Chapter 8.10

(C) COMMERCIAL ZONE

Sections:

8.10.01 Purpose.
8.10.02 Permitted Principal Uses.
8.10.03 Conditional Uses.
8.10.04 Lot Area.
8.10.05 Lot Width.
8.10.06 Lot Frontage.
8.10.07 Setback Requirements.
8.10.08 Distance Between Buildings.
8.10.09 Building Height.
8.10.10 Site Plan Provisions.
8.10.11 Permissible Lot Coverage.
8.10.12 Parking, Loading and Access Requirements.
8.10.13 Other Requirements.

Section 8.10.01 Purpose.

The (C) Commercial Zone is established to recognize and provide areas in the Town of Daniel for the accommodation of commercial uses. This chapter establishes development guidelines and restrictions in the (C) Commercial Zone. The specific intent in establishing this zone is for the following purposes:

(1) Facilitate the sale of goods and services in areas which are most appropriate;

(2) Provide attractive commercial and mixed-use nodes in several areas of Daniel which are centrally located to population centers of residential or resort use;

(3) Allow separation of dissimilar uses which may conflict either due to noise, appearance or other disturbances, and yet allow commercial uses to be close enough to resort or residential uses to be convenient;

(4) Provide Commercial Zones that abut or are in close proximity to a state highway;

(5) Provide access to Commercial Zones off major roadways that are convenient and able to handle major traffic volumes without hazards; and

(6) In neighborhood areas, as determined by the planning commission, small commercial nodes may be created regardless of proximity to a state highway.

Section 8.10.02 Permitted Principal Uses.

Those principal uses or categories of uses as listed herein, and no others, are allowed as a permitted use in the (C) Commercial Zone.

(1) All uses contained herein are listed by number as designated in the Daniel Land Use classification, which is published and maintained by the Planning Staff, and are attached, as Appendix 1. Classes or groupings of uses permitted in the zone are identified by a four-digit number in which the last one or two digits are zeros, and sub-uses of those categories or groupings will follow that number. (For example, a particular category may be listed as 8100, and a subcategory of 8100 would be 8110 and a subcategory of 8110 would 8111). This document, available in the planning office, is to be used by the planning office and others to assist in determining similar uses and the intent of this chapter.

(2) All such classes listed herein and all specific uses contained within them in the Daniel Land Use classification will be permitted in the (C) Commercial Zone subject to the limitations set forth herein.

Permitted Uses in the (C) Commercial Zone

Use Number Use Classification

2700 Printing, Publishing

4500 Highway and Street Rights-of-Way

4700 Communications

4800 Electric Utility (Except 4811, 4812, and 4813)

4846 Sewage Company Office

4923 Travel Arranging Services
4924 Transportation Ticket Services
5154 Nursery
5210 Lumber and Other Building Materials-Small Scale *
5220 Heating and Plumbing Equipment-Small Scale *
5230 Paint, Glass and Wallpaper-Small Scale *
5240 Electrical Supplies-Small Scale *
5250 Hardware and Supplies-Small Scale *
5310 Department Stores-Small Scale *
5320 Mail and Phone Order Houses-Small Scale *
5330 Variety Stores-Small Scale *
5390 Other Retail Trade-General Merchandise-Small Scale *
5400 Food-Small Scale *
5500 Automotive, Marine Craft, Aircraft and Accessories
5600 Apparel and Accessories
5700 Furniture, Home Furnishings and Equipment
5800 Eating and Drinking Places
5813 Drive Through Short Order
5820 Drinking Places (Bar, Pub)
5900 Misc. Retail Trade (Except 5933, 5935, 5938, 5939, 5961, 5980)
6100 Finance, Insurance and Real Estate Services
6221 Portrait Photography
6230 Beauty and Barber Services
6241 Funeral Parlor/Mortuary
6250 Apparel Repair, Alteration and Cleaning Pick-Up Services, Shoe Repair Services
6297 Gyms, Athletic Clubs, Spas, Aerobic Centers, Etc.
6311 Advertising Services
6316 Direct Mail Advertising
6320 Consumer and Mercantile Credit Reporting Services
6330 Duplicating, Mailing, Stenographic and Office Services
6350 News Syndicate Services
6360 Employment Services
6390 Business Services, NEC (Except 6397)
6397 Automobile Rental Shop-Vehicle Storage Offsite
6416 Auto Washing, Polishing and Detailing
6417 Auto Washing-Self Service
6493 Watch, Clock, Jewelry Repair and Engraving
6496 Locksmiths and Key Shops
6510 Medical and Other Health Services
6519 Other Medical Services, NEC
6520 Legal Services
6530 Engineering Services
6550 Data Processing Services
6590 Professional Services, NEC
6830 Special Training and Schooling
6920 Welfare and Charitable Service With No Residential Uses
6930 Business, Professional and Labor Organizations and Services
7100 Cultural Activities and Nature Exhibitions
7200 Public Assembly (Except 7220)
7390 Amusements
* Small Scale is businesses occupying under 40,000 square feet

Section 8.10.07 Setback Requirements.
(1) Front Setback. Each structure in the (C) Commercial Zone shall have a front setback of not less than thirty (30) feet from the edge of the road right-of-way.
(2) Side Setbacks. All structures shall have side setbacks of a twelve (12) feet minimum.
(3) Rear Setbacks. All structures shall have rear setbacks of a ten (10) feet minimum.
(4) Corner Properties. No building shall be located closer than thirty (30) feet to a street. Corner properties shall be treated as though they have two front setbacks, and landscaping would apply to both front setbacks.
(5) Setbacks for Lots Bordering Residential Zones. For information on transitional development standards for non-residential uses bordering residential zones (See Section 8.21.19).
Section 8.10.08 Distance Between Buildings.
The adopted building code shall determine the distance between buildings.

Section 8.10.09 Building Height.
Height of all dwellings, accessory buildings, and/or structures shall not exceed forty feet (40) feet above natural grade unless approved as a Conditional Use. Additional setbacks apply for commercial buildings over twenty (20) feet high when bordering residential uses (See Section 8.21.19).

Section 8.10.10 Site Plan Provisions.
Prior to the construction of any building in the (C) Commercial Zone, a site plan shall be submitted to the planning office and taken to the Development Review Committee for approval. Submitted site plans shall be drawn to scale and shall contain the following information:
(1) The location of all existing and proposed buildings and structures on the site, with full dimensions showing distances between buildings and distances from buildings to adjacent property lines, and the location of any existing irrigation, culinary or fire-prevention waterlines;
(2) A landscaping plan showing the location, types, and initial sizes of all planting materials to be used together with the location of fences, walls, hedges, and decorative materials;
(3) Preliminary elevations of main buildings showing the general appearance and type of external materials to be used;
(4) Parking Lot layout;
(5) Dumpster Enclosure location;
(6) Site lighting;
(7) Neighboring uses;
(8) Irrigation Plan; and
(9) Utility Plan.

Section 8.10.11 Permissible Lot Coverage.
All structures must be so located on the lot so as to allow parking in the rear or side of the buildings. The total footprint of the structures shall not cover more than fifty (50) percent of the parcel on which the use is located.

Section 8.10.12 Parking, Loading and Access Requirements.
Each commercial use shall provide approved parking sufficient for the use, as well as a safe and adequate pedestrian access to the building. All loading and unloading must be done in accordance with the required standards of this title. For further regulations on parking and loading see Chapter 8.20.

Section 8.10.13 Other Requirements.
(1) Landscaping. Landscaping the property is a requirement for developments in this zone. Any portion of the lot not included in the structure or parking areas must be appropriately landscaped. The front landscape strip shall be thirty (30) feet on any side adjacent to a public street. A minimum of

(3) Permitted Accessory Uses. Accessory uses and structures are permitted in the (C) Commercial Zone provided they are ~~incidental to,~~ *IN CONJUNCTION WITH, AND NEXUS TO,* and do not substantially alter the character of the principal use or structure.

(a) Accessory buildings such as garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures, which are customarily used in conjunction with and are incidental to a principal use or structure.

(b) Swimming pools and incidental bath houses.

(c) Storage of materials used for the construction of a building including a temporary contractor' s office and/or tool shed, provided that such uses are on the building site, and provided further, that such use shall be for only the period of construction and thirty (30) days thereafter. Approval is subject to a bond and site plan approval from planning staff.

ADD- 8.10.02(3)(d)

STORAGE STRUCTURES TO BE RENTED BY 3RD PARTY TENANTS ARE PROHIBITED

Section 8.10.03 Conditional Uses.

The following shows the uses and structures that are permitted in the (C) Commercial Zone only after a conditional use permit has been approved, and subject to the terms and conditions thereof.

Conditional Uses in the (C) Commercial Zone

Use Number Use Classification-All must be done as a Planned Performance Development

4811 Electric Transmission Lines Over 38 KVA and Less Than 35' In Height

4812 Electric Generation Plants

5210 Lumber and Other Building Materials-Large Scale *

5220 Heating and Plumbing Equipment-Large Scale *

5230 Paint, Glass and Wallpaper-Large Scale *

5240 Electrical Supplies-Large Scale *

5250 Hardware and Supplies-Large Scale *

5310 Department Stores-Large Scale *

5320 Mail and Phone Order Houses-Large Scale *

5330 Variety Stores-Large Scale *

5390 Other Retail Trade-General Merchandise-Large Scale *

5400 Food-Large Scale *

6397 Automobile, Truck and Trailer Rentals

7220 Sport Assembly

* Large Scale means businesses that occupy up to 40,000 square feet.

Section 8.10.04 Lot Area.

Each development lot in the (C) Commercial Zone shall be one-half (1/2) acre minimum and shall be large enough to accommodate the business facility, parking, landscaped areas and setbacks required by the approval of the use and established in this title.

Section 8.10.05 Lot Width.

No width requirements are established for this zone, except that the width of the property must be adequate to accommodate the use proposed, the setback, gathering and buffer requirements, and the off-street parking required.

Section 8.10.06 Lot Frontage.

Each lot or parcel of land in the (C) Commercial Zone shall abut a public road or road built to Town of Daniel standards for a minimum distance of fifty (50) feet on a line parallel to the centerline of the road.

ten (10) percent of the lot shall be landscaped. For specific landscaping regulations see Section 8.21.10.

(2) Refuse and Debris. The entire lot shall be kept free from refuse, debris and waste material. All such refuse, garbage debris and waste material shall be kept in approved containers and stored within a building or enclosed in a sight-obscuring fence or wall of not less than six (6) feet in height. Garbage containers shall not be located within the required front setback (See Section 8.21.15).

(3) Emissions. No dust, noticeable odor, smoke, vibration, intermittent light or noise shall be emitted which is discernible beyond the property boundary lines (See Chapter 8.28).

(4) Storage. All storage and outside activities, except loading and unloading, shall be enclosed within a building or if approved as part of the Conditional Use, within an area that is enclosed with a sight obscuring fence at least six (6) feet and no more than eight (8) feet in height (See Section 8.21.15).

(5) Sewer System. All uses located within a (C) Commercial Zone shall be connected to a sewer system. Development within an existing (C) Commercial Zone, prior to the adoption of this title is exempt from this requirement.

(6) Maintenance. All signs, structures, parking areas, landscaping or other portions of the development that are visible from either an adjoining residential use, or from a major street or highway, shall be kept in good repair and maintenance at all times. Failure to do so may be grounds for refusal to renew any business license or conditional use permit.

(7) Adequate Water. No use may be permitted unless it is shown that there is an adequate supply of water for the use and fire flow.

(8) Signs. Any signs or other form of advertising must comply with the sign provisions of this title. Any signs fronting a state highway shall be monument signs (See Chapter 8.26).

(9) Building Design. Architectural renderings of all buildings shall be provided. Buildings with exterior facades facing a public street must have a minimum of forty (40) percent decorative masonry. Windows can be included in a portion of the masonry percentage calculation.

(10) Additional Regulations. See also Chapters 8.21 (Supplementary Development Standards) and 8.27 (Development Standards) for regulations that apply to this zone. In the event of a conflict between these chapters and the regulations contained in this chapter, the regulations of this chapter would control.