

## New Bishop's Woods Mixed-Use Zoning District

## Existing Office and Limited Industry Zoning District

### Permitted Uses

1. General or clerical offices;
2. Professional offices,
3. Research laboratories;
4. Schools or training centers;
5. Storing, cleaning, testing, repairing or servicing establishments as determined by operations conforming with performance standards set forth in this title;
6. Printing, lithographing, blueprinting and photocopying establishments, including retail sales;
7. Dry cleaning and dyeing establishments;
8. Any use, as permitted in the B-1 local business district; provided, that in the opinion of the plan commission, they will provide a service needed by the employees of, customers of, residents of, and visitors to this district.
9. Restaurants permitted in the local business district and casual dining restaurants with outdoor seating, not exceeding forty (40) percent of the indoor seating capacity. The location and operating hours for the outdoor seating and adequacy of parking will be subject to plan commission approval;
10. Hotels; provided, that in the opinion of the plan commission, they meet or exceed the following standards:
  - a. The entrance to a hotel site must have access to an intersection capable of handling projected traffic levels or the ability to improve such to capable levels;
  - b. A hotel site shall not be located adjacent to a residential district except where adequate buffering, screening and site planning can effectively control impacts to the residential district.
  - c. The hotel site incorporates additional uses permitted in the district in a multistory mixed-use building.
11. Multiple-family dwellings in mixed-use building or mixed-use site arrangements, not to exceed forty (40) percent of a lot's total FAR; provided, that in the opinion of the plan commission, they will benefit the office properties of the district by providing a variety of housing options and arrangements in accordance with the established intent of the district.
12. Parking structures;
13. Conditional uses pursuant to Section 17.108.050. (Ord. 2263-11 § 6, 2011; Ord. 2251-11 § 13, 2011; Ord. 1824 § 1 (part), 2001)

---

Highlighted Text = Proposed New Zoning Regulation

Red Text = Not Continued in Proposed New Zoning Regulation

Strikethrough Text = Language Cleanup/Irrelevant Removed

### Permitted Uses

1. General or clerical offices
2. Professional offices;
3. Research laboratories;
4. Schools and training centers;
5. Storing, cleaning, testing, repairing or servicing establishments as determined by operations conforming with performance standards set forth in this title;
6. Light industrial plants such as required for production of millwork, machine tools, paper containers, patterns, die castings, light metal fabrication and similar small industries;
7. Radio, television and electronics assembly, but not within five hundred (500) feet of any residential district;
8. Printing, lithographing, blueprinting and photocopying establishments;
9. Wholesalers and distributors;
10. Food and milk processing and soft drinks bottling plants;
11. Dry cleaning and dyeing establishments;
12. Restaurants permitted in the local business district and casual dining restaurants with outdoor seating not exceeding twenty-five (25) percent of the indoor seating capacity, motels and hotels; provided, that, in the opinion of the plan commission, they will provide a service needed by the employees of, customers of and visitors to the offices and plants in this district. The location and operating hours for the outdoor seating and adequacy of parking will be subject to plan commission approval;
13. Any similar use meeting all the requirements of this chapter;
14. The removal of top soil if a permit is granted under Chapter 17.124;
15. Automobile service stations subject to the regulations set forth in Chapter 17.60;
16. An automobile agency with garage and open air sales lot accessory thereto, subject to approval of the plan commission and council;
17. Continuation of Existing Automobile Dealerships. Continuation of existing automobile dealerships means only operations on current sites, building footprint occupancy and lot coverage of the parcel or hours of operation, as the use exists as of the effective date of the ordinance amendment codified in this section (March 29, 1990). The automobile dealerships that are existing uses in the O&LI District and, therefore, are permitted uses as of that date are the following:
  - a. Crest Cadillac, Inc. 42800 W. Capitol Drive
  - b. Fred Jones Pontiac GMC Trucks, Inc. 13000 W. Capitol Drive
  - c. Soerens Ford, Inc. 18900 W. Capitol Drive
- C. Special Exception Uses. Special exception uses are those uses that require a special review process because of their potential impact upon the city.
  1. New automobile dealerships may be allowed in the office and limited industry district as a special exception use requiring approval under Section 17.08.060 as well as approval of plan and method of operation under Chapter 17.100. Any expansion of an existing automobile dealership or expansion of a new dealership approved after March 29, 1990, shall also be a special exception use requiring review and approval under Section 17.08.060 and Chapter 17.100. In addition to the procedures specified in Section 17.08.060, plan commission consideration of a request for special exception approval of a new or expanded automobile dealership in the office and limited industry district shall include a public hearing before the plan commission, preceded by a Class I notice of the public hearing and the automobile dealership proposal and the mailing of notice of the proposal and the hearing to the applicant and to owners of property within three hundred (300) feet thereof no less than ten days preceding the hearing.
  2. The establishment of new or expansion of existing uses similar to automobile dealerships subject to the approval of the plan commission and subject to the same review procedures as special exception use in subsection (C)(1) of this section. (Amended during 1/21/16 update: Ord. 2251-11 § 11, 2011; Ord. 2134-08 §§ 4, 5, 2008; prior code § 17.37(1))

## New Bishop's Woods Mixed-Use Zoning District

## Existing Office and Limited Industry Zoning District

### General Restrictions

1. All operations and activities of uses within this district shall be conducted wholly inside a building or buildings, except as listed within this district.
2. No continuous or intermittent noise from operations greater than the volume and range of noise emanating from vehicular traffic or its equivalent in noise shall be detectable at the boundary line of any residence district.
3. No toxic matter, noxious matter, smoke or gas, and no odorous or particulate matter detectable beyond the lot lines shall be emitted.
4. No vibrations shall be detectable beyond the lot lines.
5. No glare or heat shall be detectable beyond the lot lines.
6. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any residence district or into public streets or parks.
7. No raw materials shall be processed into any of the following basic products: metals of any kind, glass, plastics, textiles, leather or paper unless the plan commission, after a public hearing, determines such use will meet the performance standards set forth in this chapter.
8. No activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted.

### Building and Parking Locations

- A. Setback:
1. **Fifty (50)** feet minimum on all streets, the opposite side of which lies in a more restrictive district in this or a neighboring municipality;
  2. **Eighteen (18)** feet minimum on streets, both sides of which lie in this or a less restrictive district;
  3. There shall be no structures of any kind or parking of automobiles, trucks or any other types of vehicles or storage or display of equipment, products, vehicles or material of any kind within the setback area.
- B. Offset: **fifteen (15)** feet minimum for buildings, except where property is adjacent to residential districts when it shall be a minimum **fifty (50)** feet; ten (10) feet minimum for off-street parking, except where property is adjacent to residential districts or public buildings area. No parking space or access driveway shall be closer than **twenty-five (25)** feet to any residential district or public building area.

### Height Regulations

- A. Principal buildings: **Irrespective of policy, code or Site Development Standards for Non-Residential Uses to the contrary, sixty (60) feet maximum, except within one hundred (100) feet of a more restrictive district,** where thirty-five (35) feet is the maximum.
- B. Accessory buildings: thirty (30) feet maximum.

---

**Highlighted Text** = Proposed New Zoning Regulation

**Red Text** = Not Continued in Proposed New Zoning Regulation

**Strikethrough Text** = Language Cleanup/Irrelevant Removed

### General Restrictions

1. **No residence shall be permitted except in conjunction with hotels and motels.**
2. **No merchandise shall be handled for sale or service rendered on the premises, except such as are incidental or accessory to the principal permissible use of the premises, except for sales or service to industrial customers.**
3. All operations and activities of all uses within this district shall be conducted wholly inside a building or buildings, except as listed within this district.
4. No continuous or intermittent noise from operations greater than the volume and range of noise emanating from vehicular traffic or its equivalent in noise shall be detectable at the boundary line of any residence district.
5. No toxic matter, noxious matter, smoke or gas, and no odorous or particulate matter detectable beyond the lot lines shall be emitted.
6. No vibrations shall be detectable beyond the lot lines.
7. No glare or heat shall be detectable beyond the lot lines.
8. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any residence district or into public streets or parks.
9. **The storage or use of chemicals either solid, liquid or gas, shall be subject to the following conditions:**
  - a. **The storage, utilization or manufacturing of materials or products ranging from incombustible to moderate burning is permitted.**
  - b. **The storage, utilization or manufacturing of materials or products ranging from free to active burning is permitted, provided the following condition is met: such materials or products shall be stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.**
  - c. **The manufacture of flammable materials which produce explosive vapors or gases is prohibited.**
10. No raw materials shall be processed into any of the following basic products: metals of any kind, glass, plastics, textiles, leather or paper unless the plan commission, after a public hearing, determines such use will meet the performance standards set forth in this chapter.
11. No activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted.

### Building and Parking Locations

- A. Setback:
1. **One hundred (100)** feet minimum on all streets, the opposite side of which lies in a more restrictive district in this or a neighboring municipality with the exception of frontage on arterial streets which are designated on the master street plan as having a right-of-way width of ninety (90) feet or more, wherein the setback shall be fifty (50) feet;
  2. **Fifty (50)** feet minimum on streets, both sides of which lie in this or a less restrictive district;
  3. There shall be no structures of any kind or parking of automobiles, trucks or any other types of vehicles or storage or display of equipment, products, vehicles or material of any kind within the setback area.
- B. Offset: **twenty-five (25)** feet minimum for buildings, except where property is adjacent to residential districts when it shall be a minimum **one hundred (100)** feet; ten feet minimum for off-street parking, except where property is adjacent to residential districts or public building area, no parking space or access driveway shall be closer than **seventy-five (75)** feet to any residential district or public building area. (Prior code § 17.37(2))

### Height Regulations

- A. Principal buildings: **thirty-five (35)** feet maximum.
- B. Accessory buildings: thirty (30) feet maximum. (Prior code § 17.37(3))
-

## New Bishop's Woods Mixed-Use Zoning District

## Existing Office and Limited Industry Zoning District

### Area Regulations

- A. Floor Area.
1. Minimum required for residential uses: six hundred (600) square feet per dwelling unit.
  2. Maximum FAR permitted: fifty (50) percent.
  3. An increase of the allowable FAR listed in this subsection may be considered if a development will meet the following standards.
    - a. Open space which sustainably adds to or increases the office vitality and attractiveness of the development and/or other on-site amenities;
    - b. Potential to revitalize adjacent parcels of the development through mixed-uses;
    - c. Provide increased benefit to the City and district through exceptional architectural design, ecological building construction, roof gardens, structured parking, day care center, and/or other beneficial amenities established and articulated in the Bishop's Woods Neighborhood Plan;
    - d. Fifteen (15) percent of a development's multiple-family dwelling units maintain market-sensitive housing rent values.
    - e. Per 17.100.050 J., transportation demand management and/or other traffic mitigation strategies are incorporated into the plan and method of operation in conjunction with the results of a Traffic Impact Analysis that demonstrate the development's increased FAR will not negatively impact local traffic flow beyond acceptable levels.
  4. FAR increases above the allowable maximum listed in this subsection are limited to a final maximum FAR of one hundred twenty (120) percent and must be approved by the plan commission as a condition of zoning approval of plan and method of operation. The Plan Commission will make a written determination that the increase in FAR achieves the intent and provisions of the district and the Bishop's Woods Neighborhood Plan.
- B. Lot Size.
1. Minimum area: sixty thousand (60,000) square feet.
  2. Minimum average width: two hundred (200) feet.
- C. Lot Coverage and Landscape Surface Ratio (LSR).
1. Maximum lot coverage: seventy (70) percent all buildings and impervious surfaces.
  2. Minimum landscape surface ratio: thirty (30) percent for all uses.

### Transfer of Development Rights

- A. Purpose.
1. Establish a framework which allows property owners to transfer development rights of residential dwelling units and commercial floor area with other property owners within the district.
  2. Preserve and enhance property rights.
  3. Encourage the efficient use of land.
  4. Aid the district in achieving the goals and objectives of the Bishop's Woods Neighborhood Plan and City's Comprehensive Plan.
- B. Applicability. This section shall apply to all property within the zoning district.
- C. Process. The sending and receiving of development rights between properties in the district shall be managed through the application of Modified Suburban Overlay District, Chapter 17.98.

### Additional Requirements

- A. Signs. Signs and other advertising media shall be erected in accordance with Chapter 15.16.
- B. Landscaping. All premises shall, within one year after the date of the occupancy permit, be sodded or seeded (except for parking areas) and landscaped throughout in the manner directed by the plan commission to accomplish the purposes of this chapter and to promote compatibility between nonresidential and residential uses.

### Area Regulations

- A. Floor Area.
1. Maximum required: none.
  2. Maximum FAR permitted: thirty (30) percent including accessory buildings for office uses; forty five (45) percent including accessory buildings for limited industrial uses. Use designation is to be determined by the plan commission.
- B. Lot Size.
1. Minimum area: eighty thousand (80,000) square feet.
  2. Minimum average width: two hundred (200) feet.
- C. Lot Coverage and Landscape Surface Ratio (LSR).
1. Maximum lot coverage: seventy (70) percent all buildings and impervious surfaces for office uses; seventy five (75) percent all buildings and impervious surfaces for limited industrial uses. The use determination shall be made by the plan commission.
  2. Minimum landscape surface ratio: thirty (30) percent for office uses; twenty five (25) percent for limited industrial uses. The use determination shall be made by the plan commission. (Prior code § 17.37(4))

### Additional Requirements

- A. Signs. Signs, billboards and other advertising media shall be erected in accordance with Chapter 15.16.
- B. Landscaping. All premises shall, within one year after the date of the occupancy permit, be sodded or seeded (except for parking areas) and landscaped throughout in the manner directed by the plan commission to accomplish the purposes of this chapter and to promote compatibility between industrial and residential uses. (Prior code § 17.37(5))

---

**Highlighted Text** = Proposed New Zoning Regulation

**Red Text** = Not Continued in Proposed New Zoning Regulation

**Strikethrough Text** = Language Cleanup/Irrelevant Removed

### Additional Requirements Continued...

- C. Trees. The wooded environment of the Bishop's Woods office park has been designated a unique and defining characteristic of the neighborhood. Preserving this identifying feature and amenity is supported as vital by local property owners and City officials. When removal of healthy trees is unavoidable in the orderly development of properties, a tree replacement plan must be included in the submitted landscape plan as a condition for approval of plan and method. Each removed sugar maple, red oak, or basswood tree shall be replaced according to the requirements of the tree replacement schedule established in the Site Development Standards for Non-Residential Uses. Trees selected for planting must be free from disease, injury, pests, nutritional disorders or root defects, and must be of good vigor and age in order to assure a reasonable expectation of survivability.