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Sponsors: ALD. D'AMATO, ALD. BAUMAN, ALD. MURPHY

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9/6/2006	0	COMMON COUNCIL	ASSIGNED TO		
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060639
ORIGINAL

ALD. D'AMATO, BAUMAN AND MURPHY
An ordinance relating to zoning regulations for large retail developments.
295-421 cr
295-603-1 (table) am
295-603-2-f rc
295-603-2-g rn
295-603-2-g cr
295-603-2-h rn
295-603-2-i rn
295-603-2-j rn
295-603-2-k rn
295-603-2-L rn
295-603-2-m rn
295-603-2-n rn
295-603-2-o rn
295-603-2-p rn
295-603-2-q rn
295-603-2-r rn
295-603-2-s rn

295-603-2-t rn
295-603-2-u rn
295-603-2-v rn
295-603-2-w rn
295-603-2-x rn
295-603-2-y rn
295-603-2-z rn
295-603-2-aa rn
295-803-1 (table) am
295-803-2-g rn
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295-803-2-n rn
295-803-2-o rn
295-803-2-p rn
295-803-2-q rn
295-803-2-r rn
295-803-2-s rn
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295-803-2-aa rn
295-803-2-bb rn
295-803-2-cc rn
295-803-2-dd rn
295-803-2-ee rn
295-803-2-ff rn
295-803-2-gg rn
295-803-2-hh rn
295-907-2-c-13 cr
295-907-3-o cr

This ordinance defines a “large retail development” as:

1. In the NS2, LB2, RB2, CS, IM, PD and DPD zoning districts, at least 14,000 square feet of new development located on one lot and occupied by one or more general retail establishments or home improvement centers.
2. In the NS1, LB1 and RB1 zoning districts, at least 45,000 square feet of new development located on one lot and occupied by one or more general retail establishments or home improvement centers.

This ordinance requires that a large retail development be developed as a planned development.

This means that the site of the large retail development must be rezoned to general planned development or detailed planned development. In addition, the developer shall prepare a general or detailed development plan for the project. Every detailed development plan for a large retail development shall specify building design standards for the development, including standards in the following areas:

1. Maximum building footprint.
2. Façade characteristics of smaller retail stores (less than 14,000 square feet).
3. Design of facades and exterior walls.
4. Roof design.
5. Materials and colors.
6. Building entrances.
7. Screening of mechanical equipment.

The detailed development plan shall also specify site design standards for the large retail development, including standards relating to:

1. Traffic impacts on the surrounding area.
2. Vehicular access.
3. Storm water management.
4. Pedestrian flow (i.e., sidewalk location and design).
5. Provision of central features and common spaces (e.g., outdoor patio or seating area).
6. Outdoor sales.
7. Location and screening of outdoor storage, trash collection, loading areas and mechanical equipment.
8. Accessory uses.
9. Temporary or seasonal uses.
10. Parking lots and structures.

The application for approval of the detailed development plan shall also include a statement of any policy that the owner may have adopted regarding the maintenance, upkeep, re-use or disposition of vacant buildings under the owner's control, as well as any policy that the owner may have adopted regarding the placement of deed restrictions on properties sold by the owner.

Finally, this ordinance requires the owner of a large retail development to maintain that development

in accordance with all provisions of this code and the approved general or detailed plan for the development. Also, if the large retail development is vacated, the owner shall, within 12 months, submit to the plan commission a plan for the maintenance, upkeep and possible use or disposition of the vacant building or buildings. If the owner fails to provide, within the time allowed, a plan that specifically addresses these issues, the commissioner of neighborhood services shall proceed to take the actions necessary to impose the appropriate penalties specified in the code.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 295-421 of the code is created to read:

295-421. Large Retail Developments. 1. **PURPOSE.** The common council finds that it is necessary and beneficial to ensure that new, large-scale retail development in the city of Milwaukee is attractive and well-designed, compatible with existing nearby land uses, appropriate for an urban or suburban environment (depending on the existing zoning classification), enhances the streetscape, and encourages and supports pedestrian activity. The development standards of this section are adopted for the purpose of supporting these objectives and to promote the following general guidelines for large retail developments:

- a. The number of parking spaces shall be kept to a minimum. Improved public transportation and shared parking facilities shall be explored as alternatives to on-site surface parking lots.
- b. Parking lots shall be divided into smaller areas to minimize their visual impact. Each parking lot shall be designed to complement the building it serves and the surrounding neighborhood, and shall provide pedestrian access from the neighborhood to the building. In some locations, parking structures will be necessary.
- c. Surface water runoff shall be handled on-site.
- d. Pedestrian access to the retail development shall be safe, direct and attractive, providing links through the parking lot to the public realm and other nearby businesses.
- e. The urban edge of existing development shall be maintained. Where there is no existing urban edge, creation of an urban edge shall be encouraged. Building at the street property line is preferable to development that is set back from the street. Other options are to build smaller corner or edge buildings that function as smaller, separate retail spaces wrapped around the perimeter of a large retail establishment. Landscaping or fencing can also be used to enhance the appearance of the development along the street frontage.
- f. Large retail buildings shall be well-designed so that they will be assets to the community long into the future.
- g. Facades shall be designed so that the development provides maximum visual interest to the street or streets on which it is located.

2. APPLICABILITY. For purposes of this section, “large retail development” means:

- a. In the NS2, LB2, RB2, CS, IM, PD and DPD districts, at least 14,000 square feet of new development located on one lot and occupied by one or more general retail establishments or home improvement centers. For purposes of determining whether development is subject to this section, square footage shall be the total gross floor area of the first and second stories of all structures

located on the lot and occupied by general retail establishments or home improvement centers.

b. In the NS1, LB1 and RB1 districts, at least 45,000 square feet of new development located on one lot and occupied by one or more general retail establishments or home improvement centers. For purposes of determining whether development is subject to this section, square footage shall be the total gross floor area of the first and second stories of all structures located on the lot and occupied by general retail establishments or home improvement centers.

3. PLANNED DEVELOPMENT REQUIREMENT. No large retail development may be constructed or occupied unless a planned development district is established for the development site in accordance with the provisions of s. 295-907-2. Any study, plan or other document required under this section shall be in addition to the application requirements for general planned developments and detailed planned developments under s. 295-907-2, and shall be considered part of the required application materials for establishment of the planned development district.

4. BUILDING DESIGN STANDARDS. The detailed development plan for any large retail development constructed after the effective date of this ordinance [city clerk to insert date] shall include building design standards in the following areas:

a. Maximum building footprint for new general retail establishments or home improvement centers, with bonus provisions for establishments in multi-story or mixed-use developments having structured or underground parking facilities.

b. Façade design for separately-owned or operated stores in the large retail development which have less than 14,000 square feet of gross floor area each.

c. Facade and exterior-wall design, with emphases on disguising the large retail development's massive scale, preventing a uniform and spartan appearance, and providing visual interest consistent with the community's identity, character and scale.

d. Roof designs, with particular emphasis on ensuring that rooflines will be varied, add interest to and reduce the massive scale of large buildings, and complement the architectural and visual character of adjoining neighborhoods.

e. Exterior building materials and colors, with emphasis on the use of high-quality materials and colors that are aesthetically pleasing and compatible with materials and colors that are used in adjoining neighborhoods.

f. The number, placement and design of building entrances, with emphasis on providing entrances in a way that maximizes pedestrian access and mitigates the aesthetic impacts of large, uninterrupted facades, perhaps including one or more of the following features:

f-1. Canopies or porticos.

f-2. Overhangs.

f-3. Recesses or projections.

f-4. Arcades.

f-5. Raised, corniced parapets over the entrance.

f-6. Display windows.

f-7. Peaked roof forms.

f-8. Arches.

f-9. Outdoor patios.

f-10. Architectural details, such as tile work and moldings that are integrated into the building.

f-11. Integral planters or wing walls that incorporate landscaped areas or places for sitting.

g. Screening of mechanical equipment to mitigate noise and views in all directions.

5. SITE DESIGN STANDARDS. The detailed development plan for any large retail development constructed after the effective date of this ordinance [city clerk to insert date] shall include site design standards in the following areas:

a. Provision, by the developer, of a traffic impact study of the proposed large retail development.

b. Vehicular access, with emphasis on promoting the safety and protection of adjacent land uses.

c. Preparation of a storm water management plan, as described in and required by s. 120-9.

d. Provision of landscaping and residential buffers.

e. Provision of safe and attractively-designed sidewalks for both internal pedestrian flow and to maximize access from parking areas and adjacent public sidewalks or right-of-way.

f. Provision of central features and community spaces, such as:

f-1. Outdoor patio or seating area.

f-2. Pedestrian plaza with benches.

f-3. Transportation center for use by transit riders.

f-4. Window shopping walkway.

f-5. Outdoor playground area.

f-6. Kiosk area.

f-7. Water feature, such as a pond, fountain or waterfall.

f-8. Planter wall.

f-9. Other deliberately shaped area or focal feature or amenity that substantially enhances

community and public spaces in the development.

f-10. Outdoor employee amenities, such as break areas.

g. Provision of outdoor lighting which complies with the lighting standards of s. 295-409.

h. Design and screening of outdoor sales areas.

i. Location and screening of outdoor storage, trash collection, loading areas and mechanical equipment, as well as hours during which delivery and loading activities may occur.

j. Permissible accessory uses and their location, with emphasis on compatibility with the principal use and mitigating potential negative impacts on adjacent residential uses, residentially-zoned properties or other adjacent properties.

k. Defining and screening of non-enclosed areas used for the storage and sale of seasonal inventory.

L. Location and design of parking lots and structures, with emphasis on providing safe, convenient and efficient access for vehicles and pedestrians and minimizing the aesthetic impact of parking areas.

6. PROPERTY MAINTENANCE AND REUSE. Any large retail development constructed after the effective date of this ordinance [city clerk to insert date] shall be subject to the following requirements:

a. **Property Maintenance.** The owner of the property shall maintain it in accordance with all provisions of this code and the approved general or detailed plan for the development. If the property is found to be non-compliant with the code or the approved plan, the city may take action to correct the situation after providing the owner with notice of the defective condition and an opportunity to correct it. The cost of any corrective action by the city shall be assessed as a special charge against the property, to be added to the property tax bill pursuant to s. 66.0627, Wis. Stats.

b. **Plan for Vacant Facility.** If a large retail development is vacated, the owner shall, within 12 months, submit to the commission a plan for the maintenance, upkeep and possible use or disposition of the vacant building or buildings. This time limit may be extended by the commission at its discretion. If the owner fails to provide, within the time allowed, a plan that specifically addresses these issues, the commissioner of neighborhood services shall proceed to take the actions necessary to impose the appropriate penalties specified in s. 295-309-6.

7. MODIFICATIONS TO DEVELOPMENT. Modifications to a large retail development developed pursuant to the provisions of this section shall be permitted in accordance with the plan modification procedures of s. 295-907-2-i.

Part 2. Table 295-603-1 of the code is amended to read:

Table 295-603-1 COMMERCIAL DISTRICTS USE TABLE							
Y = Permitted	Zoning Districts						
Uses	NS1	NS2	LB1	LB2	RB1	RB2	CS
RESIDENTIAL USES							
Single-family	Y	Y	Y	Y	Y	Y	Y

Two-family d	Y	Y	Y	Y	Y	Y	Y
Multi-family d	Y	Y	Y	Y	Y	Y	Y
Attached sing	Y	Y	Y	Y	Y	Y	Y
Live-work un	Y	Y	Y	Y	Y	Y	Y
Mobile home	N	N	N	N	N	N	N
Watchman/s	N	N	N	N	N	N	N
Family day c	L	L	L	L	L	L	L
GROUP RESIDENTIAL USES							
Rooming hou	S	S	S	S	S	S	S
Convent, rec	Y	Y	Y	Y	Y	Y	Y
Dormitory	S	S	S	S	S	S	S
Fraternity or	S	S	S	S	S	S	S
Adult family h	L	L	L	L	L	L	L
<i>Foster Home</i>							
Foster fami	Y	Y	Y	Y	Y	Y	Y
Small foste	L	L	L	L	L	L	L
Group hom	L	L	L	L	L	L	L
<i>Shelter Care</i>							
Family she	Y	Y	Y	Y	Y	Y	Y
Small grou	L	L	L	L	L	L	L
Large grou	S	S	S	S	S	S	S
Community li	L	L	L	L	L	L	L
Transitional i	S	S	S	S	S	S	S
EDUCATIONAL USES							
Day care cer	S	S	S	S	S	S	S
School, elementar	Y	Y	Y	Y	Y	Y	Y
College	Y	Y	Y	Y	Y	Y	Y
School, specialty d	Y	Y	Y	Y	Y	Y	Y
COMMUNITY-SERVING USES							
Library	Y	Y	Y	Y	Y	Y	Y
Cultural institution	Y	Y	Y	Y	Y	Y	Y
Community center	S	S	S	S	S	S	S
Religious assembl	S	S	S	S	Y	Y	Y
Cemetery or other	N	N	N	N	N	N	N
Public safety facilit	Y	Y	Y	Y	Y	Y	Y
Correctional facilit	N	N	N	N	N	N	N
COMMERCIAL AND OFFICE USES							
General office	Y	Y	Y	Y	Y	Y	Y
Government office	Y	Y	Y	Y	Y	Y	Y

Bank or other financial institution	Y	Y	Y	Y	Y	Y	Y
Currency exchange	S	S	S	S	S	S	S
Retail establishment	L	L	L	L	L	L	L
Garden supply or nursery	N	N	Y	Y	Y	Y	Y
Health care and social assistance uses	[[N]]	[[N]]	[[S]]	[[S]]	[[Y]]	[[Y]]	[[Y]]
Secondhand store	S	S	S	S	S	S	S
Outdoor merchant	S	S	S	S	S	S	S
Artist studio	Y	Y	Y	Y	Y	Y	Y
Adult retail establishment	N	N	N	N	S	S	N
HEALTH CARE AND SOCIAL ASSISTANCE USES							
Medical office	Y	Y	Y	Y	Y	Y	Y
Health clinic	S	S	S	S	S	S	S
Hospital	N	N	S	S	S	S	S
Medical research	N	N	S	S	S	S	Y
Medical service facility	N	N	S	S	S	S	S
Social service facility	S	S	S	S	S	S	S
Emergency residence	S	S	S	S	S	S	S
Nursing home	S	S	Y	Y	Y	Y	Y
GENERAL SERVICE USES							
Personal service	Y	Y	Y	Y	Y	Y	Y
Business service	Y	Y	Y	Y	Y	Y	Y
Building maintenance	N	N	S	S	Y	Y	Y
Catering service	Y	Y	Y	Y	Y	Y	Y
Funeral home	Y	Y	Y	Y	Y	Y	Y
Laundromat	Y	Y	Y	Y	Y	Y	Y
Dry cleaning establishment	Y	Y	Y	Y	Y	Y	Y
Furniture and appliance	S	S	Y	Y	Y	Y	Y
Household maintenance	Y	Y	Y	Y	Y	Y	Y
Tool/equipment rental	Y	Y	Y	Y	Y	Y	Y
<i>Animal Services</i>							
Animal hospital/clinic	L	L	L	L	L	L	L
Animal boarding	L	L	L	L	L	L	L
Animal grooming	L	L	L	L	L	L	L
MOTOR VEHICLE USES							
Light Motor Vehicle							
Sales facility	N	N	S	S	Y	Y	S
Rental facility	L	L	L	L	Y	Y	Y
Repair facility	N	N	S	S	S	S	S

Body shop	N	N	S	S	S	S	S
Outdoor storage	N	N	S	S	S	S	S
Wholesale	L	L	L	L	L	L	L
<i>Heavy Motor Vehicle</i>							
Sales facility	N	N	S	S	S	S	S
Rental facility	N	N	S	S	S	S	S
Repair facility	N	N	N	N	S	S	N
Body shop	N	N	N	N	S	S	N
Outdoor storage	N	N	N	N	S	S	N
<i>General Motor Vehicle</i>							
Filling station	N	N	S	S	S	S	S
Car wash	N	N	L	L	L	L	L
Drive-through facility	L	L	L	L	L	L	L
<i>Parking</i>							
Parking lot, principal	L	L	Y	L	Y	L	L
Parking lot, accessory	Y	L	Y	L	Y	Y	Y
Parking structure	S	S	L	L	L	L	L
Parking structure	Y	L	Y	L	Y	Y	Y
Heavy motor vehicle	N	N	S	S	S	S	S
Heavy motor vehicle	S	S	S	S	S	S	S
ACCOMMODATION AND FOOD SERVICE USES							
Bed and breakfast	Y	Y	Y	Y	Y	Y	Y
Hotel, commercial	Y	Y	Y	Y	Y	Y	Y
Hotel, residential	Y	Y	Y	Y	Y	Y	Y
Tavern	L	L	Y	Y	Y	Y	Y
Assembly hall	S	S	S	S	S	S	S
Restaurant, sit-down	Y	Y	Y	Y	Y	Y	Y
Restaurant, fast-food	L	L	L	L	L	L	L
ENTERTAINMENT AND RECREATION USES							
Park or playground	Y	Y	Y	Y	Y	Y	Y
Festival grounds	N	N	N	N	N	N	N
Recreation facility	S	S	Y	Y	Y	Y	Y
Recreation facility	S	S	S	S	S	S	S
Health club	Y	Y	Y	Y	Y	Y	Y
Sports facility	N	N	S	S	S	S	S
Gaming facility	N	N	N	N	N	N	N
Theater	L	L	Y	Y	Y	Y	Y
Convention and exhibition	N	N	S	S	S	S	S
Marina	Y	Y	Y	Y	Y	Y	Y

Outdoor racing facility	N	N	N	N	N	N	N
Adult entertainment	N	N	N	N	S	S	N
STORAGE, RECYCLING AND WHOLESALE TRADE USES							
Recycling collection	S	S	S	S	S	S	S
Mixed-waste processing	N	N	N	N	N	N	N
Material reclamation	N	N	N	N	N	N	N
Salvage operation	N	N	N	N	N	N	S
Salvage operation	N	N	N	N	N	N	N
Wholesale and distribution	S	S	L	L	L	L	Y
Wholesale and distribution	N	N	S	S	S	S	S
<i>Storage Facilities</i>							
Indoor	S	S	L	L	L	L	Y
Outdoor	N	N	S	S	S	S	S
Hazardous material	N	N	N	N	N	N	N
TRANSPORTATION USES							
Ambulance service	N	N	S	S	Y	Y	S
Ground transportation	N	N	S	S	S	S	L
Passenger terminal	N	N	Y	Y	Y	Y	Y
Helicopter landing	N	N	S	S	S	S	S
Airport	N	N	N	N	N	N	N
Ship terminal or dock	N	N	N	N	N	N	N
Truck freight terminal	N	N	N	N	N	N	N
Railroad switching	N	N	N	N	N	N	N
INDUSTRIAL USES							
Manufacturing, light	N	N	L	L	L	L	L
Manufacturing, heavy	N	N	N	N	N	N	N
Manufacturing, intensive	N	N	N	N	N	N	N
Research and development	N	N	S	S	S	S	S
Processing or recycling	N	N	N	N	N	N	N
Contractor's shop	N	N	L	L	L	L	L
Contractor's yard	N	N	S	S	S	S	S
AGRICULTURAL USES							
Plant nursery or greenhouse	N	N	N	N	N	N	N
Raising of crops or livestock	N	N	N	N	N	N	N
UTILITY AND PUBLIC SERVICE USES							
Broadcasting or radio	N	N	Y	Y	Y	Y	Y
Transmission tower	L	L	L	L	L	L	L
Water treatment plant	S	S	Y	Y	Y	Y	Y
Wastewater treatment	N	N	N	N	N	N	N

Sewage treatment	N	N	N	N	N	N
Power generation	N	N	N	N	N	N
Substation/distribu	S	S	S	S	S	S
Substation/distribu	L	L	L	L	L	L
TEMPORARY USES						
Seasonal market	L	L	L	L	L	L
Temporary real es	L	L	L	L	L	L
Concrete/batch pla	L	L	L	L	L	L
Live entertainment	L	L	L	L	L	L

Part 3. Section 295-603-2-f of the code is repealed and recreated to read:

295-603. Uses.

2. LIMITED USE STANDARDS.

f. General Retail Establishment. f-1. The use shall not be operated between 12 a.m. and 5 a.m. if it is located within 150 feet of a residential district. This limitation shall not apply to a convenience store which is open between the hours of 12 a.m. and 5 a.m.

f-2. If the use constitutes a large retail development, as defined in s. 295-421-2, the requirements of s. 295-421 shall apply.

Part 4. Section 295-603-2-g to aa of the code is renumbered 295-603-h to bb.

Part 5. Section 295-603-2-g of the code is created to read:

g. Home Improvement Center. If the use constitutes a large retail development, as defined in s. 295-421-2, the requirements of s. 295-421 shall apply.

Part 6. Table 295-803-1 of the code is amended to read:

Table 295-803-1 INDUSTRIAL DISTRICTS USE TABLE				
Y = Permitted	Zoning Districts			
Prohibited Use				
Uses	IO1/ IO2	IL1/ IL2	IM	IH
RESIDENTIAL USES				
Single-family	N	N	Y	N
Two-family d	N	N	Y	N
Multi-family d	N	N	Y	N
Attached sing	N	N	Y	N
Live-work uni	N	N	Y	N
Mobile home	N	N	N	N
Watchman/se	Y	Y	N	Y
Family day ca	N	N	Y	N

GROUP RESIDENTIAL USES				
Rooming hou	N	N	S	N
Convent, rec	N	N	Y	N
Dormitory	N	N	S	N
Fraternity or	N	N	S	N
Adult family	N	N	L	N
<i>Foster Home</i>				
Foster fami	N	N	Y	N
Small foste	N	N	L	N
Group hom	N	N	L	N
<i>Shelter Care</i>				
Family shel	N	N	Y	N
Small group	N	N	L	N
Large group	N	N	S	N
Community li	N	N	L	N
Transitional li	N	N	S	N
EDUCATIONAL USES				
Day care cen	S	S	L	S
School, elem	N	N	Y	N
College	S	S	S	N
School, spec	S	S	S	N
COMMUNITY-SERVING USES				
Library	N	N	Y	N
Cultural instit	N	N	L	N
Community c	N	N	S	N
Religious ass	N	N	S	N
Cemetery or	N	N	N	N
Public safety	Y	Y	Y	Y
Correctional	N	N	N	N
COMMERCIAL AND OFFICE USES				
General offic	Y	Y	Y	L
Government	Y	Y	Y	L
Bank or other	S	S	Y	N
Currency exc	N	N	S	N
Retail establi	N	N	[[Y]] >>L<<	N
Garden supp	N	Y	Y	N
Home improv	N	[[Y]] >>L<<	[[Y]] >>L<<	N
Secondhand	N	N	S	N
Outdoor mer	N	N	L	N

Artist studio	N	Y	Y	N
Adult retail es	N	N	S	N
HEALTH CARE AND SOCIAL ASSISTANCE				
Medical office	S	N	S	N
Health clinic	L	N	S	N
Hospital	N	N	N	N
Medical rese	Y	Y	Y	N
Medical servi	N	S	N	N
Social service	N	S	S	N
Emergency r	N	N	N	N
Nursing hom	N	N	N	N
GENERAL SERVICE USES				
Personal ser	N	N	Y	N
Business ser	Y	S	Y	N
Building main	S	Y	S	N
Catering serv	S	Y	Y	N
Funeral home	N	N	N	N
Laundromat	N	N	Y	N
Dry cleaning	N	N	Y	N
Furniture and	N	N	Y	N
Household m	N	Y	Y	N
Tool/equipme	N	Y	Y	N
<i>Animal Service</i>				
Animal hos	N	Y	L	Y
Animal boa	N	Y	L	Y
Animal gro	N	Y	L	Y
MOTOR VEHICLE USES				
<i>Light Motor V</i>				
Sales facilit	L	S	S	S
Rental facil	L	S	S	S
Repair facil	L	S	S	L
Body shop	L	S	S	L
Outdoor sto	L	Y	S	Y
Wholesale	Y	Y	Y	Y
<i>Heavy Motor</i>				
Sales facilit	L	Y	S	Y
Rental facil	L	Y	S	Y
Repair facil	L	L	S	L
Body shop	L	L	S	L

Outdoor storage	L	S	S	Y
General Motor Vehicle				
Filling station	S	S	S	S
Car wash	S	S	S	S
Drive-through	S	S	S	S
Parking				
Parking lot	Y	Y	L	Y
Parking lot	Y	Y	L	Y
Parking structure	Y	Y	L	Y
Parking structure	Y	Y	L	Y
Heavy motor vehicle	S	L	L	Y
Heavy motor vehicle	Y	Y	Y	Y
ACCOMMODATION AND FOOD SERVICE USES				
Bed and breakfast	N	N	Y	N
Hotel, commercial	L	N	Y	N
Hotel, residential	N	N	Y	N
Tavern	L	L	Y	L
Assembly hall	S	S	S	N
Restaurant, small	L	L	Y	L
Restaurant, full	L	L	L	L
ENTERTAINMENT AND RECREATION USES				
Park or playground	S	S	S	S
Festival grounds	N	N	N	N
Recreation facility	N	S	Y	N
Recreation facility	N	N	S	N
Health club	L	L	Y	N
Sports facility	N	S	S	N
Gaming facility	N	S	N	N
Theater	N	N	Y	N
Convention arena	S	N	S	N
Marina	Y	Y	Y	Y
Outdoor racetrack	N	N	N	S
Adult entertainment	N	N	N	N
STORAGE, RECYCLING AND WHOLESALE TRADE USES				
Recycling collection	S	Y	S	Y
Mixed-waste	N	L	S	L
Material recycling	N	N	N	L
Salvage operation	L	L	L	L
Salvage operation	N	S	S	S

Wholesale and	Y	Y	Y	Y
Wholesale and	S	Y	S	Y
Storage Facility				
Indoor	Y	Y	Y	Y
Outdoor	N	Y	S	Y
Hazardous	N	N	N	S
TRANSPORTATION USES				
Ambulance station	Y	Y	S	Y
Ground transportation	S	Y	S	Y
Passenger terminal	Y	Y	Y	Y
Helicopter landing	S	S	S	S
Airport	N	Y	N	N
Ship terminal	N	Y	N	Y
Truck freight	N	S	S	L
Railroad switch	N	Y	Y	Y
INDUSTRIAL USES				
Manufacturing	Y	Y	Y	Y
Manufacturing	N	S	S	Y
Manufacturing	N	N	N	S
Research and	Y	Y	Y	Y
Processing of	N	N	N	S
Contractor's	S	Y	Y	Y
Contractor's	S	Y	Y	Y
AGRICULTURAL USES				
Plant nursery	Y	Y	Y	Y
Raising of crops	Y	Y	Y	Y
UTILITY AND PUBLIC SERVICE USES				
Broadcasting	Y	S	Y	S
Transmission	L	L	L	L
Water treatment	Y	Y	Y	Y
Sewerage treatment	N	Y	N	Y
Power generation	N	S	N	Y
Substation/distribution	S	Y	S	Y
Substation/distribution	L	Y	L	Y
TEMPORARY USES				
Seasonal maintenance	L	L	L	L
Temporary relocation	L	L	L	L
Concrete/batch	L	L	L	L
Live entertainment	L	L	L	L

Part 7. Section 295-803-2-g to hh of the code is renumbered 295-803-2-h to ii.

Part 8. Section 295-803-2-g of the code is created to read:

295-803. Uses.

2. LIMITED USE STANDARDS.

g. General Retail Establishment or Home Improvement Center. If the use constitutes a large retail development, as defined in s. 295-421-2, the requirements of s. 295-421 shall apply.

Part 9. Section 295-907-2-c-13 of the code is created to read:

295-907. Planned Development District (PD/DPD).

2. PROCEDURES.

c. Application Requirements; Detailed Plan.

c-13. For a large retail development, as defined in s. 295-421-2:

c-13-a. Detailed building design standards and site design standards in all of the areas identified in s. 295-421-4 and 5. The applicant shall also provide a detailed description, with accompanying plans and other graphics, of how the proposed development will comply with these standards.

c-13-b. A statement of any policy that the owner may have adopted regarding the maintenance, upkeep, re-use or disposition of vacant buildings under the owner's control, as well as any policy that the owner may have adopted regarding the placement of deed restrictions on properties sold by the owner.

Part 10. Section 295-907-3-o of the code is created to read:

3. STANDARDS.

o. Large Retail Development. In addition to the other requirements of this subsection, every large retail development shall comply with building and site design standards in each of the areas identified in s. 295-421-4 and 5. The specific standards shall be set forth in the detailed development plan for the planned development district containing the large retail development. In the event that a standard promulgated pursuant to s. 295-421-4 or 5 conflicts with a standard of pars. a to n, the standard created pursuant to s. 295-421-4 or 5 shall apply.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney
Date: _____

LRB06011-1
JDO
09/06/2006