

ORDINANCE 2026 - 002

**SALES AND CONSUMPTION OF ALCOHOL THE COMMERCIAL GENERAL
ZONING (CG) DISTRICT**

AN ORDINANCE FOR THE PURPOSE OF AMENDING THE TOWN OF KENNETH CITY LAND DEVELOPMENT CODE CHAPTER 82 – ZONING ARTICLE III ZONING DISTRICTS DIVISION 11 CG COMMERCIAL GENERAL ZONING, SECTIONS 82-352 CG USE REGULATIONS TO REGULATE AND ALLOW FOR EXISTING AND FUTURE SALES AND CONSUMPTION OF ALCOHOL THE COMMERCIAL GENERAL (CG) ZONING DISTRICT, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Kenneth City desires to regulate and allow for existing and future alcohol sales in the COMMERCIAL GENERAL district, and

WHEREAS, the Town of Kenneth City held a first reading and hearing on this Ordinance on the 13th day of May, 2026, and

WHEREAS, the Town of Kenneth City prepared a *Business Impact Estimate* on the 6th of April, 2026, and

WHEREAS, the Town of Kenneth City advertised this Ordinance on the 22nd day of April, 2026 at least 10 days prior to a scheduled and noticed second public reading and hearing on this Ordinance to be held on the 13th day of May, 2026 or as announced at that meeting as continued to a new date certain for adoption at a subsequent meeting, and

WHEREAS, the Town Council deems approval of this Ordinance to be in the best interest of the Town of Kenneth City; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Kenneth City that the Town of Kenneth City Town Code is hereby amended as follows:

Section 1. Recitals Adopted. That each of the above stated whereas clauses are hereby confirmed, adopted, and incorporated herein and made a part of this Ordinance by reference.

Section 2. Amendment to the Town Code. That Chapter 82 of the Town Code of Ordinances is hereby amended as follows with additions shown as underlined text, deletions shown as ~~stricken through~~ text in Exhibit A to this Ordinance:

See Exhibit A

Section 3. Conflicting Provision. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining words, sections, sentences, clauses, and phrases of this Ordinance it being the legislative intent that this Ordinance shall remain valid notwithstanding the invalidity of any word, part or portion.

Section 5. Codification. That it is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Town Code, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 6. Effective Date. That this Ordinance shall become effective immediately upon adoption on second reading.

PASSED ON FIRST READING on the 13th day of May 2026, on a motion made by Councilmember Schmidt and seconded by Councilmember Chan

PASSED AND ADOPTED ON SECOND READING this 10th day of June, 2026, on a motion made by Dalbo and seconded by Kinney.



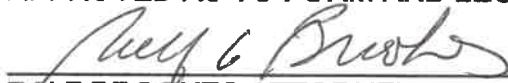
MAYOR Bob Arrison

ATTEST:



Kristin Cook TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



RALF BROOKES ATTORNEY

EXHIBIT A

NOTE: Additional language shown as underline text, and deleted language shown as ~~strikethrough-text~~.

DIVISION 11. CG, GENERAL COMMERCIAL DISTRICT

Sec. 82-351. Purpose and intent.

The purpose and intent of the CG general commercial zoning district is to provide for areas of general retailing and a variety of special commercial uses in the town in accordance with the commercial general land use category as adopted in the future land use element of the town comprehensive plan, to encourage the development of centralized, extensive commercial uses providing a wide range of goods and services, and to require planned development of such uses as a cohesive unit on contiguous parcels to serve more than one residential neighborhood. It is further the intent of this district to encourage the redevelopment and rehabilitation of existing general commercial developments, including nonconforming uses and structures as provided in section 82-4 of this chapter.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 10, 9-9-92; Ord. No. 499, § 78, 3-14-01)

Sec. 82-352. Use regulations.

In all CG general commercial districts the following use regulations shall apply:

- (1) **Permitted uses.** In a CG general commercial district, no building shall be erected, altered or used, nor shall any land or water use be permitted except for one or more of the following:
- a. Interment uses limited to: Funeral homes.
 - b. Office uses limited to:
 1. Real estate;
 2. Travel agencies;
 3. Medical, dental and eye doctors, including other similar health-related professions;
 4. Professional services, including accountant, lawyer, architect, engineer and like professions;
 5. Brokerage houses;
 6. Financial institutions;

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7. Studio schools, such as art, sculpture, dance, pottery and like instruction;
 8. Office reproduction services;
 9. Similar facilities related to office uses.
- c. General commercial uses limited to:
1. Barbershops and beauty parlors;
 2. Laundry and dry-cleaning pickup facilities;
 3. Shoe repair;
 4. Tailors;
 5. Pharmacy;
 6. Bakery, selling at retail on premises;
 7. Hardware store;
 8. Florist;
 9. Food stores;
 10. Restaurants;
 11. Variety stores, sundries;
 12. Stationery, books, tobacco shop;
 13. Financial institutions;
 14. Novelty stores;
 15. Television and appliance stores, sales and service;
 16. Department store;
 17. Furniture store;
 18. Specialty shops: Men's, women's, children's clothing, shoes and similar apparel items;
 19. Photographic supplies and studio;
 20. Sporting goods store;
 21. Antique shop;
 22. Gift shops;
 23. Fast-food service, snack bars, nondrive-in;
 24. Drugstore;
 25. Supermarket;
 26. Automotive service and repair facilities;
 27. Similar general commercial uses.

28. Sale of intoxicating beverages indoors for offsite consumption

- d. Outdoor storage commercial uses limited to:
 - 1. Shops and offices for contractors and building trades;
 - 2. Garden supplies and plant nurseries.
- e. Commercial recreation uses limited to:
 - 1. Billiard and pool halls;
 - 2. Bowling alleys;
 - 3. Health clubs;
 - 4. Gymnasiums;
 - 5. Miniature golf courses;
 - 6. Amusement arcades;
 - 7. Movie theaters.
- f. Institutional uses limited to:
 - 1. Public and private schools of general and special education;
 - 2. Hospitals and nursing homes;
 - 3. Churches, synagogues and other places of worship.
- g. Drive-in commercial uses limited to:
 - 1. Drive-in food and drink;
 - 2. Gas and service stations;
 - 3. Marinas and marine repair facilities.
- h. Government/public service uses limited to:
 - 1. Police station;
 - 2. Fire station;
 - 3. Library;
 - 4. Post office;
 - 5. City hall;
 - 6. Limited similar public service or government-oriented uses involved with federal, state or local governments.
- i. Public buildings and utility uses (light) limited to:
 - 1. Electrical substations, distributions, transformers;
 - 2. Natural gas and oil or petroleum product control and distribution, excluding storage;

3. Radio, television facilities, transmission;
4. Sewage pumping facilities;
5. Utility transmission facilities, structures, equipment, right-of-way for telephone, electricity, gas or water;
6. Water storage, control and pumping facilities;
7. Navigation safety devices, structures;
8. Similar light and public utility uses;
9. All uses listed in the P/SP-I, Public/SemiPublic-Institutional District.

(2) **Uses requiring a special exception permit:** In all CG general commercial districts the following uses shall require a special exception permit:

- a. Hotels, motels and motor inns and transient apartments;
- b. Shopping centers containing more than 50,000 square feet of commercial space under one roof.
- c. Mixes use projects containing uses allowed in other zoning districts, including multifamily residential when combined with general commercial uses.
- d. **Sale of intoxicating beverages, regardless of alcoholic content, for consumption on premises indoors or outdoors may be approved with conditions for public health, safety and welfare and to ensure compatibility with surrounding uses by Town Council (for example, but not limited to, conditions of approval establishing or restricting the hours of operation, outdoor music, seating, access, parking and public safety.**

{Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 10, 9-9-92; Ord. No. 682-23, § 2, 1-10-24; Ord. No. 003-2025, § 2(Exh. A), 6-11-25}

Sec. 82-353. Area regulations.

Area regulations in all CG general commercial districts shall be as follows:

(1) *Minimum lot area and dimensions.* Minimum lot area and dimensions in the CG general commercial district shall be as follows:

Area:	15,000 square feet;
Width:	100 feet;
Width (corner):	110 feet;
Depth:	150 feet.

(2) *Minimum setback requirements.* Minimum setback requirements for the CG general commercial district shall be as follows:

Front:	25 feet;
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Side:	7.5 feet. When the principal structure is attached by means of a common-party wall to an adjacent commercial or industrial structure, the side yard setback requirement may be waived;
Rear:	25 feet. Where an alley is adjacent to and abuts the rear lot line, the rear yard setback may be measured from the center of the alley.

An additional five feet shall be added to all required setbacks when the height of the building exceeds two stories.

- (3) Reserved.
- (4) *Maximum impervious surface ratio (ISR)*. The maximum impervious surface ratio (ISR) shall be 0.80.
- (5) Reserved.
- (6) Reserved.
- (7) *Residential equivalent use*: In all CG general commercial districts a residential equivalent use shall not exceed an equivalent of 3.0 (one person per bed) beds per permitted dwelling unit, at 15 units per acre.
- (8) *Transient accommodation use*. In all CG general commercial districts a transient accommodation use shall not exceed 40 units per acre.
- (9) *Outdoor storage use*: In all CG general commercial districts, outdoor storage use associated with contractor and building trade establishments shall be incidental to and not exceed 20 percent of the area of the building to which it is accessory.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 10, 9-9-92; Ord. No. 499, § 79, 3-14-01; Ord. No. 616, § 1, 11-9-2011; Ord. No. 682-23, § 2, 1-10-24)

Sec. 82-354. Required landscaping.

In all CG general commercial districts a minimum of 15 percent of the total site shall be developed with pervious green space, including landscaping encompassing grass, trees and shrubs. Development plans shall include mechanical irrigation (sprinkler) systems for all designated green spaces. A plan for green space maintenance shall be presented as a condition for the issuance of a certificate of occupancy.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 10, 9-9-92)

Sec. 82-355. Transition and buffering when adjoining a residential district.

In all CG general commercial districts, where a commercial district abuts a residential district, the following provisions shall apply:

- (1) No commercial building, accessory building or shed shall be located closer than ten feet from any residential property line. A six-foot visual barrier fence or wall shall be required on any

residential/commercial boundary from new development on land adjoining such boundary where no such wall or fence presently exists.

- (2) Where a commercial district abuts a residential district and where the two districts have front and side yards on a common street, a commercial structure immediately adjoining the residential district shall have a minimum yard setback from that street equivalent to the required front yard in the residential district.
- (3) The minimum distance between a commercial district structure and a residential district structure shall be one foot for each foot of height of the commercial district structure.

(Ord. No. 327, 6-13-84; Ord. No. 403, § 2, 7-11-90; Ord. No. 414, § 10, 9-9-92)
