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**Sec. 126-91. Eating places, restaurants, grocery stores, etc., not listed as a permitted use.**

Eating places, such as restaurants, grocery stores, delicatessen stores, food markets, convenience stores, carry-out food stores not listed as a permitted use, including ice cream shops, and any permitted commercial use involving on-site food preparation or processing shall be permitted as conditional uses subject to the following conditions set forth in this section:

- (1) The planning commission shall require that the wastewater disposal facilities for any use approved pursuant to this section are adequate to serve the needs of the use as proposed, and may require such security as it deems necessary to ensure that the system installed is replaced if it proves to be inadequate or may condition the approval of such use upon such modifications and improvements to the system as are reasonably necessary after the use is developed.
- (2) All restaurants with more than 50 seats must be connected to the city sewer system.
- (3) All restaurants must be located at least 100 feet from any existing dwelling unit, except for a dwelling unit located in a commercial district. Any such use shall be required to be soundproofed to the extent reasonably necessary to ensure compliance with all existing ordinances of the city relating to the creation of noise.
- (4) Nothing in this article or any other provision of this Land Development Code shall be construed to allow formula restaurants.

(Ord. No. 85-26, § 1(l.l.3(m)), 11-27-1985; Ord. No. 86-25, § 16, 6-17-1986; Ord. No. 89-23, § 50, 8-15-1989; Ord. No. 98-05, § 4, 3-17-1998; Ord. No. 91-37, § 1, 8-20-1991; Ord. No. 96-10, § 3, 9-17-1996; Ord. No. 23-015, § 1, 8-15-2023)