

- A. Purpose: A pedestrian-oriented district geographically designated within the central core of the City in which retail and service uses are provided.
- B. Use Restrictions:
 1. Retail/office only: All establishments located in this district shall deal directly with patrons
 2. Enclosed activities: All activities must be located in an enclosed building (except as indicated in the following paragraph 3).
 3. Enclosed activities: Merchandise may be displayed outside but may not use more than 25 percent of the enclosed building square footage.
 4. Processing incidental: Any processing or treatment of goods on any premises must be clearly incidental to the retail business conducted on such premises.
 5. Drive-in/through: In this district a special use permit is required to establish any business that will offer goods or services directly to customers waiting in parked motor vehicles.
 6. Parking: See Section 8, Off-Street Parking and Loading, of this Zoning Code.
 7. Signs: See Chapter 16 of the Municipal Code.

8. Unless a special use permit has been issued, dwelling units and lodging rooms shall not be permitted below the second floor. This is not applicable to hotels and motels.
 9. Refuse containers: All refuse generated by facilities located within this district shall be stored in covered containers placed in areas screened by a screening fence or densely planted evergreen hedge of adequate height to screen the refuse containers from adjoining properties and the street. Non-conforming refuse containers existing shall comply with this Zoning Code within one year after the adoption of this Zoning Code, which is August 26, 2003.
 10. Only one principal building may be erected on any one lot.
- C. Lot and Building Requirements: Every building erected in this district shall conform to the following requirements:
1. Minimum lot area: None.
 2. Minimum lot width: Twenty feet at the established building line.
 3. Minimum lot depth: None.
 4. Minimum setback: Generally none required except as necessary to achieve compliance with applicable off-street parking and loading requirements.
 5. Maximum floor area ratio: None.
 6. Maximum percentage of lot building coverage: None.
 7. Height requirements: Maximum height of three stories or 36 feet.
- D. Permitted Uses: Provided all the use restrictions of this district are observed, the following uses are permitted:
- Auditoriums, meeting rooms and other places of assembly
 - Banks, savings and loans
 - Churches
 - Clubs and lodges
 - Dry cleaning operations (including on-site processing)
 - Dwelling units above the first floor only
 - Funeral establishments
 - Hotels and motels
 - Laundries
 - Libraries
 - Mass transit facilities
 - Museums
 - Offices
 - Printing and publishing (under 5,000 square feet in area)
 - Restaurants
 - Retail establishments
 - Schools, music studios, dance studios
 - Service establishments
 - Taverns/saloons
 - Theaters (indoors)
- E. Special Uses: Provided all the use restrictions of this district are observed, the City may allow the

following uses special use permit:

Any use that involves a retail or service activity which is less than 25 percent outside completely enclosed building. (Outside activity which is over 25 percent is prohibited.)

Any use such as drive-in restaurants, drive-in banks, automobile service stations that offer goods or services directly to customers waiting in parked vehicles or that sell food or beverages for consumption in parked motor vehicles on the premises.

Auto service station

Dwelling units if located below the second story, except in hotels and motels.

Planned development

Public facilities

Recreational facilities, public and private

Restaurant/saloons with live entertainment

Tattoo parlors

Utility stations

11.03 **B-2 GENERAL BUSINESS DISTRICT** *Amended, Ord. 04-3-1*

This district is intended to accommodate and regulate commercial/business development outside of the B-1 Central Business District. These typically require direct access to major streets and large lots for off-street parking and loading.

1. Use Restrictions:

- a. Uses: These uses shall deal directly with consumers.
- b. Unenclosed activities: In this district, outside display of inventory is allowable up to 25 percent of the indoor floor space under the following conditions:
 - i. It is on private property.
 - ii. The area is not designated as parking or required open space. Any outside activity in excess of 25 percent of the total enclosed area requires a special use permit.
- c. Refuse containers: All refuse generated by facilities located within this district shall be stored in covered containers placed in visually screened areas. All non-conforming refuse containers shall comply with this Section 11.03 within 1 year from the effective date of this Zoning Code, which is August 26, 2003.
- d. Screening: Along the side and rear lot lines of any lot abutting any residential district, screening (a wall, solid fence or closely-planted shrubbery) at least 6 feet high and of sufficient density to completely block the view from the adjacent residential property, shall be installed.
- e. Any accessory building shall meet yard setback requirements.
- f. Only 1 principal building shall be permitted on a zoning lot.
- g. Parking: Pursuant to Section 8, Off-Street Parking and Loading, of this Zoning Code.
- h. Signs: Pursuant to Chapter 16, Signs, of Municipal Code.
- i. Drive-In/through: In this district a special use permit is required to establish any business

that will offer goods or services directly to customers waiting in parked motor vehicles.

2. Lot and Building Requirements: Every principal building erected in this district shall conform to the following requirements.

- a. Minimum lot area: 15,000 square feet
- b. Minimum lot width: 100 feet at the established building line.
- c. Minimum setbacks: front yard, 50 feet; corner side yard, 50 feet; side yards, 25 feet; and rear yard, 25 feet.
- d. Maximum floor area ratio: Two square feet of floor space for each 1 square foot of lot area.
- e. Maximum percentage of lot building coverage: 50 percent.
- f. Height requirements: Maximum height of 3 stories or 50 feet.
- g. General building setbacks: In addition to any other building setback or yard requirement contained herein, every building hereafter erected or enlarged shall provide and maintain a setback from the public street in accordance with the following requirements:

Primary thoroughfare designated by a state or federal highway number: 75 feet from the property line or 150 feet from the center line of the right-of-way, whichever distance is greater.

3. Permitted Uses: Provided all the use restrictions of this district are observed, the following uses are permitted:

Auditoriums, meeting rooms and other places of assembly
Automobile car wash/ laundry
Banks, savings and loans
Blueprinting and photostating
Bowling alleys
Churches
Clubs and lodges
Dry cleaning operations (including on-site processing)
Funeral homes
Hotels and motels
Libraries
Mass transit facilities
Museums
Offices
Printing and publishing (under 5,000 square feet in area)
Radio and television broadcasting
Restaurants
Retail establishments
Schools, music studios, dance studios
Service establishments
Taverns/saloons
Theaters (indoors)
Wholesale when used in connection with retail

4. Special Uses:

Any use that involves a retail or service activity conducted more than 25 percent outside completely enclosed buildings.

Any use, such as a drive-in restaurant, drive-in bank or automobile service station, that offers goods or services directly to customers waiting in parked vehicles or that sell food or beverages for consumption in parked motor vehicles on the premises.

Automobile repair
Automobile service station
Dwelling units, if located above the first story, except in hotels and motels.
Heating, air conditioning, electrical, plumbing, general contracting; retail, wholesale
Motor vehicle sales, new and used
Movie and stage outdoor theaters
Planned developments
Printing and publishing (over 5,000 square feet in area)
Public facilities
Recreational facilities (public and private)
Restaurants with live entertainment
Tattoo parlors
Utility stations

11.04 **B-3 REGIONAL SHOPPING DISTRICT** *Amended, Ord. 04-3-1*

This district is intended to accommodate and regulate business developments which are directly and indirectly accessed from major arterial roadways.

1. Use restrictions:
 - a. In this district all activities shall be conducted within enclosed buildings with the exception that an outdoor area up to 25 percent of the indoor floor space may be used for outdoor sales and display of inventory under the following conditions:
 - i. On private property.
 - ii. Area is not designated as parking or required open space.
 - b. Refuse containers: All refuse generated by facilities located within this district shall be stored in covered containers placed in visually screened areas. Non-conforming refuse containers shall comply within 1 year after the effective date of this Zoning Code, which is August 26, 2003.
 - c. Along the side and rear lot lines of any lot abutting any residential district, screening (a wall, solid fence at least 6 feet high and of such density to completely block the view from adjacent residential property) shall be installed.
 - d. Uses shall consist of office, financial or retail-type activities.
 - e. Signs, see Chapter 16, Signs, of the Municipal Code.
 - f. Parking, see Section 8, Off-Street Parking and Loading, of this Zoning Code.
 - g. Only one principal building shall be erected on any one lot.
2. Lot and Building Requirements:
 - a. Minimum lot area: 5 acres

- b. Minimum lot width: 75 feet fronting a major roadway; other roadways, 150 feet at the established building line.
- c. Minimum setbacks: front yard, 50 feet; corner side yard, 50 feet; side yards, 35 feet; and rear yard, 35 feet.
- d. Maximum floor area ratio: One-quarter square foot of floor space for each 1 square foot of lot area.
- e. Maximum percentage of lot coverage: 50 percent (all structures, including principal buildings and accessory buildings shall be included in the 50 percent).
- f. Accessory buildings shall meet the minimum setbacks.
- g. Height requirements: Maximum height of 3 stories or 50 feet.
- h. General building setbacks: In addition to any other building setback or yard requirement contained herein, every building hereafter erected or enlarged shall provide and maintain a setback from the public street in accordance with the following requirements:

Primary thoroughfare designated by a state or federal highway number: 75 feet from the property line or 150 feet from the center line of the right-of-way, whichever distance is greater.

3. Permitted Uses:

Animal hospitals (no outside kennel)
 Department stores
 Dry cleaning operations (including on-site processing)
 Financial institutions
 Hotels, motels
 Medical, dental and general offices
 Movie and stage theaters, indoor
 Piano and musical, retail only
 Professional offices
 Restaurants
 Retail establishments
 Service establishments
 Supermarkets
 Taverns (including live entertainment)
 Variety stores

4. Special Uses:

Any use that requires commercial, service or storage activities conducted outdoors, amounting to more than 25 percent of indoor floor space.

Any use, such as a drive-in restaurant, drive-in bank or automobile service station, that offers goods or services directly to customers waiting in parked vehicles or that sell food or beverages for consumption in parked motor vehicles on the premises.

Auto repair and automobile service stations
 Drive-in theaters
 Motor vehicles sales, new and used
 Public facilities

Tattoo parlors
 Utility stations
 Planned development, commercial

Planned developments, mixed use with residential must meet the following requirements for residential uses:

- a. Lot size: 5 acres.
- b. Minimum lot width: 250 feet fronting any major roadway; fronting other roadways, 100 feet at established building line
- c. Minimum setbacks:

Yard	Major Roadway	Other Roadway
Front yard	60 feet	40 feet
Corner side yard	50 feet	30 feet
Side yards	40 feet	20 feet
Rear yard	40 feet	30 feet

- d. Maximum residential density: 12 units per acre.
- e. Minimum unit size: 600 square feet.
- 6. Minimum percentage of lot coverage: 35 percent
- 7. Parking and access regulations pursuant to Section 8 of this Zoning Code shall apply.

11.05 **BP, BUSINESS PARK DISTRICT** *Ord. 06-12-3*

- A. Purpose: The purpose of the BP, Business Park District is to provide a course of predictability in business park development, set a minimum level of standards by which a business park can be developed and establish a regulatory framework for the planning and development of future business and manufacturing growth.
- B. Use Restrictions: All permitted uses in this zoning district are subject to the following conditions:
 - 1. Any production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products shall conform to the performance standards set forth in Section 14, Performance Standards, of this Zoning Code.
 - 2. Except as provided in Section 11.05-B3, no outside display, sale or storage of materials (raw, semi-finished or finished in nature), vehicles (including tractor trailers), equipment, merchandise and other similar goods or containers, shall not be permitted except by the issuance of a special use permit as provided in Section 15, Special Uses, of this Zoning Code.
 - 3. Outside display of retail inventory shall be permitted on up to 25 percent of the indoor floor space with the following conditions: (i) the area is located within the zoning lot; and (ii) the area is not designated as parking or required open space. Any outside activity in excess of 25 percent of the total indoor floor space shall require a special use permit as provided in Section 15, Special Uses, of this Zoning Code.

4. Refuse containers: All refuse generated by facilities located within this zoning district shall be stored in covered containers that are located in an area that is not visible from the street. Screening shall enclose all refuse containers.
 5. Screening: Along the side and rear lot lines of any lot abutting a residential zoning district, screening (a wall, solid fence or closely planted shrubbery) at least six feet high and of sufficient density to completely block the view from the adjacent residential property shall be installed.
 6. Accessory Uses: Any accessory use shall meet the same required yard setbacks as required for the principal building.
 7. Principal Building: Only one principal building shall be permitted on any zoning lot.
 8. Parking: Parking shall be pursuant to Section 8, Off-Street Loading, of this Zoning Code.
 9. Signs: Signage shall be pursuant to Chapter 16, Signs, of the Marengo Municipal Code.
 10. Landscaping: Any new construction after January 1, 2007, shall comply with the requirements of Chapter 21, Landscape Code, of the Marengo Municipal Code.
- C. Lot and Building Requirements: Every principal building erected in this zoning district shall conform to the following requirements:
1. Yard Requirements: In addition to any other building setback or yard requirement contained herein, every building hereafter erected or enlarged shall provide and maintain a setback from a public street in accordance with the following requirements:
 - a. Primary Thoroughfare Designated by a State or Federal Highway Number: 75 feet from the property line or 150 feet from the center line of the right-of-way, whichever distance is greater.
 - b. Minimum Setbacks: Front yard, 40 feet; corner side yard, 40 feet; interior side yard, 20 feet; and rear yard, 20 feet.
 - c. Transitional Yards: Where a side or rear lot coincides with a side or rear lot line in an adjacent residential zoning district, a yard shall be provided along such side or rear lot line not less than 50 feet in depth and shall be screened as provided in Section 11.05-B5. Where a side or a rear lot line coincides with a side or rear lot yard in an adjacent business district, a yard shall be provided along such side or rear lot line not less than 30 feet in depth.
 2. Maximum Percentage of Lot Building Coverage: 50 percent for a one-story building; 60 percent for buildings containing two or more stories. A mezzanine is not considered a story.
- D. Permitted Uses: Provided all the use restrictions of this zoning district are observed, the following uses shall be permitted:
- Animal hospitals (with indoor kennels);
- Assembly, production, processing, wholesaling, warehousing or manufacturing of any commodity, from semi-finished (other than raw) materials, provided explosives, flammable materials, nuclear materials and/or livestock are not involved;
- Animal retail sales;

Auditoriums, meeting rooms and other places of assembly;

Automobile car wash;

Banks, savings and loans;

Blueprinting and photostating;

Bowling alleys;

Building materials sales with indoor storage;

Churches;

Clubs and lodges;

Drycleaning operations (including on-site processing);

Greenhouses with indoor storage;

Funeral homes;

Healthcare and rehabilitation facilities, not involving overnight visits;

Heating, air conditioning, electrical, plumbing, general contracting, retail, wholesale, with indoor storage;

Hospitality;

Hotels and motels;

Indoor recreation facilities;

Institutional;

Library;

Local cartage and express facility, provided explosives, flammable materials, nuclear materials and/or livestock are not involved, with no outside vehicle storage;

Mass transit facilities;

Museums;

Offices;

Printing and publishing;

Public utility and transportation facilities including shelters, terminals, parking areas and service buildings;

Radio and television broadcasting;

Railroad right-of-way;

Research and development facility or parks, provided explosives, flammable materials, nuclear materials and/or livestock are not involved;

Restaurants;

Retail establishments;

Schools, music studios and dance studios;

Service establishments;

Sleep research facilities with overnight visits;

Taverns, saloons; and

Theater (indoor).

E. Special Uses: Provided all the restrictions for this zoning district are observed, the following special uses shall be permitted:

Any use that involves a retail or service activity that is conducted on more than 25 percent outside of a completely enclosed building;

Any use, such as a drive-in restaurant, drive-in bank or automobile service station that offers good or services directly to customers waiting in parked vehicles or that sell food or beverages for consumption in parked motor vehicles on the premises;

Automobile repair;

Automobile service station;

Dwelling units if located above the first story, except in hotels and motels;

Fuel sales and storage;

Motor vehicles sales, new and used;

Movie and stage outdoor theaters;

Non-retail outdoor storage;

Outdoor recreation facilities;

Outdoor storage tanks;

Planned developments;

Recreational facilities (public and private);

Restaurants with live entertainment;

Utility stations; and

Wireless communication facilities.