

Sec. 35-228. CH-Highway Commercial.

Sec. 35-228.1. Purpose and Intent.

The purpose and intent of this district is to provide areas adjacent and accessible to highways or freeways exclusively for uses which serve the highway traveler.

Sec. 35-228.2. Processing.

1. No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan, as provided in Sec. 35-317. (Development Plans) and with Sec. 34-314. (Land Use Permits).
2. Prior to the issuance of any Land Use Permit all final plans of buildings and structures shall be approved by the Board of Architectural Review, as provided in Sec. 35-329. (Architectural Review).

Sec. 35-228.3. Permitted Uses.

1. Motels and hotels.
2. Restaurants.
3. Automobile service stations and garages, but not including junk yards or the storage or wrecking of used cars or machinery. *(Amended by Ord. 4063, 8/18/92)*
4. Dwellings occupied by the owner or his employees, and their families, where such persons manage or operate the principal use of the property, including persons acting as caretakers or night watchmen, whose work makes it essential that they reside on the property.
5. Bus terminals and train stations.
6. Such agricultural uses as are permitted on any abutting parcel zoned in an agriculture or residential district.
7. Mini-mart/convenience stores of less than 3000 square feet of net floor area *(Amended by Ord. 4063, 8/18/92)*
8. Any other use which the Planning Commission determines to be a commercial establishment operated primarily for the purpose of serving the essential needs of travelers on highways.
9. Non-Residential Child Care Centers, that are accessory and subordinate to uses permitted by this Section 35-228.3., for use by on-site employees of the development, when sited and designed to ensure compatibility with the permitted uses on the project site and on adjacent parcels. *(Added by Ord. 4063, 8/18/92)*
10. Single Room Occupancy Facility. *(Added by Ord. 4128, 11/16/93)*
11. Accessory uses, buildings, or structures customarily incidental to the above uses.

Sec. 35-228.4. Uses Permitted with a Major Conditional Use Permit.

1. Overnight recreation-vehicle facilities.
2. Stadium, drive-in theater, or other establishment where large assemblages of people and automobiles are involved, but not including swap meets.
3. Wholesale establishments distributing materials and products essential to agriculture and farming operations, except manure.
4. Retail grocery stores not exceeding 5,000 square feet of market area.
5. Agricultural processing facilities on rural lands as specified in Section 35-217.4.3, if the Planning Commission finds the facilities compatible with existing and/or permitted uses on adjacent agricultural lands, and where the product is offered for sale onsite to the highway traveler. *(Added by Ord. 4228, 6/18/96)*

Sec. 35-228.5. Uses Permitted with a Minor Conditional Use Permit.

1. Commercial driving tees, putting ranges, and golf courses.
2. Truck service station.
3. Mechanical car washes, except on properties abutting a residential district, subject to the construction of masonry walls, fencing, installation of landscaping, and other methods of reducing noise effects on abutting property, and subject to such controls over access, parking, and landscaping as will make such use compatible with adjacent uses.

Sec. 35-228.6. Setbacks for Buildings and Structures.

1. Front: Fifteen (15) feet from the right-of-way line of any street.
2. Side and Rear: None, except within the side yards adjacent to the front yard, the front yard setback shall apply. However, where the lot abuts property in a different zoning district classification the side and rear setbacks of the abutting district shall apply to such lot.

Sec. 35-228.7. Coverage.

Not more than forty (40) percent of the net lot area shall be occupied by buildings and structures.

Sec. 35-228.8. Height Limit.

No building or structure shall exceed a height of thirty-five (35) feet.

Sec. 35-228.9. Parking.

As provided in DIVISION 6, PARKING REGULATIONS.

Sec. 35-228.10. Landscaping/Screening. *(Amended by Ord. 3794, 01/09/90)*

1. A landscape plan shall be submitted to and approved by the Planning and Development Department for all developments within this district.
2. Not less than five (5) percent of the net lot area shall be landscaped.

3. Along each side or rear boundary abutting a residential zone district there shall be provided an ornamental masonry wall not less than six (6) feet in height extending to within twenty (20) feet of the street right-of-way line of existing or proposed streets, plus a row of trees or other plant material of a type approved by the Planning and Development Department which will provide continuous screening to an approximate height of not less than twenty (20) feet nor more than forty (40) feet when mature.
4. Where property on the opposite side of an existing or proposed street is zoned for residential uses, there shall be provided along each boundary abutting such street an ornamental masonry wall not less than three (3) feet in height, except at access points. Said wall shall be set back from the property line not less than three (3) feet, which setback shall be landscaped, provided, however, that no such wall shall be required along the front line of a service station. These conditions may be modified by the Director or Planning Commission when it is found that because of street width or other conditions, such protection of residential values on the opposite side of the street is not required.

Sec. 35-228.11. Sale of Alcoholic Beverages (Amended by Ord. 3513, 05/30/85)

1. All uses in the CH zone shall be prohibited from selling alcoholic beverages except in conjunction with a restaurant during the hours of operation in which food is served. In no case shall the sale of packaged alcoholic beverages for off-premises consumption be allowed.

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