

DIVISION 13. - C-1D DOWNTOWN COMMERCIAL DISTRICT

Sec. 133-487. - Intent.

The purpose of the C-1D Downtown Commercial District is to provide a special district for commercial uses in the older portion of the downtown. The district is intended to retain the mixture of business uses and development character of the older Downtown Commercial District.

(Code 1998, § 106-521; Ord. No. 97-11, § 13-1-33(a), 11-3-1997)

Sec. 133-488. - Permitted uses.

Except as provided in subsection 133-524(2), the permitted uses in the C-1D Downtown Commercial District are the same as those permitted in the C-1 General Commercial District, plus residences on upper floors, including efficiency apartments.

(Code 1998, § 106-522; Ord. No. 97-11, § 13-1-33(b), 11-3-1997; Ord. No. 08-08, § 1, 5-5-2008)

Sec. 133-489. - Conditional uses.

- (a) The conditional uses in the C-1 General Commercial District are conditional uses in the C-1D Downtown Commercial District.
- (b) Any use permitted in the C-1 General Commercial District that requires a Class "B", "Class B" or "Class C" license for the sale of alcohol beverages is a conditional use in the C-1D Downtown Commercial District.
- (c) Buildings taller than the maximum height permitted in section 133-491. In addition to the standards set forth in section 133-936, a building taller than the maximum height permitted in section 133-491 is subject to the following standards:
 - (1) The height of the building shall not exceed 55 feet.
 - (2) All part(s) of the building that are above 45 feet in height shall be setback a minimum of 30 feet from any road right-of-way.
 - (3) The total surface square footage of the part(s) of the building that is above 45 feet cannot exceed 25 percent of the total square footage of the first floor of the building.
 - (4) The part(s) of the building that are above 45 feet in height shall be used only for purposes that are accessory to the primary use(s) of the building.

(Code 1998, § 106-523; Ord. No. 97-11, § 13-1-33(c), 11-3-1997; Ord. No. 08-08, § 1, 5-5-2008; Ord. No. 18-5, § 1, 3-12-2018)

Sec. 133-490. - Accessory buildings and uses.

The accessory buildings and uses in the C-1D Downtown Commercial District are the same as those conditionally permitted in the C-1 General Commercial District.

(Code 1998, § 106-524; Ord. No. 97-11, § 13-1-33(d), 11-3-1997)

Sec. 133-491. - Height and area requirements.

Height and area requirements in the C-1D Downtown Commercial District are as follows:

- (1) *Maximum building height.* The maximum building height shall be 45 feet for the principal building and shall be 20 feet for a detached accessory building, except where taller buildings are approved as conditional uses.
- (2) *Setbacks.* Setbacks shall be as follows:
 - a. Front yard setback, none;
 - b. Side yard setbacks, none;
 - c. Rear yard setback, 20 feet.
- (3) *Minimum lot width.* The minimum lot width shall be 50 feet.
- (4) *Dwelling unit density.* The lot area per dwelling unit shall be 1,200 square feet. For purposes of this subsection, lot area may include a parcel or parcels that are within 500 feet of the parent parcel (i.e., the parcel on which the principal building is located), and which parcel or parcels contain improvements (e.g., storm water, parking) necessary for the development of the parent parcel paid for by the owner of the parent parcel. If the owner of the parent parcel does not own the adjacent parcel or parcels, the owner of the parent parcel must have a written agreement with the parcel owner giving the parent parcel owner the right to place improvements on the adjacent parcel, the village must be a party to the written agreement in a form approved by the village, and the agreement shall be recorded on the subject property. Notwithstanding the preceding sentences, the adjacent parcel or parcels shall not be located in a residential zoning district.

(Code 1998, § 106-525; Ord. No. 97-11, § 13-1-33(e), 11-3-1997; Ord. No. 18-5, § 2, 3-12-2018; Ord. No. 18-19, § 9, 10-15-2018)

Sec. 133-492. - Parking requirements.

The plan commission may grant applicants in the C-1D Downtown Commercial District exceptions from the parking requirements as set forth in section 133-995 where the provision of the required number of parking stalls would not be feasible due to the size or configuration of the lot and where there are sufficient municipal or other off-site parking stalls in the area.

(Code 1998, § 106-526; Ord. No. 97-11, § 13-1-33(f), 11-3-1997)

Secs. 133-493—133-522. - Reserved.

DIVISION 14. - C-1 GENERAL COMMERCIAL DISTRICT

Sec. 133-523. - Intent.

The purpose of the C-1 General Commercial District is to accommodate a wide range of retail, commercial service and product establishments. It is also intended to accommodate the development of mixed land uses that will allow the combination of commercial and residential uses in the same structure.

(Code 1998, § 106-556; Ord. No. 97-11, § 13-1-34(a), 11-3-1997)

Sec. 133-524. - Permitted uses.

Permitted uses in the C-1 General Commercial District are as follows:

(1) Retail sale and repair services, including the following:

- a. Animal hospitals and pet shops;
- b. Antique shops;
- c. Audio and video equipment and merchandise;
- d. Automotive accessory stores.;
- e. Bakeries;
- f. Barbershops;
- g. Beauty shops;
- h. Bicycle sales;
- i. Book/stationery stores;
- j. Candy and ice cream stores;
- k. Carpet stores;
- l. Camera and photographic supply stores;
- m. Catering services;
- n. Clocks and watches;
- o. Clothing and apparel stores;
- p. Computer and computer accessory stores;
- q. China and glassware stores;
- r. Coin stores;
- s. Custom dressmaking;
- t. Drugstores;

- u. Dry cleaning and laundry;
- v. Electronic and housewares appliance stores;
- w. Flower shops;
- x. Furniture and home furnishings stores;
- y. Gift shops;
- z. Grocery stores;
- aa. Hardware and paint stores;
- bb. Hobby stores;
- cc. Jewelry stores;
- dd. Landscape nurseries;
- ee. Leather goods and luggage stores;
- ff. Locksmiths;
- gg. Major department stores;
- hh. Meat markets;
- ii. Musical instrument stores;
- jj. Office supply stores;
- kk. Optical goods stores;
- ll. Orthopedic sales and supply stores;
- mm. Pet grooming shops;
- nn. Pet stores;
- oo. Photo studios;
- pp. Picture frame shops;
- qq. Schools for music, dance and the martial arts;
- rr. Sewing machine shops;
- ss. Shoe stores;
- tt. Sporting goods stores;
- uu. Tailor shops;
- vv. Tobacco shops;
- ww. Travel bureaus.

(2) Other establishments, institutions and uses, including the following:

- a. Banks and financial institutions (except drive-in facilities);
- b. Clinics or medical offices requiring less than 40 parking stalls;

- c. Professional offices and similar establishments;
- d. Restaurants (except drive-ins);
- e. Taverns.

(Code 1998, § 106-557; Ord. No. 97-11, § 13-1-34(b), 11-3-1997)

Sec. 133-525. - Conditional uses.

Conditional uses in the C-1 General Commercial District are as follows:

- (1) Airport/heliport;
- (2) Automobile and truck washes;
- (3) Automotive rentals, sales and service;
- (4) Bowling alleys;
- (5) Clinic or medical office requiring 40 or more parking stalls;
- (6) Commercial greenhouse and nurseries;
- (7) Communications transmitting towers, receiving towers, relay or microwave towers;
- (8) Convenience stores;
- (9) Dancehalls;
- (10) Day care center/preschool, provided that, in addition to other conditions that may be stipulated upon the establishment, location, construction, maintenance or operation of such a facility pursuant to article V of this chapter, the facility shall include safe and adequately sized parking and loading/unloading areas, fences and play areas;
- (11) Dog kennels;
- (12) Drive-in restaurants;
- (13) Financial institution drive-in facility;
- (14) Fruit and produce stands;
- (15) Garden supply stores;
- (16) Gasoline stations (self-service and full service);
- (17) Hospital;
- (18) Hotels/motels;
- (19) Indoor commercial recreational facilities;
- (20) Light manufacturing and assembly of hand-crafted products, such as pottery, quilts, jewelry, roasted coffee, and hand-crafted furniture, that is incidental to a permitted commercial use, providing that the light manufacturing and assembly processes occupy no more than 50 percent of the total floor area;

- (21) Manufactured home sales;
- (22) Meeting/assembly halls;
- (23) Milk, cheese and ice cream processing and facilities;
- (24) Buildings taller than the maximum height permitted in section 133-527. In addition to the standards set forth in section 133-936, a building taller than the maximum height permitted in section 133-527 is subject to the following standards:
 - a. The height of the building shall not exceed 55 feet, which 55 feet is an absolute cap on the height of the building that cannot be exceeded for any reason, including, but not limited to, the exceptions set forth in section 133-13.
 - b. All part(s) of the building that are above 45 feet in height shall be set back a minimum of 30 feet from any road right-of-way.
 - c. The total surface square footage of the part(s) of the building that is above 45 feet cannot exceed 25 percent of the total square footage of the first floor of the building.
 - d. The part(s) of the building that are above 45 feet in height shall be used only for purposes that are accessory to the primary use(s) of the building.
- (25) Outdoor commercial recreational and facility;
- (26) Produce terminal, wholesale;
- (27) Radio, microwave or television towers;
- (28) Railroad rights-of-way and uses essential to railroad operation;
- (29) Recreational vehicle sales/rentals;
- (30) Residential, single-family or multifamily;
- (31) Small equipment rental;
- (32) Stadium or auditorium;
- (33) Theaters (indoor);
- (34) Theaters (outdoor);
- (35) Truck rentals;
- (36) Truck sales and service;
- (37) Utilities facilities and substations;
- (38) Video arcades.

(Code 1998, § 106-558; Ord. No. 97-11, § 13-1-34(c), 11-3-1997; Ord. No. 01-10, § 1, 7-2-2001; Ord. No. 18-19, § 5, 10-15-2018)

Sec. 133-526. - Permitted accessory buildings and uses.

Permitted accessory buildings and uses in the C-1 General Commercial District are as follows:

- (1) Accessory buildings and uses customary with and incidental to the principal use, unless otherwise excluded by this chapter;
- (2) Warehousing customarily incidental to any of the permitted uses or special uses in this division.

(Code 1998, § 106-559; Ord. No. 97-11, § 13-1-34(d), 11-3-1997)

Sec. 133-527. - Height and area requirements.

Height and area requirements in the C-1 General Commercial District are as follows:

- (1) *Maximum building height.* The maximum building height shall be 45 feet for the principal building and shall be 20 feet for a detached accessory building, except where taller buildings are approved as conditional uses.
- (2) *Setbacks.* Setbacks shall be as follows:
 - a. Front yard setback, 15 feet;
 - b. Rear yard setback, 25 feet;
 - c. Side yard, principal building, nine feet on each side;
 - d. Side and rear yard, accessory building, three feet on each side.
- (3) *Minimum lot area.* The minimum lot area shall be 20,000 square feet.
- (4) *Minimum lot width.* The minimum lot width shall be 70 feet.

(Code 1998, § 106-560; Ord. No. 97-11, § 13-1-34(e), 11-3-1997; Ord. No. 18-19, § 6, 10-15-2018)

Secs. 133-528—133-547. - Reserved.