



City of Stone Mountain
875 Main Street
Stone Mountain, GA 30083

STAFF ANALYSIS AND REPORT

To: City of Stone Mountain Mayor & City Council

From: Richard Edwards, AICP

Subject: Proposed Text Amendments to Article 3 and 5 of Appendix A – Zoning to create definitions and commercial uses for convenience stores, alcohol outlets, package stores, and smoke shops.

Date: September 3, 2024

Purpose:

The purpose of this staff report and analysis is to present the proposed text amendments to Article III and V of Appendix A – Zoning to create definitions and commercial uses for convenience stores, alcohol outlets, package stores, and smoke shops.

Background:

The city has seen an increase in the number of new businesses and business request for commercial businesses that include convenience stores, alcohol outlets, package stores, and smoke shops. The current code does not provide for a definition nor specific zoning regulations for these use types, as they are all regulated general retail uses. These text amendments define all of those uses and provides specific use allowances for each.

The following definitions are being proposed:

Alcohol outlet: A retail establishment that sells beer, malt beverages, hard cider and/or wine for off-site consumption. This includes grocery stores and retail stores less than ten thousand (10,000) square feet that may sell beer, malt beverages, hard cider and/or wine for off-site consumption, as well as other products.

Convenience store: Any retail establishment offering for sale items such as household items, newspapers and magazines, prepackaged food products, beverages, sandwiches and other freshly prepared foods, and beverages, for off-site consumption. When a convenience

store sells unopened alcoholic beverages, it is also considered to be an alcohol outlet. A convenience store may also include accessory fuel pumps. Excluded from this definition is any establishment providing automotive maintenance services or repairs.

Package store: A retail establishment that sells distilled spirits for off-site consumption.

Retail: The sale of goods, wares, or merchandise directly to the end-consumer. Other uses defined and regulated by this code shall not fall under “retail.”

Smoke shop: Any business establishment dedicated to the display, sale, distribution, delivery, offering, furnishing, marketing or use of tobacco, tobacco products, or alternative nicotine products/instruments, or any combination thereof, including but not limited to cigarettes, cigars, e-cigarettes, hookahs, and vapes. This definition shall not include any grocery stores, gas stations or similar retail use that only sells conventional cigars, or alternatively sells cigarettes only as an accessory sale (ten percent or less of total sales).

SUP = Special Use permit

P = Permitted

Zoning	Alcohol Outlet	Convenience Store	Package Store	Smoke Shop
Village Center Mixed-Use (VCM)	SUP	SUP	SUP	SUP
General Commercial (GC)	SUP	SUP	SUP	P*
Industrial (I)	P*	P*	P	P*

*Supplemental Use regulations apply

Staff is recommending the following supplemental use regulations for **convenience stores**:

- Storefronts along a public street shall allow views into the building interior for a depth of at least five feet.
- No convenience store shall be located within 3,960 feet (i.e., three-fourth of a mile) of any other convenience store. The measurement of distance for the purposes of this subsection shall be from the front door of the structure to the closest point on a boundary of any parcels containing another convenience store.
- No less than ten (10) percent of the sales floor area shall be dedicated to fresh or pre-packaged meats, fruits, vegetables, and dairy products. Prior to the commencement of business for any convenience store, a floor plan showing the designated sales floor area shall be submitted to the city for approval.
- All convenience stores are required to have a functioning, 24/7 video surveillance system (VSS).

Staff is recommending the following supplemental use regulations for **smoke shops**:

- No smoke shop shall be allowed within 200 yards of any church, temple, or place of worship, daycare, school, college, university, or government owned facilities or properties.

- b. No smoke shop shall be allowed within 3,960 feet (i.e., three-fourth of a mile) of another smoke shop.
- c. The measurement of distance for the purposes of this subsection shall be measured by a straight line without regard to intervening structures or objects, from the front door of the smoke shop to the closest point on a boundary of any parcels containing a Church, Temple or Place of Worship, School, College, University, Government Facility, or another Smoke Shop.
- d. No use or establishment can exceed 2,000 square feet and drive-through/drive-up service is not permitted.
- e. Hours of operations can begin no earlier than 6 AM and end no later than 10 PM, including all deliveries.
- f. All smoke shops are required to have a functioning, 24/7 video surveillance system (VSS).

Staff is recommending the following supplemental use regulations for **alcohol outlets**, as recommended by the Planning Commission:

- a. No alcohol outlet shall be allowed within 200 yards of any church, temple, or place of worship, daycare, school, college, university, or government owned facilities or properties.
- b. All alcohol outlets are required to have a functioning, 24/7 video surveillance system (VSS).

Staff is recommending the following supplemental use regulations for **package stores**, as recommended by the Planning Commission:

- a. No package store shall be allowed within 200 yards of any church, temple, or place of worship, daycare, school, college, university, or government owned facilities or properties.
- b. All package stores are required to have a functioning, 24/7 video surveillance system (VSS).

On July 15, 2024, the Planning Commission voted to recommend approval of this text amendment with the following additional changes highlighted in red:

Planning Commission is recommending the following supplemental use regulations for **smoke shops**:

- a. No smoke shop shall be allowed within 200 yards of any church, temple, or place of worship, ~~daycare, school~~, college, university, or government owned facilities or properties.
- b. No smoke shop call be allowed within 500 yards of any daycare or school.

Planning Commission is recommending the following supplemental use regulations for **alcohol outlets**:

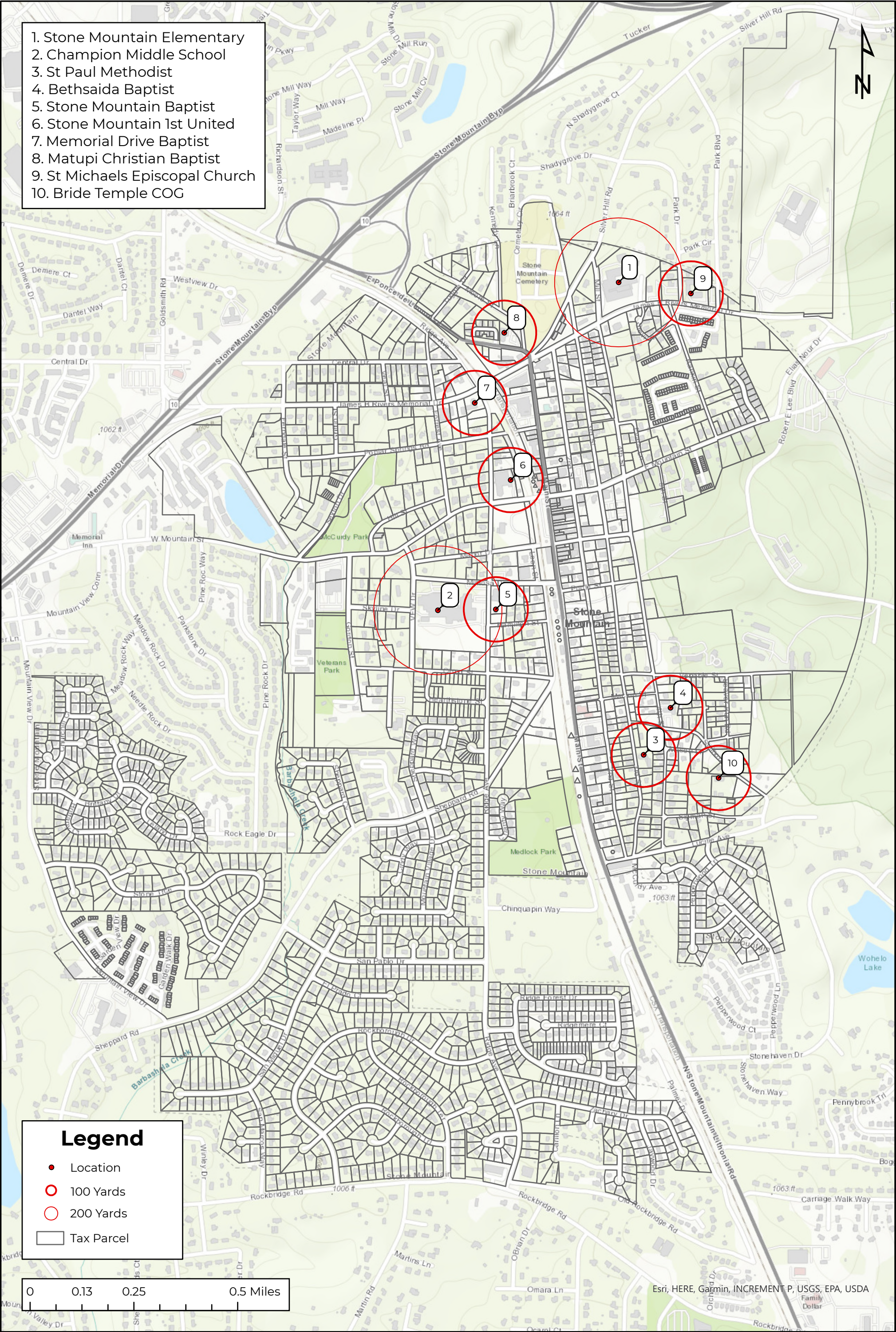
- a. No alcohol outlet shall be allowed within 200 yards of any church, temple, or place of worship, ~~daycare, school~~, college, university, or government owned facilities or properties.
- b. No alcohol outlet call be allowed within 500 yards of any daycare or school.

Planning Commission is recommending the following supplemental use regulations for **package stores**:

- a. No package store shall be allowed within 200 yards of any church, temple, or place of worship, ~~daycare, school~~, college, university, or government owned facilities or properties.
- b. No package store call be allowed within 500 yards of any daycare or school.

Exhibits:

1. Current Alcohol Distance Map
 2. Staff Proposed Alcohol Distance Map (200')
 3. Planning Commission Proposed Alcohol Distance Map (500')
 4. Proposed Convenience Store Distance Map (3/4 mile)
 5. Proposed Smoke Shop Distance Map (3/4th mile)
 5. Staff Proposed Smoke Shop Map (200')
 6. Planning Commission Proposed Smoke Shop Distance (500')
- Proposed Ordinance and redlines



1. Stone Mountain Elementary
2. Champion Middle School
3. St Paul Methodist
4. Bethsaida Baptist
5. Stone Mountain Baptist
6. Stone Mountain 1st United
7. Memorial Drive Baptist
8. Matupi Christian Baptist
9. St Michaels Episcopal Church
10. Bride Temple COG

● Location

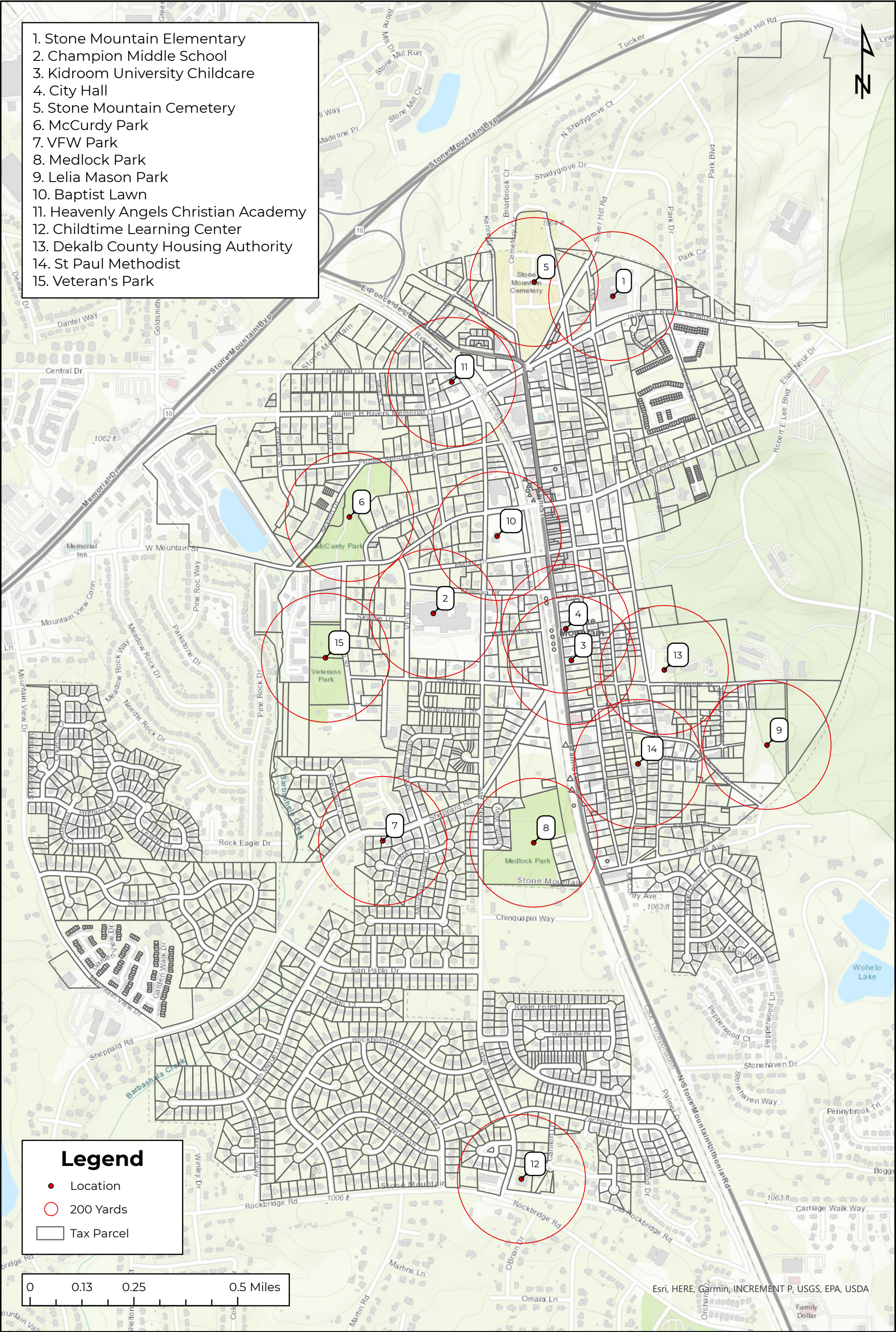
○ 100 Yards

○ 200 Yards

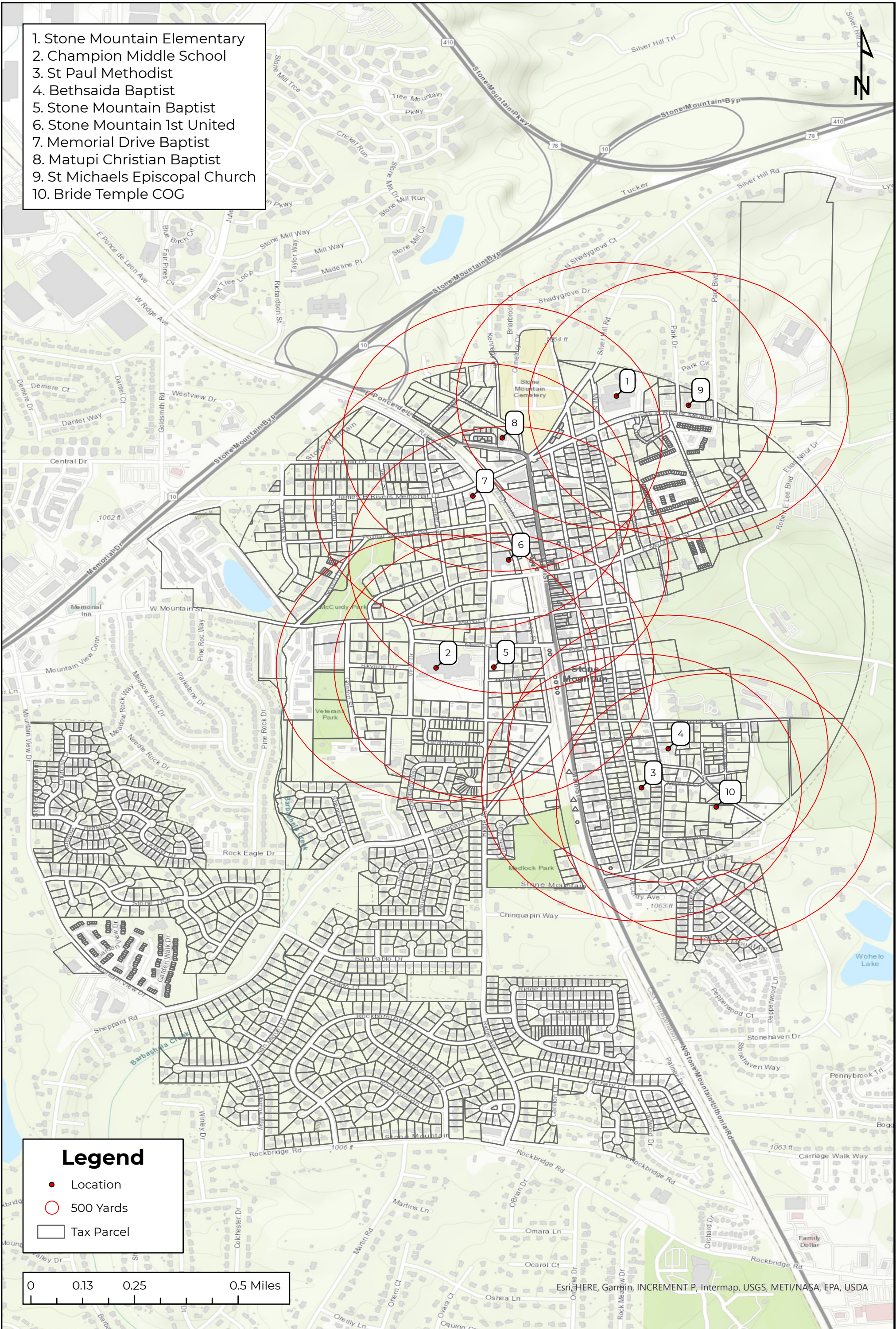
□ Tax Parcel

0 0.13 0.25 0.5 Miles

DATE:	08/06/2024
DRAWN:	KNL
CHECKED:	RE
SCALE:	1:11,500 USFT
PN:	R23000937.00



- 1. Stone Mountain Elementary
- 2. Champion Middle School
- 3. St Paul Methodist
- 4. Bethsaida Baptist
- 5. Stone Mountain Baptist
- 6. Stone Mountain 1st United
- 7. Memorial Drive Baptist
- 8. Matupi Christian Baptist
- 9. St Michaels Episcopal Church
- 10. Bride Temple COG



Legend

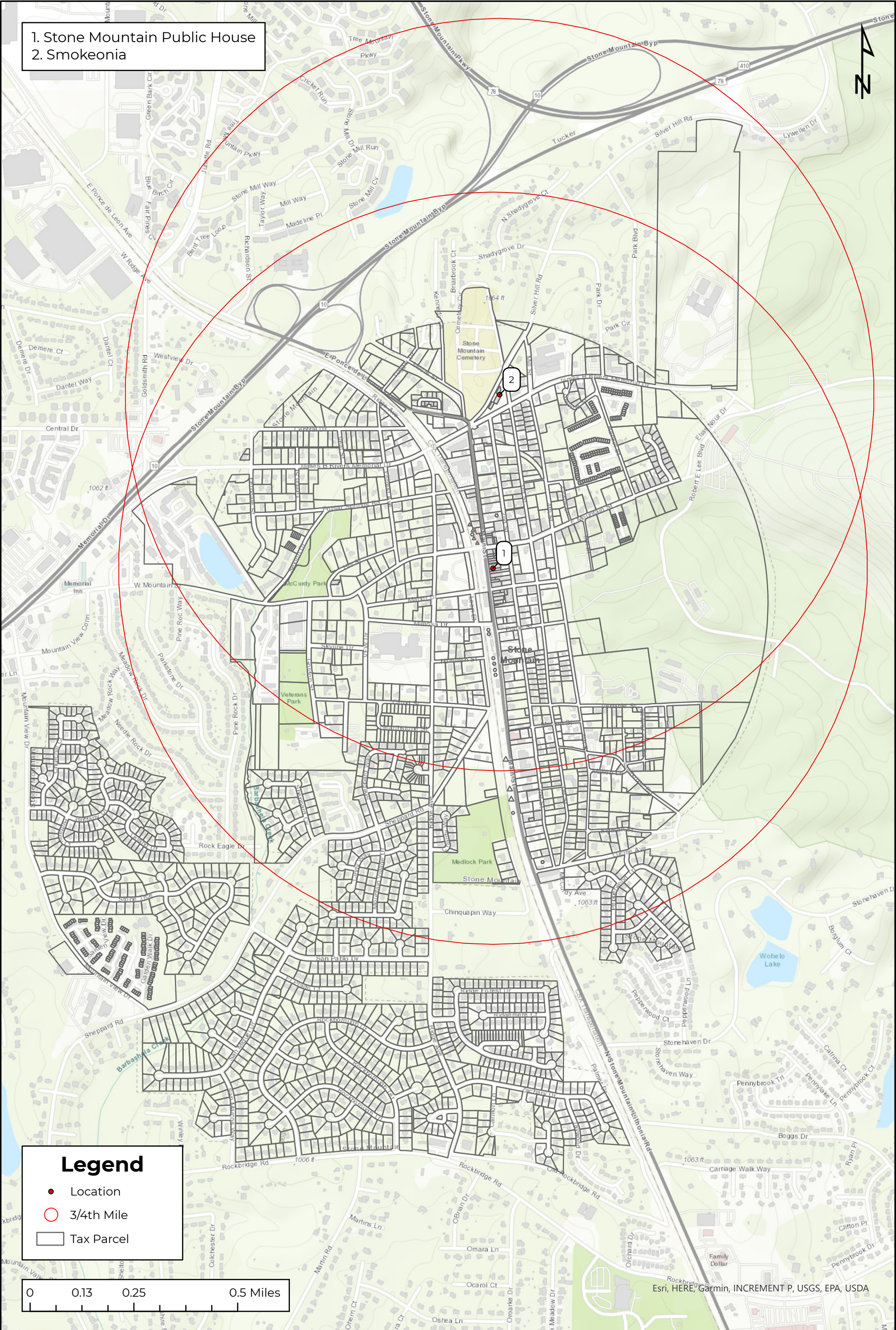
Location

500 Yards

Tax Parcel



DATE:	08/06/2024
DRAWN:	KNL
CHECKED:	RE
SCALE:	1:11,500 USFT
PN:	R2300937.00



CPL
ARCHITECTURE
ENGINEERING
PLANNING
CPLteam.com

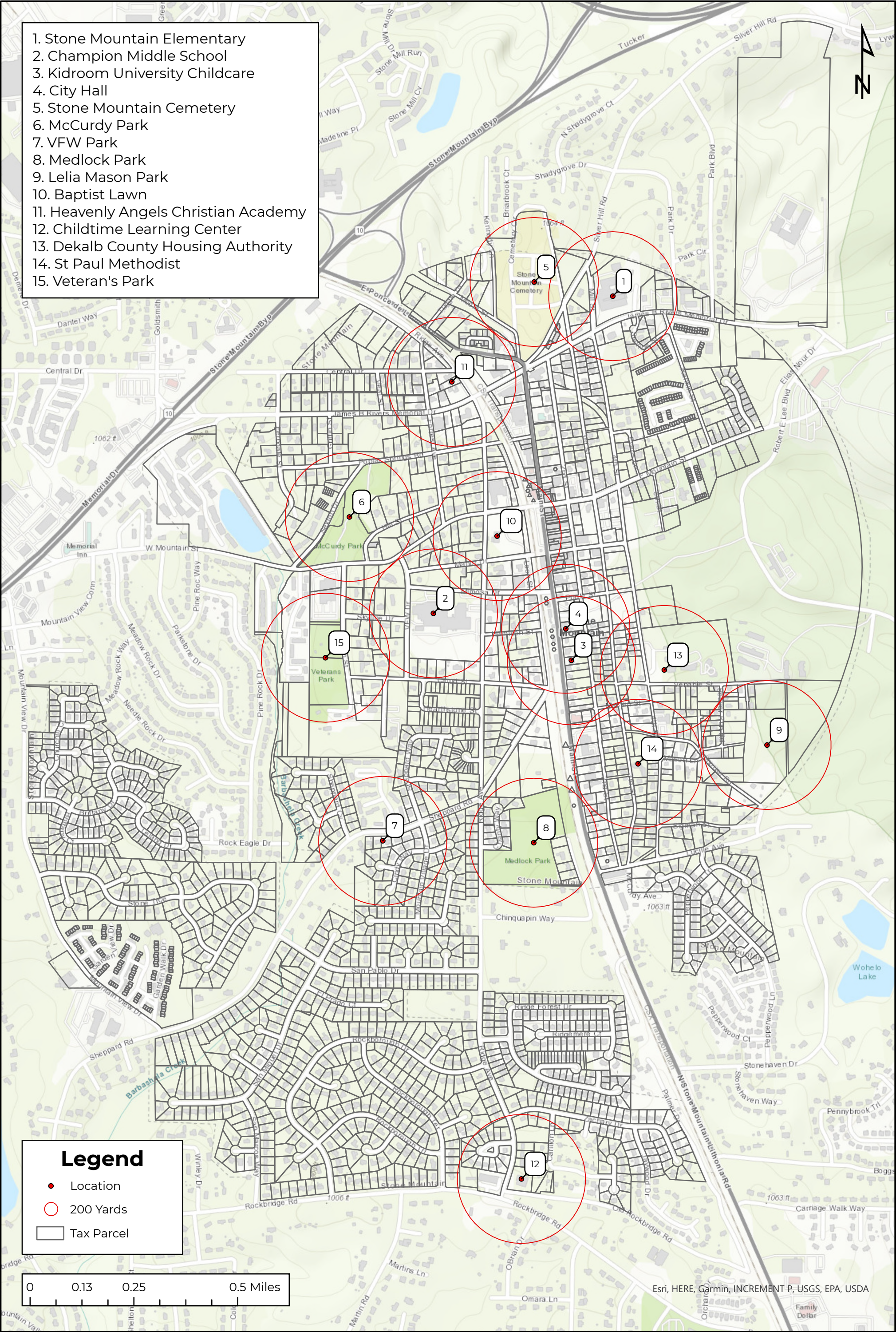
3011 Sutton Gate Drive
Suite 130
Suwanee, GA 30024
www.cplteam.com

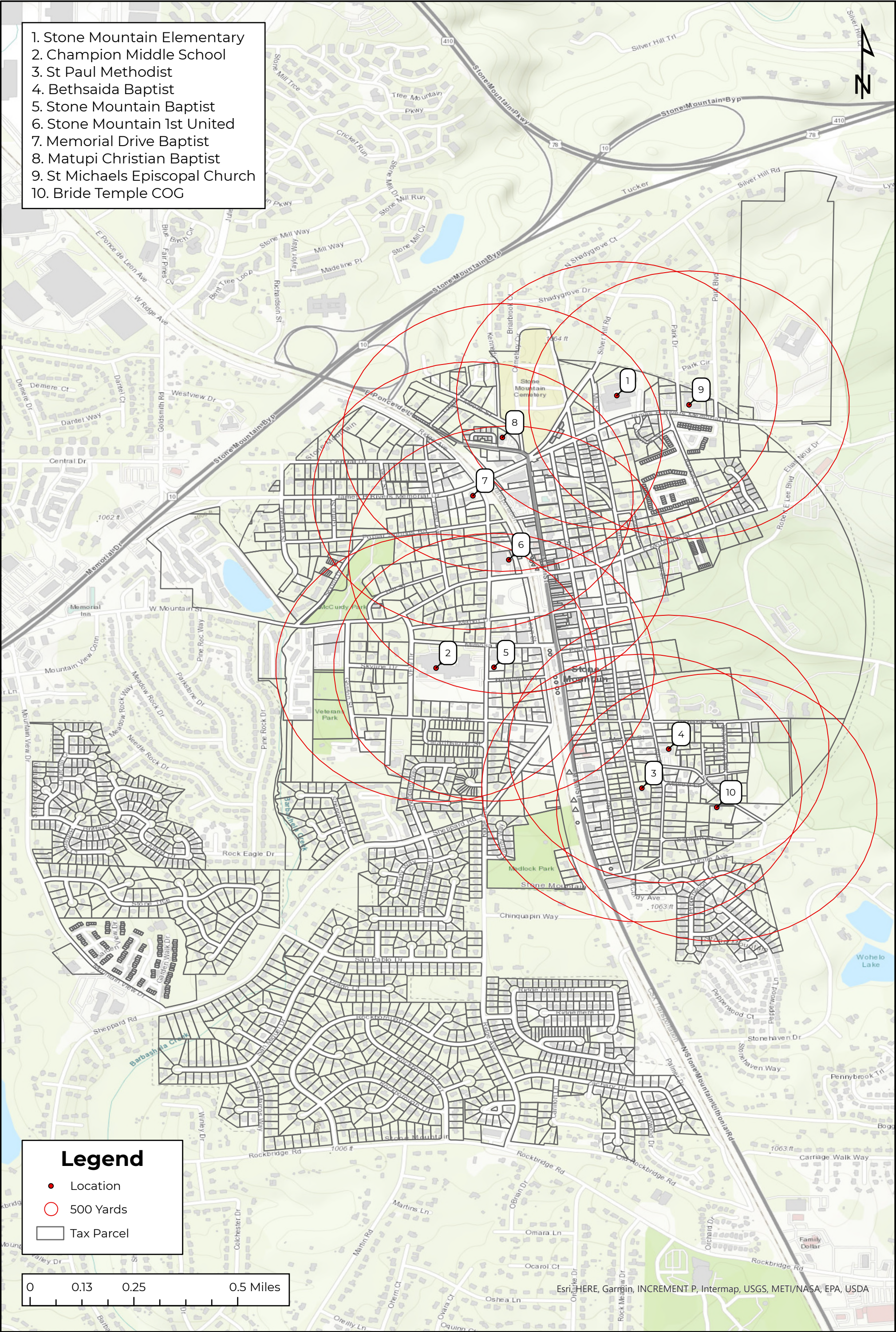
DATE:	08/06/2024
DRAWN:	KNL
CHECKED:	RE
SCALE:	1:13,000 USFT
PN:	R2300937.00

Smoke Shop 3/4th Mile

Stone Mountain Mapping
City of Stone Mountain, GA

Fig. 1





**AN ORDINANCE TO AMEND ARTICLES III AND V OF APPENDIX A
(ZONING) OF THE CODE OF THE CITY OF STONE MOUNTAIN,
GEORGIA; TO CREATE DEFINITIONS AND COMMERCIAL USE
STANDARDS FOR CONVENIENCE STORES, ALCOHOL OUTLETS,
PACKAGE STORES, AND SMOKE SHOPS**

WHEREAS, pursuant to its Charter and other laws of the State of Georgia, the City of Stone Mountain, Georgia (the “City”), has the power to adopt reasonable ordinances, resolutions and regulations for the protection and preservation of the public health, safety and welfare of its citizens; and

WHEREAS, the City Council desires to update and amend Articles III and V Stone Mountain Zoning Ordinance, codified at Appendix A (Zoning) of The Code of the City of Stone Mountain, Georgia (the “Zone Code”) to create definitions and commercial use standards for convenience stores, alcohol outlets, package stores, and smoke shops; and

WHEREAS, pursuant to Section 2-1.3 of the Zone Code, the Mayor and City Council may initiate zoning text amendments whenever the public necessity, public convenience, general welfare or good zoning practice justify such action; and

WHEREAS, in accordance with state law and pursuant to Section 2-1.4 of the Zone Code, the Mayor and City Council conducted an appropriately noticed public hearing regarding this zoning decision.

NOW THEREFORE, it is hereby ordained by the governing authority of the City of Stone Mountain as follows:

SECTION 1. Articles III and V of Appendix A (Zoning) of The Code of the City of Stone Mountain, Georgia, is hereby amended as set out in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 2. All ordinances, parts of ordinances, or regulations in conflict herewith are hereby repealed.

SECTION 3. This Ordinance shall become effective upon its adoption.

SECTION 4. This Ordinance was proposed by Council Member _____ with a motion to adopt. Thereafter, the motion was seconded by Council Member _____. _____ Council Members voted in favor of the motion and _____ Council Members voted against the motion.

SO ORDAINED this ____ day of _____, 2024.

Attest:

City Clerk

Beverly Jones, Mayor

Approved as to form: _____
City Attorney

ARTICLE III: DEFINITION OF TERMS USED IN THE ORDINANCE

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. For the purpose of this ordinance, certain words or terms used herein are defined as follows:

Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word "shall" is always mandatory.

The word "person" includes a firm, association, organization, partnership, trust company or corporation as well as an individual.

The word "lot" includes the words "plot" or "parcel".

The word "building" includes the word "structure".

The word "used" or "occupied" as applied to any land or building, shall be construed to include the words "intended, arranged or designated to be used or occupied".

The word "map" or "zoning map" means the "Zoning Map of the City of Stone Mountain, Georgia."

Accessory use: A use customarily incidental and subordinate to the principal use of building and located on the same lot with such principal use of building.

Aggrieved person: An applicant or owner of property within 300 feet of the property in question or city-sanctioned groups including the historic preservation committee, planning commission, downtown development authority or citizen groups such as the Women's Club, Veterans of Foreign Wars or Rotary Club.

Alcohol outlet: A retail establishment that sells beer, malt beverages, hard cider and/or wine for off-site consumption. This includes grocery stores and retail stores less than ten thousand (10,000) square feet that may sell beer, malt beverages, hard cider and/or wine for off-site consumption, as well as other products.

Alteration; building and structural: Any change in the supporting members of a building (such as any type of supporting structural member) except such change as may be required for its safety; any addition to a building; any change in use from that of one district classification to another or of a building from one location to another.

Alley: A private or public thoroughfare which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Buffer strip: A strip of land planted with evergreen shrubbery so as to form a solid barrier to vision from the ground to a height of six feet.

Building: Any structure permanently attached to the ground and intended for shelter, housing or enclosure of persons, animals or chattels.

Building, accessory: A subordinate building, the use of which is incidental to that of a principal building on the same lot.

Building, height of: The vertical distance from the mean finished ground level at the front of the building to the highest point of a roof.

Building line: A line establishing the minimum allowable distance between the nearest portion of any building (excluding the outermost three feet of any uncovered porches, steps, gutters and similar fixtures) and the centerline of the street.

PART II - CODE OF ORDINANCES
APPENDIX A - ZONING
ARTICLE III: DEFINITION OF TERMS USED IN THE ORDINANCE

Building, principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Commercial vehicle: Any vehicle designed, used or maintained for the transportation of persons, goods, or things used in trade, services, or commerce in general. For the purposes of this ordinance, buses, vans and other vehicles seating more than nine persons used for transportation of people shall be considered a commercial vehicle.

Convenience store: Any retail establishment offering for sale items such as household items, newspapers and magazines, prepackaged food products, beverages, sandwiches and other freshly prepared foods, and beverages, for off-site consumption. When a convenience store sells unopened alcoholic beverages, it is also considered to be an alcohol outlet. A convenience store may also include accessory fuel pumps. Excluded from this definition is any establishment providing automotive maintenance services or repairs.

Cultural exhibit: An exhibition of cultural or historical property where collected objects are put on display to the public.

Dwelling unit: A dwelling or portion thereof providing facilities for one or more persons living as a nonprofit single housekeeping unit.

Dwelling, multi-family: A dwelling unit contained within a building or set of buildings on a common lot containing separate living units for four or more families, having separate or joint entrances, and including apartments and condominiums. These are specifically distinguished from units defined as single-family attached dwellings.

Dwelling, single-family, attached (townhouse): A residential structure designed to house a single-family dwelling from the lowest level to the roof, with a private outside entrance, but not necessarily occupying an individual lot, and sharing a common wall with adjoining dwelling units.

Dwelling, single-family, detached: A residential structure designed to house a single-family dwelling unit located on an individual lot, which is not attached to any other dwelling unit by any means.

Family day care home is operated in a private residential home to provide child care for children less than 18 years of age for less than 24 hours per day. Family day care home providers care for three, but no more than six children for a fee.

Group Day Care Home is operated by a person, corporation, or institution, to provide child care for children less than 18 years of age for less than 24 hours per day. Group Day Care Homes are licensed for 7-18 children.

Lot: A portion of land devoted to a common use or occupied by a building or group of buildings devoted to a common use by a legal subdivision process based on an approved plat of record, together with the customary accessories and open spaces belonging to the same.

Lot width: The shortest distance between the side lot lines, measured at the midpoint of the building line.

Manufactured home means a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term includes any structure commonly referred to as a "mobile home" regardless of the date of manufacture. The term also includes parked trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Nonconforming use: Any building or land lawfully occupied by a use at the time of passage of the ordinance or amendment thereto which does not conform after the passage of this ordinance or amendment thereto with the use regulations of the district in which it is situated. Existing improvements which do not meet required parking and

PART II - CODE OF ORDINANCES
APPENDIX A - ZONING
ARTICLE III: DEFINITION OF TERMS USED IN THE ORDINANCE

loading regulations, height regulations, area regulations, and residential floor area regulations for the district in which they are located are not nonconforming uses as defined above.

Package store: A retail establishment that sells distilled spirits for off-site consumption.

Retail: The sale of goods, wares, or merchandise directly to the end-consumer. Other uses defined and regulated by this code shall not fall under "retail."

Sign: Shall mean a device, structure or representation for visual communication which is used for the purpose of bringing the subject thereof to the attention of others. For purposes of this ordinance, the term "sign" shall include the structure upon which a sign face is located. Any device, structure or representation for visual communications which is used for the purpose of bringing the subject thereof to the attention of others that is wholly located within a completely enclosed building and is located a minimum of three feet away from any opening or exterior window or and seasonal holiday decorations shall not be included within the definition of "sign" and regulated as such.

Sign, area of: Shall mean the total area upon which a message is displayed on any sign consisting of the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses the entire sign, inclusive of any border and trim, but excluding the base, apron, supports, and other structural members.

Sign, free-standing: Any sign which is not supported by a wall or roof of a building, or which extends more than three feet horizontally from the wall of a building.

Smoke shop: Any business establishment dedicated to the display, sale, distribution, delivery, offering, furnishing, marketing or use of tobacco, tobacco products, or alternative nicotine products/instruments, or any combination thereof, including but not limited to cigarettes, cigars, e-cigarettes, hookahs, and vapes. This definition shall not include any grocery stores, gas stations or similar retail use that only sells conventional cigars, or alternatively sells cigarettes only as an accessory sale (ten percent or less of total sales).

Street: A public or private thoroughfare, not less than 40 feet wide, which is open to the general public and which affords the principal means of access to abutting property.

Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard (front): A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies or uncovered porches. On multi-frontage lots all yards fronting on a public street shall be considered front yards.

Yard (side): A yard between the main building and the side line of the lot; extending from the front lot line to the rear yard; being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereto.

Yard (rear): A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof, other than the projections of uncovered steps, unenclosed balconies or unenclosed porches, provided that said projections be at least 20 feet from the rear lot lines. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

(Ord. No. 2020-06, Pt. I, 7-7-20)

ARTICLE V: DISTRICT REGULATIONS

Section 5-5. Village center mixed-use (VCM) district.

5-5.1 Intent and where permitted. This district (hereafter referred to as (VCM) is created to establish a plan implementation zone that:

- Accommodates moderate- to high-density residential development and ground-floor commercial uses with residential units above. This district also accommodates low-intensity office development compatible with the residential character of the VCM district.
- Allows for a diverse variety of uses, structures, densities and open spaces when not in conflict with existed and permitted land uses on abutting properties;
- Promotes a more efficient use of land and a smaller network of utilities and natural resources than conventional land development;
- Encourages the preservation of functional open space in and around the village center;
- Provides the opportunity for the application of innovative site planning concepts through the creation of aesthetically pleasing environments for living, shopping and working on properties of adequate shape, size and location that conventional land development may not allow for;
- Encourages high pedestrian use and accessibility and transportation alternatives.

Uses are limited to multi-family dwellings, two-family dwellings, mixed-use residential and commercial developments to commercial and professional complimentary uses intended primarily to provide service to the entire city.

5-5.3 Permitted by special use.

- A. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:
1. Cultural exhibits and libraries.
 2. Bed and breakfast.
 3. Laundry services (drycleaners).
 4. Consumer repair services provided:
 - a. Services are non-automotive;
 - b. No outside storage.
 5. Animal sales and services (household pets no outside kennels or runs).
 6. Eating and drinking establishments (with walk-through service).
 7. Recreational equipment rental provided there is no outside storage.
 8. Day nurseries and kindergartens.
 - a. The following provisions apply to day nurseries and kindergartens:
 - i. There shall be not less than thirty-five (35) square feet of indoor play area for each child at maximum licensed enrollment and not less than one hundred (100) square feet per child of outdoor play area at maximum licensed enrollment.

-
- ii. The outdoor play area shall be enclosed by a fence not less than four (4) feet in height but not over eight (8) feet in height
 - iii. A circular drive shall be provided for off-street loading and unloading.
 - 10. Business or vocational school.
 - 11. Private or parochial elementary, middle or high school, or college.
 - a. Day nurseries and kindergartens may be established as an accessory use to private or parochial schools subject to the requirements listed in 5-5.3A-9.
 - 12. Religious Institutions.
 - 13. Microbrewery, provided that:
 - a. Shall adhere to a maximum floor area of four thousand (4,000) square feet.
 - b. No outdoor speaker systems shall be permitted.
 - c. Productions shall be in wholly enclosed buildings.
 - d. Outdoor equipment shall be permitted, with adequate screening from public view.
 - e. No outdoor storage is permitted.
 - 14. Microdistillery (craft distillery), provided that:
 - a. Shall adhere to a maximum floor area of four thousand (4,000) square feet.
 - b. No outdoor speaker systems shall be permitted.
 - c. Productions shall be in wholly enclosed buildings.
 - d. Outdoor equipment shall be permitted, with adequate screening from public view.
 - e. No outdoor storage is permitted.
 - 15. Alcohol outlets, provided that:
 - a. No alcohol outlet shall be allowed within 200 yards of any church, temple, or place of worship, daycare, school, college, university, or government owned facilities or properties.
 - b. All alcohol outlets are required to have a functioning, 24/7 video surveillance system (VSS).
 - 16. Package store, provided that:
 - a. No package store shall be allowed within 200 yards of any church, temple, or place of worship, daycare, school, college, university, or government owned facilities or properties.
 - b. All package stores are required to have a functioning, 24/7 video surveillance system (VSS).
 - 17. Convenience store without accessory fuel pumps, provided that:
 - a. Storefronts along a public street shall allow views into the building interior for a depth of at least five feet.
 - b. No convenience store shall be located within 3,960 feet (i.e., three-fourth of a mile) of any other convenience store. The measurement of distance for the purposes of this subsection shall be from the front door of the structure to the front door of the structure along the shortest possible course, regardless of any common route, path, or travel.
 - c. At least ten (10) percent of the sales floor area shall be dedicated to fresh or pre-packaged meats, fruits, vegetables, and dairy products. Prior to the commencement of business for

any convenience store, a floor plan showing the designated sales floor area shall be submitted to the city for approval.

d. All convenience stores are required to have a functioning, 24/7 video surveillance system (VSS).

18. Smoke shops, provided that:

a. No smoke shop shall be allowed within 200 yards of any church, temple, or place of worship, daycare, school, college, university, or government owned facilities or properties.

b. No smoke shop shall be allowed within 500 yards of another smoke shop.

c. The measurement of distance for the purposes of this subsection shall be measured by a straight line without regard to intervening structures or objects, from the front door of the smoke shop to the closest point on a boundary of any parcels containing a Church, Temple or Place of Worship, School, College, University, Government Facility, or another Smoke Shop.

d. No use or establishment can exceed 2,000 square feet and drive-through/drive-up service is not permitted.

e. Hours of operations can begin no earlier than 6 AM and end no later than 10 PM, including all deliveries.

f. All smoke shops are required to have a functioning, 24/7 video surveillance system (VSS).

Section 5-7. General commercial (GC) district.

5-7.1 Intent and where permitted. This district (hereafter referred to as (GC) is created to establish a plan implementation zone that:

- Encourages the organized concentration of a wide variety of retail goods and services for the community;
- Promotes high-quality design and aesthetic features including lighting, landscaping and pedestrian-oriented amenities;
- Encourage inter-parcel accessibility and promotes the use of transportation alternatives;
- Creates and enhances commercial areas where complete retail sales and services are available and desirable for public service and convenience; and
- Require a location accessible to large numbers of people and that serve substantial portions of the community.

This district is intended primarily for developments that contain commercial, financial, governmental or professional complementary uses intended primarily to provide service to the entire community. Typically this district would be applied where central area commercial facilities are desired or along major roadways.

5-7.2 Permitted uses by right.

A. The following uses shall be permitted subject to requirements and limitations of this ordinance:

1. Administrative and business offices.
2. Animal sales and services (household pets, no outside runs or kennels).
3. Animal sales and services (veterinary — small animals, no outside runs or kennels).
4. Business equipment sales.

-
5. Commercial recreation.
 6. Communication services.
 7. Community parks and recreation (publicly owned).
 8. Conservation and passive recreation areas.
 9. Fire and police protection services.
 10. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.
 11. Temporary construction uses.
 12. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations provided.
 13. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.
 14. Public utility facilities, if essential to service this zoning district, are permitted provided:
 - a. All structures, except for driveways, are placed 50 feet from any property line.
 - b. All structures, except for driveways, are enclosed by a wall or opiate fence at least but not greater than eight feet in height.
 - c. A ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.
 - d. The lot is suitably landscaped.
 - e. No vehicles or equipment are stored on the premises.
 15. Stormwater management facilities shown on an approved final site plan or subdivision plat.
 16. Consumer services (non-automotive).
 17. Recreation sales and services.
 18. Automatic teller machines that are not an accessory use to a financial center.
 19. Professional medical clinic services.
 20. Financial services.
 21. Eating and drinking establishments.
 22. Food and beverage retail sales.
 23. Professional offices.
 24. Retail sales (general excluding automotive).
 25. Funeral and interment services.
 26. Business or vocational school.
 27. Private or parochial elementary, middle or high school, or college.
 - a. Day nurseries and kindergartens may be established as an accessory use to private or parochial schools subject to the requirements listed in 5-7.3A-9.

28. Religious institutions.

29.. Convenience store, provided that:

- a. Storefronts along a public street shall allow views into the building interior for a depth of at least five feet.
- b. No convenience store shall be located within 3,960 feet (i.e., three-fourth of a mile) of any other convenience store. The measurement of distance for the purposes of this subsection shall be from the front door of the structure to the closest point on a boundary of any parcels containing another convenience store.
- c. No less than ten (10) percent of the sales floor area shall be dedicated to fresh or pre-packaged meats, fruits, vegetables, and dairy products. Prior to the commencement of business for any convenience store, a floor plan showing the designated sales floor area shall be submitted to the city for approval.
- d. All convenience stores are required to have a functioning, 24/7 video surveillance system (VSS).

30. Smoke shops, provided that:

- a. No smoke shop shall be allowed within 200 yards of any church, temple, or place of worship, daycare, school, college, university, or government owned facilities or properties.
- b. No smoke shop shall be allowed within 500 yards of another smoke shop.
- c. The measurement of distance for the purposes of this subsection shall be measured by a straight line without regard to intervening structures or objects, from the front door of the smoke shop to the closest point on a boundary of any parcels containing a Church, Temple or Place of Worship, School, College, University, Government Facility, or another Smoke Shop.
- d. No use or establishment can exceed 2,000 square feet and drive-through/drive-up service is not permitted.
- e. Hours of operations can begin no earlier than 6 AM and end no later than 10 PM, including all deliveries.
- f. All smoke shops are required to have a functioning, 24/7 video surveillance system (VSS).

5-7.3 Permitted by special use.

- A. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:
 - 1. Cultural exhibits and libraries.
 - 2. Hotel and lodging services.
 - 3. Laundry services (drycleaners)
 - 4. Consumer repair services provided:
 - a. Services are non-automotive;
 - b. No outside storage.
 - 5. Eating and drinking establishments (with drive-thru service).

-
6. Retail sales and services (with drive-thru service).
 7. Recreational equipment rental provided there is no outside storage.
 8. Day nurseries and kindergartens.
 - a. The following provisions apply to day nurseries and kindergartens:
 - i. There shall be not less than thirty-five (35) square feet of indoor play area for each child at maximum licensed enrollment and not less than one hundred (100) square feet per child of outdoor play area at maximum licensed enrollment.
 - ii. The outdoor play area shall be enclosed by a fence not less than four (4) feet in height but not over eight (8) feet in height.
 - iii. A circular drive shall be provided for off-street loading and unloading.
 10. Microbrewery, provided that:
 - a. Shall adhere to a maximum floor area of eight thousand (8,000) square feet.
 - b. No outdoor speaker systems shall be permitted.
 - c. Productions shall be in wholly enclosed buildings.
 - d. Outdoor equipment shall be permitted, with adequate screening from public view.
 - e. No outdoor storage is permitted.
 11. Microdistillery (craft distillery), provided that:
 - a. Shall adhere to a maximum floor area of eight thousand (8,000) square feet.
 - b. No outdoor speaker systems shall be permitted.
 - c. Productions shall be in wholly enclosed buildings.
 - d. Outdoor equipment shall be permitted, with adequate screening from public view.
 - e. No outdoor storage is permitted.

13. Alcohol outlet, provided that:

- a. No alcohol outlet shall be allowed within 200 yards of any church, temple, or place of worship, daycare, school, college, university, or government owned facilities or properties.
- b. All alcohol outlets are required to have a functioning, 24/7 video surveillance system (VSS).

3. Package store, provided that:

- a. No package store shall be allowed within 200 yards of any church, temple, or place of worship, daycare, school, college, university, or government owned facilities or properties.
- b. All package stores are required to have a functioning, 24/7 video surveillance system (VSS).

Section 5-9. Industrial (I) district.

5-9.1 Intent and where permitted. This district (hereafter referred to as (I) is created to establish a plan implementation zone that:

- Accommodates development for heavy commercial uses associated with manufacturing and assembly;

-
- Provides for a district where such uses can operate in a manner that does not cause harm to the health, safety and welfare of the surrounding districts;
 - Encourages similar uses to operate in designated, concentrated areas within the city;
 - Provides for appropriate operating hours that do not cause hardship upon the landowner in this district nor upon the surrounding districts.

Uses are limited to developments associated with heavy commercial and industrial operations. Operating hours for all uses within this district are from 6 a.m. to 7 p.m.

5-9.2 Permitted uses by right.

- A. The following uses shall be permitted subject to requirements and limitations of this ordinance:
1. Agricultural uses when located on a tract of not less than five acres.
 2. Manufacturing, processing, fabrication, assembly, packaging, repair or servicing of any consumer or commercial-grade product.
 3. Warehousing, wholesaling, storage or transport of consumer or commercial-grade product.
 4. Retail sale of any commodity manufactured, processes, fabricated, assembled or repaired by the occupant on the premises.
 5. Offices which are in conjunction with other permitted uses.
 6. Laboratories.
 7. Building material yards.
 8. Automobile, truck or equipment repair garages, provided that a minimum of two off street spaces are available for service.
 9. Automobile wrecking or junk yards, when completely enclosed by an opiate fence having a minimum height of six feet, but no less than what effectively screens from plain view of all sides of the property.
 10. Trucking, railroad terminals and stations.
 11. Fire and police protection services.
 12. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard; any accessory building exceeding 200 square feet shall have an exterior finish consistent with the primary residence. Accessory buildings shall be limited to two structures and not exceed 400 square feet of gross floor area.
 13. Lodges and buildings of fraternal and civic assembly, provided that:
 - a. Such use is currently underserved by existing use.
 - b. The lot abuts upon an arterial or collector street or state highway.
 - c. The lot is at least three acres in size.
 - d. All buildings are located at least 50 feet from all property lines.
 - e. A buffer at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen;
 - f. Adequate off-street parking, provided:

-
- i. Parking area is located to the side or rear of the principal building.
 - g. A circular drive for off-street loading is provided.
14. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.
 15. Temporary construction uses.
 16. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations provided:
 - a. A use does not exceed 12,000 square feet of gross floor area per parcel.
 17. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.
 18. Public utility facilities, if essential to service this zoning district, are permitted provided:
 - a. All structures, except for driveways, are placed 50 feet from any property line.
 - b. All structures, except for driveways, are enclosed by a wall or opaque fence at least but not greater than eight feet in height.
 - c. A ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.
 - i. The lot is suitably landscaped.
 - ii. No vehicles or equipment are stored on the premises.
 - d. Stormwater management facilities shown on an approved final site plan or subdivision plat.
19. Alcohol outlet, provided that:
- a. No alcohol outlet shall be allowed within 200 yards of any church, temple, or place of worship, daycare, school, college, university, or government owned facilities or properties.
 - b. All alcohol outlets are required to have a functioning, 24/7 video surveillance system (VSS).
20. Package store, provided that:
- a. No package store shall be allowed within 200 yards of any church, temple, or place of worship, daycare, school, college, university, or government owned facilities or properties.
 - b. All package stores are required to have a functioning, 24/7 video surveillance system (VSS).
21. Convenience store, provided that:
- a. Storefronts along a public street shall allow views into the building interior for a depth of at least five feet.
 - b. No convenience store shall be located within 3,960 feet (i.e., three-fourth of a mile) of any other convenience store. The measurement of distance for the purposes of this subsection shall be from the front door of the structure to the front door of the structure along the shortest possible course, regardless of any common route, path, or travel.
 - c. At least ten (10) percent of the sales floor area shall be dedicated to fresh or pre-packaged meats, fruits, vegetables, and dairy products. Prior to the commencement of business for any convenience store, a floor plan showing the designated sales floor area shall be submitted to the city for approval.

d. All convenience stores that include commercial fuel pumps are required to have a functioning, 24/7 video surveillance system (VSS).

22. Smoke shops, provided that:

a. No smoke shop shall be allowed within 200 yards of any church, temple, or place of worship, daycare, school, college, university, or government owned facilities or properties.

b. No smoke shop shall be allowed within 500 yards of another smoke shop.

c. The measurement of distance for the purposes of this subsection shall be measured by a straight line without regard to intervening structures or objects, from the front door of the smoke shop to the closest point on a boundary of any parcels containing a Church, Temple or Place of Worship, School, College, University, Government Facility, or another Smoke Shop.

d. No use or establishment can exceed 2,000 square feet and drive-through/drive-up service is not permitted.

e. Hours of operations can begin no earlier than 6 AM and end no later than 10 PM, including all deliveries.

f. All smoke shops are required to have a functioning, 24/7 video surveillance system (VSS).