

CITY of ROCKPORT, TEXAS



**PLANNING AND ZONING
PACKET**

MARCH 22, 2021

PLANNING & ZONING COMMISSION AGENDA

Notice is hereby given that the Rockport Planning & Zoning Commission will hold a meeting on Monday, March 22, 2021, at 5:30 p.m. The meeting will be held in person with social distancing guidelines and using the video conferencing application ZOOM. A temporary suspension of the Open Meetings Act to allow telephone or video conference public meeting has been granted by Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code. Video conferencing capabilities will be utilized to allow individuals to address the Planning & Zoning Commission. Members of the public are entitled to participate remotely via Zoom at <https://us02web.zoom.us/j/88151929670> or scan the QR code to the right.



Due to the COVID-19 pandemic, the attorney general has said: “statutes that may be interpreted to require face-to-face interaction between members of the public and public officials are suspended; provided, however, that the governmental bodies must offer alternative methods of communicating with their public officials.” Public participation is valued and citizens wishing to express their views on agenda items can electronically submit a citizen participation form in order to register to speak by going to <https://rockport.seamlessdocs.com/f/BoardsCitizenParticipation> or scanning the QR code to the right, or if attending the meeting in person register at the meeting. Using the same form, citizens can also provide written comments to the Community Planner by 4:00 p.m. on the day of the meeting. The Chair will read the comments and they will be summarized in the minutes of the meeting.



The matters to be discussed and acted upon are as follows:

Opening Agenda

1. Call meeting to order.

Regular Agenda

2. Deliberate and act on approval of the regular meeting minutes of March 1, 2021.
3. Deliberate and act on a Final Plat submitted by Staudt Investment Properties, LLC, for development of a single-family dwelling and commercial development subdivision to be known as Kokomo Subdivision, Phase II—located at 2202 FM 3036.
4. Deliberate possible changes or updates to Section 118-15 of the Code of Ordinances, B-1 (General Business District).
5. Adjournment.

Special Accommodations

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 729-2213 ext. 225 or fax (361) 790-5966 or e-mail citysec@cityofrockport.com for further information. Braille is not available.

Certification

I certify that the above notice of meeting was posted on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, on Tuesday, March 16, 2021, at 11:30 a.m. and on the City's website at www.cityofrockport.com. I further certify that the following News Media were properly notified of this meeting as stated above: *The Rockport Pilot* and *Corpus Christi Caller Times*.


Teresa Valdez, City Secretary

PLANNING & ZONING COMMISSION MINUTES

On this the 1st day of March 2021, the Planning and Zoning Commission of the City of Rockport held a meeting at 5:30 p.m. The meeting was held using the video conferencing application ZOOM. No in-person meeting was held at the Rockport Service Center. A temporary suspension of the Open Meetings Act to allow telephone or video conference public meeting has been granted by Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.

Members Present

Ruth Davis – Chair
Maynard Green – Vice Chairman
Kim Hesley
Warren Hassinger
Ric Young

Members Absent

Kent Howard – (EX)
Diana Severino-Saxon – (EX)

Staff Members Present

Mike Donoho, Director Building and Development
Amanda Torres, Community Planner
Mary Bellinger, Assistant to Director
J D Villa – Liaison

Guest(s) Present

Ten (10)

Call to Order

1. Called meeting to order at approximately 5:45 p.m.
2. Deliberate and act on approval of the regular meeting minutes of February 15, 2021.

Chair Davis asked for a motion to accept the February 15, 2021 regular meeting minutes. Commissioner Hassinger moved to accept the February 15, 2021 minutes as presented. Commissioner Young seconded the motion. All voted in favor- motion carried unanimously.

3. Deliberate and act on a request to rezone property located at 1802 FM 2165; also known as 1.343 acres of land out of a 10.345-acre tract, out of the J.W. Paup Survey, A-179, City of Rockport, Aransas County, Texas, and said 10.345 acres tract being described in a

deed of record under Clerk's File Number 339130, Official Public Records of Aransas County, Texas, to B-1 (General Business District) to serve as a buffer between housing development, known as Pearl Street Square, Currently zoned R-1 (1st Single Family Dwelling District).

Property owner Donnie Garcia spoke.
Paul Lippke spoke regarding drainage.
Andrew Oliver spoke.
Amanda Torres spoke.
Mike Donoho spoke.

After a some discussion regarding rezoning property R-7 (Residential and Office District) instead of B-1 (General Business District), Chair Davis asked if there were any other questions or comments. Hearing none, Chair Davis asked for a motion.

MOTION:

Commissioner Hassinger moved to recommend rezoning property located at 1802 FM 2165, R-7 (Residential and Office District). Commissioner Young seconded the motion. A roll call vote was taken; Chair Davis voted for, Vice Chairman Green voted for, Commissioner Hesley voted for, Commissioner Hassinger voted for, Commissioner Young voted for, with all Commissioners voting in favor and none opposed - motion carried unanimously.

4. Deliberate and act on a request to rezone property located at 1802 FM 2165; also known as 7.253 acres of land out of a 10.345 acre tract, out of the J.W. Paup Survey, A-179, City of Rockport, Aransas County, Texas, and said 10.345 acre tract being described in a deed of record under Clerk's File Number 339130, Official Public Records of Aransas County, Texas, to R-2 (2nd Single Family Dwelling District) to develop an over 55-years-of-age gated community, currently zoned R-1 (1st Single Family Dwelling District).

Property owner Donnie Garcia spoke.
J D Villa spoke.

After a brief discussion Chair Davis asked if there were any other questions or comments. Hearing none, Chair Davis asked for a motion.

MOTION:

Commissioner Hassinger moved to recommend rezoning property located at 1802 FM 2165, R-2 (2nd Single Family Dwelling District) Commissioner Hesley seconded the motion. A roll call vote was taken; Chair Davis voted for, Vice Chairman Green voted for, Commissioner Young voted for, Commissioner Hassinger voted for, Commissioner Hesley voted for, with all Commissioners voting in favor and none opposed - motion carried unanimously.

5. Deliberate and act on a Concept Plan/Preliminary Plat submitted by Morey & Pamela Harper/Griffith & Brundrett Surveying for development of a new single-family residential subdivision in the City's Extraterritorial Jurisdiction to be known as Harper's Landing—located at 3601-3699 Loop 1781, Rockport, Texas.

Amanda Torres spoke.

After a brief discussion Chair Davis asked if there were any other questions or comments. Hearing none, Chair Davis asked for a motion.

MOTION:

Vice Chairman Green moved to accept the Concept Plan/Preliminary Plat as submitted for property located at 3601-3699 Loop 1781. Commissioner Young seconded the motion. A roll call vote was taken; Chair Davis voted for, Vice Chairman Green voted for, Commissioner Young voted for, Commissioner Hassinger voted for, Commissioner Hesley voted for, with all Commissioners voting in favor and none opposed - motion carried unanimously.

6. Discuss updating or changing sections of the Zoning Ordinance regarding manufactured homes (Section 118-9) and recreational vehicle/manufactured housing parks (Section 24.2.13).

Amanda Torres introduced Bryce Cox.
Bryce Cox with Urban Dynamics presented.
J D Villa spoke.

Adjournment

There being no further business, Chair Davis adjourned the meeting at approximately 7: 30 p.m.

Prepared By:

Mary Bellinger, Assistant to Director

Approved By:

Ruth Davis, Chair

PLANNING & ZONING AGENDA
Regular Meeting: Monday, March 22, 2021

AGENDA ITEM: 3

Deliberate and act on a Final Plat submitted by Staudt Investment Properties, LLC, for development of a single-family dwelling and commercial development subdivision to be known as Kokomo Subdivision, Phase II—located at 2202 FM 3036.

SUBMITTED BY: Building & Development Department

BACKGROUND: Staudt Investment Properties, LLC, as represented by Griffith & Brundrett Surveyors, has submitted a Final Plat for a single-family dwelling and commercial development subdivision to be known as Kokomo Subdivision, Phase II—located at 2202 FM 3036. The applicant proposes to build 28 single-family residential lots, 4 commercial lots, and 1 open space lot. The concept plan was approved in August 2020.

Please see the attached notes on the proposed final plat along with the concept plan. Staff has reviewed and approved the proposed final plat. It meets all City subdivision regulations.

STAFF RECOMMENDATION: Staff recommends approval of the Final Plat.

STAFF PLAT REVIEW COMMENTS

The following plats were reviewed by the city staff. The following items to be completed prior to the plat being approved by City officials and being recorded.

KOKOMO SUBDIVISION, PHASE II (FINAL PLAT - 18.181 ACRES)

Located south of FM 3036 and east of State Highway 35 Bypass

Applicant: Staudt Investment Properties, LLC

Surveyor: Griffith & Brundrett

The applicant proposes to build 28 single-family residential lots, 4 commercial lots, and 1 open space lot.

1. Four commercial lots are zoned B-1 General Business. Remaining lots are zoned R-1 1st Single Family Residential District.
2. Lot 1, Block 3 (zoned R-1) will be an open space/landscape lot.
3. All buildable lots are 7,000 square feet or larger.
4. Lots exceed 50-foot lot width minimum.
5. Property is outside of the Special Flood Hazard Area.
6. There will be a 30-foot access and utility easement across the commercial tracts in Phase II.
7. Kokomo Drive will be a 60' right-of-way (ROW) providing access out of the subdivision onto FM 3036 while Aruba Drive will be a 50' residential ROW.
8. Water lines will be looped into line on Olympic Drive.
9. Sanitary sewer will go to Olympic Drive lift station, which will need to be upgrade. Sewer for Phase I will tie to existing line on FM 3036 but will be abandoned in Phase II.
10. Residential drainage will flow through the subdivision to the detention pond at the south end of the property.
11. Commercial tracts will be sloped to encourage drainage toward the highway. Tracts are marked explaining that on-site detention will be required.
12. Subdivision requirements are met.

[illegible]

PRELIMINARY NOT RECORDABLE
FOR ANY PURPOSE

County of _____

[illegible]

State of Texas
County of Bexar
This instrument was acknowledged before me by

MARCO A. STRATY, Manager, Member of
STRATY INVESTMENT PROPERTIES, LLC

This on _____ day of _____, A.D. 2005.

 Secretary Public in and for the State of Texas

 Date of Issue _____
 Copy of _____

[Laminator's Certification]

FRONT UNITED BANK

I am hereby authorizing that I have on the following of a _____ day of _____, 19____, deposited with you the funds mentioned below for the maintenance of the _____ Savings Plan, and that I have authorized you to accept and disburse said plan for all necessary and legitimate expenses.

Yours truly, _____ A.B. JERRY

PRINT NAME & TITLE _____

SIGNATURE _____

Date of Exam _____
 County of _____

This instrument was acknowledged before me by _____

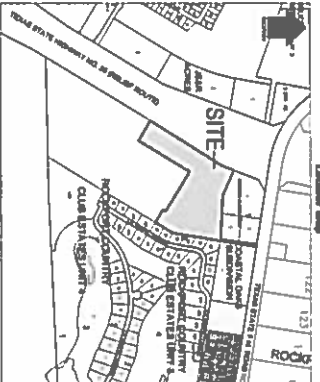
Noted for _____ day of _____ A.D. 2005

History Photo is set for the Class of 2000

KOKOMO SUBDIVISION, PHASE II

BENJAMIN PLAT OF 16.101 ACRES OF LAND, OUT OF 62.36 ACRES OF LAND, OUT OF THE GEORGE K. TAGGART, JR. TRUSTEE 1100.79 ACRES TRACT IN THE J.W. PUMP SURVEY A-119, CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS, AND SAID 62.36 ACRES PLAT BEING DESCRIBED IN A DEED OF RECORD UNDER CERTAIN FILE NUMBER 371668, OFFICIAL PUBLIC RECORDS OF ARANSAS COUNTY, TEXAS.

FEBRUARY 8, 2021

[illegible]

THE
NEW
YORK

This plot of the house described property is approved by the King of Saudi Arabia, King Fahd bin Abdulaziz Al Saud, by the Planning and Zoning Commission of Riyadh, Saudi Arabia, in accordance with the Land Use and Planning Commission of Riyadh, Saudi Arabia, and the Ministry of Land, Urban Planning and Construction, Riyadh, Saudi Arabia.

The day of _____, AD 1871

100

1

BRIFFA & BRANDRETH
Surveying & Engineering Inc.

4115 Bayport Ave. PO Box 2212
 Millersport, Pa 16843-7589

TABLET FROM HQ. NUMBER

TABLET NUMBER

[illegible]

25. For listing of column numbers, Vol. I, pg. 123, PLATE 4, footnote.

[illegible][illegible]

Career Aspirations

Confidential _____

1000

CITY OF ROCKPORT,
ARANSAS COUNTY, TEXAS.

FEBRUARY 8, 2021



Legend

01.	DANGER LIGHTS
02.	BUILDING LINE
03.	UTILITY LINES
04.	PLANT RECORDS OF JEFFERSON COUNTY, MISS.
05.	RECORDS OF ANY
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~~YES~~ NO

EXISTING PROPERTY CONTAINS: (Be specific on all that are applicable)

Land Use:	Number of Lots or Units	Acres of Use/Contents of Each Lot	Square Footage of Building Space
Undeveloped	1	18.181 AC	
Single Family			
Garden/Patio/ Zero-lot line			
Duplex			
Townhomes			
Multi-family			
Manufactured Housing			
Hotel/Motel			
Condo Regime			
Office			
Restaurant			
Commercial/Retail			
Warehouse/Showroom			
Industrial			
RV Park/ Pads			
Public Facilities: (Schools, Churches, etc.)			
Park/ Open Spaces			
Trees over 6" in diameter			
Wetlands / Other Environmentally Sensitive Natural Infrastructure			
Special Flood Hazard Zone			
Other:			
Public/ Private Street R.O.W			
TOTAL	1	18.181 AC	

Please describe below any other information unique or pertinent to the platting of the property.

PROPOSED SUBDIVISION/PLATS CONTAIN: (Be specific on all that are applicable)

Land Use:	Number of Lots or Units	Acres of Use/Contents of Each Lot	Square Footage of Building Space
Undeveloped			
Single Family	28	7.11 AC	
Garden/Patio/ Zero-lot line			
Duplex			
Townhomes			
Multi-family			
Manufactured Housing			
Hotel/Motel			
Condo Regime			
Office			
Restaurant			
Commercial/Retail	4	8.01 AC	
Warehouse/Showroom			
Industrial			
RV Park/ Pads (only through approved CUP)			
Public Facilities: (Schools, Churches, etc.)			
Park/ Open Spaces	1	7986 sq. ft.	
Preserve for Wetlands / Environmentally Sensitive Natural Infrastructure			
Special Flood Hazard Zone			
Other:			
Public/ Private Street R.O.W	2	2.84 AC	
TOTAL	35	18.181 AC	

REQUIRED PLAT COPIES & RECORDING PROCEDURES

- 1. Preliminary Plat: Two (2) copies of the preliminary plat drawn to a scale of not less than 1" = 100' plus ten (10) reduced copies (no smaller than 11"x17"). An electronic copy is requested but not required. Request a Concept Plan Checklist. This additional information and documentation should be submitted along with the Application & Preliminary Plat. A site plan or survey should be submitted showing any encroachments and improvements, existing and/or planned.
 - 2. Final Plat/Re-plat: One (1) original "Vellum", plus three (3) full size copies, and one (1) 11"x17' reduced copy. May require a prior Concept Plan. An electronic copy is requested but not required.
 - 3. Administrative Plats/ Minor Re-Plats: Only a final plat required. Submit in accordance with 2 above. An electronic copy is requested but not required.
- After official approval, the applicant's surveyor is responsible for coordinating the recording of all Final Plats and Re-plats at the Aransas County Court House and must then submit one (1) signed full scale Mylar and one (1) print for the City files.

FINAL PLAT/RE-PLAT CHECKLIST:

Pursuant to the City of Rockport Platting & Subdivision Ordinance the following items are required to be shown on the plat or submitted with the plat for consideration. Please use the boxes at the left to verify the completeness of the information submitted.

INDICATE IF ON PLAT:				CITY REVIEW:	
YES	NO	N/A	1. BASIC INFORMATION	YES	NO
☒	☒		A. Subdivision/ Project Name		
☒	☒		B. Name & Address of Owner		
☒	☒		C. Title: "Final Plat" / "Re-plat" / "Preliminary Plat"		
☒	☒		D. Name & Address of Responsible Surveyor, Engineer, Planner Responsible for Design		
☒	☒		E. Date		
☒	☒		F. Scale		
☒	☒		G. North Arrow		
☒	☒		H. Small Scale Location Map		
☒	☒		I. Names of Adjacent Subdivisions		

INDICATE IF ON PLAT:				CITY REVIEW:	
YES	NO	N/A	2. SURVEYING	YES	NO
☒	☒		A. Boundary Survey of Plat (Bearing & Distances)		
☒	☒		B. Reference to Original Survey or Previous Subdivision		
☒	☒		C. Monuments Shown on Plat		
☒	☒		D. Monuments Set in Field		
☒	☒		E. Legal Description of Subdivision Outer Boundary		

INDICATE IF ON PLAT:				CITY REVIEW:	
YES	NO	N/A	3. INTERIOR DETAILS	YES	NO
☒	☒		A. Dimension & Location of All Lots, Streets, Easements, Parks, etc.		
☒	☒		B. Name of Streets (New & Old)		
☒	☒		C. Lot & Block Numbers		
☒	☒		D. Location, Names, Widths of approved Streets, Alleys & Easements, All Right of Ways		
☒	☒		E. Detail Curve Information		
☒	☒		F. Building Lines, Exterior & Interior		
☒	☒		G. Existing Natural Features, Watercourses & Other Physical Features		
☒	☒		H. Zoning District Designation		
☒	☒	☒	I. Tree Plan (Showing Significant Trees in Proposed R-O-W)		
☒	☒		J. Flood Hazard Areas		

INDICATE IF ON PLAT:

CITY REVIEW:

YES	NO	N/A	4. CERTIFICATION	YES	NO
☒	☒		A. Licensed Surveyor's Signature Plate		
☒	☒		B. Planning & Zoning Commission Signature late		
☒	☒		C. Owner's Signature(s) Plate		
☒	☒		D. Lien Holder(s) or Others' Signature Plate		
☒	☒		E. City Engineer Signature Plate		
☒	☒		F. Aransas County Clerk Signature Plate		

INDICATE IF ON PLAT:

CITY REVIEW:

YES	NO	N/A	5. TAXES	YES	NO
☒			A. Certificate of All Past & Current Taxes Paid on Property Being Platted		

INDICATE IF ON PLAT:

CITY REVIEW:

YES	NO	N/A	6. LEGAL STIPULATIONS	YES	NO
		☒	A. Copy of All Deed Restrictions Pertaining to the Subject Property		
		☒	B. Copy of Condominium Regime		
☒			C. Copy of Warranty Deed		

NOTE: 2 Sets of Construction Plans showing the following should be submitted:

- A. Utility Distribution System(s) (Off-site & On-site)
- B. Streets, Sidewalks & Drive Approaches & Dimensions
- C. Drainage Plan (off-site & On-site)
- D. Topographic Map
- E. Flood Hazzard Map

FILING FEE: (Make check payable to the City of Rockport)**Preliminary Plat - \$100.00 Final Plat - \$100.00 + \$10.00 per acre Minor Plat/Re-plat - \$100.00**

- Submit application and filing fee to the Department of Building & Development, Rockport Service Center, 2751 SH 35 Bypass, Rockport, TX 78382.

SIGNED

(Owner or Developer)

*Signed on behalf of customer***FOR CITY USE**

Received By _____ Date _____ Fees Paid \$ _____

Submitted information () accepted () rejected By: _____

If rejected, reasons why: _____

Receipt No. _____

CONCEPT PLAN PROCEDURE:

Subdivision: The division, re-division or combination of land(s) into one or more lots or tracts, except as may be excluded herein or by state law.

- o Any plat for a new subdivision which is not an Administrative Plat or a Minor Re-plat may require the following:
 - a. **Concept Plan & Preliminary Plat:** This is a working dialogue to address issues of magnitude and complexity. A Site Plan along with a Preliminary Plat are required.
 - b. **Final Plat**
- o City staff shall make determination as to the need of a Concept Plan based on the magnitude and complexity of the plat. Small subdivisions may only require a final plat.
- o Concept Plan Review staff will schedule a meeting with applicant in order to render written comments.
 - Public Works, Parks, Public Utilities, Building & Development Services and Police Department may contribute comments.
 - 10 days after completed review, staff will send applicant written comments and recommendations.
 - Applicant then shall prepare necessary changes, prepare final plat, and submit final plat for formal review by Planning and Zoning Commission.
- o After 6 months the Concept Plan is considered null and void unless a request for an additional one time 6 month extension is made.
- o The Concept Plan can be amended during this time at no additional charge.
- o The Concept Plan should accompany the plat when submitted for formal and final review.

CONCEPT PLAN/PRELIMINARY PLAT CHECKLIST:

The Preliminary Plat: Preliminary plats shall be drawn to a convenient scale of not less than 100 feet to an inch and shall show the following information (either on the plat or supporting document) for the area to be platted and all land within 200 feet of the outer boundary of the subdivision:

- (1) **Proposed Name:** The proposed name of the subdivision shall not duplicate the name of any plat previously recorded within Aransas County.
- (2) **Project Ownership:** Name and address of legal owner(s), lien holder(s), if any, or agents of same, and:
 - a. Any encumbrances, including but not limited to verification of payment of property taxes and existing covenants on the property, if any; and
 - b. Any other contiguous holdings.
- (3) **Adjacent Ownership:** Names and current deed recordings for adjacent property owners.
- (4) **Professional Firms:** Name, address and telephone number of the professional person(s) responsible for subdivision design, for the design of public improvements, surveys and any environmental reports.
- (5) **Title Block:** Graphic and numerical scale, north arrow and date.
- (6) **Description:** Legal description of the subdivision outer boundary.
- (7) **Vegetation:** Location of any trees larger than six inches in diameter at breast height (DBH) which would be located in proposed rights-of-way.
- (8) **Topography:** The plat map shall show elevations at two-foot intervals unless elevations are relatively level, in which case elevations shall be shown at intervals consistent with good engineering practice. Should heavy ground cover be a problem, major irregularities such as streams, gullies, or marshes shall be shown.
- (9) **Utilities-Existing:** Location and sizes of existing sewers, water mains, gas pipelines, culverts and other underground structures within the tract and immediately adjacent thereto; including electrical utilities.
- (10) **Utilities-Proposed:** Proposals for connection with electric, gas and telephone systems, public water and sewage systems, or alternative means of providing sanitary sewage disposal if the city grants a waiver under state law. Appropriate covenants, easements and other restrictions shall be shown.
- (11) **Storm-water Management Plan:** Preliminary provisions for collecting and discharging surface water drainage. (Refer to the city's master drainage plan.)
- (12) **Flood Zone:** The location of any flood zones as depicted on the FEMA Flood Hazard Map.
- (13) **Lots:** Location, dimensions and areas of all proposed lots.
- (14) **Building Line:** All front and side street building setback lines based upon current zoning applications. (A typical lot plan is acceptable.)

- (15) Recreational and Public Uses: The approximate location, dimensions and area of all parcels of land proposed to be set aside for private or public recreation use (park) or other public use. Land to be dedicated to the city shall be so indicated. (Refer to section 90-58 for parkland dedication procedures.)
- (16) Common Areas: Any proposed open spaces intended as common areas, but not public spaces under public ownership. Maintenance of these areas shall be the responsibility of a homeowners association.
- (17) Phasing: If the plat is to be developed in phases, such phasing shall be shown.
- (18) Vicinity map: General location map showing the proposed platted area relative to the community.
- (19) Land use: Indication of the proposed use of any lot other than a single-family detached lot, e.g. multifamily, commercial, office, etc.
- (20) Block and Lot Numbers: Blocks shall be consecutively numbered or lettered in order. All lots in each block shall be consecutively numbered.

HELPFUL DEFINITIONS:

Sec. 90-21. Classification of plats.

(a) Plats are hereby classified as follows:

- (1) *Subdivision plat*: A plat for new subdivision development which is not an administrative plat or a re-plat as defined under paragraphs (2) and (3) below, and will require the following:
- (2) *Administrative plat*: A plat in which:
 - a. Adjustments to platted lots are needed that meet the criteria for amending plats described by sections 212.0065 and 212.016, Local Government Code (L.G.C.), 2000 edition;
 - b. A minor plat involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of public facilities (section 212.0065, L.G.C., 2000 edition); or
 - c. A re-plat under section 212.0145 that does not require the creation of any new street or the extension of municipal facilities.

Administrative plats may be processed administratively "in-house" under procedures as outlined under section 90-33, Administrative procedure, of this chapter, and only a final plat may be required.

- (3) *Re-plat*: A plat in which changes to existing plat(s) are needed to reconfigure or create lots, including building setback lines, which may or may not impact public improvements and do not meet the requirements for "Amending Plats" as addressed in section 212.016, L.G.C., 2000 edition. Public hearings required per section 212.014 and section 212.015, L.G.C., 2000 edition. Only a final plat may be required.

STAFF PLAT REVIEW COMMENTS

The following plats were reviewed by the city staff. The following items to be completed prior to the plat being approved by City officials and being recorded.

KOKOMO SUBDIVISION (PRELIMINARY PLAT - 16.683 ACRES)

Located south of FM 3036 and east of State Highway 35 Bypass

Applicant: Staudt Investment Properties, LLC

Engineer: Urban Engineering

The applicant proposes to build 126 single-family residential lots, 6 commercial lots, and 2 open space lots.

1. Seven commercial lots are zoned B-1 General Business. Remaining lots are zoned R-1 1st Single Family Residential District.
2. Lot 21, Block 3 (zoned R-1) will be dedicated for open space and a detention pond. Lot 1, Block 1 (zoned B-1) will be an open space/landscape lot.
3. All buildable lots are 7,000 square feet or larger.
4. Lots exceed 50-foot lot width minimum.
5. Property is outside of the Special Flood Hazard Area.
6. There will be a 30-foot access and utility easement across the commercial tracts in Phases I and II.
7. Barbuda, Antigua, Key Largo, and St. Lucia Drives are all dead-end cul-de-sacs with a 50-foot radius.
8. Residential roads will be 50-foot hot mix asphalt ROWs with the exception of Kokomo Drive from FM 3036 to Aruba Drive (60-foot ROW) and Key Largo Drive (40-foot concrete private ROW).
9. Water lines will be looped into line on Olympic Drive.
10. Sanitary sewer will go to Olympic Drive lift station, which will need to be upgraded. Sewer for Phase I will tie to existing line on FM 3036 but will be abandoned in Phase II.
11. Residential drainage will flow through the subdivision to the detention pond at the south end of the property.
12. Commercial tracts will be sloped to encourage drainage toward the highway. Tracts are marked explaining that on-site detention will be required.
13. Need written confirmation from County E-911 (Communications Center) and/or County Appraisal District that the proposed street names will meet addressing requirements.

PLANNING & ZONING AGENDA
Called Meeting: Monday, March 22, 2021

AGENDA ITEM: 4

Discuss updating or changing Section 118-15 of the Code of Ordinances, B-1 (General Business District).

SUBMITTED BY: Building and Development Department Staff

BACKGROUND: In accordance with Chapter 118, "Zoning", Sec 118-4 states that staff should thoroughly review and reorganize, if necessary, the Zoning Ordinance at least every five (5) years. Such reorganization shall reflect compliance with the master plan, local state, and federal laws. It has been several years since the last update. There is a need to look at all sections, starting with Sec 118.15 - B-1 General Business District.

When a request for a zoning change is submitted for the B-1 General Business District, most citizens have expressed their concerns with the multiple uses within the B-1 district, particularly nuisance land uses such as auto and boat repair shops, auto storage yard, gas stations etc. There is a need for zoning district(s) that support those types of uses. We need to take a closer look at the uses and perhaps create additional districts, such as a C-1 (Commercial District) for more intensive uses or a Neighborhood Commercial district for less intensive uses.

Attached are copies of zoning districts for the cities of Ingleside, Portland, Corpus Christi, and McAllen, which have districts similar to the type that we are considering. Also attached is a Planning Advisory Service report from the American Planning Association talking about Neighborhood Business districts.

FISCAL ANALYSIS: N/A.

STAFF RECOMMENDATION: Discussion only.

Sec. 118-4. Districts and general provisions.

4.1 *Districts Established.* Zoning districts as herein set forth are established. The city is hereby divided into the following districts:

R-1	1st Single-Family Dwelling District
R-2	2nd Single-Family Dwelling District
R-2B	Zero Lot Line Single-Family District
R-2M	Manufactured Housing District
R-3	Duplex Dwelling District
R-4	1st Multi-Family Dwelling District
R-5	2nd Multi-Family Dwelling District
R-6	Hotel/Motel District
R-7	Residential and Office District
B-1	General Business District
B-2	Central Business District
I-1	Light Industrial District
I-2	Heavy Industrial District
P.U.D.	Planned Unit Development District

The boundaries of the districts listed above are shown on the official Zoning Map. The map and all markings, notations, references and other information shown on said map shall be and are hereby made a part of this ordinance as if all were fully set forth or described herein. The original drawing of this map, properly signed and attested, is on file with the City Secretary.

4.2 *General Provisions.*

4.2.1 Except as herein provided, the use of premises and buildings, the lot area and height of buildings in the city shall be in accordance with the minimum standards hereinafter established.

4.2.2 Except as provided in subsections (a) and (b) below, every building shall be on a platted lot.

(a) Development within R-4 through I-2 districts, except one- and two-family dwellings, incorporating multiple buildings to be constructed simultaneous, platted lots for each building is not required.

(b) Re-plating is not required when an improvement (including any detached structure) crosses a lot line(s) for single-family dwelling uses in R-1 through R-6 districts only. When a building or detached structure crosses a lot line(s), building set backs shall be measured to the next lot line of record. In no case shall this exception apply to more than four (4) lots without re-plating.

(c) Re-plating is required when an improvement (including any detached structure) violates any applicable building setback or open yard requirement as regulated herein.

4.2.3 The provisions in 4.2.2 shall not affect the validity of any deed restriction that is otherwise valid.

4.2.4 When streets and rights-of-way are closed and abandoned by the city that portion of street or right-of-way area adjacent to the real property shall thereafter become the zoning designation of said

adjacent property upon platting or re-platting of the closed street or right-of-way.

4.2.5 Yards, parking space or lot area required for one building or use cannot be used for another building or use; nor can the size of a lot be reduced below the requirements of this ordinance.

4.2.6 Mobile Homes, as defined, are prohibited within the city limits of the City of Rockport on individual lots unless such mobile home existed prior to annexation.

4.2.6.1 Replacement of an existing mobile home shall be with a HUD-Code Manufactured Home.

4.2.6.2 A one time replacement of an existing HUD-Code Manufactured Home shall be with a HUD-Code Manufactured Home of equal size (square footage) or greater and be a newer model.*

4.2.6.3 Manufactured Homes damaged by fire or natural disaster may always be replaced with another HUD-Code Manufactured Home meeting the same criteria described in 4.2.6.2.

* **NOTE:** Newer model is defined as a manufactured home with a manufactured date being not more than ten (10) years prior to the calendar year it is to be placed on the property.

4.2.7 Utility distribution facilities and appurtenances, including water, sewer, electric, gas, telephone and cable television, may be permitted in any district. Wind power generation facilities shall comply with Wind Powered Systems in [Article VI, Chapter 42](#), Rockport Code of Ordinances.

4.2.8 For fence regulations in all Districts of the City, see Section 22.2 [\[section 118-22\]](#), subsection 22.2].

4.2.9 In interpreting and applying these provisions, they shall be held to be the minimum requirements for the protection of the public safety, health, convenience, comfort, prosperity and general welfare.

4.2.10 This ordinance shall be reviewed on an annual basis by the Planning & Zoning Commission and city staff or legal and technical compliance with local, state and federal laws, with the intent to include sound zoning concepts and practices. Furthermore, this ordinance shall be thoroughly reviewed and completely reorganized, if necessary, at least every five (5) years. Such reorganization shall reflect compliance with the master plan, local, state, and federal laws and other laws and regulations governing zoning within the City of Rockport.

4.2.11 See [Article II, Chapter 6](#), Rockport Code of Ordinances for sign regulations in all zoning districts. (Ord. No. 1027, art. 4, 4-9-96; Ord. No. 1600, § 1, 3-26-13; Ord. No. 1715, § 1, 5-10-18)

Sec. 118-15. B-1 General Business District.

15.1 Use Regulations. The purpose of this district is to provide suitable locations for a wide variety of business and mercantile uses. In addition to the previous listed uses in R-1 through R-7 districts, land and premises may be used for:

1. Restaurants, cafes, food catering services.
2. Offices, banks, libraries, museums, etc.
3. Service stations, car washes, laundromats.
4. Malls, shopping centers, retail stores.
5. Shops (butcher shops, shoe shops, shell shops, etc., including pawn shops that have been licensed to transact business by the Consumer Credit Commissioner under Chapter 371, Finance Code).
6. Grocery stores, convenience stores, markets.
7. Retail markets (seafood/meat) and bait stands.
8. Entertainment facilities (theaters, bowling alleys, pool halls, clubs and lounges, etc.
9. Sales, service and repair shops (radio, television, shoe repair, tool repair and rental, lawn mower repair, auto and boat repair shops, etc).
10. Personal service shops (beauty salons, barber shops, tailoring and dressmaking shops, etc).
11. Storage buildings, auto storage yards.
12. Animal hospitals, boarding kennels and grooming shops.
13. Mortuaries and funeral homes.
14. Agricultural services, greenhouses and landscaping services.
15. Outdoor welding, fabricating operations, by CUP.
16. Permanent or long term (more than 30 days) public entertainment facilities or uses, by CUP. Such uses may include, but not be limited to, amusement parks, carnivals, circuses, marine life shows, dance/theatrical productions and natatoriums.
17. Fish houses, seafood processing plants, by CUP.
18. Adult entertainment, by CUP.

15.2 Area and Yard Regulations.

15.2.1 Area of the Lot. None required for non-dwelling uses. For dwelling uses, See [\[section 118-20\]](#) Table 20.

15.2.2 Width of the Lot. The minimum width of the lot shall be fifty (50) feet. See [\[section 118-20\]](#) Table 20.

15.2.3 Area of the Building. For a primary use structure, the minimum floor area shall be five hundred (500) square feet. See [\[section 118-20\]](#) Table 20.

15.2.4 Yard Area and Building Setbacks. See [\[section 118-20\]](#) Table 20

15.3 Height of the Building. No building shall exceed forty five (45) feet in height. See Article 3 [\[section 118-3\]](#) Definitions and Article 20 [\[section 118-20\]](#).

15.4 Parking Regulations. Parking regulations for permitted uses as contained in Article 21 [\[section 118-21\]](#).

15.5 Accessory Use Regulations. Accessory uses, which are auxiliary or incidental to the primary use of a building or premises, as contained in Article 22 [\[section 118-22\]](#).

(Ord. No. 1027, art. 15, 4-9-96)

City of Portland

Sec. 405. - Zoning District Intent Statements.

- A. *Purpose.* Zoning district intent statements are provided for the following purposes:
1. To indicate the general nature of permitted and prohibited uses;
 2. To indicate the nature and intensity of uses permitted;
 3. To assist with interpretation of ordinance requirements applicable to a specific zoning district;
 4. To indicate the necessity for adequate public services, including roads, potable water, sanitary sewer, drainage, etc.; and
 5. To minimize or mitigate any adverse impacts, such as noise, dust, glare, vibration, etc., between and among uses located within the same zoning district.
- B. *R-2, Single-Family Residential, R-6, Single-Family Residential, R-7, Single-Family Residential, and R-8, Single-Family Residential Districts.* The intent of these districts is to provide, consistent with the City's comprehensive plan, for the location of single-family residential uses in areas where such uses will be protected from commercial and industrial intrusions and compatible with surrounding land uses. The maximum density for R-2, Single-Family Residential shall be two (2) dwelling units per acre; R-6, Single-Family Residential shall be six (6) dwelling units per acre; for R-7, Single-Family Residential, seven (7) units per acre; and for R-8, Single-Family Residential, eight (8) units per acre.
- C. *R-8D, Two-Family Residential District.* The intent of this district is to provide, consistent with the City's comprehensive plan, for the location of single-family dwellings and two-family dwellings (duplexes) in areas where such uses will be protected from and compatible with surrounding land uses. The R-8D, Two-Family Residential district, may be used as a transitional district between the R-6, Single-Family Residential, R-7, Single-Family Residential, or R-8, Single-Family Residential districts and higher density residential districts. The maximum density for the R-8D, Two-Family Residential district, shall be eight (8) dwelling units per acre.
- D. *R-15, Townhouse Residential District.* The intent of this district is to provide, consistent with the City's comprehensive plan, the location of townhouse units on individual platted lots, in areas where such uses will be protected from and compatible with surrounding land uses. The R-15, Townhouse Residential district may be used as a transitional district between the R-6, Single-Family Residential, R-7, Single-Family Residential, or R-8, Single-Family Residential districts and higher density residential or nonresidential districts. The maximum density for the R-15, Townhouse Residential district shall be fifteen (15) dwelling units per acre.
- E. *RMH, Manufactured Housing District.* The intent of this district is to recognize, consistent with the City's comprehensive plan, locations where manufactured housing is compatible with surrounding residential and nonresidential land uses. The maximum density for the RMH, Manufactured Housing district is six and one-half (6.5) dwelling units per acre. This district may be used as a buffer between other residential districts and nonresidential districts.
- F. *R-20, Multifamily Residential District.* The intent of this district is to recognize, consistent with the

City's comprehensive plan, locations where multifamily housing is compatible with surrounding residential and nonresidential land uses. The maximum density for the R-20, Multifamily Residential district, shall be twenty (20) units per acre. This district may be used as a transitional district between lower density residential districts and nonresidential districts.

- G. *RST, Multifamily Resort District.* The intent of this district is to provide, consistent with the City's comprehensive plan, locations for high density single-family and multifamily residential uses, hotel and motel accommodations, marinas, and other recreational facilities for residents and visitors. The maximum density for single-family and two-family units in the RST, Multifamily Resort district, shall be nine (9) units per acre, and twenty-five (25) units per acre for multifamily dwelling units. The maximum density for hotel/motel rooms shall be twenty-five (25) rooms per acre.
- H. *P, Professional Office District.* The intent of this district is to provide, consistent with the City's comprehensive plan, locations for professional offices, medical facilities, limited retail uses and even more limited commercial activities.
- I. *C-R, Retail Commercial District.* The intent of this district is to provide, consistent with the City's comprehensive plan, locations for retail uses throughout the community without the intrusion of more intensive general commercial uses.
- J. *C-G, General Commercial District.* The intent of this district is to provide, consistent with the City's comprehensive plan, locations for retail and commercial activities of a more intense nature that serve the general community.
- K. *OT-1, Olde Town Residential District.* The intent of this district is to recognize, consistent with the City's comprehensive plan, the unique potential of this historic center of the community, to promote low density residential development and permit medium to high density residential development when conditions are suitable. The maximum residential density for the OT-1, Olde Town Residential district, shall be twenty (20) units per acre. Overnight accommodations are prohibited in their entirety within the OT-1, Olde Town Residential district.
- L. *OT-2, Olde Town Mixed Use District.* The intent of this district is to recognize, consistent with the City's comprehensive plan, the unique potential of this historic center of the community, and to encourage retail, entertainment, commercial and residential activities to attract both tourists and residents. Uses that do not create activity, such as warehousing or industrial uses, are discouraged. The maximum residential density for the OT-2, Olde Town Mixed Use district, shall be twenty (20) units per acre.
- M. *I, Industrial District.* The intent of this district is to provide, consistent with the City's comprehensive plan, locations for light industrial, light manufacturing, and commercial activities that are either too intensive for more restrictive zoning districts or create nuisances. I, Industrial districts are to be located adjacent to major transportation facilities, including freeways, arterials, collectors, railroads, etc. I, Industrial districts are to provide additional setback or buffer areas to minimize objectionable impacts on adjacent property.

N. *PUD, Planned Unit Development District.* The intent of this district is to encourage, consistent with the City's comprehensive plan, the use of innovative and creative development techniques to benefit the City and to provide a mixture of residential and nonresidential uses in a manner that preserves natural resources, encourages non-vehicular circulation, provides a sense of community, and allows the use of flexible development standards.

(Ord. No. 1001, § 1, 12-21-99; Ord. No. 2005, § 1, 5-5-09; Ord. No. 2065, § 1, 2-5-13; Ord. No. ~~2094~~, § 3, 10-7-14)

City of Ingleside

Sec. 78-116. - Establishment of districts and boundaries.

(a) For the purposes of this chapter, the city is hereby divided into the following districts:

AG	agricultural district
R-1	single-family residential district
R-2	two-family residential district
R-3	three- and four-family residential district
M	multiple-family district
P	professional office district
C-1	local commercial district
C-2	general commercial district
L-I	light industrial district
I	industrial district
IP	industrial park
T1-A	travel trailer/recreational vehicle park district
T1-B	HUD-Code manufactured home park district

T1- C	HUD-Code manufactured home subdivision district
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- (b) The location and boundaries of the districts established in this section are shown upon the official zoning map, which is hereby incorporated into this chapter. The zoning map, together with all notations, references and other information shown thereon and all amendments thereto, shall be as much a part of this chapter as if fully set forth and described in this section. The zoning map, properly attested, is on file in the office of the city secretary.

(Code 1979, ch. 12, § 2; Ord. No. 326, § III, 9-11-79; Ord. No. 460, 10-14-86; Ord. No. 521, 8-6-91)

Sec. 78-117. - Rules for the interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map accompanying and made a part of this chapter, the following rules apply:

- (1) The district boundaries are either streets or alleys, unless otherwise shown, and where the district designated on the map accompanying and made part of this chapter is bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.
- (2) Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made part of this chapter are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.
- (3) In any unsubdivided property the district boundary lines on the zoning map accompanying and made part of this chapter shall be determined by use of the scale appearing on the map.
- (4) In case of a district boundary line dividing a property into two parts, the district boundary line shall be construed to be the property line nearest the district line as shown.
- (5) Where the streets or alleys on the ground differ from the streets or alleys as shown on the zoning map, the streets or alleys on the ground shall control.

(Ord. No. 326, § IV, 9-11-79)

Sec. 78-118. - Compliance with article.

- (a) No land shall be used except for a purpose permitted in the district in which it is located.
- (b) No building shall be erected or structurally altered, nor shall any building or premises be used for

any purpose other than permitted in the district in which such building or premises is located. No lot area shall be reduced or diminished so the yards shall be smaller than prescribed by this chapter, nor shall the lot area per family be reduced in any manner except in conformity with the regulations hereby established for the district in which such building is located.

(Ord. No. 326, § V, 9-11-79)

Sec. 78-119. - Newly annexed areas.

All territory annexed to the city shall be temporarily classified as R-1 single-family residential district, until permanently zoned by the city council. The planning and zoning commission shall, as soon as practicable after annexation of any territory, recommend to the city council a plan for permanent zoning in the area. The procedure to be followed for adoption shall be the same as is provided by law for the adoption of original zoning regulations.

(Ord. No. 326, § XXII-3, 9-11-79)



UNIFIED DEVELOPMENT CODE

ARTICLE 4. BASE ZONING DISTRICTS TABLE OF CONTENTS

§ 4.5 Commercial Districts

4.5.1. Purpose Statements

A. Neighborhood Commercial Districts

The Neighborhood Commercial zoning districts provide areas for commercial activity such as sale of convenience goods and personal services that primarily benefit nearby residential areas. Neighborhood commercial areas are generally located within neighborhoods and have pedestrian access to adjacent residential areas.

B. Neighborhood Office District Regulations

The Neighborhood Office zoning district provides a location for office development. The uses allowed have relatively low traffic generation. Areas of the Neighborhood Office zoning district may be appropriate adjacent to most residential uses, and as a transition between residential and nonresidential areas.

C. Resort Commercial Districts

The Resort Commercial zoning districts provide for a wide variety of commercial activity such as tourist, water-oriented, retail commercial and indoor or outdoor amusement uses which reflect the character of a resort area. Emphasis is placed on establishing scenic and/or pedestrian corridors, walking and bike paths, amenities, and public open spaces.

D. General Commercial Districts

The General Commercial zoning districts provide sufficient space in appropriate locations for all types of commercial and service activity, particularly along arterial streets where a general mixture of such activity now exists. Such uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material or the nuisance factors of dust, odor and noise associated with manufacturing.

E. Intensive Commercial District

The Intensive Commercial zoning district is intended to provide for intense commercial service activities, as well as a few light manufacturing uses. Such uses may be large in scale and generate substantial traffic, making the Intensive Commercial zoning district only appropriate along freeways and major arterials.

F. Downtown Commercial District



The Downtown Commercial zoning district encompasses the retail and office core of the central business district. Individual uses are typically limited in size although there may be regular and occasionally heavy traffic. The zoning district is intended to ensure harmonious development, redevelopment and rehabilitation of uses in and around the core historic downtown by integrating an appropriate mix of residential, public and civic office, retail and entertainment, uses.

G. Business Park District

The "Business Park" zoning district provides uses in a modern, landscaped, park-like setting. In addition, the zoning district provides opportunities for employment closer to residences in residential areas with corresponding reduction of travel time from home to work. The Business Park zoning district typically has more traffic than in an office area, but fewer heavy vehicles than in an industrial area. Business parks often include commercial activities such as restaurants, banks, day care and similar uses that are intended only to serve the on-site community.

4.5.2. Permitted Uses

The following principal uses are permitted by right, permitted subject to limitations, or require a special use exception or special permit in the commercial zoning district. Uses may be subject to additional limitations as specified in Section 6.5 when located inside a Navy Air Installation Compatible Use Zone (AICUZ) (which includes Clear and Accident Potential Zones 1 and 2.)

Table 4.5.2 Permitted Uses (Commercial zoning districts)												
COMMERCIAL DISTRICTS												
P = Permitted Use; L = Subject to Limitations; SUE = Special Use Exception; SP = Special Permit; [blank cell] = Not Permitted	CN- 1	CN- 2	ON	CR -1	CR -2	CR -3	CG -1	CG -2	CI	CBD	BP	Standards
Residential Uses												
Care takers quarters	L	L	L	L	L	L	L	L	L	L	P	5.2.20
Townhouse	P	P	P	P	P	P		P		P		
Zero Lot Line	L	L	L	L	L	L		L		L		4.3.5
Multi family dwelling	P	P	P	P	P	P		P	P	P		
Cottage Housing Development	P	P	P	P	P	P		P				4.7
Upper-story residential unit within commercial business structures	L	L	L	L	L	L	L	L	L	P	L	5.2.1
Group Living Uses [5.1.2.B]	P	P	P	P	P	P		P		P		
Public and Civic Uses												
Day Care Uses [5.1.3.B]	L	L	L	L	L	L	L	L	L	L	L	5.2.4
Community Service Uses [5.1.3.A]	P	P	P	P	P	P	P	P	P	P	P	
Educational Facility Uses [5.1.3.C]	P	P	P	P	P	P	P	P	P	P	P	
Government Facility Uses [5.1.3.D] except for:	P	P	P	P	P	P	P	P	P	P	P	
---Detention facility							SP		SP	SP		
Medical Facility Uses [5.1.3.E]	P	P	P	P	P	P	P	P	P	P	P	
Parks and Open Area Uses [5.1.3.F] except for:	P	P	P	P	P	P	P	P	P	P	P	
---Cemetery, columbaria, mausoleum,	SP for existing facilities expanding on adjacent or same											



Table 4.5.2 Permitted Uses (Commercial zoning districts)

COMMERCIAL DISTRICTS												
P = Permitted Use; L = Subject to Limitations; SUE = Special Use Exception; SP = Special Permit; [blank cell] = Not Permitted	CN- 1	CN- 2	ON	CR- 1	CR- 2	CR- 3	CG- 1	CG- 2	CI	CBD	BP	Standards
memorial park	property only.											
Crematorium (human or animal)												
Golf course	P	P	P						P	P		
Passenger Terminal Uses [5.1.3.G] except for:	P	P	P	P	P	P	P	P	P	P	P	
---Airport or landing field	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	5.2.2
---Helipad or heliport	L	L	L	L	L	L	L	L	L	L	L	5.2.2
Place of Worship Uses [5.1.3.H]	P	P	P	P	P	P	P	P	P	P	P	
Social Service Uses [5.1.3.I]							SP		SP			
Utilities, major [5.1.3.J] except for:	L	L	L	L	L	L	L	P	P	L	L	5.2.6
---Wind energy units	L	L	L	L	L	L	L	L	L	L	L	5.6.4
Utilities, minor [5.1.3.J]	P	P	P	P	P	P	P	P	P	P	P	
Wireless telecommunication facility	See Section 5.5											

(Ordinance 030832, 05/02/2016)

COMMERCIAL DISTRICTS												
P = Permitted Use; L = Subject to Limitations; SUE = Special Use Exception; SP = Special Permit; [blank cell] = Not Permitted	CN- 1	CN- 2	ON	CR- 1	CR- 2	CR- 3	CG- 1	CG- 2	CI	CBD	BP	Standards
Commercial Uses												
Commercial Parking Uses [5.1.4.A]	P	P	P	P	P	P	P	P	P	P	P	
Indoor Recreation Uses [5.1.4.B] except:	P	P	SP	P	P	P	P	P	P	P	P	
---Bar, tavern or pub				L	L	L	L	L	L	L	L	5.2.7
---Smoking Lounge				P	P	P	P	P	P	P	P	
---Sexually oriented business	See Section 4.6.2											
Office Uses [5.1.4.C]	P	P	P	P	P	P	P	P	P	P	P	
Outdoor Recreation Uses [5.1.4.D] except:	SP	SP		P	P	P	P	P	P	SP	P	
Commercial amphitheater				SP	SP	SP	SP	SP	SP	SP	SP	
Overnight Accommodation Uses except:	P	P	P	P	P	P	P	P	P	P	P	
---Bed and breakfast home	L	L	L	L	L	L	L	L		L		5.2.8
---Recreational Vehicle Park					L	L	L	L	L	L	L	6.1.2



COMMERCIAL DISTRICTS												
P = Permitted Use; L = Subject to Limitations; SUE = Special Use Exception; SP = Special Permit; [blank cell] = Not Permitted	CN-1	CN-2	ON	CR-1	CR-2	CR-3	CG-1	CG-2	CI	CBD	BP	Standards
---Truck stop w/ overnight accommodations					L	L	L	L	L	L	L	4.6.2
Restaurant Uses [5.1.4.F]	L	L	L	P	P	P	P	P	P	P	P	5.2.11
Retail Sales and Service Uses, sales- and service-oriented [5.1.4.G] Includes personal service uses except:	P	P	L	P	P	P	P	P	P	P	P	5.2.12
Game Processing	L	L		L	L	L	L	L	L	L	P	5.2.25
Retail Sales and Service Uses, repair- oriented[5.1.4.G]	P	P	L	P	P	P	P	P	P	P	P	5.2.13
Farmers market	SP	SP		L	L	L	L	L	L	L	L	5.2.9
Self-Service Storage Uses [5.1.4.I] except:					L		L	L	L	L	P	5.2.14
---Boat and RV storage					L		L	L	L		P	5.2.14
Vehicle Sales and Service Uses except:							P	P	P	P	P	
---Auto rental				P	P	P	P	P	P	P	P	
---Car wash, hand-operated				L	L	L	P	P	P	L	P	5.2.21
---Car Wash, Automated	L	L		L	L	L	P	P	P	L	P	5.2.21
---Bicycle or watercraft rental				P	P	P	P	P	P	P	P	
---Fuel sales	L	L		L	L	L	L	L	L	L	L	5.2.10
---Vehicle service, heavy												
---Vehicle service, limited	L	L		L	L	L	P	P	P	P	P	5.2.15
Water-Oriented Uses [5.1.4.J]				P	P	P	P	P	P	P	P	
Industrial Uses												
Light Industrial Service Uses [5.1.5.A]											P	5.2.17
Laboratory, research or experimental									P		P	
Storage of explosives or other hazardous materials	SUE	SUE	SUE	SUE	SUE	SUE	SUE	SUE	SUE	SUE	SUE	
Warehouse and Freight Movement Uses [5.1.5.B]									SP		SP	
Waste-Related Uses [5.1.5.C] except:									SP		SP	
---Recycling Drop-off Center	SP	SP	L	L	L	L	L	L	L	L	L	5.2.23
Wholesale Trade Uses [5.1.5.D]									SP		SP	5.2.16



COMMERCIAL DISTRICTS												
P = Permitted Use; L = Subject to Limitations; SUE = Special Use Exception; SP = Special Permit; [blank cell] = Not Permitted	CN-1	CN-2	ON	CR-1	CR-2	CR-3	CG-1	CG-2	CI	CBD	BP	Standards
Other Uses												
Kennel or animal shelter, indoor							L	L	L		L	5.2.18

(Ordinance 029770, 03/19/2013; Ordinance 030832, 05/02/2016; (Ordinance 031877, 09/24/2019))

4.5.3. Residential Development Standards

- A. Development of townhouses in a commercial zoning district shall be in accordance with the development standards for townhouses in the town house zoning district.
- B. Development of multifamily dwellings in a commercial zoning district shall be in accordance with Table 4.5.3 below.

Table 4.5.3 Residential Development (Commercial Zoning Districts)									
COMMERCIAL DISTRICTS	CN-1	CN-2	ON	CR-1	CR-2	CR-3	CG-2	CI	CBD
Max. Density (units/acre)	37	15 ¹	37		44		37		
Min Lot Area (sq. ft.)	6,000	6,000	6,000	6,000	6,000		6,000		
Min. Lot Width (ft.)	50	50	50	50	50	50	50		
Min. Yards (ft.)									
Street (front)	20	20	20	20	20	10 ²	20	0	0
Street (corner)	15	15	15	15	15	15	15	0	0
Side (single)	10	0 ³	10	10	10	0	10	0 ³	0
Side (total)	20	0 ³	20	20	20	0	20	0 ³	0
Rear	10	0 ⁴	10	10	10	0	10	0 ³	0
Side and Rear, adjacent to residential use	See Section 4.2.8.C								
Min. Open Space	30%	25%	30%	25%	25%		30%		
Max Height (ft.)	35	36 ¹	45						
1. 36 if on an arterial street or higher. 2. See Section 4.5.5 below. 3. 10 feet if adjacent to any residential use. 4. 15 feet if adjacent to any residential use. 5. 26 feet if adjacent to any residential use.									

(Ordinance 030832, 05/02/2016)

4.5.4. Nonresidential Development Standards



Nonresidential development in the commercial zoning districts shall be in accordance with the table below.

Table 4.5.4 Nonresidential Development (Commercial Zoning Districts)											
COMMERCIAL DISTRICTS	CN-1	CN-2	ON	CR-1	CR-2	CR-3	CG-1	CG-2	CI	CBD	BP
Min Lot Area (sq. ft.)											5 acres
Min. Lot Width (ft.)						50					
Min. Yards (ft.)											
Street (front)	20	20	20	20	20	10 ¹	20	20	0	0	35
Street (corner)	15	15	15	15	15	0	15	15	0	0	35
Side (single) Side (total)	0 ² 0 ²	0 ² 0 ²	10 20	0 0	0 0	0 0	0 ² 0 ²	0 0	0 ² 0 ²	0 0	20 ⁴ 40 ⁴
Rear	0 ²	0 ³	10	0	0	0	0 ²	0	0 ²	0	30 ⁴
Side and Rear, adjacent to residential use	See Section 4.2.8.C										
Min. Open Space	10%	25%									
Max Height (ft.)	35	26 ⁵	4 ⁵								
1. See Section 4.5.5 below. 2. 10 feet if adjacent to any residential use. 3. 15 feet if adjacent to any residential use. 4. No part of any building or accessory structure shall be closer than 100 feet to any residential district boundary. 5. Structures with upper-story residential shall have a maximum height of 36 feet.											

(Ordinance 030832, 05/02/2016)

4.5.5. Commercial Resort-3 District (Corpus Christi Beach)

- A. The minimum street yard shall be a width of 10 feet except as follows:
1. On lots legally platted as of October 24, 1989, with a depth of less than 100 feet from street right-of-way to the rear-most property line, minimum street yard setback shall be 1/10 of the depth of the lot or 5 feet whichever is greater.
 2. Lots replatted to a depth of 100 feet or more shall meet the 10-foot minimum street yard requirement in paragraph 4.5.5.A.
- B. Rear and side yards along interior lot lines may be zero feet.

DIVISION 8. - C-2 NEIGHBORHOOD COMMERCIAL DISTRICT

*Footnotes:**--- (25) ---**Cross reference— Signs permitted in the neighborhood commercial and office zoning districts, § 130-109.*

Sec. 138-251. - Purpose.

The C-2 neighborhood commercial district is established for the following purposes:

- (1) To provide sufficient space and off-street parking in appropriate locations in proximity to residential areas, for commercial development catering to the convenience shopping and service needs of the occupants of nearby residences.
- (2) To provide appropriate space for off-street parking to control congestion, and to encourage commercial development to concentrate to the mutual advantage of both consumers and merchants.
- (3) To protect local commercial development against fire, explosions, pollution and environmental hazards.
- (4) To promote the most desirable uses of land and the direction of building development in accordance with the adopted growth management policy of the city; to promote stability of commercial development; to strengthen the economic base of the city; to protect the character of the district; to conserve the value of land and buildings; and to protect the city's tax base.
- (5) To promote the most efficient use of city facilities and services.

(Code 1966, § 32-42(1))

Sec. 138-252. - Permitted uses.

The uses permitted in the C-2 neighborhood commercial districts are as follows:

- (1) Retail businesses that sell products on the premises to consumers primarily from adjacent residential areas, such as convenience stores, neighborhood meat or produce markets, bakeries or tortillerias, ice cream stores, florists and gift stores, pharmacies, books/newspapers/magazines, and video/tape/record stores and similar uses.
- (2) Personal services which perform services on the premises such as repair shops (watches, radios, TV, shoes, etc.), tailor shops, beauty parlors or barbershops, photographic studios, day care centers, and similar uses but not including automotive parts or repair services.
- (3) Laundromats, laundry/drycleaning pickup stations, and laundry/dry cleaning establishments dealing directly with consumers.

- (4) Loan companies, insurance and real estate offices.
- (5) Medical offices for general practice physicians, dentists, chiropractors, and other similar nonspecialized medical professionals.
- (6) Parking facilities associated with uses permitted within any residential, C-1, C-2 or C-3 zoning districts.
- (7) On-premises signs, including those that are animated or illuminated.
- (8) All signs permitted in C-1 office building district.

(Code 1966, § 32-42(2))

Sec. 138-253. - Conditional uses.

The conditional uses requiring a conditional use permit permitted in the C-2 neighborhood commercial districts are as follows:

- (1) All conditional uses listed in the C-1 office building district.
- (2) Gasoline service stations or retail outlets where gasoline products are sold.
- (3) Personal wireless service facilities.

(Code 1966, § 32-42(3); Ord. No. 1996-70, § IX, 11-18-96)

Cross reference— Conditional use permits, § 138-111 et seq.

Sec. 138-254. - Prohibited uses.

The uses prohibited in the C-2 neighborhood commercial districts are as follows:

- (1) Any building erected or land used for other than one or more of the uses specified in this division.
- (2) Off-premises signs.
- (3) Any use of property that does not meet the required minimum lot size; front, side and rear yard dimensions; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required in section 138-356.
- (4) Laundry/drycleaning plants servicing off-premises pickup stations.

(Code 1966, § 32-42(5))

Sec. 138-255. - Business establishments.

All business establishments in the C-2 neighborhood commercial districts shall be retail service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail prices on premises where produced.

(Code 1966, § 32-42(4)(a))

Sec. 138-256. - Type of building facility permitted.

All businesses servicing or processing in the C-2 neighborhood commercial districts shall be conducted within a completely enclosed building, except for off-street parking or loading, excluding drive-in businesses or gasoline service stations or retail outlets where gasoline products are sold.

(Code 1966, § 32-42(4)(b))

Sec. 138-257. - Gasoline service stations and retail outlets—Generally.

Gasoline service stations or retail outlets in the C-2 neighborhood commercial districts, where gasoline products are sold at retail prices, are limited in their activity to the sale of gasoline, oil and minor accessories only, and incidental service. Repair work, steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstery, auto glasswork and such other activities whose external effects could adversely extend beyond the property line are not permitted.

(Code 1966, § 32-42(4)(c))

Sec. 138-258. - Same—Location of curb cuts restricted.

The curb cut, or ingress and egress to gasoline service stations, retail outlets for gasoline products and/or drive-in businesses in the C-2 neighborhood commercial districts shall not be permitted at locations where it will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 25 feet from any street intersection, measured from the right-of-way.

(Code 1966, § 32-42(4)(d))

Sec. 138-259. - Same—Front yard setbacks, etc.

A front yard setback of 60 feet from the right-of-way of any existing or proposed street shall be maintained by gasoline service stations or retail outlets where gasoline products are sold in the C-2 neighborhood commercial districts unless otherwise approved by the planning and zoning commission. Gas pumps and canopies may be placed within the setback not less than nine feet from the property line, or ten feet from the curb, whichever is greater.

(Code 1966, § 32-42(4)(e))

Sec. 138-260. - Same—Lighting; buffer requirement.

In the C-2 neighborhood commercial district, all lighting shall be shielded from adjacent residential districts. A six-foot-high, completely obscuring wall shall be provided by all gasoline service stations, retail outlets where gasoline products are sold, or drive-in businesses, when abutting or adjacent to districts zoned for any residential use.

(Code 1966, § 32-42(4)(f), (g))

Sec. 138-261. - Same—Minimum lot area.

The minimum lot area for a gas service station or a retail outlet where gasoline products are sold in the C-2 neighborhood commercial districts should be 13,000 square feet and so arranged that ample space is available for motor vehicles which are required to wait, except that gasoline service stations intended solely for the purpose of selling gasoline, oil and minor accessories and having no facilities for repair or servicing automobiles may be permitted on lots of less than 13,000 square feet subject to all other provisions required in this chapter.

(Code 1966, § 32-42(4)(h))

Sec. 138-262. - Veterinary hospitals or clinics.

Veterinary hospitals or clinics in the C-2 neighborhood commercial districts are subject to the limitation that all activities be conducted within a totally enclosed building with no open air impoundment and no external effects such as noise or odor which could adversely extend beyond the property lines.

(Code 1966, § 32-42(4)(i))

Secs. 138-263—138-266. - Reserved.

DIVISION 8.5. - C-3L LIGHT COMMERCIAL DISTRICT

Footnotes:

--- (26) ---

Editor's note— Ord. No. 1999-07, § 1, adopted Jan. 25, 1999, amended the Code by adding provisions designated as §§ 138-267—138-270. Said provisions have been codified as div. 8.5 at the discretion of the editor. See the Code Comparative Table.

Sec. 138-267. - Purpose.

The C-3L light commercial district is established for the following purposes:

- (1) To allow commercial uses within the areas of transition from residential to commercial that would provide additional business opportunities and protect neighborhoods from

commercial establishments attracting high-traffic volumes.

- (2) To provide sufficient space and off-street parking in appropriate locations in proximity to residential areas, for light commercial development catering to the shopping and service needs of shoppers.
- (3) To provide appropriate space for off-street parking to control congestion, and to encourage light commercial development to concentrate to the mutual advantage of both consumers and merchants.
- (4) To protect light commercial development against fire, explosions, pollution and environmental hazards.
- (5) To promote the most desirable uses of land and the direction of building development in accordance with the adopted growth management policy of the city; to promote stability of commercial development; to strengthen the economic base of the city; to protect the character of the district; to conserve the value of land and buildings; and to protect the city's tax base.
- (6) To promote the most efficient use of city facilities and services.

(Ord. No. 1999-07, § 1, 1-25-99)

Sec. 138-268. - Permitted uses.

The uses permitted in the C-3L light commercial districts are as follows:

- (1) All uses listed as permitted uses in the C-1 office building district.
- (2) All uses listed as permitted uses in the C-2 neighborhood commercial district, excluding gasoline service stations or retail outlets where gasoline products are sold.
- (3) Retail businesses that sell products such as: candy, nuts and confectioneries, bakeries or tortillerias, ice cream stores, specialized food products, apparel and accessories, computer hardware and software, records, tape and compact diskettes, musical instruments, drug and proprietary goods, household furniture and electronics, miscellaneous shopping goods (sic 594), products from miscellaneous retail stores (sic 599) and similar or related uses.
- (4) Restaurants which do not derive more than 25 percent of the gross income from the sale of alcoholic beverages.
- (5) On-premise signs, including those that are animated or illuminated.
- (6) All signs permitted in the C-1 office building district.
- (7) Household goods warehousing and storage in individually rented storage units.

(Ord. No. 1999-07, § 1, 1-25-99; Ord. No. 2003-83, § 1, 11-10-03)

Sec. 138-269. - Conditional uses.

The conditional uses requiring a conditional use permit permitted in the C-3L light commercial districts are as follows:

- (1) All conditional uses listed in the C-2 neighborhood commercial district except gasoline service stations or retail outlets where gasoline products are sold.
- (2) Liquor stores that only offer alcohol for off-premise consumption.

(Ord. No. 1999-07, § 1, 1-25-99; Ord. No. 2020-68, § I, 12-14-20)

Sec. 138-270. - Prohibited uses.

The uses prohibited in the C-3L light commercial districts are as follows"

- (1) Any building erected or land used for other than one or more of the uses specified in this division
- (2) Any use of property that does not meet the required minimum lot size; front, side and rear yard dimensions; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required in section 138-356.
- (3) Vape shops and smoke shops.

(Ord. No. 1999-07, § 1, 1-25-99; Ord. No. 2020-68, § I, 12-14-20)

Secs. 138-271—138-275. - Reserved.

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Neighborhood Business Districts

PAS Report 77

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Information Report No. 77

August 1955

Neighborhood Business Districts

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Consumer retail goods may be broken down into two types — shopping and convenience goods.

Shopping goods are those items which are bought infrequently and are often high-priced. The term "shopping goods" implies that a potential purchaser may be expected to compare the prices and quality of a number of items prior to his final selection. Expensive watches and jewelry, television sets, large and expensive pieces of furniture and the like are examples of shopping goods.

Convenience goods are goods purchased frequently and at more or less regular intervals. Food, drugs, hardware, and many items of clothing and accessories are classified as convenience goods.

Urban retail structure

Stores in cities which are large enough to support a large variety of retail sales and service establishments are generally found grouped in different areas throughout the city. Usually they will follow a certain pattern:

A central business district – in which the largest stores — as well as banks, offices, and commercial services — are concentrated. This district draws customers from all parts of the city and from a suburban and regional trade area.

Secondary commercial districts – in outlying areas, serving community or regional trade. These districts tend to resemble small-scale central business districts. Stores in these districts handle a wide range of shopping goods and convenience goods and services for nearby residents. Specialty stores and smaller department stores, carrying lines of merchandise appropriate to the financial status of residents of the trade area, are usually found in these districts.

Local business districts – which tend to be small groups of stores selling groceries, drugs and other convenience goods as well as a few specialty shops and local services such as barber and beauty shops. Stores and services in these districts are largely dependent upon people living within a ten or fifteen minute walking distance.

Scattered retail stores – in most older sections of the city (and occasionally in new sections as well) there are isolated retail stores such as a corner grocery or drug store or a filling station. Seldom are more than two or three stores found in these groups and often they tend to be marginal businesses which depend upon people within the block or no more than five-minutes walking distance. If there are more than two or three stores in these groups, they are not scattered stores but assume many of the characteristics of a neighborhood business district.

Neighborhood Business Districts

Early zoning ordinances seldom made distinctions between different types of business districts, except that taller buildings were permitted in central business districts. All business districts in the city were subject to the same use regulations: a list of specified industrial uses were prohibited and all other uses were permitted in neighborhood business districts as well as in the central business district. Gradually, commercial zoning has been refined to a point where it is common to find a modern zoning ordinance establishing different regulations for anywhere from three to six or more types of business districts.

This report analyzes zoning provisions for local business districts — neighborhood business districts and convenience store districts — to find the ways in which zoning ordinances regulate and classify business uses.

Purpose

In general, the purpose of a neighborhood business district is to furnish convenience goods to the surrounding residential district. Several zoning ordinances specifically state their intent for these districts.

The Greensboro, North Carolina, zoning ordinance (1954) describes its Commercial N District as follows: "Primarily for the conduct of retail trade in outlying shopping areas with emphasis on daily necessities for the convenience of surrounding residential areas."

Chicago Heights, Illinois (1953) includes the following statement of intent describing the types of uses permitted in the Neighborhood Shopping District: "It is intended that the retail uses shall be similar to those permitted in the R-S Retail Shopping District; and shall, in addition, require off-street parking for these uses." The Retail Shopping District uses are described as follows: "It is intended that retail uses shall be limited to those used by pedestrians and to those which do not interfere with pedestrian movement."

The zoning ordinance for South Euclid, Ohio (1954) includes a more extensive statement of the purposes of all business districts established in the ordinance:

Various business districts and their regulations are established to promote the general convenience, welfare and prosperity of the community. More specific purposes are:

1. to provide for sufficient but not excessive business districts — Local Business District in close proximity to and catering to the ordinary shopping needs of the immediate neighborhood — and General Business District at greater distances, serving the extraordinary needs of the entire community; and
2. to protect adjacent residential developments by restricting the types of business uses, particularly at the common boundaries, which would create hazards, noise, odors, or other objectionable influences; and
3. to protect both residential and business developments from congestion by regulating the intensity of business developments; and by requiring off-street parking and loading facilities; and
4. to encourage the tendency of business to group in centers and with sufficient depth from the street to satisfy the needs of modern developments, to the mutual advantage of customers and merchants; and
5. to promote the most desirable land uses in accordance with a well-considered plan, to stabilize residential and business developments, and to enhance values.

Permitted Uses

Whether the purpose is specifically stated or not, it is reflected in the uses permitted in neighborhood business districts. Usually these uses consist of:

- a) a core of convenience stores selling items such as groceries, drugs, hardware or clothing, and businesses performing convenience services
- b) small shops selling shopping goods
- c) non-retail uses.

Local sales and services

In addition to the usual convenience goods stores, most ordinances permit a number of small stores and shops which sell shopping and specialty items, and may or may not draw most of their customers from the surrounding area.

With few exceptions, retail uses permitted in neighborhood business districts have the following characteristics in common:

- a) Type of product sold – usually small enough to be carried away on foot or in an automobile.
- b) Operation within an enclosed building – with the exception of automotive services.
- c) Hours of operation – most stores are of the type open only during the day and early evening. (Some ordinances specify permitted hours of operation.)
- d) Vehicular traffic – most of the stores do not attract large numbers of automobiles, and service to these stores is relatively infrequent and seldom involves heavy trucking.
- e) Primarily for pedestrian shoppers – few ordinances permit drive-in uses other than filling stations.
- f) Small in size – some ordinances specify maximum permissible floor area for particular businesses.
- g) Manufacturing limited to products sold on premises – the few limited manufacturing processes permitted must be accessory to the primary purpose of the business which is retail sales.

Table 1 consists of a list of retail sales and service establishments permitted in neighborhood business districts in selected zoning ordinances. The ordinances used in this table and Table 2 were selected to include ordinances from cities and counties of all sizes and to include all sections of the United States. Only permissive ordinances were used and those ordinances which included copies of the zoning maps were selected in preference to those for which maps were not available.

In some ordinances, these districts are called "neighborhood business districts," but others use names such as "local commercial districts," "business districts," or "retail shopping districts." The districts used in these tables are those which perform the function of neighborhood business districts, regardless of the name applied to the district in the ordinance.

Non-retail uses

In most of the ordinances analyzed in Table 2, the types of non-retail uses permitted in neighborhood business districts are similar to those permitted in other ordinances. However, the lists of specific uses show great differences in the non-retail uses permitted in the several cities.

Table 1

RETAIL SALES AND SERVICES PERMITTED IN NEIGHBORHOOD BUSINESS DISTRICTS IN SELECTED ZONING ORDINANCES

Permitted Uses	Bismarck, N.D.	Buffalo	Chicago	Chicago Heights, Ill.	Eugene, OR	Fort Worth	Greensboro, NC
Retail Sales and Services				a			
Food-Drug Sales Group							
Bakery shop	x	x	x	x	x	x	c
Candy, confectionery	x	x			x	x	
Dairy bar, ice cream	x						x
Delicatessen	x	x			x	x	x
Drug store	x	x			x	x	x

Food processing for sale on premises								d
Grocery	x	x			x	x		x
Health food								
Meat markets	x	x			x	x		
Package liquor store	x		x					x
Popcorn, nut store								
Poultry, fish				d				
Food Services Group								
Catering, lunch service							x	x
Refreshment stand, soda fountain	x						x	
Restaurant (no dancing, entertainment)	x	e	x	x	x	x	x	x
Restaurant: drive-in								x
Tavern, bar				x				
Variety Goods								
Department store							x	x
Dry goods						x	x	
Five and ten	x							
Notions, variety store	x	x				x	x	x
Pawn shop, second hand store								x
Clothing Group								
Accessories	x	x					x	x
Clothing	x	x					x	x
Dressmaker, tailor	x	x		x	x		x	x
Furrier				x				
Milliner	x	x	x			x		x

Shoes: sale		x			x		x
Shoes: repair	x	x	x		x		x
Laundry-Cleaning							
Cleaning, dyeing agency						c	i
Dry cleaning: plant				k		c	i
Dry cleaning: pick-up station	x	x	x		x	x	x
Fur cleaning, storage							x
Hat cleaning, blocking							x
Laundry: plant							i
Laundry: hand			x				x
Laundry: pick-up station	x	x	x		x	x	x
Laundry: self-service	x	x		x	x	x	x
Pressing shop						c	i
Personal Services							
Barber shop	x	x	x	x	x	x	x
Beauty shop	x	x	x	x	x	x	x
Shoe shine shop							
Automotive Group							
Filling station	x	x	x	x	x	x	x
Parking lot		x		x			x
Repair garage			x				
Sales: new			x			x	x
Sales: used			x			x	x
Motorcycle sales						x	
Trailer sales						x	
Furniture							
Sales, repair	x					x	x
Upholstering							

**Hardware-
Appliances**

Appliances	x	x	x	x	m	x
Bicycles					x	
Gunsmith, locksmith						x
Hardware	x	x		x	x	x
Paint						x
Plumbing, heating					m	
Radio, television				x		x
Wallpaper					x	

**Books-
Stationery
Group**

Books	x	x		x	x	x
Greeting cards						
Magazines	x	x			x	x
Newspapers	x	x			x	x
Stationery	x	x		x	x	x

**Art-Antique-
Jewelry Group**

Antique store	x		x		x	x
Art gallery						x
Art shop					x	
Art needlework						
Flower shop, florist	x	x		x	x	x
Gift shop	x	x		x	x	x
Glass and china						
Jewelry, watches: sales	x	x		x	x	x
Jewelry, watches: repairs						x
Music, piano store	x				x	x
Opticians, oculists					x	x

Photographer	x	x			x	x	x
Hobby-Toy-Pet Group							
Aquariums						x	
Bird stores						x	x
Camera stores	x						x
Hand workshop			x				
Hobby shop	x						
Pet shop							x
Sporting goods							x
Taxidermists							x
Toys	x						
Agricultural Group							
Feed and seed							x
Fertilizer							x
Greenhouse							
Nursery						x	
Business Services							
Advertising agency							x
Bank	x	x	x	x	x	x	x
Blueprinting						x	
photostating						x	
Office equipment	x						x
Office supply							x
Printing shop							
Sign painting							x
Miscellaneous							
Baby formula service							
Baby sitters agency							
Bus passenger station							x

Christmas trees					x	
Cold storage locker	x			x	o	x
Diaper service						
Fuel oil, coal						q
Funeral home		x	x		x	x
Ice dealers, storage				r	s	

Footnotes to Table 1

- a. Retail sales.
- b. "Any retail sales or service establishments such as . . ." [those listed below].
- c. Floor area not to exceed 3,000 sq. ft.
- d. No killing on site.
- e. No alcoholic beverages on a lot in a C1 district located in the same block frontage as any R district or frontage directly across the street from any R district.
- f. No alcoholic beverages.
- g. Use permit required.
- h. Beer for consumption on premises permitted in C-1L District.
- i. Floor area not to exceed 2,000 sq. feet.
- j. Floor area not more than 3,000 sq. ft; all solvents, shampoos, detergents and other agents shall be of chlorinated solvent type and non-combustible and non-explosive and having a rating of 5 or under by Underwriters Laboratories, Inc.
- k. Employing less than 5 persons and using carbon tetrachloride or other non-inflammable cleaning fluid.
- l. In "Major" B-1 Neighborhood Business District.
- m. Small shops limited to neighborhood service.
- n. Not including sale of powered vehicles with motors greater than 1 h.p.
- o. When incidental to a grocery store.
- p. For personal use only.
- q. When sold in cans of 5 gallons capacity or less.
- r. No ice manufacture.
- s. 7 1/2 tons storage capacity.
- t. 5 tons storage capacity.

Table 2

NON-RETAIL USES PERMITTED IN NEIGHBORHOOD BUSINESS DISTRICTS IN SELECTED ZONING ORDINANCES

Permitted Uses	Bismarck, N.D.	Buffalo	Chicago	Chicago Heights, Ill.	Eugene, OR	Fort Worth	Greensboro, NC
Commercial Recreation							x
Billiard, pool room							
Bowling alley				x			
Clubs, lodges		x		x		x	x
Golf: driving range						x	
Golf: miniature			x			x	

Massage, health treatments						x	
Physical culture establishment							x
Theaters: indoor				x		a	x
Theaters: drive-in							
Turkish bath						x	
Offices							
Advertising agency							x
Brokerage							x
Business					x		
General				x			x
Governmental				x			x
Insurance agency							x
Personal loan							x
Professional	x	x	x	x	x	x	x
Real estate							x
Public recreation							
Assembly hall						a	x
Banquet center							
Community center	x				x	x	x
Golf course	x				x	x	x
Library					x		x
Meeting room							
Museum	x		x			x	x
Park	x				x	x	x
Playground	x				x	x	x
Stadium							x
Swimming pool	x						x
Public utilities							

Electric substation	x	x		x			x
Gas regulator station				x			
Sewage, water pumping station	x			x			
Telegraph office				x			
Telephone exchange		x		x			x
Transmission line	x						x
Schools							
Commercial (art, drama, dancing)		x	x	x		x	x
Kindergarten					x	x	
Private		x					
Dwellings	x	x	x	x	x	x	
Miscellaneous							
Church		x			x	x	x
Fire station	x				x		
Hospital, clinic		x		x	x		
Hotel						x	
Laboratory							x
Motel	x						x
Radio-television station							x
Storage (under cover)							x
Taxi-cab stand							d
Trailer court							
Wholesale establishment							

Footnotes to Table 2

- a. Seating capacity not more than 1,500 persons.
- b. In "Major" B-1 Neighborhood Business District.
- c. Use permit required.
- d. Limited to 5 taxis.
- e. Floor area not more than 3,000 sq. ft.

Manner of operation

Provisions regulating manner of operation have two purposes: to keep the uses appropriate to a neighborhood business district, and to prevent practices that will be harmful to nearby residential districts.

Among the most common requirements are that only new products may be sold in these districts, that businesses must be conducted within enclosed buildings, and that manufacturing processes be limited to products sold at retail on the premises. Less frequently, requirements limit the hours of operation of businesses in these districts, regulate the sale of alcoholic beverages at restaurants, or prescribe size limitations on all or particular businesses.

Limitations on manufacturing — Ordinances commonly permit bakery shops and other retail stores to manufacture some articles for sale on the premises, but they prohibit manufacturing of products to be sold elsewhere.

In addition, ordinances limit the extent of manufacturing by specifying a maximum number of employees who may be engaged in a manufacturing process, by limiting the size and power of machines used, and by regulating the total floor area of the building, and of floor area which may be used for manufacturing. Table 3 summarizes the limitations on manufacturing in selected zoning ordinances.

Table 3**LIMITATIONS ON MANUFACTURING IN NEIGHBORHOOD BUSINESS DISTRICTS IN SELECTED ZONING ORDINANCES**

Zoning Ordinance	Maximum number of persons employed in processing	Maximum horsepower of machines	Other requirements
Chicago Heights, Ill. (1953)	10		no more than 25% of floor area used for manufacturing.
East Orange, New Jersey, (1949)	5	total load – 5	steam plant not over 100 lb. pressure.
Eugene, Oregon (1952)	4		
Fort Worth, Texas (1952)		total – 5	maximum of 50% of floor area devoted to manufacturing. specified uses (bakeries, cleaning and dyeing) total floor area not over 3,000 square feet.
La Grange, Ill. (1944)	5		
Maricopa County, Arizona (amended to 1954)			craft shops – maximum floor area, 3,000 square feet.
Muskegon, Michigan (1952)	2	1 machine – 1 total – 3	
Ottawa, Kansas (1947)		shops for custom work total – 5	maximum 50% of floor area.
Springfield, Oregon (1947)	4		

Enclosure within a building — Ordinances commonly require that all retail stores be operated entirely within enclosed buildings. The only exceptions to this requirement are for automotive services such as filling stations and parking lots. Usually the ordinance includes specification standards governing curb cuts, conduct of all services within the property line, and screening from adjacent residential districts. Requirements of this kind are reported in two previous PLANNING ADVISORY SERVICE Information Reports, No. 57, *Zoning for Parking Areas In and Near Residential Districts* (December 1953) and No. 67, *Regulation of Filling Stations* (October 1954).

Sale of new goods only — Ordinances which require that only new goods be sold in neighborhood business districts generally exclude the sale of antiques and art objects. This exception is made in the zoning ordinance of Glendale, California (amended to 1952). Montgomery County, Ohio, states that goods sold in these districts shall consist primarily of new merchandise. In only one ordinance listed in Table 1 (Greensboro), are pawn shops and second-hand stores permitted.

Hours of operation — Few ordinances specify business hours for these districts, but Dallas, Texas, in its LR-1 district permits stores to remain open only between 7 a.m. and 10 p.m. Bristol, Connecticut, in its Necessary Retail Store District requires that all businesses close by midnight.

Consumption of liquor on premises — Restaurants permitted in neighborhood business districts are often prohibited from serving alcoholic beverages on the premises. Undoubtedly local and state liquor laws have affected these provisions.

Limitations on size — While ordinances often limit the amount of space that may be devoted to manufacturing, they seldom place a maximum on building area. The Fort Worth, Texas, ordinance does, however, place a maximum size of 2,500 square feet on all businesses in an "E-R" Restricted Commercial District. La Grange, Illinois imposes an indirect size limitation by limiting the total number of employees in a retail store to five in an F Local Commercial District.

Maricopa County, Arizona, limits the size of craft shops to 3,000 square feet, and Fort Worth, Texas, limits the size of dry cleaning plants and laundries to the same size. Greensboro, North Carolina, limits the size of bakery shops to 3,000 square feet and cleaning and dyeing shops, pressing shops, and dry cleaning plants to 2,000 square feet.

Density, Bulk and Other Regulations

Use regulations are only part of the requirements needed to see that the neighborhood business districts will serve residents without adversely affecting the surrounding residential areas. Ordinances also control the manner in which land is used in these districts by regulating lot sizes, requiring yards, specifying maximum building heights, ground coverage and floor area ratios. Offstreet parking is almost always required of business uses and some ordinances require off-street loading spaces as well. Signs and billboards are strictly limited within these districts.

Minimum lot sizes for business uses

While minimum lot sizes are often specified for residential uses in neighborhood business districts, minimum sizes for commercial lots are less common. Minimum lot sizes for dwellings are usually the same as those for multiple dwelling or apartment districts.

A few ordinances require minimum lot sizes for business uses.

Bismarck, North Dakota, requires a minimum lot size of 5,000 square feet for commercial buildings, but business structures may also be built on lots of record as small as 4,000 square feet. A minimum lot width of 50 feet measured along the front building line is also required. A business building may be erected on a lot of record less than 50 feet in width but not less than 40 feet wide.

Eugene, Oregon, requires that:

Lots shall have a minimum average width of forty (40) feet and a minimum area of four thousand (4,000) square feet, except that where a lot has an average width of less than forty (40) feet and an area of less than four thousand (4,000) square feet at the time this Ordinance became effective, such lot may be occupied by any use permitted in this section.

Yard requirements

Yard requirements may be broken down into two categories:

- a) yards required for residential uses
- b) yards required for commercial uses

As in minimum lot size requirements, most yard requirements for residential uses are the same requirements as in multi-family districts.

For business uses, front and rear yards are generally required in the ordinance. Side yards are seldom required for business uses except when the commercial lot adjoins a residential district or is a corner lot. However, if side yards are provided in neighborhood business districts, they must be of a specified minimum width to permit access between buildings.

Table 4 summarizes the yard requirements for business uses in a number of ordinances.

Table 4

REQUIRED YARDS FOR BUSINESS USES IN NEIGHBORHOOD BUSINESS DISTRICTS IN SELECTED ZONING ORDINANCES

Zoning Ordinance	Required Yards		
	Front	Rear	Side

Bismarck, North Dakota	15'	10'	none required except where such lot adjoins a lot in a residential or agricultural district - must then conform with requirements for that district.
Chicago Heights, Ill.	none	not less than 25% of lot depth but need not exceed 25'	none, except that when a building abuts a residential district, 10% of lot width or 5', whichever is greater, but need not exceed 10'.
Dallas		none, except when lot abuts residential district and is not separated by an alley, then 20% of lot depth.	none, except adjacent to residential district and not separated by alley, then 10' or 10% of lot width, whichever is smaller, but not less than 5'. Corner lot - 10'.
Etobicoke Township, Canada	20' - may be used for parking for store patrons.		
Fort Worth	not less than 25'.	not less than 25% of lot depth but need not exceed 25'.	none, but if provided shall be not less than 3'; adjacent to R district - 5'; corner lot - 50% of required front yard.
Glendale, California	15' from property line, planted and maintained in lawn trees, shrubs.	20'	
Montgomery County, Ohio	25' from right-of-way, except 75' when located across from R-1, R-2, R-3 district - parking and loading, permitted not less than 25' from r-o-w.	40'	none required except adjoining any "R" district, then not less than 10'.
Mesa, Arizona	contiguous to Residence District same as in that district.	15' when adjacent to R district.	when lot in Business A district adjoins lot in Residence District, must equal side yard required in R district unless the R lot is used for parking as permitted in the ordinance.
Muskegon, Michigan		1-story - 20' 2-story - 25'	none
Salt Lake County	20', for all buildings, walls, fences over 2' in height.	none, except where corner lot rears upon lot in residential zone, then 10'.	none, except on lot adjacent to residential zone boundary, then 10'; on corner lots, side facing street, 20'.

Ground coverage and floor area ratios

Some ordinances specify the maximum permissible percentage of the lot area that may be occupied by commercial buildings:

Bismarck, North Dakota - 75%
Eugene, Oregon - 80%
Salt Lake County, Utah - 60%

The floor area ratio, a relatively new device, is now being used in several ordinances to regulate building bulk. The formula for a floor area ratio is figured as follows:

$$\text{Floor area ratio} = \frac{\text{Total floor area of building}}{\text{Total lot area}}$$

Here are two zoning ordinance requirements for floor area ratios in neighborhood business districts:

Bismarck, North Dakota	– 0.75 for single-story buildings 1.50 for buildings more than one story
Dearborn, Michigan	– 1.50

Height regulations

Most ordinances limit building height to two or three stories or 30 to 45 feet. At least one ordinance, that of Greensboro, North Carolina, places no height limitation on buildings in neighborhood business districts, while another, Maricopa County, Arizona, permits buildings of eight stories or 96 feet.

Signs and billboards

If neighborhood business districts are to be located near residential districts, then clearly they are not appropriate locations for billboards or flashing, intermittent signs. Most zoning ordinances recognize this and allow only small signs identifying stores or products sold within the stores. In addition, overhanging signs are often prohibited, and only signs attached flat to the face of buildings are permitted in these districts.

The following are some more or less typical examples of sign regulations for neighborhood business districts:

Salt Lake County, Utah

Any exterior sign displayed shall pertain only to a use conducted within the building or on the lot or shall appertain to the lease or sale of the property. In no case shall a sign project above the height of the building. Lighted signs shall not employ flashing or intermittent illumination.

Palo Alto, California – C-1 Neighborhood Business District

Exterior signs pertaining to the business use conducted on the premises, provided that no such sign shall project more than one (1) foot from any wall, and that the aggregate area of all such signs shall not exceed five (5) square feet, and that no such sign shall be illuminated or project above the cornice or roof line.

Chicago Heights, Illinois – Neighborhood Business District

Signs: only when attached to a building and describing the business carried on therein.

Montgomery County, Ohio – B-1 Neighborhood Business District

Any exterior sign shall pertain only to a use conducted within the building and be integral or attached thereto. No sign may project over any street line or extend more than four (4) feet over any building line whether fixed to the building or to any other structure. In no case shall any sign project more than three (3) feet above the roof line, or exceed one and one-half (1 1/2) square feet in area for every foot occupied by the front of the building displaying such sign. Where the lot adjoins an "B" District, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the "R" District.

Directional and other incidental signs, not exceeding four (4) square feet in area, required in connection with the operation of an automobile service station, parking lot, or similar establishment, provided such signs do not extend over street right-of-way lines nor otherwise obstruct or impair the safety of pedestrians or motorists.

Off-street parking and loading

While off-street parking is usually required for commercial uses in neighborhood business districts, standards are usually lower than those for planned shopping centers. One reason is that it is practically impossible to require as much off-street parking in built-up areas as is desirable in newly developed shopping centers, another that shopping centers are designed for shoppers who use their automobiles, while neighborhood business districts are primarily for pedestrian shoppers.

Off-street parking requirements in present zoning ordinances are well covered in Highway Research Board Bulletins No. 24, *Zoning for Parking Facilities* (1950) and No. 99, *Parking Requirements in Zoning Ordinances* (1954) which is a supplement to the previous report. Requirements for business uses are handled on pages 58–65 of the earlier bulletin and pages 45–51 of the supplement.

A summary of zoning requirements for off-street loading may be found in Highway Research Board Bulletin No. 59, *Zoning for Truck-Loading Facilities*.

Convenience Store Districts

Few zoning ordinances have established districts specially intended to permit only convenience stores. In some cases, the areas in which these stores are located have been classified residential and the stores considered nonconforming uses. In other cases, the land on which these isolated stores are located has been zoned for business – which may well be considered as cases of spot zoning.

Some cities have, however, established special limited business districts in which the number of different uses permitted is small. One such district is the Necessary Retail Store District in the zoning ordinance of Bristol, Connecticut (amended to 1948) in which only the following products may be sold:

1. The sale of gasoline, oil and other small automobile supplies such as are regularly sold at a gasoline station.
2. Groceries and such supplies as are ordinarily sold at a retail grocery establishment.
3. Drugs and other products ordinarily sold at a drugstore.

The sale of intoxicating liquors for consumption on the premises, or conducting a roadhouse, dance hall or other form of business, other than the above permitted, is hereby expressly forbidden in such a zone.

Only three such districts appear on the zoning map. There are also approximately thirty business zones in the city besides the central business district, in which only specified industrial uses are prohibited. In all cases, these districts are completely surrounded by residential districts and are a considerable distance from other business districts.

The West Bend, Wisconsin, zoning ordinance (amended to 1945) establishes a Neighborhood Shopping District in which the list of permitted uses is somewhat larger than in the Bristol district. The following uses are permitted:

- Any use permitted in the Residence District; and
- (1) Retail food stores except bakeries employing more than five persons.
 - (2) Retail confectionery stores.
 - (3) Retail art and gift shops.
 - (4) Retail dry goods and clothing stores.
 - (5) Retail drug stores.
 - (6) Barber and beauty shops.
 - (7) Professional and business offices.

At least two zoning ordinances establish districts resembling convenience store zones as special types of neighborhood business districts. These districts are always surrounded by residential districts and they are small in size. In the Muskegon, Michigan, ordinance, for example, the following provision is included in the requirements for the B-1 Neighborhood Business District:

... in any "B-1" District entirely surrounded by residence districts, the greatest dimension of which is less than eight hundred (800) feet, the foregoing retail business or service establishments shall be limited to such as supply commodities or perform services for the residents of the surrounding neighborhood.

Montgomery County, Ohio, establishes a "Minor" B-1 Neighborhood Business District in which stores are limited to those selling convenience goods. A "Minor" B-1 district, as described by the ordinance, is one which is entirely surrounded by "R" districts and which contains less than five acres, including streets.

The zoning ordinance of Fort Worth, Texas, contains regulations for an "E-R" Restricted Commercial District in which uses are limited to convenience stores and services:

- Any use permitted in the "C" Apartment District.
- Auto parking areas, for passenger cars only.
- Barber and beauty shops.
- Book or stationery stores, or news stands.
- Cleaning, pressing and laundry collection offices.
- Custom dressmaking or millinery shops.
- Doctors or dentists offices, clinics, or medical, surgical or dental laboratories.
- Grocery stores and meat markets.
- Offices.
- Photograph, portrait or camera shops and photo finishing.
- Studios for artists.
- Accessory buildings and uses customarily incident to any of the above uses including air conditioners, ice and refrigerating plants purely incidental to the main activity permitted on the premises.
- No accessory use shall be construed to permit the keeping of articles or materials in the open or outside the building.

In addition, the ordinance requires that all uses be conducted entirely within an enclosed building and that no building shall exceed 2,500 square feet of floor area.

It is impossible to determine the conditions under which "E-R" districts are intended to be used because the zoning map shows no such districts. Neighborhood shopping is handled by approximately 150 "E" Commercial Districts. (See Table 1.) However, the limitation upon the size of stores permitted in these "E-R" districts indicates that they are probably intended to be located near residential areas where the regulations of the "E" Commercial District are not stringent enough to safeguard the neighborhood.

Summary and Conclusions

The chief problems in zoning for neighborhood business districts are:

- a) the selection of a list of permitted uses which is small enough to include only those retail sales and service establishments which depend primarily upon neighborhood trade and yet a list large enough to cover the demands of local residents for convenience goods and;
- b) the development of bulk, density, parking and loading regulations which will recognize the realities of existing development standards and also protect nearby residential districts.

The list of permitted retail sales and services in Table 1 shows the wide range of uses permitted in neighborhood business districts in different cities. The ordinances agree that certain uses, such as grocery and drug stores, variety and hardware stores, restaurants, and laundry and dry-cleaning pick-up stations, are suitable uses in neighborhood business districts.

However, uncommon uses such as greenhouses, feed and seed stores, taxidermists shops, and similar stores were permitted in only one or two ordinances. It is possible that some of these uses are, in fact, customary neighborhood businesses in the cities in which they are permitted. It is also possible that these are stores which do not depend upon the neighborhood for the bulk of their trade.

Between the two extremes lie a number of uses which are difficult to classify — stores which may under certain conditions actually serve the neighborhood in which they are located, but which would be out of place in other districts. Antique stores or art shops are typical of these neither-black-nor-white uses: in one neighborhood business district, an antique store might draw as many as 80 to 90 percent of its trade from the surrounding residential area, in another, most of its customers might travel miles to buy a particular specialty of the shop.

Another problem in considering the uses permitted in neighborhood business districts is that of stores which are too small or too marginal to justify a location in the central business district or a planned shopping center. For example, a rare stamp dealer might have customers scattered throughout the city, but because his business is small, be unable to afford a shop in the downtown area. Through necessity, he is forced to sacrifice the advantages of a central location in order to find a shop where he can pay a lower rent.

Problems such as this pose the basic question in zoning for neighborhood business districts: What is the most desirable function for neighborhood business districts? Are they to be limited to those retail sales and services which are operated primarily for the residents of the neighborhood, or are these districts to be handled as retail areas in which all small shops and stores are permitted so long as they are relatively inoffensive?

Stated another way, this problem becomes: How many types of uses should be permitted in neighborhood business districts? Should the number be kept at a minimum to limit the uses to purely local sales and services? Or should a larger group of uses be permitted and allow competition to determine which stores and services survive within the district?

A partial solution to these problems may lie in use of more "convenience store" districts, in which uses are strictly limited to those which are almost exclusively dependent upon neighborhood trade. The creation of districts of this type may lead to cries of "spot zoning," but in nearly every ordinance studied in preparing this report, there were examples of neighborhood business districts consisting of only three or four lots or only the four corners of an intersection. One ordinance permitted as many as 162 business uses (in addition to those permitted in residential districts) in these "spot" districts.

Some ordinances recognize that it is impossible to require existing neighborhood business districts to meet standards now considered desirable for modern shopping centers. This is specially true of requirements for off-street parking, where more parking spaces are required for new shopping centers designed to handle large numbers of customers driving their automobiles than for neighborhood business districts which depend primarily upon pedestrian shoppers.

Neighborhood business districts point up the limitations upon the use of zoning as a tool for improving land use in the community. Conditions existing in these areas at the time the zoning ordinance is passed determine to a large degree the regulations which may be imposed upon uses in these districts and the

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