

Zoning Motion 2012-4

Add Allowed Uses in Business Categories

Revised through Aug 7, 2012

1) Add as a **permitted, by-right use** in B-1, B-2, B-3, HUC, and I-1:

Specialty retail establishment that predominately sells one type or group of merchandise, such as butcher shop, bakery, confectionery, jewelry, handcrafts, gift baskets, apparel, or similar items, which may include limited on-site processing or assembly of materials as an accessory use into final product for sale primarily on the premises.

The above text will be added at:
153.060(B)(97) for B-1, B-2, and B-3,
153.061(B)(49) for HUC, and
153.062(B)(134) for I-1.

2) Add as **a use under prescribed conditions** in B-1, B-2, B-3, HUC, and I-1:

Specialty sales establishments that predominately sell one type or group of merchandise, *with its related merchandise assembly or processing facilities* such as butcher shop, bakery, confectionery, jewelry, handcrafts, gift baskets, apparel, or similar items, *at retail or wholesale on-site directly to customers, where sales may also occur through other avenues, and where on-site processing, assembly, and/or packaging of materials into final product and off-site distribution may occur. See 153.196.*

The above text will be added at:
153.060(C)(36) for B-1, B-2, and B-3,
153.061(C)(15) for HUC, and
153.162(C)(21) for I-1.

3) Add 153.196 in Chapter on Special Requirements for Certain Uses

153.196 Specialty Sales Establishments With Related Activities.

Specialty sales establishments with related processing, assembly, packaging, and distribution activities shall be permitted in the B-1, B-2, B-3, HUC, and I-1 districts in accordance with the following requirements:

(A) A minimum of one quarter of the gross floor area, or 150 square feet, whichever is less, shall be provided for on-site retail sales to customers and this area shall be open for business at least one quarter of the time each week the business facility is operating. (1)

(B) Office space for mail, phone, on-line, or similar orders shall not exceed the space of the customer retail area. (2)

(C) Where on-site processing or assembly may take place during retail store operations, visibility of some portion of the processing or assembly activity is encouraged to be provided from the retail sales floor area where practicable in order to create a unique experience for customers. A written explanation for not providing visibility of any merchandise preparation area shall be submitted to the Zoning Administrator who shall sign and maintain it on file. (3).

(1) A use cannot be a “specialty sales establishment” if it does not have a designated sales space. Therefore, calculation of a set minimum sales floor area is included. Without this text change, these activities could still locate within Matthews, but would be limited only to Industrial-zoned locations. The minimum time requirement for on-site retail activity also is intended to conform to the use listing as a “sales establishment”.

(2) Again, since these uses are defined as “specialty sales”, they need to have a minimal walk-in customer area. If the sales activity is predominately on-line, mail order, or similar rather than walk-in, then their presence in a retail location may not be as desirable or necessary, and they can be alternatively defined as a permitted Industrial use instead of a “sales establishment”.

(3) In order to create a unique experience for walk-in customers at a “specialty sales establishment”, an opportunity to view final merchandise preparation is offered here.

zmot 2012-4 uses 8-7-12

further text revision in red proposed following discussion at 7-9-12 Town Board meeting

Zoning Motion 2012-4

Add Allowed Uses in Business Categories

Add as a permitted use in B-1, B-2, B-3, at 153.060, HUC at 153.061, and I-1 at 153.162:
153.060(B)(97)

Specialty retail establishments that predominately sell one type or group of merchandise, such as butcher shop, bakery, confectionery, jewelry, handcrafts, gift baskets, apparel, or similar items, which may include limited on-site processing or assembly of materials as an accessory use into final product for sale primarily on the premises. B-1, B-2, and B-3.

153.061(B)(49)

Specialty retail establishments that predominately sell one type or group of merchandise, such as butcher shop, bakery, confectionery, jewelry, handcrafts, gift baskets, apparel, or similar items, which may include limited on-site processing or assembly of materials as an accessory use into final product for sale primarily on the premises.

153.062(B)(134)

Specialty retail establishments that predominately sell one type or group of merchandise, such as butcher shop, bakery, confectionery, jewelry, handcrafts, gift baskets, apparel, or similar items, which may include limited on-site processing or assembly of materials as an accessory use into final product for sale primarily on the premises. I-1 only.

Add as a use under prescribed conditions in B-1, B-2, B-3 at 153.060, HUC at 153.061, and I-1 at 153.162:

153.060(C)(36)

Specialty sales establishments that predominately sell one type or group of merchandise, with its related merchandise assembly or processing facilities such as butcher shop, bakery, confectionery, jewelry, handcrafts, gift baskets, apparel, or similar items, at retail or wholesale which may occur either on-site directly to customers or through other venues, and where on-site processing, assembly, and/or packaging of materials into final product and distribution off-site may occur. B-1, B-2, and B-3. See 153.196.

153.061(C)(15)

Specialty sales establishments that predominately sell one type or group of merchandise, with its related merchandise assembly or processing facilities such as butcher shop, bakery, confectionery, jewelry, handcrafts, gift baskets, apparel, or similar items, at retail or wholesale which may occur either on-site directly to customers or through other venues, and where on-site processing, assembly, and/or packaging of materials into final product and distribution off-site may occur. See 153.196.

153.062(C)(21)

Specialty sales establishments that predominately sell one type or group of merchandise, with its related merchandise assembly or processing facilities such as butcher shop, bakery, confectionery, jewelry, handcrafts, gift baskets, apparel, or similar items, at retail or wholesale which may occur either on-site directly to customers or through other venues, and where on-site processing, assembly, and/or packaging of materials into final product and distribution off-site may occur. I-1 only. See 153.196.

Add 153.196 in Chapter on Special Requirements for Certain Uses

153.196 Specialty Sales Establishments With Related Activities.

Specialty sales establishments with related processing, assembly, packaging, and distribution activities shall be permitted in the B-1, B-2, B-3, HUC, and I-1 districts in accordance with the following requirements:

(A) A minimum of one quarter of the gross floor area, or 200 square feet, whichever is less, shall be provided for on-site retail sales to customers and this area shall be open for business at least one quarter of the time each week the business facility is operating.

(B) Office space for mail, phone, on-line, or similar orders shall not exceed the space of the customer retail area.

(C) Where on-site processing or assembly may take place during retail store operations, visibility **of some portion of the** processing or assembly activity shall be provided from the retail sales floor area.

zmot 2012-4 uses

further text revision in red proposed following discussion at Planning Board meeting

Zoning Motion 2012-4
Add Allowed Uses in Business Categories

Add as a permitted use in B-1, B-2, B-3, at 153.060, HUC at 153.061, and I-1 at 153.162:
153.060(B)(97)

Specialty retail establishments that predominately sell one type or group of merchandise, such as butcher shop, bakery, confectionery, jewelry, handcrafts, gift baskets, apparel, or similar items, which may include limited on-site processing or assembly of materials as an accessory use into final product for sale primarily on the premises. B-1, B-2, and B-3.

153.061(B)(49)

Specialty retail establishments that predominately sell one type or group of merchandise, such as butcher shop, bakery, confectionery, jewelry, handcrafts, gift baskets, apparel, or similar items, which may include limited on-site processing or assembly of materials as an accessory use into final product for sale primarily on the premises.

153.062(B)(134)

Specialty retail establishments that predominately sell one type or group of merchandise, such as butcher shop, bakery, confectionery, jewelry, handcrafts, gift baskets, apparel, or similar items, which may include limited on-site processing or assembly of materials as an accessory use into final product for sale primarily on the premises. I-1 only.

Add as a use under prescribed conditions in B-1, B-2, B-3, HUC, and I-1 at 153.162:
153.060(C)(36)

Specialty sales establishments that predominately sell one type or group of merchandise, with its related merchandise assembly or processing facilities such as butcher shop, bakery, confectionery, jewelry, handcrafts, gift baskets, apparel, or similar items, at retail or wholesale which may occur either on-site directly to customers or through other venues, and where on-site processing, assembly, and/or packaging of materials into final product and distribution off-site may occur. B-1, B-2, and B-3. See 153.196.

153.061(C)(15)

Specialty sales establishments that predominately sell one type or group of merchandise, with its related merchandise assembly or processing facilities such as butcher shop, bakery, confectionery, jewelry, handcrafts, gift baskets, apparel, or similar items, at retail or wholesale which may occur either on-site directly to customers or through other venues, and where on-site processing, assembly, and/or packaging of materials into final product and distribution off-site may occur. See 153.196.

153.062(C)(21)

Specialty sales establishments that predominately sell one type or group of merchandise, with its related merchandise assembly or processing facilities such as butcher shop, bakery, confectionery, jewelry, handcrafts, gift baskets, apparel, or similar items, at retail or wholesale which may occur either on-site directly to customers or through other venues, and where on-site processing, assembly, and/or packaging of materials into final product and distribution off-site may occur. I-1 only. See 153.196.

Add 153.196 in Chapter on Special Requirements for Certain Uses

153.196 Specialty Sales Establishments With Related Activities.

Specialty sales establishments with related processing, assembly, packaging, and distribution activities shall be permitted in the B-1, B-2, B-3, HUC, and I-1 districts in accordance with the following requirements:

(A) A minimum of one quarter of the gross floor area, or 200 square feet, whichever is less, shall be provided for on-site retail sales to customers and this area shall be open for business at least one quarter of the time each week the business facility is operating.

(B) Office space for mail, phone, on-line, or similar orders shall not exceed the space of the customer retail area.

(C) Where on-site processing or assembly may take place during retail store operations, visibility of processing or assembly activity shall be provided from the retail sales floor area.

zmot 2012-4 uses

ZONING MOTION 2012-4
INITIATED BY MATTHEWS BOARD OF COMMISSIONERS

MOTION TO CHANGE: x TEXT
 DISTRICT BOUNDARIES
(IF FOR A CHANGE IN DISTRICT BOUNDARIES, LIST PARCEL(S) AFFECTED)

DATE OF INITIAL DISCUSSION TO SET HEARING 5-14-12

PUBLIC HEARING DATE 6-11-12

PROPOSED ACTION

Add allowed specialty item stores in various business/industrial zoning districts to clarify retail sales and some “assembly” or “processing” of merchandise is permitted. Limits on amount of assembly or processing portion of overall use will be defined. This is intended to clearly allow uses such as butcher shops, bakeries, candy making, jewelry making, custom apparel and home goods, etc., are appropriate in Downtown and other business locations.

AFFECTED AND/OR ADJACENT PROPERTY OWNERS NOTIFIED NA

ATTACHMENTS INCLUDE Proposed new text in Nonresidential Districts Chapter (153.060, 153.061, and 153.062)

PROTEST PETITION FILED? YES (IF YES, DATE)
 NA NO

OTHER COMMENTS: This text could be part of the update process into the UDO, but staff has seen proposed new Downtown uses not be able to move forward due to their “assembly” or “processing” aspects of their overall business activity. This text change now will allow greater flexibility in uses that could be attractive in Downtown and elsewhere in commercial areas. Any revisions made through this Motion will be continued in the new UDO.