

SITE DESCRIPTION *(Continued)*

ZONING

The subject is zoned B-2, business district, general retail. Permitted uses are as follows:

Sec. 3. - B-2 business district, general retail.

3.1. Permitted uses.

- (a) Agricultural implement sales and service, on an open lot or within an enclosed building.
- (b) Animal hospitals, when conducted wholly within an enclosed building.
- (c) Reserved.
- (d) Auction rooms.
- (e) Automobile accessory stores.
- (f) Automobile service stations.
- (g) Automobile sales and service shops, including painting and repairing, but not the painting or repairing of trucks over one ton, and including auto parts sales as an activity accessory to the principal use.
- (h) Automobile washing, including the use of mechanical conveyors, blowers and steam cleaning.
- (i) Beverage, nonalcoholic, bottling and distributing.
- (j) Bicycle and motorcycle sales and repair.
- (k) Blueprinting and photostating establishments.
- (l) Boat showrooms.
- (m) Building materials sales, when conducted wholly within a building.
- (n) Camping equipment sales.
- (o) Catering establishments.

- (p) Clubs and fraternal organizations.
- (q) Construction and contractors' offices and shops, where no fabricating is done on the premises and where all storage of materials is within a building.
- (r) Coupon redemption centers.
- (s) Cutting of glass, mirrors, and glazing establishments.
- (t) Electrical showrooms.
- (u) Equipment rental.
- (v) Exterminating establishments.
- (w) Garden supplies, tools, and seed stores including lawn mower, snow blower, and snowmobile sales and service.
- (x) Golf courses.
- (y) Greenhouses and nurseries.
- (z) Gunsmiths.
- (aa) Hotels and motels, including restaurants and meeting rooms.
- (bb) Household appliance repair shops.
- (cc) Laundries, commercial, not exceeding 1,000 pounds daily capacity
- (dd) Mail order houses.
- (ee) Monument sales.
- (ff) Mortuaries.
- (gg) Motor vehicle sales, service or rental including cars, motorcycles, motor scooters, mopeds, and trucks one ton and under.
- (hh)

- Orthopedic and medical appliance stores, but not including the assembly or manufacture of such articles.
- (ii) Photographic developing and processing shops.
- (jj) Plumbing and heating showrooms and service shops.
- (kk) Printing and publishing of newspapers, periodicals, books and including letter process work.
- (ll) Public auction rooms.
- (mm) Recording studios.
- (nn) Restaurants.
- (oo) Schools, commercial or trade.
- (pp) Second-hand stores and rummage shops.
- (qq) Sewer cleaning and rodding service.
- (rr) Signs, as defined and regulated by article IX.
- (ss) Swimming pool sales.
- (tt) Taxidermists.
- (uu) Theaters, indoor.
- (vv) Trailer sales or rental (house trailers or mobile homes) on an open lot or within a building.
- (ww) Reserved.
- (xx) Water softener service.
- (yy) Wholesale business, excluding a building, the principal use of which is for a storage warehouse.
- (zz) Pawn shops.

(aaa)

Gymnasiums, meeting halls, lodge halls, fraternal organizations and clubs.
Any other similar type retail store not specifically permitted herein and which has economic compatibility with the established uses on adjoining properties.

(bbb)

Drive-in establishment, as regulated in article VIII, section 6 of the zoning ordinance.

(ccc)

Hospitals, sanitariums, public or private.

3.2. *Special uses.* The following uses may be allowed by special use permit in accordance with the provisions of article XV.

(a)

Any use which may be allowed as a special use in the B-1 limited business district, unless already permitted under subsection 3.1.

(b)

Convention and exhibit halls.

(c)

Day care centers provided:

1.

Said day care center is fully compliant with all applicable state and federal regulations.

2.

Any outside play area is located at least 15 feet from any street or parking lot, and is fully enclosed by a fence having a height of not less than four feet.

(d)

Fuel and ice sales.

(e)

Machine sales.

(f)

Reserved.

(g)

Reserved.

(h)

Off street parking lots and public garages, but not including storage garages.

(i)

Outdoor amusement establishments, including archery ranges, miniature golf, and similar facilities.

(j)

Planned unit developments, as defined in article III and regulated by article XIII.

(k)

Amusement establishments, bowling alleys, pool halls, dance halls, skating rinks, and other similar places of recreation.

(l)

Package liquor stores.

(m)

Taverns.

(n)

Bus terminal.

(o)

Railroad passenger station.

(p)

Cylinder gas exchanges for propane cylinders provided said cylinders are not more than 20 pounds in size.

Editor's note—

Due to a scrivener's error, § 2(4) of Ord. No. 06-1681, adopted Jan. 2, 2007, deleted subsection (xx) from § 3.2. After consultation with the village, the editor has deleted said provisions from § 3.1.

3.3. Height of buildings. Same regulations shall apply as required or permitted in the B-1 business district.

3.4. Yard area. No building shall be constructed or enlarged unless the following yards are provided and maintained in connection with such building.

3.4-1. Front yard. No front yard shall be required when all frontage between two intersecting streets lies within this district. However, when lots within this district are adjacent to and adjoining lots in a residence district, all of which front upon the same street between two intersecting streets, there shall be established the same front yard setback for all of the frontage as had been established in the residence district.

Exception. When existing buildings located in this district have already established a building line at the street line or at a lesser depth than required above, then all new buildings may conform to the same building line, except for the 50 feet of B-2 district frontage adjacent to the residence district, whereupon there shall be provided a front setback of not less than ten feet.

3.4-2. Side yard. No side yard is required, except for a corner lot which abuts upon a residence district or upon an alley separating this district from a residence district. There shall then be provided a side yard equal to one-half the front yard required in the abutting residence district, but in no case more than ten feet. The setback shall also apply if the business buildings front the intersecting street, commonly referred to as the "side street."

3.4-3. Rear yard. There shall be a rear yard of not less than 20 feet, provided, however, a one-story accessory building may be located thereon, except for

the ten feet adjacent and parallel to the rear lot line or alley line for the storage of motor vehicles and the unloading and loading of vehicles under roof, as provided in article VIII.

3.5. *Parking.* Parking facilities shall be provided as required or permitted in this chapter.

3.6. *Performance standards.* All activities as allowed in the B-2 district, whether as a permitted use, special use or use variance, shall comply with the performance standards as noted in article XII, section 2.6 herein.

3.7 *[Site of permitted, special uses.]* All permitted uses and special uses allowed pursuant to the B-2 Business District zoning regulations shall be wholly conducted within a permanent, enclosed building, with the exception of automobile off-street parking facilities permitted or required in this B-2 Business District.

(Ord. No. 98-1163, §§ 3, 4, 10-19-98; Ord. No. 02-1310, § 4, 6-17-02; Ord. No. 03-1353, § 7, 3-17-03; Ord. No. 04-1414, §§ 1, 2, 3-15-04; Ord. No. 04-1444, §§ 4a, 5a.—e., 10-18-04; Ord. No. 05-1526, § 12, 10-3-05; Ord. No. 06-1649, §§ 5—7, 8-21-06; Ord. No. 06-1681, §§ 2(1)—2(4), 1-2-07)

Editor's note—

Ord. No. 02-1310, § 4, adopted June 17, 2002, added subsection 3.6 to this section. Inasmuch as said subsection already existed, the new provisions were redesignated as 3.7 at the editor's discretion

Based upon our interpretation of the preceding ordinance for B-2, the subject's proposed use appears to be a legal conforming use.