



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title:	Motion to approve an Ordinance Approving and Authorizing the Execution of the Fourth Amendment to the City of St. Charles Tax Increment Financial Redevelopment Agreement (First Street Project) By and Between the City of St. Charles and First Street Development, LLC (Building 7A- Permitted Uses)
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Presenter:	Rita Tungare
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Please check appropriate box:

<input type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input checked="" type="checkbox"/>	City Council – (8/19/13)

Estimated Cost:	N/A	Budgeted:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
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If NO, please explain how item will be funded:

Executive Summary:

An ordinance amending the First Street Redevelopment PUD to expand the permitted uses for the first floor of building 7A (Harris Bank building) to allow Office, Business and Professional, and Medical/Dental Clinic uses has been placed under Planning and Development Committee Reports. This item was unanimously recommended for approval by the Committee on August 12, 2013.

The Redevelopment Agreement between the City and First Street LLC regarding the First Street project incorporated the PUD approval ordinances and permitted use lists into the document as exhibits.

The attached amendment to the Redevelopment Agreement will incorporate the PUD amendment into the agreement.

No other provisions of the Redevelopment Agreement will be modified.

Attachments: *(please list)*

Ordinance

Recommendation / Suggested Action *(briefly explain):*

Motion to approve an Ordinance Approving and Authorizing the Execution of the Fourth Amendment to the City of St. Charles Tax Increment Financial Redevelopment Agreement (First Street Project) By and Between the City of St. Charles and First Street Development, LLC (Building 7A- Permitted Uses)

For office use only

Agenda Item Number:

City of St. Charles, IL
Ordinance No. 2013-M-__

**An Ordinance Approving and Authorizing the Execution of the Fourth
Amendment to the City of St. Charles Tax Increment Financial
Redevelopment Agreement (First Street Project) By and Between the City of
St. Charles and First Street Development, L.L.C.
(Building 7A- Permitted Uses)**

WHEREAS, the City of St. Charles, Kane and DuPage Counties, Illinois (the “City”) entered into a certain City of St. Charles Tax Increment Financial Redevelopment Agreement, dated as of December 15, 2006; First Amendment to City of St. Charles Tax Increment Financial Redevelopment Agreement dated June 16, 2008; Second Amendment to City of St. Charles Tax Increment Financial Redevelopment Agreement dated June 15, 2009; and Third Amendment to St. Charles Tax Increment Financial Redevelopment Agreement dated October 5, 2009 (collectively referred to as the “Agreement”) with First Street Development L.L.C., an Illinois limited liability company (the “Developer”) for purposes of redevelopment of a portion of the First Street Redevelopment Project Area (the “Redevelopment Area); and

WHEREAS, the Developer and Corporate Authorities of the City find it is in the best interest of the Developer and the City to further amend certain terms and provisions of the Redevelopment Agreement (the “Fourth Amendment to Redevelopment Agreement”); and

WHEREAS, the Corporate Authorities of the City find that the Fourth Amendment to the Redevelopment Agreement does not involve redevelopment of or conveyance of any interest in any City owned real property not included in the Redevelopment Agreement.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, as follows:

1. That the foregoing recital clauses to this Ordinance are adopted as the findings of the Corporate Authorities of the City of St. Charles and are incorporated herein by specific reference.

2. That upon receipt from the Developer of four (4) executed copies of the Fourth Amendment to the Redevelopment Agreement, the Mayor is hereby authorized to execute, and the City Clerk is hereby authorized to attest, the Fourth Amendment to Redevelopment Agreement in substantially the form of such agreement appended to this Ordinance as Exhibit A, with such changes therein as shall be approved by the officials of the City executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from and after the execution and delivery of such Fourth Amendment to the Redevelopment Agreement.

3. That the officials, officers and employees of the City are hereby authorized to take such further actions and execute such documents as are necessary to carry out the intent and purpose of this Ordinance and of the Fourth Amendment to Redevelopment Agreement.

4. That this Ordinance shall be in full force and effect upon and after its passage in the manner provided by law.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 19th day of August, 2013.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 19th day of August, 2013.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 19th day of August, 2013.

Raymond P. Rogina, Mayor

Attest:

Nancy Garrison, City Clerk

Vote:

Ayes:

Nays:

Absent:

Abstain:

Date: _____

EXHIBIT A
FOURTH AMENDMENT TO REDEVELOPMENT AGREEMENT

**FOURTH AMENDMENT TO CITY OF ST. CHARLES
TAX INCREMENT FINANCIAL REDEVELOPMENT AGREEMENT
(FIRST STREET PROJECT)**

THIS FOURTH AMENDMENT TO CITY OF ST. CHARLES TAX INCREMENT FINANCIAL REDEVELOPMENT AGREEMENT, (the "Fourth Amendment") is made and entered into and effective _____, 2013, by and between the City of St. Charles, an Illinois Municipal Corporation ("City") and First Street Development, LLC an Illinois limited liability company (the "Developer").

R E C I T A L S

- A. The City and Developer are parties to that certain City of St. Charles Tax Increment Financial Redevelopment Agreement, dated as of December 15, 2006; First Amendment to City of St. Charles Tax Increment Financial Redevelopment Agreement dated June 16, 2008; Second Amendment to City of St. Charles Tax Increment Financial Redevelopment Agreement dated June 15, 2009; and Third Amendment to St. Charles Tax Increment Financial Redevelopment Agreement dated October 5, 2009 (collectively referred to as the "Agreement").
- B. The City and Developer desire to amend the Agreement, as set for and stated below.

IN CONSIDERATION of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

- 1. Incorporation of Recitals. The foregoing recitals are hereby incorporated as if fully rewritten.
- 2. Definitions. Amendment Controls. Capitalized terms used, but not defined herein, shall have the same meaning as ascribed to such terms in the Agreement. To the extent any of the terms and conditions set forth in this Fourth Amendment shall conflict with any terms and conditions of the Agreement, the terms and conditions set forth in this Fourth Amendment shall at all times supersede, govern and control. In all other respects, this Fourth Amendment shall supplement the terms and conditions of the Agreement.
- 3. Governmental Approvals. Exhibit E-3 of the Agreement is hereby amended pursuant to the City approved Governmental Requirements, evidenced and attached hereto as Exhibit E-3 (B).
- 4. Prohibited and Permitted Uses. Exhibit J of the Agreement is hereby deleted in its entirety and replaced with a revised Exhibit J dated August 19, 2013, attached hereto as Exhibit J.
- 5. Compliance. The parties hereby acknowledge that each has been faithfully performing its required obligations under the terms of the Agreement and that neither party is in breach

or in default of performance of any covenant or agreement required to be performed of such party under the Agreement as of the date hereof.

6. Ratification of the Agreement. Except as supplemented, amended or modified herein by this Fourth Amendment, the Agreement is hereby ratified to be in full force and effect.
7. Counterparts. This Fourth Amendment may be executed in any number of counterparts, each of them appending all necessary signatures to constitute one and the same instrument.

IN WITNESS WHEREOF, this Fourth Amendment has been duly executed by the parties hereto as of the date first written above.

CITY OF ST. CHARLES,
an Illinois municipal corporation

FIRST STREET REDEVELOPMENT, LLC,
an Illinois limited liability company

BY: _____
Its Mayor

BY: _____

Attest: _____
Its Clerk

Its: _____

EXHIBIT E-3(B)

**Amended Governmental Approval
(Attached)**

City of St. Charles, IL
Ordinance No. 2013-Z-__

An Ordinance Amending Ordinance 2006-Z-29 (First Street Redevelopment PUD) to Permit Office, Business or Professional, and Medical/Dental Clinic on the First Floor of Building 7A (401-409 S. First Street)

WHEREAS, an Application to amend Ordinance No. 2006-Z-29, “An Ordinance Granting Certain Special Use Permits, Granting Certain Exceptions and Deviations from the Requirements of the Zoning Ordinance and the Subdivision Regulations, Granting Preliminary Planned Unit Development Plan Approval, Granting Conditional Approval of the Final Plat of Subdivision for Phase I and Related Matters for the ‘First Street Redevelopment’” has been filed by First Street Redevelopment, LLC. (“Applicant”) pertaining to the real estate legally described in Exhibit “A” (“Subject Property”) attached hereto, commonly known as Building 7A of the First Street Redevelopment PUD, for the purpose of allowing office uses on the first floor; and,

WHEREAS, Notice of Public Hearing on said Application was published on or about July 19, 2013, in a newspaper having general circulation within the City, to-wit, the Kane County Chronicle newspaper, all as required by the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, pursuant to said Notice, the Plan Commission conducted a public hearing on or about August 6, 2013 on said Application in accordance with the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, at said Public Hearing, the Applicant presented testimony in support of said Application and all interested parties had an opportunity to be heard; and,

WHEREAS, the Plan Commission recommended approval of the Application on or about August 6, 2013; and,

WHEREAS, the Planning and Development Committee of the City Council recommended approval of the Application on or about August 12, 2013; and,

WHEREAS, the City Council of the City of St. Charles has received the recommendations of the Plan Commission and Planning and Development Committee and has considered the same.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:

1. The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as if fully set out in this Section 1.

2. The City Council of the City of St. Charles hereby adopts the Findings of Fact of the Plan Commission as fully set forth in Exhibit “B” hereto, as its Findings of Fact.

3. That Section Six, Subsection A of Ordinance No. 2006-Z-29 “An Ordinance Granting Certain Special Use Permits, Granting Certain Exceptions and Deviations from the Requirements of the Zoning Ordinance and the Subdivision Regulations, Granting Preliminary Planned Unit Development Plan Approval, Granting Conditional Approval of the Final Plat of Subdivision for Phase I and Related Matters for the ‘First Street Redevelopment’” is hereby deleted in its entirety and replaced by the following:

“(A) Only the following uses, as defined in the City's Zoning Ordinance, shall be permitted on the first floor of enclosed buildings located on the Subject Realty: Art Gallery/Studio, Coffee or Tea Room, Cultural Facility, Indoor Recreation and Amusement, Live Entertainment, Personal Services, Restaurant, Retail Sales, Tavern/Bar, Theater, Local Utility and Accessory Uses to the preceding uses. In addition, the following uses, as defined in the City's Zoning Ordinance, shall be permitted (a) on the first floor of buildings 7B and the Blue Goose, as shown on the Preliminary PUD Plan: Bank and Financial Institution **and (b) on the first floor of building 7A as shown on the PUD Preliminary Plan: Bank and Financial Institution, Office, Business or Professional, and Medical/ Dental Clinic.**

Notwithstanding the foregoing, the following uses shall occupy no more than 25% of the gross leasable floor area on the first floor of the buildings located on the Subject Realty, exclusive of ground floor parking areas, the Blue Goose, **and building 7A**: Cultural Facility, Indoor Recreation and Amusement, Personal Services, Theater, Local Utility, Bank, Financial Institution. The 25% limitation shall be calculated on a cumulative basis among all of the buildings located on the Subject Realty, excluding ground floor parking areas, the Blue Goose, **and building 7A**.

4. That based upon Section 3 above, the following uses, as defined in the City's Zoning Ordinance, are permitted on the first floor of building 7A, and any individual or combination of these uses can occupy 100% of the first floor of building 7A:

- Art Gallery/Studio
- Coffee or Tea Room
- Cultural Facility
- Indoor Recreation and Amusement
- Live Entertainment
- Personal Services
- Restaurant
- Retail Sales
- Tavern/Bar
- Theater
- Local Utility
- Bank and Financial Institution with Drive-Through Facility
- Office, Business or Professional
- Medical/ Dental Clinic
- Accessory Uses to the preceding uses

5. That the subject property may be developed and used only in accordance with all ordinances of the City now in effect of hereafter amended or enacted.

6. That after the adoption and approval hereof, the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 19th day of August, 2013.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 19th day of August, 2013.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 19th day of August, 2013.

Raymond P. Rogina, Mayor

Attest:

Nancy Garrison, City Clerk

Vote:

Ayes:

Nays:

Absent:

Abstain:

Date: _____

EXHIBIT A
LEGAL DESCRIPTION

LOT 8 IN FIRST STREET REDEVELOPMENT SUBDIVISION, IN THE CITY OF ST. CHARLES,
KANE COUNTY, ILLINOIS.

EXHIBIT B
FINDINGS OF FACT

**AMENDMENT TO SPECIAL USE FOR A PLANNED UNIT DEVELOPMENT
(FIRST STREET REDEVELOPMENT – BUILDING 7A 401-409 S. FIRST STREET)**

From the St. Charles Zoning Ordinance, Section 17.04.410.D.3:

The Plan Commission shall not favorably recommend, and the City Council shall not approve, a Special Use for a PUD or an amendment to a Special Use for a PUD unless they each make findings of fact based on the application and the evidence presented at the public hearing that the PUD is in the public interest, based on the following criteria:

i. The proposed PUD advances one or more of the purposes of the Planned Unit Development procedure stated Section 17.04.400.A.

This property is locating in the existing First Street Redevelopment PUD and the building has already been constructed. The proposed amendment does not alter the purpose of the PUD as approved in 2006, but will align the provisions of the PUD with the current standards of the underlying Zoning District.

ii. The proposed PUD and PUD Preliminary Plans conform to the requirements of the underlying zoning district or districts in which the PUD is located and to the applicable Design Review Standards contained in Chapter 17.06, except where:

The proposed PUD amendment will permit uses that are currently permitted in the underlying CBD-1 Central Business Zoning District within the vacant tenant spaces in building 7A. Therefore, this PUD amendment is not requesting any relief from the Zoning Ordinance and will conform to the provisions of the underlying Zoning District.

a) Conforming to the requirements would inhibit creative design that serves community goals, or

b) Conforming to the requirements would be impractical and the proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the applicable requirements.

iii. The proposed PUD conforms with the standards applicable to Special Uses (Section 17.04.330.C.2).

a. Public Convenience: The Special Use will serve the public convenience at the proposed location.

This location is isolated from the planned retail concentration of the First Street Redevelopment PUD and is located outside of the Downtown Overlay District. This amendment does not alter the intent or scope of the approved PUD and there are no proposed changes to the exterior of the building or to the parking/Drive-Through Facility. This amendment will permit a larger variety of uses in the vacant tenant space. This will increase the likelihood of a tenant occupying this space, which has been vacant for 5 years. Eliminating this vacancy will create increased activity within the First Street Redevelopment project.

- b. Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided.**

The use is already constructed. The utilities and infrastructure already exist on and around the site and will not be altered by these modifications.

- c. Effect on Nearby Property: That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.**

The building and Drive-Through Facility are already constructed and have existed on this site since 2008. This proposal will not modify the exterior or site plan, but will permit the applicant to fill a vacant commercial space and finish the first floor interior of building 7A. Completion of this first floor space will enhance the appeal of the building and generate commercial activity in this location.

- d. Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**

The surrounding properties are already developed or are located within Planned Unit Developments that detail how these properties will be developed in the future. Increasing the number of permitted uses will facilitate the occupancy of these vacant spaces located in Building 7A.

- e. Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

This building already exists on this property. Since this building is already established there will not be any new impacts created by this PUD amendment. These spaces were anticipated to be filled by commercial users; therefore, this amendment will only increase the number of commercial businesses that can locate within this space.

- f. Conformance with Codes: That the proposed Special Use conforms to all existing Federal, State and local legislation and regulation and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.**

The amendment will conform to all applicable regulations in the underlying CBD-1 Central Business District and the specific provisions of the Ordinance No. 2006-Z-29 (First Street Redevelopment).

- iv. The proposed PUD will be beneficial to the physical development, diversity, tax base and economic well-being of the City.**

This location is isolated from the planned retail concentration of the First Street Redevelopment PUD and is located outside of the Downtown Overlay District. This amendment will permit the build out of an existing vacant commercial space that is located

on the first floor of building 7A. This will increase commercial activity in this area and promote the continued development of the First Street Redevelopment project.

v. The proposed PUD conforms to the purposes and intent of the Comprehensive Plan.

N/A

EXHIBIT J

**Prohibited and Permitted Uses
(Attached)**

EXHIBIT J

PROHIBITED AND PERMITTED USES; DEFINITIONS

August 19, 2013

A. Only the following uses, as defined herein, shall be permitted on the first floor of enclosed buildings within the Project:

1. Art Gallery/Studio
2. Coffee or Tea Room
3. Cultural Facility*
4. Indoor Recreation and Amusement*
5. Live Entertainment
6. Personal Services*
7. Restaurant
8. Retail Sales
9. Tavern/Bar
10. Theater*
11. Utility, Local*
12. Accessory uses to the preceding uses 1 through 11.

B. In addition, the following uses, as defined herein, shall be permitted on the first floor of:

1. Building 7B and Blue Goose: Bank*, Financial Institution*
2. Building 7A: Bank, Financial Institution, Office- Business or Professional, Medical Dental Clinic.

*Not more than 25% of the total gross leasable floor area on the first floor of all enclosed buildings within the Project, exclusive of ground floor parking areas, the Blue Goose and Building 7A, may be occupied by these uses.

Definitions:

Certain terms in this list of Definitions define a category of uses, to allow some flexibility and in order to eliminate overly detailed lists of uses. These terms are referred to as generic uses, and are indicated by including (G) in the definition.

Accessory Use (G). A use that is subordinate in area, extent and purpose to the principal use on the lot, and that is customarily maintained for the benefit of a permitted principal use.

Adult Uses. Adult Uses means adult bookstores, adult entertainment cabarets, adult motion picture theaters, adult novelty stores, or any combination thereof, as follows:

- A. **Adult Bookstore.** An establishment having at least twenty-five percent (25%) of its sales or display area devoted to books, magazines, films and/or videos for sale or rent, or other media or publications which are distinguished or characterized by their emphasis on matter depicting, describing or relating to Specified Anatomical Activities or Specified Anatomical Areas, or an establishment with a segment or section devoted to the sale or display of such materials, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin-operated booths, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

- B. Adult Entertainment Cabaret.** A public or private establishment which features topless dancers, strippers, go-go dancers, male or female impersonators, lingerie or bathing suit fashion shows, not infrequently features entertainers who display Specified Anatomical Areas or features entertainers who, by reason of their appearance or conduct, perform in a manner which is designed primarily to appeal to the prurient interest of the patron or features entertainers who engage in, or are engaged in, explicit simulation of Specified Sexual Activities.
- C. Adult Motion Picture Theater.** A building or area used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas for observation by patrons therein or for viewing on premises by use of motion picture devices or by coin-operated means,
- D. Adult Novelty Store.** An establishment having at least twenty-five percent (25%) of its sales or stock in trade consisting of toys, devices, clothing novelties, lotions and other items distinguished or characterized by their emphasis on or use for Specialized Sexual Activities or Specified Anatomical Areas, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.
- E. Specified Sexual Activities.** For the purpose of this Title, Specified Sexual Activities means: 1) human genitals in a state of sexual stimulation or arousal; 2) acts of human masturbation, sexual intercourse or sodomy; and 3) fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.
- F. Specified Anatomical Areas.** For the purposes of this Title, Specified Anatomical Areas means: 1) less than completely and opaquely covered human genitals, pubic region, buttocks or female breasts below a point immediately above the tope of the areola; and 2) human genitals in a discernable turgid state, even if completely and opaquely covered.

Art Gallery/Studio. Premises used principally for the sale, display and exhibition of art. This use may include accessory production of art products and instruction in the production of art using paint, clay, fabric or other media. This use does not include the mass production or manufacture of objects.

Bank. An establishment such as a bank, savings bank, or credit union that offers financial services including maintaining checking and savings accounts, and issuing loans and other credit. Investment and other financial services may be provided as part of a bank's range of services. This use is distinct from Financial Services Institution, which does not offer checking and savings accounts.

Carpet Store. A carpet store is a full-service retail facility that specializes in the sale of carpeting.

Coffee or Tea Room. A limited menu restaurant which is located in conjunction with and on the same premises as a retail use. As a permitted use, a Coffee or Tea Room need not meet the definition of an accessory use in relation to the retail use. As an accessory use, the Coffee or Tea Room must meet the definition of an accessory use in relation to the retail use.

Cultural Facility (G). Facilities open to the public including, but not limited to, museums, cultural centers, and aquariums. Cultural Facility does not include Library, Place of Worship or Lodge or Private Club, as defined herein.

Currency Exchange. A business that, for compensation, cashes checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification does not include a Financial Institution, as defined herein, or a Retail Goods Establishment or Personal Services Establishment where the cashing of checks or money orders is incidental to the principal use.

Electronics Superstore. An establishment with more than 30,000 square feet of floor area that specializes in the

sale of electronic merchandise. Examples of items sold in these stores include: televisions, audio and video players and recorders; software; telephones; computers; and general electronics accessories. Major home appliances may also be sold at these facilities.

Financial Institution (G). An establishment, the principal use or purpose of which is the provision of financial services including, but not limited to, mortgage companies and investment services. Financial Institution shall not include currency exchanges, banks, credit unions, and savings banks.

Furniture Store. A furniture store is a full-service retail facility that specializes in the sale of furniture. Furniture stores are generally large and may include storage areas. Although some home accessories may be sold, furniture stores primarily focus on the sale of pre-assembled furniture.

Gas Station. An establishment offering for sale at retail to the public, fuels, oils and accessories for motor vehicles, which may also offer convenience goods such as food, beverages, and other items typically found in a convenience market. Gas Station does not include Motor Vehicle Service and Repair, Minor, as defined herein. For Gas Station facilities with drive-up fast food windows, see Drive-In Facility.

Health/Fitness Club. An establishment that provides exercise facilities such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

Heavy Retail and Service (G). A retail and/or service establishment including, but not limited to, equipment rental and leasing, lumberyards and other building material and building supply sales establishments; commercial greenhouses and garden centers; landscape, construction and lawn maintenance contractor yards; contractor's offices and storage; bulk materials sales and storage; swimming pool sales; and playground equipment sales and rental. Outdoor Sales Areas and outdoor storage are permitted as accessory uses. Heavy Retail and Service does not include Home Improvement Center, Retail Sales, Pawn Shops, or Adult Uses, as defined herein.

Home Improvement Center. An establishment with more than 50,000 square feet of floor area that sells building supplies, construction equipment, home decorating fixtures and accessories, and related goods and services to the general public. Outdoor Sales, Permanent and Temporary, are permitted as accessory uses. Home Improvement Center is distinct from Heavy Retail and Service, as defined herein.

Indoor Recreation and Amusement (G). Indoor facilities including Health/Fitness Clubs, sports arenas, swimming pools, ice or roller skating rinks, bowling alleys, tennis, handball and other court games, sports clubs, indoor golf, paintball marking, pool, billiards, foosball, table tennis, shuffleboard, pinball machines, video games and similar recreation or amusement facilities. This use may include accessory uses such as snack bars, pro shops and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

Live Entertainment (G). The performance of singing, playing musical instruments, spoken word, or dancing by live performers within an establishment such as a Restaurant or Tavern/Bar, or portion thereof. Live Entertainment does not include Theaters that may have live musical performances as part of a theatrical production, or Restaurants that play low volume background music. Live Entertainment is conducted indoors, while Temporary Outdoor Entertainment is subject to the use standards of Section 17.20.020 (Temporary Uses).

Motor Vehicle Service and Repair, Major. Motor Vehicle Service and Repair, Major includes, but shall not be limited to, establishments involved in major reconditioning of worn or damaged motor vehicles or trailers, engine rebuilding, towing and collision service, including body, frame or fender straightening or repair, and overall painting of motor vehicles. Such establishments often require the storage of vehicles to be repaired.

Motor Vehicle Service and Repair, Minor. An establishment which performs minor repairs to any motor vehicle, including repairs and replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel alignment and balancing, and repair and replacement of shock absorbers. Such use may include the sales of gasoline, motor oil, lubricants or other motor vehicle accessories. This use does not permit the storage of repair vehicles for more than twenty four (24) hours on the site and does not include the services and activities of Motor Vehicle Service and Repair, Major, as defined herein.

Pawn Shop. An establishment where loans are offered on the security of personal property and where unclaimed property is sold.

Personal Services (G). An establishment where personal services are provided directly to the customer. This use includes, but is not limited to, barber shops, beauty parlors, laundry and dry cleaning establishments, funeral homes/mortuaries, tanning salons, tailors, domestic pet grooming, shoe repair shops, and the like. This use may include incidental retail sales of goods. Tattoo Parlors, Currency Exchanges, Motor Vehicle Rental and Adult Uses are not permitted as Personal Services establishments.

Restaurant. An establishment in which the primary activity is prepared food service, provided for consumption on the premises or for carry-out. Live entertainment is permitted as an accessory use within completely enclosed areas; and outdoor dining, including service to patrons seated outdoors, is permitted as an accessory use on the premises. This use is distinct from a Tavern/Bar where the primary purpose is the sale of alcoholic beverages, or snack bars or refreshment stands that are accessory to recreational or amusement facilities. For restaurants with drive-up windows, see Drive-In Facility; for restaurants with outdoor live entertainment, see Outdoor Entertainment.

Retail Sales (G). An establishment where the primary purpose is the sale of physical goods, products or merchandise directly to the consumer. This use includes, but is not limited to, stores that sell groceries, hardware, clothing, auto parts, electronics, appliances, jewelry, antiques and shoes. This use also includes Carpet Stores, Electronics Superstores, and Furniture Stores. This use does not include Heavy Retail and Service, Home Improvement Center, Pawn Shops, or *Adult Uses*, as defined herein.

Tattoo Parlor. An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of placing of designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances, which result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

Tavern/Bar. An establishment primarily engaged in serving alcoholic liquor for consumption on the premises. This use may also include accessory sale of prepared food. Live entertainment is permitted as an accessory use in completely enclosed areas. This use does not include Outdoor Dining, unless permitted as a Special Use.

Theater. An indoor establishment where live performances, motion pictures, or other recorded media are offered for public viewing, where admission is charged. This use does not include any *Adult Use*, as defined herein.

Utility, Local. Infrastructure services that need to be located in the area where the service is provided, and which generally do not have employees at the site. This includes overhead utility lines and poles; electrical transformers and switchgear; traffic signals and controllers; street lighting; wastewater lift stations; fire hydrants and standpipes; water supply wells, reservoirs and towers; stormwater drainage and underground gas, electrical, telephone, communications, water distribution, wastewater collection, and drainage facilities. This use does not include the facilities included under Utility, Community/Regional as defined herein.