

ARTICLE 14-9-5 LIMITATIONS ON USE

A. Automobile Related

5. Gas Service Stations shall be subject to all of the following additional requirements: (Ord. No. 03-171)
 - a. Minimum frontage of one hundred-eighty (180) feet on one arterial street is required.
 - b. No part of any building, canopy, fuel dispenser, or accessory equipment shall be within 200 feet of any residentially zoned property.
 - c. A minimum of 500 feet separation is required between gas service stations located on the same side of the street. Gas Service Stations separated by arterial streets are not subject to this requirement.
 - d. All of the following development standards shall apply:
 - 1) The minimum side and rear building setback including canopies, from a property line abutting a residential zoning district: thirty (30) feet.
 - 2) The minimum side and rear building setbacks including canopies, from a property line abutting a non-residential zoning district: ten (10) feet.
 - 3) The minimum street setback for buildings, fuel dispensers, accessory equipment, and canopies: twenty-five (25) feet.
 - 4) All fuel pump mechanism and any accessory equipment dispensing fuel shall be covered by canopies.
 - 5) Under canopy mounted lights shall be flush with the underside of the canopy.
 - 6) Fuel tanks larger than 1,000 gallons must be located underground. Above ground tanks shall be screened from street view, shall not exceed 6-feet in height and shall be setback at least 25-feet from any public street.

B. Eating & Drinking Establishments

2. Restaurants with Drive-Throughs:
 - a. All drive through lanes, menu boards, speaker box, and other related elements shall be located at least 50 feet from any residential property or use. Speakers at drive-throughs shall not be audible from residential zoned property. Sound shall be mitigated by the use of sound attenuation walls, landscaping or other measures.
 - b. The drive-through lane shall be separated from parking areas and driving lanes by a minimum 5-foot wide landscaping island or other alternative as approved by the Planning Manager.
 - c. Drive-through canopies and other appurtenances shall be architectural compatible with the main building architecture.
 - d. Through the Conditional Use Permit (CUP) process, the conditions considered for imposition by the Planning and Zoning Commission may include, but are not limited to, a restriction on operating hours, additional screening, relocation of the drive through, modification of the minimum drive-through stacking requirements, noise and visual mitigation and other measures appropriate to the relevant circumstances.
3. Outdoor Dining and Seating Areas: (Ord. No. 06-07)

- a. Such areas shall be located immediately adjacent to the restaurant or establishment to which it is an accessory use.
- b. The use shall not interfere with pedestrian access, fire lanes, driveways, or traffic visibility at driveways or street intersections.
- c. Such areas shall not exceed 25% of the gross floor area (GFA) of the establishment. The Planning and Zoning Commission may waive this requirement if it is found that sufficient mitigation measures are provided to eliminate potential adverse impacts on adjacent properties.
- d. Through the Conditional Use Permit (CUP) process, the conditions considered for imposition by the Planning and Zoning Commission may include, but is not limited to, a restriction on operating hours, additional screening, re-location of the outdoor dining and seating area, noise and visual mitigation and other measures appropriate to the relevant circumstances.

4. Tavern, Bar, or Lounge:

- a. The exterior building wall shall not be located within one-thousand (1000) feet of the property lines of a state designated Local Alcohol Reception Center.
- b. The exterior building walls of the use shall be located at least two-hundred (200) feet from the property lines of a residentially zoned property;
- c. Through the Conditional Use Permit (CUP) process, the conditions considered for imposition by the Planning and Zoning Commission may include, but are not limited to, a restriction on operating hours, additional screening, relocation of any outdoor patio areas, live entertainment standards, noise and visual mitigation and other measures appropriate to the relevant circumstances.