

## 28-15 Definitions.

\* \* \*

"Employment agency:" A business that charges a fee for providing information and placement services to candidates seeking employment and/or clients looking for qualified candidates through which candidates register with the agency, but do not wait on-site or at a central location for full time, part time, or temporary assignments and at which vocational guidance, employment counseling, resume writing, executive recruitment, payroll processing and similar personnel services may also be offered.

"E-sports arena or gaming lounge:" An establishment designed for competitive and recreational video gaming, with or without seating for spectators, for the amusement of its patrons, including hosting tournaments, competitions, and events.

"Entertainment:" An engaging or diverting presentation of, or participation in, activities including, but not limited to, live singing, dancing, musical instrumentation, dramatic or prosaic presentations or poetic activities, but excluding adult live entertainment.

\* \* \*

"Floor area ratio:" The ratio of gross floor area to the net site area of the building site.

"Food hall, or culinary marketplace:" An establishment with a variety of artisan restaurants, food vendors, communal dining area, and specialty food-oriented retail items, including but not limited to fresh produce, butcher shops, baked goods, and prepared meals.

"Fowl:" Chickens, turkeys, ducks, geese, guinea fowl and peafowl.

\* \* \*

"Night club:" A place of entertainment, open at night, usually serving food, beer, wine, and liquor, and providing music and space for dancing.

"Night club, rooftop:" A place of entertainment located on the rooftop of a building, open at night, usually serving food, beer, wine, and liquor, and providing music and space for dancing.

"Non-chartered financial institution:" A business, other than a state or federally chartered bank, credit union, mortgage lender or savings and loan association, that offers check cashing services, vehicle title loans and loans for payment of a percentage fee. Specifically included are, check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument and loan businesses that make loans upon assignments of wages to be received or collateral, such as a vehicle title.

\* \* \*

"Outdoor dining:" An accessory to a restaurant use that is located on private property and used exclusively for dining, drinking and pedestrian circulation.

"Outdoor commercial recreation/entertainment use:" An outdoor facility, with or without seating for spectators, lighted or unlighted, and providing accommodations for a variety of individual, organized, or franchised sports. Such a facility may also provide other regular organized or franchised events, health and fitness club facilities, sports courts, playground, amphitheater, snack bar, restaurant, retail sales of related sports, health, or fitness items, and other support facilities. This classification includes miniature golf courses, golf driving ranges, agility courses, dog parks, or similar uses, unless separately defined herein.

"Parapet:" The portion of a wall that extends above the roof line.

\* \* \*

"Variance:" A license, granted by the board of adjustment to deviate from certain limited provision of the city zoning ordinance.

"Video arcade or game room:" An establishment having video games, including virtual reality simulators, or six (6) or more coin-operated devices for the amusement of its patrons, but specifically excluding an adult arcade and gambling.

"View fence:" Decorative wrought iron fence panels with vertical pickets that present an opening of four (4) inches or less and are designed as an integral part of the wall.

\* \* \*

## **28-91 The BLVD District.**

\* \* \*

- (e) Land uses. Land uses for each subdistrict shall comply with the land use matrix set forth below. Uses not listed as a permitted, permitted with conditions, or conditional use shall be prohibited from the applicable zoning district. In the event a particular use is not listed in this section and such use is not otherwise prohibited by law, the zoning administrator or designee shall determine whether such use is analogous to other listed uses; the determination shall be made pursuant to section 28-5 of this ordinance.

G = Gateway District

PA = Park Avenue District

N = Neighborhood District

V = Village District

R = Residential District

P = Promenade District

P = Permitted

C = Conditional use

PC = Permitted with conditions

A = Accessory

FF = First floor w/residential above

- = Not allowed

Exhibit A – Proposed Text Amendments

LAND USE	THE BLVD SUBDISTRICTS					
	G	V	PA	R	N	P
<u>***</u>						
College or university	P	P	P	-	-	P
Commercial sporting complexes	<u>PC</u>	-	<u>PC</u>	-	-	-
Concert facilities, outdoor	<u>PC</u>	-	<u>PC</u>	-	-	-
Consignment shops	P	P	P	FF	-	P
Convention centers and exhibition halls	<u>PC</u>	-	<u>PC</u>	-	-	-
<u>***</u>						
Dry cleaning and laundry establishment, pick-up and drop-off only	P	P	P	FF	-	-
<u>E-sports arena or gaming lounge</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>-</u>	<u>P</u>
Employment agencies excluding day labor	P	P	P	-	-	P
<u>***</u>						
Farming	PC	PC	PC	PC	PC	PC
<u>Food hall, or culinary marketplace</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>-</u>	<u>P</u>
Gas station (allowed only as an accessory use to a grocery store)	-	<u>PC</u>	-	-	-	<u>PC</u>
Grocery stores up to 36,000 square feet in floor area	P	P	P	FF	-	P
Grocery stores exceeding 36,000 square feet in floor area	-	<u>PC</u>	-	-	-	<u>PC</u>
<u>***</u>						
Nail salon	P	P	P	FF	-	P
Night club	PC	PC	PC	-	-	-
<u>Night club, rooftop</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>-</u>	<u>-</u>	<u>-</u>
Outdoor dining, ancillary to a restaurant	A	A	A	A	-	A
<u>Outdoor commercial recreation/entertainment uses not otherwise listed</u>	<u>PC</u>	<u>-</u>	<u>PC</u>	<u>-</u>	<u>-</u>	<u>-</u>
Parking lot, surface	A	A	A	A	A	A
Parking structure	A	A	A	A	-	A
<u>***</u>						

- (f) Use-specific conditions. Land uses listed in the land use matrix above as permitted with conditions are permitted by right only if the conditions listed below for the individual uses are met. Land uses listed as conditional uses require planning commission approval of a conditional use permit in accordance with section 28-8 of this ordinance. Based on development plan review, staff may add additional conditions of approval deemed necessary to protect the health, safety and public welfare.

\*\*\*

- (6) Gas stations are allowed in the Village and Promenade Subdistricts ~~subject to approval of a conditional use permit if and~~ only if the gas station is an accessory to a grocery use. A maximum of one (1) such gas

Exhibit A – Proposed Text Amendments

---

station shall be permitted ~~subject to CUP approval~~ in each subdistrict. Any such gas station must front onto Van Buren Street and may not front on Avondale Boulevard or Corporate Drive.

- (7) Grocery stores exceeding thirty-six thousand (36,000) square feet in floor area are allowed in the Village and Promenade subdistricts ~~subject to approval of a conditional use permit~~, provided they include at least two of the following components:

- (A) Indoor eateries.
- (B) Specialty beverage staff (such as a sommelier or cicerone) and/or a wine and/or craft beer bar.
- (C) Juice bar and/or coffee shop.
- (D) Specialty food counters, such as imported cheeses, a sushi bar, a salad bar, or similar products.

\* \* \*

- (10) Night clubs and rooftop night clubs are allowed in Gateway, Village, and Park Avenue Subdistricts; provided, however, that (1) the exterior building wall of a night club shall not be located within one thousand three hundred twenty (1,320) feet of the exterior property lines of a public or private school, or church, (2) closing time for dance floors or other accessory uses to a night club shall coincide with the closing time for the night club and (3) with respect to the Gateway and Village Subdistricts only, exits and entrances to a night club shall not be located within three hundred (300) feet of a residence, excluding residences on upper floors above ground floor commercial.

\* \* \*

- (17) Concert facilities, outdoor, and outdoor commercial recreation/entertainment uses, not otherwise listed, are allowed in the Gateway and Park Avenue Subdistricts, subject to the following:

- (A) Lighting shall comply with the outdoor recreational and other outdoor lighting standards in section 28-137 of this ordinance.
- (B) Music, live or recorded, may be played; however, no music or sound amplification systems shall be operated between the hours of 11:00 p.m. and 8:00 a.m.

\* \* \*

- (i) Parking. Parking for each land use shall be provided by a combination of on-street parking, off-street surface parking and parking structures. The amount of required parking, parking dimensions, and other parking lot design requirements shall be governed by article 8 of this ordinance, except that:

\* \* \*

- (2) On-street parking and/or city-owned and operated off-street surface parking lots and/or parking structures counted towards the required parking must be located within one thousand three hundred twenty (1,320) feet of the use, measured from the exterior wall of the use to the closest perimeter of the on-street parking, surface parking, or parking structure.

\* \* \*