

PART C

SECTION X OVERLAY DISTRICTS

Article 2 Motor Vehicle Sales Business Overlay District

1. Purpose and Intent – Under conventional zoning district provisions, motor vehicle sales businesses are permitted or prohibited on the basis of categories of use. For the most part, the conventional districts lack an effective means of accommodating new or expanded businesses in appropriate instances. Missing is an accommodation based on compatibility of specific designs and layouts and positive interrelationships with the surrounding areas.

The same districts that affect motor vehicle sales businesses in corridors such as “Automobile Row” are also found other parts of the city and are unrelated to motor vehicle sales. The utility of possibly adding special permit or site review provisions to those districts in order to accommodate the motor vehicle sales businesses is diminished because of the effect on the unrelated areas. The alternative of changing the existing zoning districts to a more permissive district is likewise inappropriate. A new district would bring with it an array of potentially adverse or unwanted new uses and activities. Hence, the need has arisen for independently derived overlay district allowances.

An overlay district, by means of the provisions contained herein, shall provide the opportunity for controlled development of specified components of the motor vehicle sales businesses. Areas where these components would not otherwise be allowed shall be permitted within the overlay district boundaries.

2. Core District – The overlay district must have at its core a principal zoning district (such as a Commercial or Industrial District) that permits motor vehicle sales as a matter of right. More restrictive zoning districts that do not permit motor vehicle sales as a matter of right may be included in the overlay district, provided they are contiguous to the core district or form uninterrupted blocks extending from the core district along the principal arterial street on which the core district is located. The overlay district may also be extended across a street immediately parallel to the principal arterial street, if it is shown that the far side of the street would be isolated between the overlay district and another zoning district in which motor vehicle sales is already permitted as a matter of right.
3. General Limitation on Permitted Functions and Activities – The overlay district, as a means of establishing and protecting a viable corridor of motor vehicle sales businesses, shall extend the range of permitted uses within the underlying zoning districts only to include a) new motor vehicle sales dealerships and related accessory functions and b) full-function used motor vehicle sales businesses.
 - a. New motor vehicle sales businesses - These may include repair and service functions, rentals, and used motor vehicle sales. Display of motor vehicles may be on site or on land immediately contiguous to the properties on which the principal buildings of the dealerships lie. Contiguous land shall include land on the far side of a street if the display area also occupies the near side.

New vehicles or vehicles in substantially undamaged, road-worthy condition, may be stored on such land. Where parking or storage of such vehicles occurs at the periphery of the overlay district, the view of these vehicles shall be effectively screened from adjacent residentially zoned districts. Storage of damaged or non-functioning vehicles shall be limited to specific areas and conditions as indicated further below.

- b. Used Motor Vehicle Sales Businesses – These shall be limited to properties directly fronting on the principal arterial street. In no case shall a used motor vehicle business be located on land in any underlying zoning district that is more restricted in range of uses than a Local Business District, Class A. (For example, no used motor vehicle business shall be permitted on any portion of a Residential District included in the overlay district). Further, any used motor vehicle sales business which is a principal use (that is, not an accessory function of a new motor vehicle sales business) shall have a permanent principal building (not a trailer, shed, or mobile unit) in which customers may enter and transact business and in which heating, plumbing, and rest rooms are provided. Such principal building shall also include a bay in which vehicles can be brought for minor servicing, cleaning, and preparation for sales. Principal used motor vehicle sales not meeting these requirements, although permitted in other zoning districts, shall not be permitted in the overlay district. Used motor vehicle sales businesses in the overlay district may provide for on-site display of vehicles for sale but shall not provide storage for any damaged or non-functioning vehicles, except under the conditions of an approved special permit for light-duty motor vehicle repair. If the rear or side of a permitted used motor vehicle sales business abuts or is across from a Residential District outside the overlay district, the view of vehicles parked or displayed on-site shall be effectively screened from the Residential District.
4. Storage and Treatment of Damaged Vehicles – For motor vehicle businesses having legitimate repair functions, damaged vehicles may be temporarily stored on-site in areas screened from view of the public. All such vehicles shall have valid work orders or be documented as awaiting resolution of insurance adjustments.
- Storage shall not include abandoned vehicles. Impoundment yards and automobile “graveyards” shall not be permitted within the overlay district, nor shall salvaging for parts or dismantling be permitted. All damaged parts, tires, and waste fluids shall be disposed of in a timely manner pursuant to applicable laws and regulations. The location of storage areas shall be behind the principal buildings of the motor vehicle business with respect to the principal arterial street. Storage areas for damaged vehicles shall not be within 30 feet of a building used as a residence. Screening of these storage areas shall be by means of solid fencing five to six feet in height installed in a work-like manner, after the issuance of a proper permit, and maintained in undamaged condition.
5. Arterial Street Frontages – Access to the motor vehicle sales businesses (curb cuts) shall not exceed fifty (50) percent of the frontage of the businesses as they face the arterial street. Display of motor vehicles shall be kept out of the street right-of-way. Concrete sidewalks shall be maintained along the frontages, and are not to be covered over with tarvia or blacktop.
6. Side and Rear Streets – Access and sidewalks along side and rear streets shall be in keeping with the predominant character of the uses abutting those streets. Vehicles related to the motor vehicle sales business shall be kept out of the streets and their rights-of-way. Specifically, tow-trucks and motor vehicle inventory shall be parked and stored off-street.
7. Signs – Signs shall be permitted and controlled, as they would be otherwise without the existence of the overlay district, except that no new freestanding sign for any business within the overlay district, including businesses other than motor vehicle sales, shall exceed twenty (20) feet in height.

- 8 . Required Site Review – An Administrative Permit shall be required for any motor vehicle sales business, or portion thereof, to be located in parts of the overlay district where such businesses would not be allowed by right or by special permit in the underlying zoning districts. Such Administrative Permits shall be issued by the Zoning Administrator subject to a review of the building and site plans for the prospective use for adherence to the standards of the overlay district and compatible arrangement of the site with respect to adjoining properties. Building and site plans submitted for review shall be drawn to scale and of sufficient detail to show the functioning of the new development. Appeal of any negative decision by the Zoning Administrator may be made to the City Planning Commission.

Adopted: 6/20/05