

CITY OF ROSS  
USE REGULATIONS  
MARCH 2011

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**APPENDIX**

Appendix A..... i

## 2.3.1 CHAPTER ORGANIZATION

This chapter describes the land uses allowed in the City of Ross and the applicable use-specific standards.

### A. USE CLASSIFICATION

Use Classification, establishes the structure and hierarchy of the land uses allowed in this Code, including the general categories and specific use types. This section also includes the procedure for applying use-specific standards to buildings with multiple-use types and the procedure for consideration of unlisted uses.

### B. USE REGULATIONS

Sections within this code list the uses allowed in this Code and summarize information related to each use, including the definition, a table showing the districts in which the use is allowed, the procedure under which the use may be approved, use-specific standards (if applicable), the minimum off-street parking requirement, and off-street loading group.

#### 1. Explanation of Tables

The following abbreviations apply for all tables in this chapter:

- a) "P" (Permitted Use) = use permitted, subject to all applicable regulations of this Code.
- b) "S" (Standards) = use permitted, subject to additional standards listed for the specific use type in addition to all applicable regulations of this Code.
- c) "C" (Conditional Use) = use allowed only if reviewed and approved as a conditional use. Base standards may apply to a CUP approval, as specified in the table for the specific use type.
- d) "A" (Accessory Use) = use permitted as an accessory use to a principal use in the district. This does not exclude other land uses which are generally considered accessory to the primary use.
- e) "T" (Temporary Use) = use is permitted only by means of a Temporary Use Permit (or a conditional use permit when exceeding the allowed time limit), unless otherwise expressly allowed by the City Municipal Code. Base standards may apply to a TUP; see standards for the specific use type.
- f) Blank cell = use not allowed in the respective zoning district.

#### 2. Off-Street Parking and Loading Requirements

The number of off-street parking spaces and loading zone requirements for uses listed shall be as listed in the tables of that section. The requirements listed are minimums. Other general requirements and standards relating to parking and loading, including those that pertain to location, design, computation and handicapped parking, are as set forth in Parking and Loading

#### 3. Use-Specific Standards

- a) For all uses in this chapter, the "All Districts" standards apply in all districts unless otherwise indicated, and any district-specific standards supplement the all-district standards unless otherwise indicated.

- b) Any modifications to the use-specific standards of this chapter through the conditional use permit approval process shall be specifically recorded in the approved permit. The use-specific standards of this chapter are not subject to modification through the waiver process.
- c) The use-specific standards in this chapter include cross-referencing tools that are intended to assist the City and the public in using and applying this Code. These cross-referencing tools are for the sake of convenience and assistance only, and do not diminish the applicability of substantive standards and limitations that appear outside this chapter. Except as otherwise specifically indicated, the absence or omission of a cross-reference in the land use tables of this chapter shall not be deemed to limit or negate any other provision of this Code.

### **C. ACCESSORY USES AND STRUCTURES**

*Accessory Uses and Structures*, sets out the use-specific standards for accessory uses. In some cases, these standards differ based upon the base or overlay zoning district where located.

### **D. TEMPORARY USES AND STRUCTURES**

*Temporary Uses and Structures*, includes the use-specific standards for temporary uses. In some cases, these standards differ based upon the base or overlay zoning district where located.

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## **2.3.2 USE CLASSIFICATION**

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### **A. USE CLASSIFICATIONS**

Use classifications organize land uses and activities into general “use categories,” and specific “use types” within the categories, based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or housing types, how goods or services are sold or delivered, and site conditions. The use classifications provide a systematic basis for assigning present and future land uses into appropriate zoning districts. Use classifications describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The use classifications in each of the use tables include: Residential Uses, Public/Institutional Uses, Commercial Uses, and Industrial Uses.

### **B. DEVELOPMENTS WITH MULTIPLE PRINCIPAL USES**

When all principal uses of a building fall within one use category, the entire building is assigned to that use category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable use category and each use is subject to applicable regulations within that category. Developments with multiple principal uses, such as shopping centers, may include only those use types allowed in the base zoning district. For developments that meet the “shopping center” definition, parking for uses may be calculated at one space per 250 square feet.

### **C. UNLISTED USES**

#### **1. Procedure**

Where a particular use type (principal, accessory, or temporary) is not specifically listed in this chapter, City may permit the use type upon finding the standards of this subsection are met. The City shall give

due consideration to the purpose and intent of this Code concerning the zoning district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question.

Any new use type may be incorporated into this Code through a Development Code text amendment in accordance with this code.

## **2. Standards for Approving Unlisted Uses**

In order to determine if the proposed use(s) has an impact that is similar in nature, function, and duration to the other use types allowed in a specific zoning district, the City shall assess all relevant characteristics of the proposed use, including but not limited to the following:

- a) The volume and type of sales, retail, wholesale, etc.;
- b) The size and type of items sold and nature of inventory on the premises;
- c) Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution;
- d) Any dangerous, hazardous, toxic, or explosive materials used in the processing;
- e) The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building; predominant types of items stored (such as business vehicles, work-in-process, inventory and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders);
- f) The type, size, and nature of buildings and structures;
- g) The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;
- h) Transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site;
- i) Trip purposes and whether trip purposes can be shared by other use types on the site;
- j) Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other use types;
- k) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;
- l) Any special public utility requirements for serving the proposed use type, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
- m) The impact on adjacent lands created by the proposed use type, which should not be greater than that of other use types in the zoning district.



### 2.3.3 RESIDENTIAL USES

#### A. GENERAL STANDARDS FOR ALL RESIDENTIAL USES

The following general standards apply to all residential uses allowed in the City of Ross.

##### 1. Maximum Dwelling Unit Occupancy

Occupancy by persons living as a single housekeeping unit in a dwelling unit shall be limited to the following: compliance with the definition for a “family unit”; and a dwelling unit with a minimum of 150 square feet of gross floor area for each of the first ten occupants and 300 square feet for each additional occupant, to a maximum of 20 occupants. In no case shall a dwelling unit be occupied by more than 20 persons or as limited by the “family unit” definition. A conditional use permit shall be required for occupancy of a dwelling unit by more than ten persons 18 years or older.

##### 2. Domestic Employees

No shift change involving two or more employees shall take place between the hours of 10:00 p.m. and 6:00 a.m. For the purposes of this subsection, “employees” shall include child-care workers, domestic help, contract workers, in-home health-care providers, assisted-living service providers, or any other employee associated with a household living use.

##### 3. Personal Property Sales

A personal property sale is defined as a temporary garage or yard sale of personal property typically conducted on residential land. Sales of personal property shall be limited to a period of not more than three days during each consecutive six-month period.

#### B. HOUSEHOLD LIVING

##### 1. Dwelling, Mansion Apartment

- a) Definition: A structure configured to appear as a large single-family dwelling with or without individual entryways, porches, or balconies. These use types include more than two but not more than six individual dwelling units.
- b) Standards
  1. (Mansion apartments shall incorporate design elements intended to reinforce the building’s appearance as a single-family home, including a consistent architectural style on all sides of the building.
  2. Mansion apartments shall comply with the single-family residential design standards.
  3. The maximum length of the building may not exceed 200 linear feet.
  4. Except on corner lots, mansion apartments shall be served by a single driveway and off-street parking area.
- c) Off-Street Parking Requirement: 1.5 parking spaces per unit

## 2. Dwelling, Multifamily

- a) Definition: A building containing seven or more dwelling units, each of which includes a separate household
- b) Standards
  - a. All Districts - Multifamily dwellings shall comply with the multifamily design standards.
- c) Off-Street Parking Requirement: Residential and nonresidential districts
  - 1. 1.5 spaces per 1-bedroom unit
  - 2. 2 spaces per 2-bedroom unit
  - 3. 2.5 spaces per 3-bedroom unit
  - 4. 3 spaces per 4-bedroom unit
  - 5. Plus additional 0.25 space per unit for guest parking

## 3. Dwelling, Single Family Attached

- a) Definition: Two or more single-family dwelling units, each with its own outside entrance and individual lot, which are joined together by a common or party wall.
- b) Standards: Single-family attached dwellings shall comply with the applicable standards in the Single-Family Residential Design Standards.
- c) Off-Street Parking Requirement: 2 spaces per dwelling unit

## 4. Dwelling, Single-Family Detached

- a) Definition: A residential building containing not more than one dwelling unit and occupied by a family unit, and that is located on its own individual lot and not physically attached to any other principal structure. For regulatory purposes, this term does not include mobile homes, recreational vehicles, or other forms of temporary or portable housing. This term includes “manufactured home,” which is defined as a dwelling unit that is built on a permanent chassis that is transportable in one or more sections and designed to be used with or without a permanent foundation that complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et seq).
- b) Standards: All Districts
  - 1. Single-family detached dwellings shall comply with the applicable standards in Single-Family Residential Design Standards.
  - 2. Manufactured homes shall comply with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et seq)
- c) Off-Street Parking Requirement: 2 spaces per dwelling unit

## 5. Senior Apartments and Condominiums

- a) Definition: An apartment or condominium development in which the ages of all occupants shall be restricted to 62 years of age or older for all units; or, in the alternative, at least one resident in each of 80 percent of the units shall be 55 years of age or older. This use includes multifamily dwelling units that qualify as “housing for older persons” under the provision of federal law, including without limitations housing developments that:
1. Provide significant facilities and services specifically designed to meet the physical or social needs of older persons; and
  2. Publish and adhere to policies and procedures that demonstrate intent to provide housing for persons 55 years of age or older to the extent allowed by applicable state or federal law.
- b) Standards
1. Personal Services (General) uses may be allowed as accessory uses subject to the following:
    - i. Personal services uses shall be limited to residents of the development and shall not be open to the general public.
    - ii. No exterior signage shall be visible to the public.
    - iii. No more than three individual personal service use types within a development shall be allowed.
  2. The applicant shall record a deed restriction against the property restricting the use to a Senior Apartment or Condominium project. The deed restriction must include the age limitation as stated in the definition for this use. The deed must be recorded and a copy provided to the City prior to issuance of a building permit for the first building on the site.
- c) Off-Street Parking Requirement: 1 space per unit plus a minimum of 1 space per 50 square feet of assembly area

## 6. Accessory Dwelling Unit

- a) Definition: A dwelling unit either attached to a single-family principal dwelling or located on the same lot and having an independent means of access.
- b) Districts Allowed: An accessory dwelling unit shall be allowed only through the conditional use process and only as accessory use to a single-family detached residential dwelling unit.
- c) Standards: Accessory dwelling units shall comply with all requirements in this code and also the following:
1. The setback requirements for the principal dwelling shall apply to the accessory dwelling unit, not the general setback requirements for accessory structures.

2. In the RS-6 district and areas zoned RM-8 as of the effective date of this Code, accessory dwelling units may be allowed by conditional use permit only on lots greater than 10,000 square feet.
3. Mobile homes, recreational vehicles, and travel trailers shall not be used as accessory dwelling units.
4. Accessory dwelling units shall be the lesser in size of: 25 percent of the square footage of the principal dwelling unit (excluding carports, garages, and unfinished basements) or 1,000 square feet.
5. There shall be no more than one accessory dwelling unit on a lot in addition to the principal single-family detached dwelling.
6. Accessory dwelling units shall not count toward any applicable maximum residential density requirements.
7. Accessory dwelling units shall not be sold apart from the principal dwelling upon the same lot where they are located.
8. Accessory dwelling units shall not be leased or rented for tenancies of less than 30 days.
9. Home occupations shall be prohibited within an accessory dwelling unit.
10. Pool houses, cabanas, and casitas shall not be used as accessory dwelling units.
11. Only one kitchen is allowed per accessory dwelling unit.

d) Off-Street Parking Requirement: 1 space for each accessory dwelling unit

## **C. HOME FOR INDIVIDUAL RESIDENTIAL CARE**

### **1. Definition**

A dwelling unit of a residential character in which a natural person furnishes food, shelter, assistance, and limited supervision, for compensation, to not more than two persons who are aged, infirmed, mentally retarded, or handicapped, unless the persons receiving those services are related within the third degree of consanguinity or affinity to the person providing the services. This dwelling unit shall be considered a residential use of property for purposes of all zoning and building codes.

### **2. Standards**

- a) A Home for Individual Residential Care is permitted provided that its proposed location is not closer than 660 feet (measured by means of the shortest distance from property line to property line) to any of the following uses:
  1. Another Home for Individual Residential Care;
  2. A Halfway House for Recovering Alcohol and Drug Abusers; and
  3. Residential Facility for Groups.
- b) A conditional use permit is required if the proposed location does not meet the required distance separations as listed above. A conditional use permit is subject to the requirements listed below:

1. The facility must comply on an ongoing basis with all governmental licensing requirements.
2. The facility shall not be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood.
3. No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify the facility as a Home for Individual Residential Care.
4. In multifamily developments, these establishments are only allowed in individually owned units.
5. A facility may not be located closer than 660 feet (measured by means of the shortest distance from property line to property line) from another Home for Individual Residential Care or a Residential Facility for Groups

### **3. Off-Street Parking Requirement**

No additional parking beyond the required parking for the specific dwelling type.

## **D. MOBILE HOME PARK OR SUBDIVISION**

### **1. Definitions**

- a) Mobile Home Park: A site containing spaces with required improvements and utilities that are leased for the long-term placement of mobile homes or manufactured homes, and that may include services and facilities for residents.
- b) Mobile Home Subdivision: A subdivision of individual lots, each containing one single-family mobile home or manufactured home

### **2. Standards**

- a) All dwelling units and habitable structures shall be served by underground utilities in accordance with City requirements.
- b) Each dwelling unit shall have at least a 3,000-square-foot lot or site area for dwelling placement.
- c) Each dwelling unit in the park or subdivision shall be set back at least 15 feet from any other dwelling unit, common driveway, or street.
- d) All structures shall be set back at least 20 feet from the perimeter boundary of the district.
- e) Common facilities and recreational features shall be centrally located.

### **3. Off-Street Parking Requirement**

2 space per dwelling unit, plus 0.20 guest spaces per unit, within each park or subdivision.

## **E. RESIDENTIAL FACILITY FOR GROUPS**

### **1. Definition**

An establishment in a dwelling of residential character that furnishes food, shelter, assistance, and limited supervision to ten or fewer persons who are aged, infirmed, mentally retarded, or handicapped.

This dwelling unit shall be considered a residential use of property for purposes of all zoning and building codes. This definition does not include:

- a) An establishment that provides care only during the day;
- b) A natural person who provides care for no more than two persons in his/her own home;
- c) A natural person who provides care for one or more persons related to him/her within the third degree of consanguinity or affinity;
- d) A halfway house for recovering alcohol and drug abusers; or
- e) A facility funded by a division or program of the State Department of Human Resources.

## 2. Standards

- a) A Residential Facility for Groups is permitted provided that its proposed location is not closer than 660 feet (measured by means of the shortest distance from property line to property line) to any of the following uses:
  1. Another Residential Facility for Groups;
  2. A Halfway House for Recovering Alcohol and Drug Abusers; and
  3. Home for Individual Residential Care.
  
- a) A conditional use permit is required if the proposed location does not meet the required distance separations as listed above. A conditional use permit is subject to the requirements listed below:
  1. The facility must comply on an ongoing basis with all governmental licensing requirements.
  2. The facility must be located on a parcel with minimum size of 6,500 square feet.
  3. Indoor common area shall be provided on the basis of a minimum of 25 square feet per resident.
  4. The facility shall not be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood.
  5. No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify the facility as a Residential Facility for Groups.
  6. A facility may not be located closer than 660 feet (measured by means of the shortest distance from property line to property line) from another Residential Facility for Groups or a Home for Individual Residential
  7. There shall be no more than two live-in facility staff at the subject property.
  8. The number of occupants within a Residential Facility for Groups shall not exceed the following occupancy standards:

- i. For the first bedroom (deemed to be the largest bedroom), a maximum of two adults (18 years of age or older).
  - ii. For each bedroom thereafter:
    - a. A maximum of one adult, for bedrooms less than 100 square feet in area; and
    - b. A maximum of two adults, for bedrooms 100 square feet in area or greater.
- 9. In connection with approval of a conditional use permit, the Planning and zoning board may waive any of the occupancy standards in condition (b) (8) for disabled adults, if the applicant demonstrates that:
  - i. There will be adequate parking based on the number of occupants physically or mentally capable of operating an automobile, as well as the number of automobiles expected to be utilized by staff regularly managing or serving the occupants; and
  - ii. The facility is adequate to accommodate the number of residents requested, including but not limited to adequate bathroom and kitchen facilities and eating and sleeping areas.

### **3. Off-Street Parking Requirement**

In addition to the required residential parking standard, off-street parking shall be provided on the basis of at least 1 space per 5 residents.

## **F. TRAVEL TRAILER/RV PARK**

### **1. Definition**

Any lot, tract of land, or facility renting or leasing space on a short-term or long-term basis for the accommodation of two or more owners or users of travel trailers and recreational vehicles, not intended for permanent residence.

### **2. Standards**

- a) Travel trailer and recreational vehicle parks shall comply with all applicable requirements of the Ross Municipal Code.
- b) In the CH district, travel trailer/recreational vehicle parks may only be approved with a conditional use permit.

### **3. Off-Street Parking Requirement**

Schedule C

## **I. SHORT-TERM VACATION RENTAL**

### **1. Definition**

The commercial use, by any person, of any residential development for lodging, where any individual guest occupies the property for 30 consecutive calendar days or less, this use type does not include a dwelling or room used as a primary residence

### **2. Standards**

- a) All unit/property owners within a multifamily development must agree to allow for short-term vacation rentals.
- b) Property owners offering short-term vacation rental properties are subject to the following requirements:
  1. Units may be rented for no less than seven days and no more than 30 days.
  2. Each vacation rental unit is permitted a maximum of three guest vehicles on site.
  3. A vacation rental unit may not be rented, leased, or furnished to more than one party subject to limitations of two guests per bedroom plus two individuals, with a maximum of eight guests.
- c) One hundred percent of a multifamily development located within a CH zoning district may be short-term vacation rental units.

### **3. Off-Street Parking Requirement**

Based upon type of housing unit being rented, see that use type for parking requirements.

## **2.3.4 PUBLIC/INSTITUTIONAL USES**

### **A. AIRPORT OR LANDING STRIP**

#### **1. Definition**

Runways and related facilities for aircraft, including rotary-winged and ultra light aircraft, take-off and landing

#### **2. Off-Street Parking Requirement**

Schedule "C"

### **B. CEMETERY**

#### **1. Definition**

Land used or intended to be used for the burial of human remains and dedicated for cemetery purposes. Cemetery purposes include columbarium, crematoriums, mausoleums, and mortuaries operated in conjunction with the cemetery.

#### **2. Standards**

Cemeteries shall not include embalming or other preparation services.



### 3. Off-Street Parking Requirement

Schedule "C"

## C. CLUB OR LODGE

### 1. Definition

Meeting, recreational, or social facilities of a private or non-profit organization primarily for use by members or guests, this use type includes union halls, social clubs, youth centers, fraternal, and veteran's organizations.

### 2. Standards

- a) All Districts - Alcohol or Liquor Sales: Clubs or lodges offering alcohol or liquor for onsite or offsite consumption shall comply with the General Standards for Alcohol and Liquor Uses and Live Entertainment.
- b) IND District: Clubs and lodges shall be limited to labor union and labor organization offices only. Such uses may include kitchens intended for food service to members only, and no food shall be served to the general public. Such uses may offer training classes, provided such classes take place solely within the building.

### 3. Off-Street Parking Requirement

All districts: 1 space per 100 square feet of assembly area.

## D. CULTURAL INSTITUTION

### 1. Definition

Non-profit institution displaying or preserving objects of interest in one or more of the arts or sciences. This use type typically includes but is not limited to libraries, museums, and art galleries.

### 2. Standards

Any use that includes live entertainment shall comply with the standards in that specific section, *Live Entertainment*.

### 3. Off-Street Parking Requirement

Nonresidential districts: 1 space per 90 square feet of assembly area plus 1 space per 300 square feet for the remaining building area.

### 4. Off-Street Loading Group

Group Three

## E. DAY CARE FACILITY

### 1. General

a) Definition: Any commercial facility that provides care for more than 12 children or adults on a less-than-24-hour basis. This use may include nursery schools, preschools, accommodation facilities, and day care centers offering non-medical care. This use must also comply with all local and state licensing requirements.

b) Standards

1. All Districts

- i. Such uses shall include at least 75 square feet of fenced outdoor play area on the site per child (including trees or structures that provide adequate shade over at least one-third of the play area); and
- ii. When a day care abuts a residential use, additional buffering may be required to reduce adverse impacts to the residential use.

2. All R Districts – General day care uses shall:

- i. If located within a residential base zoning district, maintain a minimum separation of 1,000 linear feet from any other general or group child- care day care use also located within a residential district;
- ii. Be located only upon lots that front an 80-foot-wide arterial or greater street as indicated on the Ross Master Streets, Water and Sewer Plan; and
- iii. Be located on a lot of at least 10,000 square feet in size.

1. IND Districts: General day care uses may only be permitted as an accessory use with a maximum size of up to 25 percent of a building's gross floor area.

2. COM Districts: A general day care use is required to obtain a conditional use permit, unless the following conditions can be met, in which case the use may be allowed by right:

- i. The primary purpose of the use is to serve employees of the office development in the district;
- ii. The use shall not be the principal use in any freestanding building;
- iii. The use shall not occupy more than 5,000 square feet in gross floor area or five percent of the principal office structure, whichever is less;
- iv. The use shall not have an entrance leading directly to the outside; and
- v. No freestanding sign shall be allowed in connection with such use.

- c) Off-Street Parking Requirement: A minimum of 1 space per 6-person capacity, including staff, is required based on maximum allowable capacity under state regulations and the Building Code. Adequate drop-off and pick-up lanes and areas must be provided.
- d) Off-Street Loading Group: Group Two

## 2. Group Child Care

- a) Definition: A residential dwelling used primarily as a residence or an accommodation facility that provides care for at least seven children but no more than 12 children on a less-than-24-hour basis, this may include nursery schools, preschools, and day care centers offering non-medical care. This use must also comply with all local and state licensing requirements.

- b) Standards

- 1. Conditional Use Requirements

- i. If located within a residential base zoning district, maintain a minimum separation of 1,000 linear feet from any other general or group child care day care use also located within a residential district;
    - ii. Be located only upon lots that front a public street greater than 60 feet in width;
    - iii. Be located on a lot of at least 12,000 square feet in size; and play area on the site per child (including trees or structures that provide adequate shade over at least one-third of the play area).

- 2. Accessory Use Requirements

- i. The use may only operate as an accommodation facility.
    - ii. The primary purpose of the use shall be to serve employees of the onsite business in the district.
    - iii. The use shall not be the principal use in any freestanding building.
    - iv. The use shall not have an entrance leading directly to the outside.
    - v. No freestanding sign shall be allowed in connection with such use.

- c) Off-Street Parking Requirement: A minimum of 1 space per 6-person capacity, including staff, is required based on maximum allowable capacity under state regulations and the Building Code. Adequate drop-off and pick-up lanes and areas must be provided.
- d) Off-Street Loading Group: Group Two

## 3. Family Home

- a) Definition: A residential dwelling used primarily as a residence, which also provides care for a maximum of six persons on a less-than-24-hour basis, offering non-medical care for children or adults, this use must also comply with all local and state licensing requirements
- b) Off-Street Parking Requirement: 2 spaces

## **F. EMERGENCY HEALTH CARE FACILITY**

### **1. Definition**

A facility maintained and operated to provide immediate and short-term emergency medical care. Overnight patient care is not provided.

### **2. Standards**

Com Districts: Emergency health care uses shall be limited in size to 7,500 square feet or less, and shall demonstrate that emergency response vehicles and visitor activities will not interfere with existing or anticipated adjacent uses.

### **3. Off-Street Parking Requirement**

1 space per 200 square feet

## **G. EMPLOYMENT & TRAINING CENTER, NON-PROFIT**

### **1. Definition**

Facility operated by a nonprofit organization (e.g. Goodwill Industries, Salvation Army, and Opportunity Village) intended to provide employment and training. Such facilities may include, but are not limited to, activities such as light assembly of products, training, administrative offices, repair and sale of secondhand clothing, and furniture and appliances, and may also include certain facilities for persons with profound mental retardation. This use type does not include homeless shelters or other forms of transient or permanent residential accommodation.

### **2. Off-Street Parking Requirement**

Schedule "B"

### **3. Off-Street Loading Group**

Group Three

## **H. GOVERNMENT OFFICE**

### **1. Definition**

Administrative, clerical, or public contact offices of a government agency, including postal facilities, with incidental storage and maintenance of vehicles

### **2. Off-Street Parking Requirement**

Nonresidential districts: 1 space per 300 square feet.

### **3. Off-Street Loading Group**

Group Two

## **I. HOSPITAL**

### **1. Definition**

Facilities providing medical, surgical, psychiatric, or emergency medical services to the sick or injured, primarily on an inpatient basis, this use type includes incidental facilities for outpatient treatment, as well as training, research, and administrative services for patients and employees. A hospital may incorporate a restaurant, florist, pharmacy, and gift shop as accessory uses within the principal structure.

### **2. Off-Street Parking Requirement**

1 space per 400 square feet, including hospital area and medical offices

### **3. Off-Street Loading Group**

Group Three

## **J. INSTITUTIONAL HOUSING**

### **1. Congregate Housing**

- a) Definition: Specially planned, designed, and managed multi-unit rental housing with self-contained apartments to promote an independent lifestyle. A limited number of services such as meals, laundry, housekeeping, transportation, and social and recreational activities may also be provided.
- b) Standards: Congregate housing shall be located near neighborhood commercial services so that residents have access to necessary services not provided on site.
- c) Off-Street Parking Requirement: 1 space per 100 square feet of assembly area plus 1 space per unit
- d) Off-Street Loading Group: Group One

### **2. Continuing Care Retirement Community**

- a) Definition: An age-restricted development that is planned, designed, and operated to provide a full range of accommodations and services for older adults, including independent living, congregate care housing, and medical care. Dwellings include, but are not limited to, attached or detached houses, apartments, condominiums, or townhomes offering private or semiprivate rooms, and may be either rentals or owner-occupied units. Such facilities may offer health care and a variety of other personal services.
- b) Standards
  1. The ages of all occupants shall be restricted to 62 years of age or older for all units, or in the alternative, at least one resident in each of 80 percent of the units shall be 55 years of age or older.
  2. Housing structures exceeding two or more stories in height shall provide elevators or ramps between all levels with a maximum grade of one foot in height for every 12 feet of horizontal distance. Stairs shall not be the sole route between any two levels.

- c) Off-Street Parking Requirement: 1 space per 100 square feet of assembly area plus 1 space per bed or dwelling unit
- d) Off-Street Loading Group: Group One

### 3. Group Living—Assisted

- a) Definition: A residential care facility with private or shared sleeping rooms designed primarily for nine or more occupants with no serious health problems, but who may have chronic or debilitating conditions requiring assistance with daily activities. Permitted services include, but are not limited to, staff-supervised meals, housekeeping, personal care, medication supervision, and social activities.
- b) Standards
  - 1. Such uses shall be considered as residential uses for the purpose of compliance with common open space standards of this Code.
  - 2. Supporting retail or personal services uses may only be permitted as accessory uses and shall only be accessed through the principal structure.
  - 3. No outdoor signage shall be allowed in connection with such use.
- c) Off-Street Parking Requirement: Residential and nonresidential districts: 1 space per bed plus 1 space per 100 square feet of assembly area.
- d) Off-Street Loading Group: Group One

### 4. Group Living—General

- a) Definition: Shared living quarters for nine or more individuals without separate kitchen or bathroom facilities for each room or unit, this use type includes boardinghouses, dormitories, fraternities, sororities, and private residential clubs, but excludes residential or apartment hotels or motels.
- b) Standards
  - 1. Such uses shall be considered as residential uses for the purpose of compliance with the common open space standards of this Code
  - 2. Supporting retail or personal service uses may only be permitted as accessory uses and shall only be accessed through the principal structure.
  - 3. No outdoor signage shall be allowed in connection with such use.
- c) Off-Street Parking Requirement: Residential and nonresidential districts: 1 space per bed/unit plus 1 space per 100 square feet of assembly area.
- d) Off-Street Loading Group: Group One

### 5. Skilled Nursing Facility/Hospice

- a. Definition: A facility providing a full range of 24-hour direct medical, nursing, and other health services by registered nurses, licensed practical nurses, and nurses aides prescribed by a resident's physician, these facilities are designed for those individuals who need health supervision, but not hospitalization. Specialized nursing services such as intravenous feeds or medication, tube feeding, injected medication, daily wound

care, rehabilitation services, and monitoring of unstable conditions may also be provided, but surgical and emergency medical services are not permitted.

- b. Off-Street Parking Requirement: 1 space per 2 beds plus 1 space per 100 square feet of assembly area
- c. Off-Street Loading Group: Group One

## **K. MAINTENANCE AND SERVICE FACILITY**

### **1. Definition**

Facilities providing maintenance and repair services for vehicles and equipment and materials storage areas, including corporation yards, equipment service centers, and similar facilities owned by the City, public or private utilities, or other public entities.

### **2. Off-Street Parking Requirement**

Schedule "B"

## **L. PARK AND RECREATION FACILITY**

### **1. Definition**

Noncommercial parks, playgrounds, recreation facilities, and open spaces.

### **2. Standards**

- a) Residential Districts: Private or nonpublic park and recreation facilities shall not include commercial functions.
- b) Com and IND Districts: Park and recreation facilities shall be a maximum size of two acres.
- c) PSP District: Park and recreation facilities shall be subject to review by the City

### **3. Off-Street Parking Requirement**

Schedule "C"

## **M. PUBLIC SAFETY FACILITY**

### **1. Definition**

Facilities for public safety and emergency services, including police and fire protection, not including detention facilities

### **2. Standards**

Substations may be allowed as accessory to other primary uses (e.g., station within a recreation center or mall), subject to design review requirements. Stand-alone sub-stations require approval of a conditional use permit.

### **3. Off-Street Parking Requirement**

Schedule "C"

## **N. RELIGIOUS ASSEMBLY**

### **1. Definition**

Facilities for religious worship and incidental religious education, but not including private schools as defined by this Code

### **2. Standards**

- a) A general day care facility proposed as part of a religious-assembly use shall require approval of a conditional use permit. The applicant must demonstrate that the use will be compatible with adjacent areas in terms of hours of operation, noise, lighting, parking, and similar considerations, and not cause significant traffic impacts.
- b) Only classes operating in conjunction with religious services may be permitted as an accessory use.

### **3. Off-Street Parking Requirement**

1 space per 50 square feet of seating/assembly area

### **4. Off-Street Loading Group**

Group Three

## **O. SCHOOL, PUBLIC OR PRIVATE**

### **1. Definition**

Educational institutions having a curriculum comparable to that required in the public schools or offered in institutions of higher learning in the State of North Dakota. Private schools are further defined by NRS Section 394.103 and public schools are further defined by NRS Section 385.007.

### **2. Off-Street Parking Requirement**

- a) Elementary and middle schools: 1 space per teacher/employee plus all required drop-off/pick-up spaces.
- b) High schools: 1 space per teacher/employee plus 1 space per 5 students plus all required drop-off/pick-up spaces.
- c) Colleges and universities: 1 space per 2 employees plus 1 space per 3 students based on maximum enrollment.

### **3. Off-Street Loading Group**

Group One

## **P. SCHOOL, BUSINESS, TRADE, OR VOCATIONAL**

### **1. Definition**

A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a trade or in industry, construction, business, or commerce, and meeting all applicable state requirements for a facility of its type.



## 2. Standards

- a) The use shall consist of classroom instruction only and may not include any intensive laboratory or workshop training (e.g., carpentry, auto repair, machine repair).
- b) Schools consisting of intensive laboratory or workshop training (e.g., carpentry, auto repair, machine repair, etc.) require approval of a conditional use permit.

## 3. Off-Street Parking Requirements

1 space for each staff member, plus 1 space for every 2 students in class when the school is at maximum capacity

## Q. UTILITY: MINOR

### 1. Definition

Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, switch boxes, transformer boxes, cap banks, and underground water and sewer lines.

### 2. Standards

Unless excepted in accordance with the Ross Municipal Code, all electrical, telephone, cable television, internet, fiber optic, and similar distribution lines providing direct service to a development site shall be installed underground.

### 3. Off-Street Parking Requirement

Schedule "C"

## R. UTILITY: MAJOR

### 1. Definition

Generating plants, electrical substations, aboveground electrical transmission lines, switching buildings, refuse collection, recycling or disposal facilities, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities (including wireless), and similar facilities of public agencies or utility providers.

### 2. Standards

- a) The applicant shall submit a plan for screening and/or buffering major utilities from adjacent residential districts.
- b) Unless excepted in accordance with the Ross municipal Codes, all electrical, telephone, cable television, internet, fiber optic, and similar distribution lines providing direct service to a development site shall be installed underground.

### 3. Off-Street Parking Requirement

Schedule "C"

### 4. Off-Street Loading Group

Group One

## S. WIRELESS COMMUNICATION FACILITY

### 1. Wireless Communication Antenna

- a) Definition: Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, and other communications signals.
- b) Standards
  1. General Standards: See General Standards for Wireless Communication Facilities.
  2. Nonresidential Districts: A proposed wireless communication antenna that will not be attached to a tower may be approved by the City as an accessory use to any building in a nonresidential or mixed-use district, provided:
    - i. The antenna(s) is flush-mounted to the building structure and does not extend above the wall on which it is attached;
    - ii. The antenna(s) is painted to match the structure on which it is attached;
    - iii. The antenna complies with all applicable Airport Environs Overlay regulations; and
    - iv. The antenna(s) is behind a RF transparent screening material that is integrated into an existing structure in a manner that does not change the architecture or increase the height of the structure.
    - v. Any wireless communication antenna that is mounted in such a way that the antenna extends above the wall of the structure upon which it is attached, and requires additional screening that is not integrated with the existing architecture, shall require a conditional use permit.
  3. Residential Districts: A wireless communications antenna proposed in a residential zoning district that will not be attached to a tower shall be subject to conditional use permit review and approval and the following additional standards:
    - i. The antenna(s) shall be flush-mounted to the building structure and not extend above the wall on which it is attached.
    - ii. The antenna shall not be located on a lot occupied by a single-family dwelling.

- iii. The antenna shall not be located on a residentially zoned lot unless it is co-located on a nonresidential use such as a religious facility, utility, or other like use. This type of use requires a conditional use permit.
- iv. The antenna shall not reduce the required amount of common open space for a development except when radio equipment does not require construction of an enclosure (i.e. when stored in an underground vault), in a building, or other acceptable alternative that conceals radio equipment.
- v. The antenna shall be located on the perimeter of a development.
- vi. The antenna shall only be allowed as an accessory use and shall not be located on a vacant lot.

## 2. Wireless Communication Tower

- a) Definition: Any structure and support that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone and similar communications purposes, including monopoles, cellular telephone towers, and the like.
- b) Standards
  - 1. General Standards
  - 2. See General Standards for Wireless Communication Facilities.
  - 3. Conditional Use Permits
  - 4. The following provisions shall govern the issuance of conditional use permits for wireless communications towers.
    - i. In granting a conditional use permit, the Planning and Zoning Board may impose necessary conditions to minimize any adverse effect of the proposed wireless communication tower on adjoining properties.
    - ii. A licensed professional engineer shall provide engineering documentation for any information of an engineering nature that the applicant submits as part of the conditional use permit application, whether civil, mechanical, or electrical.
    - iii. Applicants must be providers of wireless telecommunication services, licensed by the Federal Communications Commission.
  - 5. Factors Considered in Granting Conditional Use Permits: In addition to the approval criteria for conditional use permits, the Planning and Zoning Board shall consider the following factors in determining whether to issue a conditional use permit:
    - i. Height of the proposed wireless communication tower;

- ii. Proximity of the tower to residential structures and residential district boundaries;
  - iii. Nature of uses on adjacent and nearby properties;
  - iv. Surrounding topography;
  - v. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
  - vi. Proposed ingress and egress; and
  - vii. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures. The Planning and Zoning Board may waive or reduce the burden on the applicant of these criteria if the Planning and Zoning Board concludes that the goals of this Code are better served by such waiver or reduction.
6. Setbacks: Setbacks shall be based on the applicable zoning district.
7. Separation: The following separation requirements shall apply to all wireless communication towers:
- i. Separation from Adjoining Land Uses
    - a. Wireless communication tower separation shall be measured from the base of the wireless communication tower to the lot line of the adjoining land use.
    - b. Separation requirements for wireless communication towers shall comply with the Section regarding *Wireless Communication Facility Separation*.
  - ii. Separation Distance between Wireless Communication Towers
    - a. Separation distance between wireless communication towers shall be applicable for and measured between the proposed wireless communication tower and preexisting wireless communication towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation

- distances between towers shall be 600 feet.
- b. The planning and zoning board may reduce the standard separation requirements if the goals of this section would be better served.
8. Residential Districts: A wireless communications tower proposed in a residential zoning district shall be subject to conditional use permit review and approval and the following additional standards:
- i. The tower shall not be located on a lot occupied by a single-family dwelling.
  - ii. The tower shall not reduce the required amount of common open space for a development except when radio equipment does not require construction of an enclosure (i.e. when stored in an underground vault), in a building, or other acceptable alternative that conceals radio equipment.
  - iii. The tower shall be located on the perimeter of a development.
  - iv. The tower shall only be allowed as an accessory use and shall not be located on a vacant lot.
9. Tower Modifications to Allow Co-Location: A wireless communication antenna that is proposed to be attached to an existing tower may be approved by the Community Development Director provided such co-location and any tower modifications comply with the following standards:
- i. Form
    - a. A tower that is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, unless the Community Development Director allows reconstruction as an alternative tower structure.
    - b. A conditional use permit is required if full-array antennas are added to a "stealth" or "slim-line" pole.
  - ii. Height
    - a. An existing tower may be modified or rebuilt to a taller height to

accommodate the co-location of additional antenna(s). Increases shall not exceed ten feet over the base zoning district height maximum or 70 feet.

- b. The height change referred to above may only occur one time per wireless communication tower. Additional height increase requests shall be processed as conditional use permits.

iii. Onsite Location

- a. A wireless communication tower that is being rebuilt to accommodate the co-location of an additional antenna may be moved onsite within 50 feet of its existing location subject to the separation requirements listed below.
- b. After the tower is rebuilt to accommodate co-location, only one tower may remain on the site.
- c. The onsite relocation of a tower, which comes within the separation distances to residential units or residentially-zoned lands as established in this section, shall only be permitted when approved by the Community Development Director.

## 2.3.5 COMMERCIAL USES

### A. GENERAL STANDARDS FOR ALCOHOL AND LIQUOR USES AND LIVE ENTERTAINMENT

#### 1. Distance Limitations for Alcohol and Liquor Uses

Uses involved in the sale or offering of alcohol or liquor shall comply with the requirements of the State and Municipal Codes, and the following standards:

- a) All such uses shall comply with the minimum separation requirements in *Minimum Separation*:

Proposed Use Type	Required Separation from Existing and Approved Uses {1} {2}		
	School Site (ft)	Religious (ft)	Day Care (ft)
Category 1 uses (tavern, nonprofit club, billiard hall)	1500	1500	500
Category 2 uses (restaurant with bar, liquor store)	1500	1500	200
Category 3 uses (beer, wine, and spirit-based products on or off-sale, full on-sale, full off-sale wine lounge)	1500	1500	200

**NOTES:**

{1} Buffer zone and vehicle travel distance requirements shall be applied regardless of whether the school site, religious assembly, or day care use is located inside or outside the city.

{2} Catering, wholesale sale of alcohol or liquor, and retail sale of gift baskets containing alcohol or liquor are exempted from these separation requirements.

- b) Buffer zones for Category I, II, and III uses associated with school sites may not be waived or reduced unless an “adequate barrier” exists as listed in subsection (c) below. Waivers or reductions of the buffer requirements may be considered through the conditional use permit process.
- c) Waivers or reductions of the buffer zone may be considered in cases where adequate barriers exist between the proposed use offering alcohol or liquor and a religious assembly or day care use. For the purposes of this subsection, “adequate barrier” shall mean any feature that prevents direct pedestrian or vehicular access such as an improved drainage facility, roadway with a minimum width of 150 feet, or other topographical feature.
- d) Sales, services, and distribution of alcohol or liquor is prohibited within a 1,000-foot buffer zone of a sexually oriented business.
- e) Issuance of a conditional use permit does not guarantee or constitute approval of a liquor license.

## 2. Live Entertainment

Any use that includes live entertainment as defined in this Code shall comply with the following standards:

- a) Definition: Regulations pertaining to “live entertainment” in this Code apply to the following activities where they occur on a scheduled basis three or more days during a calendar year on the site of a use other than a public or semipublic use:
  1. A musical, dance, or comedic act or event, disc jockey (unless he or she merely plays recorded music and does not perform or entertain the patrons), play, revue, recital, concert, or other similar performances, activity or presentation by one or more persons intended or tending to entertain or amuse, regardless of whether provided in exchange for compensation.
  2. A fashion show, except when conducted within an enclosed building used primarily for the manufacture or sale of clothing. A change of performers shall not constitute a change in the type of live entertainment.
- b) Standards: The following regulations shall apply to any use offering scheduled live entertainment more than three times per calendar year:
  1. A conditional use permit is required.
  2. A conditional use permit for live entertainment shall apply only to the type of entertainment approved, and a different type of entertainment shall require approval of a new or amended conditional use permit.
  3. Exits and entrances shall not be located opposite a residential district immediately adjoining the site. This provision does not apply to emergency entrances and exits.
  4. Additional restrictions may be added through the conditional use permit process to ensure compatibility with surrounding uses and zoning districts.

## B. AGRICULTURE: CROP PRODUCTION

### 1. Definition

The production, keeping, or maintenance for sale or lease of plants useful to man, including but not limited to: forages and sod crops; grains and seed crops; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or land devoted to a soil conservation or forestry management program.

### 2. Standards

Crop production uses located in a residential base zoning district may not include onsite retail sales or leasing.



## **C. AMBULANCE SERVICE**

### **1. Definition**

Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles

### **2. Standards**

- a) Ambulance service uses shall front or have direct access to an arterial street as designated on the Master Streets and Highways Plan.
- b) Com and IND districts: A conditional use permit is required if the use will be located within one-half mile of a residential district, school, or park and recreation facility. In approving a conditional use permit, the City may apply limits to maximum vehicle speeds, use of sirens, number of vehicles or other potential adverse impacts.
- c) PSP district: Ambulance services are permitted as an accessory use to a hospital.

### **3. Off-Street Parking Requirement**

1 space per 500 square feet

### **4. Off-Street Loading Group**

Group One

## **D. ANIMALS AND RELATED SERVICES**

### **1. Purpose**

This section contains supplemental regulations governing the care and keeping of animals. These standards are intended to provide for compatibility between such animals and neighboring land uses. These standards are in addition to the general requirements governing animals established by the City of Ross municipal code.

### **2. Animal Boarding**

- a) Definition: Provision of shelter and care for small animals on a commercial basis, this use type includes activities such as feeding, exercising, grooming, and incidental medical care.
- b) Standards
  1. All Districts
    - i. All animals shall be confined within an enclosed area or on a leash at all times.
    - ii. The property owner/operator must comply with all applicable requirements of the municipal code and obtain a Professional Animal Handler permit.
    - iii. No exterior overnight boarding shall be permitted.
  2. Residential Districts
    - i. Animal boarding is only permitted as an ancillary use to the primary residential use of the property.

- ii. Animal boarding uses shall be entirely enclosed, properly ventilated, and provide odor protection to adjacent properties.
- iii. Any exterior pens for daytime use shall be located a minimum of 50 feet from any residential-zoned property, unless modified through a conditional use permit. Additional buffering may be required as part of the conditional use permit.

2. COM Districts

- i. Animal boarding uses shall be entirely enclosed, properly ventilated, and provide sound barriers (when attached to other tenants) and odor protection to adjacent properties and users within the same development.
- ii. Rooms containing cages or pens are not permitted to have windows, doors, or other penetrations on exterior walls adjacent to existing residences.
- iii. Any exterior pens for daytime use shall be located a minimum of 50 feet from any residential zoned property and shall be screened from view from adjacent streets and adjoining properties.

- c) Off-Street Parking Requirement: 1 space per 400 square feet in all districts except residential. For residential, 1 parking space in addition to the residential parking requirement
- d) Off-Street Loading Group: Group One

**3. Animal Grooming**

- a) Definition: Provision of bathing and trimming services for small domestic animals on a commercial basis
- b) Standards
  - 1. Animals receiving grooming services may only be boarded for a maximum period of 48 hours.
  - 2. All animals shall be confined within an enclosed area or on a leash at all times.
  - 3. Animal grooming uses shall be entirely enclosed, properly ventilated, and provide sound barriers (when attached to other tenants) and odor protection to adjacent properties and users within the same development.
  - 4. Rooms containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to existing residences.

5. The property owner/operator must comply with all applicable requirements of the Ross municipal code and obtain a Professional Animal Handler permit.

- a) Off-Street Parking Requirement: 1 space per 400 square feet
- b) Off-Street Loading Group: Group One

#### 4. Animal Husbandry

- a) Definition: Raising of animals or production of animal products, such as eggs or dairy products, on an agricultural or commercial basis. Typical uses include grazing, ranching, dairy farming, and poultry farming.
- b) Standards
  1. Conditions may be imposed limiting operations to designated areas to protect water resources from runoff and to protect the public health, safety, and welfare.
  2. The number of animals allowed shall be determined as part of the conditional use permit. The location in relation to existing residential dwellings and compatibility with the surrounding neighborhood shall be considered.
  3. The use shall comply with the standards in the section regarding Barns, Stables, and Corrals.

#### 5. Animal Retail Sales

- a) Definition: A retail sales establishment that offers domestic animals as well as products and services for the keeping of domestic animals, such uses may include animal grooming, boarding, and veterinarian services as ancillary uses for animals not for sale.
- b) Standards
  1. All Districts
    - i. All animals shall be located within an entirely enclosed building, properly ventilated, and provide sound barriers (when attached to other tenants) and odor protection for adjacent properties and users within the same development.
    - ii. Incidental boarding of animals for up to 30 days may be permitted.
    - iii. The property owner/operator shall comply with all applicable requirements of the Ross municipal code and obtain a Professional Animal Handler permit.
  2. COM Districts: Animal boarding as an ancillary use requires approval of a conditional use permit.
- c) Off-Street Parking Requirement: 1 space per 250 square feet
- d) Off-Street Loading Group: Group One

## 6. Livestock Farming (Equines/Bovines)

- a) Definition: The raising or keeping of equines or bovines for recreational, entertainment, or training purposes for the owner's or resident's use only. The term does not include the breeding or raising of animals for consumption or sale.
- b) Standards: The standards governing equines and bovines are intended to ensure compatibility between uses maintaining animals and neighboring land uses. Conditions may be imposed on such uses that limit operations to designated areas. This use may be permitted in accordance with the following standards:
  - 1. All Districts
    - i. Equines and bovines shall not run free and shall be maintained in a permanently fenced yard, corral, or other enclosure constructed in accordance with the requirements of a fence permit issued by the City.
    - ii. Where a yard is surrounded by a fence constructed and inspected subject to a fence permit, inspection of portable corrals within the yard is not required.
    - iii. The parcel must be occupied by a residential dwelling.
    - iv. All parcels shall be evaluated on actual net lot area.
    - v. Must properly maintain and dispose of animal waste materials on a regular basis so as not to cause an odor problem or health hazard.
    - vi. The keeping of fowl as an ancillary use to the keeping of equines or bovines is subject to restrictions.
    - vii. Keeping equines or bovines shall comply with the standards in the Section, *Barns, Stables, and Corrals*.
  - 2. RS-2 Districts – Equines: A maximum of one horse and one foal up to the age of one year may be kept for each 10,000 square feet of site area.
  - 3. RS-2 Districts - Bovines
    - i. The keeping of bovines requires approval of a conditional use permit.
    - ii. One bovine is allowed per 40,000 square feet of site area.
    - iii. A maximum of two bovines per lot/parcel is allowed.
    - iv. Bovines shall be kept within a fenced or walled enclosure at all times.
    - v. Enclosures shall be a minimum of six feet in height.
    - vi. Open fencing shall not be permitted, unless screen material is installed.
    - vii. At no time shall a conditional use permit allow an increase in the number of bovines.
- a) Off-Street Parking Requirement: No additional minimum requirement beyond the residential use requirement

### 7. Stable or Riding Academy

- a) Definition: Establishments offering facilities for the care and exercise of equines (horses), and for use in providing instructional or recreational activities in horseback riding for persons other than occupants of the premises. This use category also includes related equestrian activities, rings, stables, and exercise areas.
- b) Standards
  - 1. The maximum number of horses shall be determined as part of the conditional use permit but in no case shall the maximum number exceed one animal per 4,000 square feet of lot area. Location to existing residential dwellings and compatibility with the surrounding neighborhood shall be considered.
  - 2. The owner shall properly maintain and dispose of animal waste materials on a regular basis so as not to cause an odor problem or health hazard.
  - 3. The keeping of fowl as an ancillary use to the keeping of horses is subject to the restrictions set forth in the Ross municipal code.
  - 4. Keeping horses shall comply with the standards set forth in the section regarding *Barns, Stables, and Corrals*.
- c) Off-Street Parking Requirement: 1 parking space per 4 stalls

### 8. Veterinary Clinic/Hospital

- a) Definition: Establishments where animals receive dental, medical, and surgical treatment as well as shelter and care during the time of such treatments, this use may include incidental grooming and boarding services
- b) Standards
  - 1. All Districts
    - i. All animals shall be confined within an enclosed area or on a leash at all times.
    - ii. Uses shall be entirely enclosed, properly ventilated, and provide sound barriers (when attached to other tenants) and odor protection to adjacent properties and users within the same development.
    - iii. The property owner/operator shall maintain a 100-square-foot or greater landscape area with turf (or artificial turf), shrubs, and at least one tree for animal use within 20 feet of the entrance.
    - iv. Rooms containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to existing residences.
    - v. Incidental grooming and boarding of animals for up to 30 days may be permitted.

- vi. All boarding shall take place within the interior of the structure, and outdoor boarding is prohibited.
  - vii. Outdoor daytime activity areas (e.g. walking areas, pens, dog runs) shall be allowed when a minimum of 50 feet away from any residential land use.
  - viii. The property owner/operator must comply with all applicable requirements of the Ross municipal code and obtain a Professional Animal Handler permit.
2. COM Districts: Such uses may only be permitted by right in a freestanding single-use building, or as “end” or “corner” uses in multi-tenant buildings.
- c) Off-Street Parking Requirement: 1 space per 250 square feet
  - d) Off-Street Loading Group: Group One

## 9. Household Pets

- a) Definition: Animals or birds ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, ferrets, birds, potbellied pigs, hamsters, parakeets, rabbits, non-venomous reptiles and amphibians not more than six feet in length but not including their young less than three months old.
- b) Standards
  - 1. All Districts
    - i. Except as otherwise provided in HMC Title 7, Animals in conjunction with any residential use, no person shall keep more than three dogs, three cats, and/or three ferrets over three months of age, at any place, or premises, or in any one residence.
    - ii. Any outdoor enclosure shall be located in an interior side or rear yard and set back at least five feet from the property line.
    - iii. Keeping wild and exotic animals, as defined by this Title and HMC Title 7, Animals, is prohibited.
    - iv. The keeping of fowl as an ancillary use to a residential dwelling is subject to the restrictions set forth in HMC Title 7, Animals.
  - 2. Potbellied Pigs
    - i. Potbellied pigs are only permitted in the RS-2 zoning districts.
    - ii. The keeping of potbellied pigs must be in conjunction with a single-family detached dwelling.
    - iii. Every potbellied pig:
      - a. Shall be registered with a nationally recognized registry for potbellied pigs.

- b. Shall be spayed or neutered.
  - c. Shall not exceed 28 inches in height, measured from the shoulder.
  - d. Shall not exceed 150 pounds in weight.
  - e. Shall be appropriately vaccinated.
  - i. A maximum of one potbellied pig may be maintained per property/lot. At no time shall a conditional use permit allow an increase in the number of potbellied pigs.
  - ii. The owner shall properly maintain and dispose of animal waste materials on a regular basis so as not to cause an odor problem or health hazard.
- a) Off-Street Parking Requirement: No additional requirement, beyond the residential use requirement.

**10. Non-domesticated Companion Animals**

- a) Definition: Nontraditional animal species bred and kept in captivity and utilized as pets. These animals that qualify under this definition are: emus, rheas, llamas, and alpacas.
- b) Standards
- 1. The permitted number of animals shall be five per acre up to a maximum of ten on a lot or parcel.
  - 2. The use shall comply with the following standards:
    - i. Must be in conjunction with a single-family detached dwelling.
    - ii. Animals shall be kept within a fenced or walled enclosure at all times.
    - iii. Enclosures shall be a minimum of six feet in height.
    - iv. All non-domestic companion animals shall be kept in such a way that they are not visible to the public from any city street or alleyway. A solid wall or visual barrier must surround the property boundary. All nondomestic companion animals shall be corralled or fenced within the area surrounded by the visual barrier or solid wall. Open fencing shall not be permitted, unless screened material is installed.
    - i. All adjoining property owners must sign an approval statement that includes the proposed use and number of animals. The statements must be provided to Community Development.
    - ii. A design review application shall be submitted. The review of this application is necessary to ensure compliance with the above-listed requirements.

- iii. If the above requirements are not met, a conditional use permit shall be required. At no time shall a conditional use permit allow an increase in the number of animals.
  - iv. The property owner must comply with all application requirements of the Ross municipal code.
- a) Off-Street Parking Requirement: No additional requirement, beyond the required residential use.

## **E. ARTS AND CRAFTS: ARTISTS' STUDIO**

### **1. Definition**

Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts or skilled in an applied art or craft

### **2. Off-Street Parking Requirement**

1 space per 500 square feet

## **F. BAIL-BOND BROKER**

### **1. Definition**

Person or establishment offering bonds in lieu of confinement by judicial courts

### **2. Off-Street Parking Requirement**

1 space per 400 square feet

## **G. BANQUET FACILITY**

### **1. Definition**

An establishment that is rented by individuals or groups to accommodate private functions such as banquets, weddings, anniversaries, and other similar celebrations, such a use may or may not include:

- 1. Kitchen facilities for the preparation or catering of food;
- 2. The sale of alcoholic beverages for on-premises consumption only during an event; and
- 3. Outdoor gardens or reception facilities.

### **2. Standards**

Banquet facilities are allowed as an accessory use to an eating and drinking establishment.

### **3. Off-Street Parking Requirement**

Schedule "C"

### **4. Off-Street Loading Group**

Group Two



## H. BREW PUB/MICROBREWERY

### 1. Definition

An establishment that manufacturers malt beverages and sells those malt beverages at retail and where sample products made on site may be offered at no cost to visitors.

### 2. Standards

#### a) All Districts

1. Brew pubs/microbreweries are subject to the minimum separation requirements for taverns.
2. Any proposed alcohol or liquor use shall comply with the section regarding Distance Limitations for Alcohol and Liquor Uses (same requirements as for a Tavern), and all State requirements.
3. A freestanding brew pub/microbrewery or independently owned brew pub/microbrewery shall be licensed as a tavern.
4. A brew pub/microbrewery establishment may provide accessory outdoor food service and seating areas, including tables and chairs, for the use of their customers, provided they comply with the standards for such accessory uses.
5. Any use that includes live entertainment shall comply with the standards for live entertainment, *General Standards for Alcohol and Liquor Uses and Live Entertainment*.
6. Distance separations and exemptions for taverns shall also apply to brew pubs/microbreweries.

#### b) IND Districts

1. Brew pubs/microbreweries shall be allowed under 15,000 gallons.
2. Brew pubs/microbreweries must be located in a standalone building or end unit of a multi-tenant building.
3. Brew pubs/microbreweries must provide sound-proofing and odor abatement.

### 3. Off-Street Parking Requirement

Nonresidential districts: 1 space per every 100 square feet of indoor and outdoor customer service area.

### 4. Off-Street Loading Group

Group One

## I. BREWERY

### 1. Definition

An establishment that manufactures malt beverages, but does not sell those beverages at retail

## 2. Standards

IND Districts: A brewery may be permitted with a conditional use permit. All warehousing and manufacturing processes must be conducted within a totally enclosed building, and all outside storage of materials and equipment must be behind a minimum eight-foot-high cinder block or comparable masonry fence approved by the City. All storage must be completely screened from view from all neighboring properties and the public rights-of-way. Vehicles used for transporting and warehoused or manufactured products must be screened from view from all neighboring properties and internal and external streets with masonry fencing and landscaping, berms and landscaping, or other comparable screening method approved by the City.

## 3. Off-Street Parking Requirement

Schedule "B"

## 4. Off-Street Loading Group

Group Three

# J. BUILDING MATERIALS AND SERVICE

## 1. Definition

Rental establishments, and building contractors' yards, but excludes establishments Retailing, wholesaling, or rental of building supplies or equipment, or the provision of building construction-related services, this use type includes lumber yards, tool and equipment sales or exclusively devoted to retail sales of paint and hardware, and activities classified under "Vehicle/Equipment Sales and Services," including vehicle towing services.

## 2. Standards

Except for live plants, all outdoor storage shall be screened from public view. Screening shall consist of an opaque wall or fence with a minimum height of eight feet, constructed in accordance with the standards for *Dumpster Screening*. Except for operational recreational and construction vehicles, stored materials and equipment shall not exceed the height of the screening fence or wall.

## 3. Off-Street Parking Requirement

1 space per 400 square feet plus 1 space per 1,000 square feet of outdoor storage/display area

## 4. Off-Street Loading Group

Group One

# K. CATERING SERVICE

## 1. Definition

Preparation and delivery of food and beverages for offsite consumption without provision for onsite pickup or consumption

## 2. Off-Street Parking Requirement

1 space per 400 square feet

### 3. Off-Street Loading Group

Group One

## L. COMMERCIAL RECREATION AND ENTERTAINMENT

### 1. General

- a) Definition: Provision of participant or spectator recreation or entertainment, this use type includes theaters (movies, performing arts, etc.), sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, ice/roller skating rinks, miniature golf courses, scale-model courses, shooting galleries, sports courts, recreation clubs (as defined in Title 4, Section 4.36.010), and pinball arcades or electronic game centers having more than three coin-operated game machines.
- b) Standards
  1. In commercial districts, any outdoor commercial recreation and entertainment use requires a conditional use permit.
  2. Any use that includes live entertainment shall comply with the standards for *live entertainment*
- c) Off-Street Parking Requirement
  1. Bowling alleys: 3 spaces per alley in nonresidential districts, or a minimum of 2 spaces per alley in downtown districts.
  2. Electronic game centers: 1 space per 250 square feet.
  3. Skating rinks: 1 space per 5 fixed seats or 1 space per 60 square feet of seating area if no fixed seats plus 1 space per 200 square feet of floor area not used for seating.
  4. Sports courts: 3 spaces per court.
  5. Indoor theaters: 1 space per 3 fixed seats or 1 space per 60 square feet of seating area if no fixed seats.
  6. Miniature golf courses: 3 spaces per hole.
  7. All other commercial recreation/entertainment uses: see Schedule "C"
- d) Off-Street Loading Group: Group One

### 2. Limited

- a) Definition
- b) Provision of participant or spectator recreation or entertainment as accessory uses occupying less than ten percent of the gross floor area of the primary building, this use type includes indoor movie theaters and performing arts theaters
- c) Off-Street Parking Requirement: Schedule "C"
- d) Off-Street Loading Group: Group One

### 3. Teenage Dancehall

- a) Definition: An establishment in which social dances, attended by teenagers, are regularly held or conducted as a substantial part of the business, whether admission is by a set admission charge, the donation of money, or at no charge. Teenage dancehall does not include dance schools,

places operated by government entities, schools, religious institutions, or any other place used by an establishment, association or organization which might occasionally host or sponsor a social dance for teenagers incidental to the entity's purpose.

- b) Standards: The purpose of regulating teenage dancehalls and teenage nightclubs is to ensure compatibility with surrounding uses and properties and to protect the welfare of both teenagers and the public generally. A conditional use permit is required subject to but not limited to the following criteria:

1. Hours of Operation

- i. The permittee's hours of operation shall end at 10:00 p.m. on any evening preceding a day in which the public middle or high schools in the Mountrail County are open for classes and 12:00 midnight on any other day. No patron shall be permitted to enter or remain on the permittee's premises after closing.

2. Parking

- i. Parking spaces and parking lot shall comply with all applicable standards in this Code regarding lighting, required parking spaces, parking lot material, and landscaping.

3. Distance Requirement

- i. No teenage dancehall establishment may be located closer than 2,000 feet from any other teenage dancehall or teenage nightclub establishment, as measured by the shortest line between the space to be occupied by the proposed teenage dancehall establishment and the occupied space of the nearest established or approved teenage dancehall or teenage nightclub establishment.
- ii. No teenage dancehall establishment may be located closer than 1,000 feet from any parcel where a school, park, library, liquor store, tavern, or smoke/tobacco shop are established or approved, and from any parcel with a residential land use category as designated by the Land Use Plan. This separation requirement is measured by the shortest line between the space to be occupied by the proposed teenage dancehall establishment and the property line of the nearest established or approved school, park, library, liquor store, tavern, smoke/tobacco shop, and residential land use category as designated by the Land Use Plan.
- iii. The foregoing distance requirements may be waived through the use permit only if it can be shown by clear

and convincing evidence by the applicant that a waiver of such distance requirements will not compromise the aforesated purpose and the general intent of this Code to protect the public health, safety, and general welfare of the citizens of the City. Demonstration of existing adequate physical barriers may be considered as such evidence. Adequate barriers include but are not limited to such things as an improved drainage facility, freeway, other major roadway with a minimum width of 150 feet, or a topographical feature that prevents vehicular and pedestrian access.

4. Other Requirements

- i. Additional conditions may be required as part of the conditional use permit.
  - ii. The use shall conform to the requirements of HMC 4.60 for Teenage Dancehalls and Teenage Nightclubs.
  - iii. There shall be no outside speakers or outside sound systems related to the use.
- a) Off-Street Parking Requirement: 1 space per 100 square feet of customer service and assembly area
  - b) Off-Street Loading Group: Group One

**4. Teenage Nightclub**

- a) Definition: An establishment providing live entertainment as a substantial part of the business in which teenagers regularly gather, whether admission is by a set admission charge, the donation of money, or at no charge. Teenage nightclub does not include places operated by government entities, schools, religious institutions, or any other place used by an establishment, association or organization which might occasionally host or sponsor live entertainment for teenagers incidental to the entity's purpose.
- b) Standards: The purpose of regulating teenage dancehalls and teenage nightclubs is to ensure compatibility with surrounding uses and properties and to protect the welfare of both teenagers and the public generally. A conditional use permit is required subject to but not limited to the following criteria:
  - 1. Hours of Operation
    - i. The permittee's hours of operation shall end at 10:00 p.m. on any evening preceding a day in which the public middle or high schools in the City of Ross are open for classes and 12:00 midnight on any other day. No patron shall be permitted to enter or remain on the permittee's premises after closing.
  - 2. Parking

- i. Parking spaces and parking lot shall comply with all applicable standards of this Code regarding lighting, required parking spaces, parking lot material, and landscaping.
- 3. Distance Requirement
  - i. No teenage nightclub establishment may be located closer than 1,000 feet from any other teenage dancehall or teenage nightclub establishment, as measured by the shortest line between the space to be occupied by the proposed teenage nightclub establishment and the occupied space of the nearest established or approved teenage dancehall or teenage nightclub establishment.
  - ii. No teenage nightclub establishment may be located closer than 1,000 feet from any parcel where a school, park, library, liquor store, tavern, or smoke/tobacco shop are established or approved; and from any parcel with a residential land use category as designated by the Comprehensive Plan. This separation requirement is measured by the shortest line between the space to be occupied by the proposed teenage nightclub establishment and the property line of the nearest established or approved school, park, library, liquor store, tavern, smoke/tobacco shop, and residential land use category as designated by the Comprehensive Plan.
  - iii. The foregoing distance requirements may be waived through the use permit only if it can be shown by clear and convincing evidence by the applicant that a waiver of such distance requirements will not compromise the aforesated purpose and the general intent of this Code to protect the public health, safety, and general welfare of the citizens of the City. Demonstration of existing adequate physical barriers may be considered as such evidence. Adequate barriers include but are not limited to such things as an improved drainage facility, freeway, other major roadway with a minimum width of 150 feet, or a topographical feature that prevents vehicular and pedestrian access.
- 4. Live Entertainment for Teenage Nightclub
  - i. Exits and entrances shall not be located opposite an “R” zoning district immediately adjoining the site. This provision does not apply to required emergency

entrances and exits. The conditional use permit shall include a request for the types of live entertainment. The types of live entertainment shall be included in the description for the advertisement of the conditional use permit. The conditional use permit shall apply to the type of live entertainment approved, and a different type of live entertainment shall require approval of a new conditional use permit.

5. Other Requirements

- ii. Additional conditions may be required as part of the conditional use permit. The use shall conform to the requirements for *Teenage Dancehalls and Teenage Nightclubs*. There shall be no outside speakers or outside sound systems related to the use.
- a) Off-Street Parking Requirement: 1 space per 100 square feet of customer service and assembly area
- b) Off-Street Loading Group: Group One

**M. CONVENTION**

**1. Definition**

Meetings of professional, fraternal, business, or other organizations that last for five days or less

**2. Standards**

Conventions are allowed only as an accessory use to a hotel.

**3. Off-Street Parking Requirement**

Schedule "C"

**4. Off-Street Loading Group**

Group Three

**N. DAILY LABOR SERVICE**

**1. Definition**

Any building or premises that serves as a staging point or gathering place for persons who are seeking immediate employment in daily labor activities and who accept or are assigned such employment in accordance with whatever employment is available on that particular day. For purposes of this definition, "daily labor" means manual labor, including, without limitation, construction cleanup, garbage pickup and removal, demolition, convention setup and takedown, landscaping, planting, and digging.

## 2. Standards

- a) The use shall be located on an arterial Street as designated on the Master Streets and Highways Plan.
- b) The use shall not be located within 400 feet of any religious facility, school, general day care facility, city park, or residential zoning district.
- c) The hours of operation shall be limited to the hours between sunrise and sunset.
- d) Signage shall be posted on the premises indicating that loitering on the premises is not allowed. The signage may not exceed four square feet in size.
- e) Persons who are seeking employment must wait for employment within a fully enclosed structure or an area screened from public view.

## 3. Off-Street Parking Requirement

1 space for each 250 square feet of gross floor area

# O. EATING AND DRINKING ESTABLISHMENT

## 1. Restaurant

- a) Definition: A place or space in a suitable building kept, used, maintained, advertised and/or held out to the public to be a place in which the primary business is to serve meals for onsite or offsite consumption and where only a service bar is allowed.
- b) Standards
  1. All Districts
    - i. Any use that includes outdoor seating and outdoor food service areas shall comply with *Outdoor Seating/Outdoor Food Service*.
    - ii. Any proposed alcohol or liquor use shall comply with *Distance Limitations for Alcohol and Liquor Uses*, and all state and municipal codes.
    - iii. Any use that includes live entertainment shall comply with the standards for live entertainment.
  2. Limited to an Accessory Use
    - i. IND Districts: A restaurant may only be permitted as an accessory use with a maximum size of 25 percent of a building's gross floor area.
    - ii. PSP District: A restaurant may only be permitted as an accessory use in a cultural, educational, medical, civic institution, or recreational facility, provided the accessory use portion of the primary establishment does not exceed 5,000 gross square feet.
- a) Off-Street Parking Requirement: Nonresidential districts: 1 space per 100 square feet of indoor and outdoor customer service area.
- b) Off-Street Loading Group: Group One



## 2. Restaurant with Bar

- a) Definition: A place or space in a suitable building kept, used, maintained, advertised and/or held out to the public to be a place in which the primary business is to serve meals for onsite or offsite consumption and has food available for service during all times that liquor is sold, and wherein there is a fixed or permanent barrier to ensure separation between the bar/lounge area and the dining area sufficient to exclude minors from the bar/lounge area.
- b) Standards
  1. All Districts
    - i. The hours of operation shall be limited to between 6:00 a.m. and 1:00 a.m.
    - ii. A minimum of 50 percent of the net floor area of the premises occupied by the restaurant with bar (excluding cooking, food preparation, office, storage, restroom, and outdoor seating areas) shall be designated as dining area.
    - iii. The seating capacity at all times within the indoor dining area shall be at least 40 people.
    - iv. The use shall conform to the requirements of State and municipal codes.
    - v. Any use that includes outdoor seating and outdoor food service areas shall comply with *Outdoor Seating/Outdoor Food Service*.
    - vi. Any proposed alcohol or liquor use shall comply with *Distance Limitations for Alcohol and Liquor Uses*, and all State and municipal ordinances.
    - vii. Any use that includes live entertainment shall comply with the standards for *live entertainment*
  2. Limited to an Accessory Use
    - i. IND District: Restaurant with bar may only be permitted as an accessory use with a maximum size of up to 25 percent of a building's gross floor area.
    - ii. PS District: A restaurant with bar may only be permitted as an accessory use in a cultural, educational, medical, civic institution, or recreational facility, provided the accessory use portion of the primary establishment does not exceed 5,000 gross square feet.
- c) Off-Street Parking Requirement: Nonresidential districts: 1 space per 100 square feet of indoor and outdoor customer service area, plus additional parking may be required if live entertainment is permitted.
- d) Off-Street Loading Group: Group One

### 3. Tavern

- a) Definition: A place where the primary business is the service or sale of alcoholic liquors at retail by the drink to the general public and wherein no other business, except gaming, a dance hall, or the service of food is conducted.
- b) Standards
  1. All Districts Standards
    - i. Any proposed alcohol or liquor use shall comply with *Distance Limitations for Alcohol and Liquor Uses* and all State and municipal codes for the subject use.
    - ii. Any use that includes live entertainment shall comply with the standards for *live entertainment* uses.
  2. Proximity of Taverns
    - i. Objective: The health, safety, morals, and welfare of the inhabitants of the City are best promoted and protected by requiring a separation between individual taverns and established residential areas.
    - ii. Separation Distance Requirements
      - a. Unless exempted, a tavern use shall not be located within 1,000 feet as measured by the shortest line between the space to be occupied by the proposed tavern and the occupied space of another existing or approved tavern use, regardless of the jurisdiction where located.
      - b. Unless a tavern contains a restaurant and is operated in accordance with the standards, it shall not be located within 500 linear feet of any developed residential zoning district with an “R” designation. This distance shall be measured from the occupied space of the proposed tavern to the property line of the closest existing residential dwelling unit.
      - c. Nothing in this subsection shall be construed to authorize a proposed tavern use simply because a proposed tavern use may comply with the minimum separation requirements. The City retains all discretion to approve or disapprove a tavern use.

- iii. Exemptions – The following taverns are exempted from the standards of this subsection:
  - a. Lawfully-established taverns in existence prior to July 1, 2010, unless the use is discontinued for a period of six months or more
- iv. Reduction in Separation Distance: The minimum separation distance between taverns may be reduced or waived through the issuance of a conditional use permit provided the City Council finds:
  - a. The applicant has shown by clear and convincing evidence that a reduction or waiver of the distance requirements will not compromise the stated objective in safeguarding the interest of the citizens of the City.
  - b. The proposed use may be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses
  - c. The subject site is physically suitable for the type and intensity of land use being proposed.
  - d. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.
- c) Off-Street Parking Requirement: Nonresidential districts: 1 space per 100 square feet of indoor and outdoor customer service area, plus additional parking may be required if live entertainment is provided.
- d) Off-Street Loading Group: Group One

#### **4. Eating and Drinking Establishment with Drive-Through Service**

- a) Definition: A restaurant with or without seating for patrons that includes service from a building to persons in vehicles through an outdoor service window
- b) Standards
  - 1. All Districts
    - i. Outdoor speakers or other public address systems that emit sound shall not be located within 300 linear feet of an existing residential dwelling unit. Face-to-face service is required within 300 feet of an existing

residential dwelling unit. An automated volume control system is required beyond 500 feet from residential dwelling units.

- ii. Drive-through facilities (including the drive lanes and stacking spaces) are discouraged between a building and any adjacent street unless it can be demonstrated that the facilities are integrated into the site, screened from view of the adjacent street, and does not create negative impacts on pedestrian movement. Screening methods include landscaping, landscaping with a berm, a low screen wall with landscaping, or other similar feature(s).
  - iii. The drive-through use may be subject to conditions imposed by the approving body to ensure compatibility with surrounding uses, efficient vehicular travel, efficient pedestrian movement, and architectural compatibility with the principal structure and development.
  - iv. The above listed conditions may be modified or waived through a request as part of the conditional use permit.
- a) Off-Street Parking Requirement: Nonresidential districts: 1 space per 75 square feet of indoor and outdoor customer service area plus vehicle stacking spaces required by Section 19.7.4.H.
  - b) Off-Street Loading Group: Group One

## 5. Wine Lounge

- a) Definition: A place where the primary business is the service or sale of wine and similar beverages (but not including alcoholic liquors) at retail either by the glass or the bottle to the general public for consumption in a lounge setting. The sale of beer is permitted as an accessory use. Retail sale of wine for off-premise consumption is permitted as an accessory use.
- b) Standards
  - 1. Any proposed alcohol or liquor use shall comply *with Distance Limitations for Alcohol and Liquor Uses*, and all State and municipal ordinances.
  - 2. The hours of operation shall be limited to between 11:00 a.m. and 1:00 a.m.
  - 3. Service to tables/lounge area is required.
  - 4. Food service is required.
  - 5. Any use that includes outdoor seating and outdoor food service areas shall comply with *Outdoor Seating/Outdoor Food Service*.
  - 6. Any use that includes live entertainment shall comply with *Live Entertainment*.

- c) Accessory Use to a Primary Business: A wine lounge is permitted as an accessory use to an approved Category I or II use, or a use approved by the Planning and Zoning Board, subject to the following:
  - 1. Total square footage to be used for serving wine shall be limited to 25% of the net floor area (not including offices, restrooms and storage area) or 2000 square feet, whichever is less.
  - 2. Standards in Section (b) above shall be met.
  - 3. The accessory use shall be operated during the hours of operation of the primary business.
- d) (d) Off-Street Parking Requirement: Nonresidential districts: 1 space per 75 square feet of indoor and outdoor customer service area.
- e) (e) Off-Street Loading Group: Group One

## **P. FINANCIAL INSTITUTION**

### **1. General**

- a) Definition: Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. This use type includes those institutions whose primary service is the exchange of currency, including banks, credit unions, and other establishments engaged in the onsite circulation of cash money, but do not include bail-bond brokers or check-cashing services.
- b) Off-Street Parking Requirement: Nonresidential districts: 1 space per 300 square feet.
- c) Off-Street Loading Group: Group Two

### **2. Financial Institution with Drive-Through Service**

- a) Definition: Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses, and that include one or more automobile lanes accessible to persons who remain in their automobiles. This use includes stand-alone automated teller machines.
- b) Standards
  - 1. All Districts
    - i. Stand-alone automated teller machines not located on the same property as the primary financial institution shall require separate design review approval. The design shall be compatible with adjacent buildings.
    - ii. A conditional use permit is required if the use will be located within 300 linear feet of a residential district boundary unless an intervening building or a major arterial street as shown on the Master Street and Highways Plan, is located between the drive-through service and the residential district boundary.

- iii. Drive-through facilities (including the drive lanes and stacking spaces) are discouraged between a building and any adjacent street unless it can be demonstrated that the facilities are integrated into the site, screened from view of the adjacent street, and does not create negative impacts on pedestrian movement. Screening methods include landscaping, landscaping with a berm, a low screen wall with landscaping, or other similar feature(s).
  - iv. The drive-through use may be subject to conditions imposed by the approving body to ensure compatibility with surrounding uses, efficient vehicular travel, efficient pedestrian movement, and architectural compatibility with the principal structure and development.
  - v. The above-listed conditions may be waived or modified through a request as part of a conditional use permit.
- a) Off-Street Parking Requirement: Nonresidential districts: 1 space per 300 square feet plus required vehicle stacking spaces.
  - b) Off-Street Loading Group: Group Two

**3. Check-Cashing, Deferred-Deposit Service, and/or Vehicle Title Loan Facility**

- a) Definition
  - 1. “Check Cashing” is any person(s) or establishment engaged in the business of cashing checks or accepting deferred deposits for a fee, service charge, or other consideration. Such uses are not licensed banks, trust companies, savings and loan associations, credit unions, development corporations, mortgage brokers, thrift companies, pawn brokers, or insurance companies.
  - 2. “Deferred Deposit” is any person or establishment offering a transaction in which, pursuant to a written agreement: 1) a customer tenders to a person a personal check drawn upon the account of the customer; and 2) the service provides to the customer an amount of money that is equal to the face value of a check, less any fee charged for the transaction, and agrees not to cash the check for a specified period. Deferred-deposit services are not licensed banks, trust companies, savings and loan associations, credit unions, development corporations, mortgage brokers, thrift companies, pawn brokers, or insurance companies.
  - 3. “Vehicle Title Loan” is a business whose primary function is to lend money on the security of the title to a motor vehicle rather than on the security of the vehicle itself.

- b) Purpose: The purpose of regulating such uses is to ensure compatibility with surrounding uses and properties and to avoid an unchecked proliferation of check-cashing, deferred-deposit, and/or vehicle title loan services that may result in the displacement of other necessary commercial and financial services.
- c) Standards: The building or portion thereof that is dedicated to the check-cashing, deferred-deposit service, and/or vehicle title loan use shall have a minimum size of 1,500 square feet of building floor area.
1. Separation Requirements – The following distance requirements shall be applied to all locations:
    - i. No such use may be located closer than 1,000 linear feet to any other check-cashing, deferred-deposit service, and/or vehicle title loan use, as measured by the shortest line between the occupied spaces of the existing or approved use and the proposed facilities.
    - ii. No such use may be located closer than 200 feet to any parcel with a residential land use designation as depicted in the Land Use Plan. This 200-foot separation shall be measured as the shortest line between the space to be occupied by the proposed check-cashing, deferred-deposit service, and/or vehicle title loan facility and the property line of the nearest parcel with a residential land use designation.
    - iii. In cases where the check-cashing, deferred-deposit, and/or vehicle title loan use is located at a counter or space within another business (e.g. convenience store, grocery store, executive office), the term “facility” shall mean the entire space of the businesses combined.
    - iv. These distance requirements may be reduced through the conditional use permit review process based on the provision of compensating public benefits and evidence from the applicant that the reduction will not compromise the aforementioned purpose and the general intent of this Code to protect the public health, safety, and general welfare of the City.
  2. Building Requirements
    - i. The building design shall be subject to review by the City to ensure that it will be compatible with the surrounding area in terms of building materials, massing, and architectural style. Bright and/or fluorescent colors are prohibited as a principal exterior building color, but may be used as accent colors.

- ii. Temporary signs are only permitted as described within the section regarding *Temporary Signs*, and must receive prior approval.
  - iii. The use shall comply with all applicable requirements of the municipal codes.
- 3. Vehicle Title Loan Facilities: No vehicles may be stored at the location of a vehicle title loan facility.
- c) Off-Street Parking Requirement: Nonresidential districts: 1 space per 300 square feet.
- d) Off-Street Loading Group: Group One

## **Q. FOOD AND BEVERAGE SALES**

### **1. General**

- a) Definition: Groceries, delicatessens, and similar commercial establishments engaged in retail sales of food and beverages for offsite preparation and consumption.
- b) Standards: Any proposed alcohol or liquor use shall comply with *Distance Limitations for Alcohol and Liquor Uses* and all state and municipal requirements for the subject use.
- c) Off-Street Parking Requirement: Nonresidential districts: 1 space per 250 square feet.
- d) Off-Street Loading Group: Group One

### **2. Liquor Stores**

- a) Definition: Retail establishments that sell alcoholic beverages for consumption off-premises as a primary use
- b) Standards: Any proposed alcohol or liquor use shall comply with *Distance Limitations for Alcohol and Liquor Uses* and all state and municipal requirements for the subject use.
- c) Off-Street Parking Requirement: 1 space per 250 square feet
- d) Off-Street Loading Group: Group One

## **R. FUNERAL AND INTERMENT SERVICE**

### **1. Definition**

Establishments primarily engaged in the provision of services involving the care, preparation, or disposition of human dead other than in cemeteries or religious assembly uses. This use includes mortuaries, which are facilities in which dead bodies are prepared for burial or cremation, crematoriums, and columbariums.

### **2. Standards**

Within the commercial and downtown districts, funeral and interment service uses are limited to mortuaries.

### **3. Off-Street Parking Requirement**

Nonresidential districts: 1 space per 35 square feet of seating area.



#### 4. Off-Street Loading Group

Group One

### S. GOLF COURSE OR DRIVING RANGE

#### 1. Definition

A tract of land, either public or private, laid out for at least nine holes for playing the game of golf and improved with tee boxes, greens, fairways, and hazards. This use also includes a driving range, which is a limited area on which golf players drive golf balls from a central driving tee. Such uses may include related facilities such as clubhouses, golf schools, and accessory uses such as a restaurant or restaurant with a bar, pro shops, and related facilities.

#### 2. Standards

Any proposed alcohol or liquor use shall comply with *Distance Limitations for Alcohol and Liquor Uses* and all state and municipal requirements for the subject use.

#### 3. Off-Street Parking Requirement

- a) Golf course: 4 spaces per hole plus spaces provided for accessory uses.
- b) Driving range: 1 space per tee.

#### 4. Off-Street Loading Group

Group One

### T. HOOKAH LOUNGE

#### 1. Definition

Any business which primarily serves tobacco or non-tobacco products (e.g., fruit, vegetables) whereby patrons, who are 18 years of age or older, share the tobacco or non-tobacco products from a communal hookah, water pipe, or similar device. The business may also sell non-alcoholic beverages and snacks. A hookah, water pipe, or similar device may not be used as a primary or ancillary use where minors are allowed. A Hookah, hooka, or shisha is a single- or multi-stemmed water pipe for smoking.

#### 2. Standards

The sale of alcohol shall be allowed only as part of an approved restaurant with service bar, restaurant with bar, or tavern.

#### 3. Off-Street Parking Requirement

1 space per 250 square feet

#### 4. Off-Street Loading Group

Group One

## U. HORTICULTURE

### 1. General

- a) Definition: The raising of vegetables, flowers, ornamental trees, and shrubs as a commercial enterprise, including the storage of nursery equipment and materials and the erection of nursery structures
- b) Off-Street Parking Requirement: 1 parking space per 2 acres. Also, if open to the public, 1 space per 375 gross square feet of sales area.
- c) Off-Street Loading Group: Group One

### 2. Limited

- a) Definition: The raising of vegetables, flowers, ornamental trees, and shrubs as a commercial enterprise provided that no nursery equipment or materials shall be stored.
- b) Standards
  - 1. No permanent structures shall be erected.
  - 2. Storage of nursery equipment or materials is prohibited.
  - 3. Retail sale of plants or plant materials is not permitted within residential base zoning districts.
- c) Off-Street Parking Requirement: 1 parking space per 2 acres, also, if open to the public, 1 space per 375 gross square feet of sales area
- d) Off-Street Loading Group: Group One

## V. LABORATORY

### 1. Definition

Establishments providing medical or dental laboratory services or small-scale establishments providing photographic, analytical, or testing services within a building or portion of a building of 3,000 square feet or less. Other laboratories are classified as "Industry, Research and Development."

### 2. Standards

PSP District: Laboratories are permitted as an accessory use to a hospital.

### 3. Off-Street Parking Requirement

1 space per 500 square feet

### 4. Off-Street Loading Group

Group One

## W. MAINTENANCE AND REPAIR SERVICE

### 1. Definition

Establishments providing appliance repair, office machine repair, furniture upholstery, or building maintenance services, but not including maintenance and repair of vehicles.

## 2. Off-Street Parking Requirement

Schedule "B"

## 3. Off-Street Loading Group

Group One

# X. MINI-STORAGE FACILITY

## 1. Definition

Provision of storage space for household or commercial goods within an enclosed building with direct public access to individual storage spaces, this use classification may include limited vehicle storage and quarters for one or more persons employed by and residing at the mini-storage facility for the purpose of onsite management and security.

## 2. Standards

### a) All Districts

1. Mini-storage facilities shall comply with all development regulations listed for the zoning district in which the facility is located.
2. All mini-storage facilities shall provide minimum 30-foot-wide drive aisles between all buildings and adjacent to all building walls with storage compartment access doors.
3. Resident manager's quarters, where provided, shall be incorporated into and occupy space on the premises of the mini-storage facility. No freestanding manager's quarters are permitted within the IND district.
4. Mini-storage facility shall include a single 500-square-foot (minimum) landscaped private recreation area within the mini-storage project adjacent to the caretaker's quarters for exclusive use by resident manager/caretaker. The landscaped recreation area shall include a minimum of one large shade tree installed at 24-inch-box size, shrubs, and recreation equipment as approved by the City. Recreation equipment shall consist of picnic table and barbecue facilities or other comparable equipment for use by the resident manager.
5. All buildings in the mini-storage facility shall be architecturally compatible with the surrounding uses. Architectural compatibility shall be measured as follows: projects constructed abutting residential or public/semipublic zoning shall employ sloped roofs and shall display wall relief features and colors commonly found in residential construction; projects abutting commercial or industrial zoning districts may employ more rigid lines and features; where a project abuts a residential or public/semipublic zoning district, the residential compatibility requirement shall control.

6. Hours of public access to mini-storage units abutting one or more residential zoning districts shall be restricted to the period from 6:00 a.m. to 10:00 p.m. daily.
  7. All setbacks abutting residentially-zoned parcels shall be landscaped.
  8. Rear and side building setbacks may be reduced to zero feet for single-story buildings when adjacent to commercial or industrial districts.
  9. Mini-storage uses shall provide a perimeter wall or fence with a maximum height of eight feet, up to 12 feet under certain circumstances where additional height is required to secure storage areas.
  10. Perimeter walls shall comply with the *fence/wall appearance standards*.
  11. This use may include outdoor vehicle storage not to exceed a maximum of 20 percent of the site. Where greater than 20 percent of the site is allocated to vehicle storage, the vehicle storage must be treated as a separate use.
  12. All outdoor storage shall be screened from public view. Screening shall consist of an opaque wall or fence with a minimum height of eight feet, constructed in accordance with the standards in *Dumpster Screening*. Except for operational recreational and construction vehicles, stored materials and equipment shall not exceed the height of the screening fence or wall.
  13. The storage of hazardous materials shall comply with the standards in *Hazardous Material Storage*.
- b) COM Districts – The following additional standard applies: A conditional use permit is required for mini-storage facilities without a resident manager or with more than one resident manager living unit.
- c) CN District – The following additional standards apply:
1. Mini-storage buildings shall be limited to one story, except for the office and caretaker’s quarters.
  2. No outdoor vehicle storage shall be permitted.
  3. No storage or rental of vehicles or equipment utilized for moving shall be permitted.

### 3. Off-Street Parking Requirement

- a) 1 space per 100 lockers/units on the inside of fenced area and at least five spaces outside the fenced area.
- b) Must include one covered parking space for exclusive use by each resident manager quarters.

### 4. Off-Street Loading Group

#### Group One

## Y. OFFICE

### 1. Business and Professional

- a) Definition: Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, computer software consulting, data management, engineering, interior design, graphic design, real estate, insurance, investment, and legal offices, but not including banks and savings and loan associations. This includes establishments providing travel information and travel reservations to individuals and businesses, but not car-rental agencies and reservation services that do not make travel arrangements as a primary function of their operation.
- b) Standards
  - 1. IG District – Offices shall only be allowed as an accessory use.
- c) Off-Street Parking Requirement
  - 1. Residential and Nonresidential Districts
    - i. Business and professional offices: 1 space per 300 square feet.
    - ii. Mixed office uses (combination of business/professional and medical/dental offices): 1 space per 250 square feet.
- d) Off-Street Loading Group: Group Two

### 2. Medical

- a) Definition: Offices for physicians and dentists, medical clinics, outpatient surgical centers, and holistic or alternative health services (including hypnotherapy, reiki, and other similar uses), but not including emergency health care.
- b) Off-Street Parking Requirement
  - 1. Residential and Nonresidential Districts
    - i. Medical offices: 1 space per 200 square feet.
    - ii. Mixed office uses (combination of medical and business/professional offices): 1 space per 250 square feet.
- c) Off-Street Loading Group: Group Two

## AA.PAWNSHOP

### 1. General

- a) Definition: Establishments engaged in the buying or selling of new or secondhand merchandise, and offering loans secured by personal property. This category does not include used autos (auto pawn).
- b) Standards
  - 1. All Districts
    - i. Pawnshops shall be licensed in accordance with Municipal code requirements.

2. COM Districts

- i. Pawnshops shall obtain a conditional use permit subject to, but not limited to, the following requirements:
  - i. At least 50 percent of the public space in the store shall be dedicated to the display of items for sale.
  - ii. Sale or display of firearms is prohibited.
  - iii. A maximum of one pawnshop is allowed within any single commercial center, which must be located at the intersection of two or more major arterial streets.
- d) Off-Street Parking Requirement: 1 space per 250 square feet
- e) Off-Street Loading Group: Group One

**2. Pawnshop with Vehicles**

- a) Definition: Businesses dealing exclusively in offering loans secured by automobiles, trucks, motorcycles, recreational vehicles, travel trailers, and similar vehicles, the storage of which requires one or more large parking areas.
- b) Standards
  - 1. Pawnshops shall be licensed in accordance with municipal code requirements.
  - 2. A maximum of one pawnshop is allowed within any single industrial center, which must be located at the intersection of two or more major arterial streets.
  - 3. A dealer may sell unredeemed pawned vehicles, but the sale of new vehicles is prohibited.
  - 4. The applicant must demonstrate that the minimum amount of off-street parking required by this Code will be provided for all uses, and a plan must be submitted to show the location for stored pawned vehicles.
- c) Off-Street Parking Requirement: 1 space per 250 square feet plus one space for each pawned vehicle proposed to be kept on site.
- d) Off-Street Loading Group: Group One

**BB. PERSONAL IMPROVEMENT SERVICE**

**1. Definition**

Provision of instructional services or facilities including photography, fine arts, crafts, dance or music studios, driving schools, hypnotherapy (not in conjunction with a medical office), palmistry and fortune telling, karate schools and similar instructional services, diet centers, fitness studios, health clubs, spas, and weight-reduction establishments.

**2. Standards**

- a) Commercial Districts: Personal improvement services shall be limited to health clubs, spas, and weight-reduction establishments.

- b) Industrial Districts: Personal improvement service uses require a conditional use permit. The applicant must demonstrate that such uses will not adversely affect the health, safety, and welfare of surrounding industrial uses.
- c) PSP District: Such uses may be allowed as an accessory use in conjunction with a school, park, or religious assembly.

### 3. Off-Street Parking Requirement

- a) Personal improvement service uses in nonresidential districts in developments less than 15,000 square feet: 1 space per 175 square feet.
- b) Personal improvement service uses in nonresidential districts in developments of 15,000 square feet or larger: 1 space per 250 square feet.

### 4. Off-Street Loading Group

Group One

## CC. PERSONAL SERVICE

### 1. General

- a) Definition: Provision of frequently needed services of a personal nature, such as: barber and beauty shops, tanning booths/salons, photographic studios, seamstresses, tailors, shoe repair shops, laundry and dry-cleaning drop-off/pick-up facilities (no dry cleaning performed on the premises), and self-service laundries (Laundromats).
- b) Standards:
  - 1. All Districts: See standards for a *drive-through/drop-off window* accessory use.
  - 2. Residential Districts: If all criteria below are met, the use shall be allowed as an accessory use:
    - i. The use shall comply with the *Residential Compatibility Standards*;
    - ii. Personal service uses shall be limited to residents of the development and shall not be open to the general public;
    - iii. No exterior signage shall be visible to the public; and
    - iv. No more than three individual personal services use types within a development shall be allowed.
  - 1. PSP District
    - i. Personal services use types may be provided as an accessory use to the uses in the “Institutional Housing” use classification.
    - ii. Personal services uses shall be limited to residents of the institutional housing and shall not be open to the general public.
    - iii. No exterior signage shall be visible to the public.

1. COM, IND and PS Districts: Self-service laundries (Laundromats) are not an allowed use.
  2. CH Districts: Self-service laundries (Laundromats) require approval of a conditional use permit.
- c) Off-Street Parking Requirement: Group One
1. Nonresidential districts in developments 15,000 square feet or larger: 1 space per 250 square feet.
  2. Nonresidential districts in developments less than 15,000 square feet: 1 space per 175 square feet.
  3. Vehicle stacking spaces shall be required for any drive-up use
- d) Off-Street Loading Group: Group One

## 2. Dry-Cleaning Agency

- a) Definition: Dry-cleaning agencies perform dry cleaning on the premises for retail customers only. Such use types do not include commercial laundries.
- b) Standards
1. All Districts
    - i. Please see section for standards for a *drive-through/drop-off window accessory use*.
  2. COM Districts
    - i. Dry-cleaning agencies may be permitted by right only in freestanding buildings. Conditional use approval is required if located in a building with attached lease space on one or more sides.
- c) Off-Street Parking Requirement: Nonresidential districts: 1 space per 250 square feet.
- d) Off-Street Loading Group: Group One

## 3. Massage

- a) Definition: Any fixed place of business where any individual, firm, association, partnership, corporation, or combination of individuals, engages in, conducts, carries on, or permits to be engaged in or conducted, for money or any other consideration, any massage or health treatments involving massages including, but not limited to, those businesses that provide massage accessory to their principal permitted use, such as a hotel, resort hotel, health club, fitness center, or cosmetology establishment.
- b) Standards
1. All Districts
    - i. Municipal Code Requirements: All massage establishments shall conform to the requirements of State and City codes for Massage Establishments.
    - ii. Hours of Operation: Massage establishments hours of operation shall be limited from 8:00 a.m. to 10:00 p.m. or as approved through the conditional use permit. If



requesting different hours of operation, the applicant shall demonstrate how the modified hours are consistent and compatible to other uses within the same development and with uses on the surrounding properties.

iii. Location Requirements

- a. No massage establishment may be located closer than 1,000 feet from any other massage establishment, as measured by the shortest line, without regard to intervening obstacles, between the space to be occupied by the proposed massage establishment and the occupied space of the nearest established or approved massage establishment.
- b. No massage establishment may be located closer than 500 feet from any parcel where a school, religious facility, park, or child care facility are established or approved, and from any parcel with a residential land use category as designated by the Land Use Plan. This separation requirement is measured by the shortest line, without regard to intervening obstacles, between the space to be occupied by the proposed massage establishment and the property line of the nearest established or approved school, religious facility, park, child care facility and residential land use category as designated by the Land Use Plan.
- c. The foregoing distance requirements may be waived through the conditional use permit only if it can be shown by clear and convincing evidence by the applicant that a waiver of such distance requirements will not compromise the purpose and the general intent of this Code to protect the public health,

safety, and general welfare of the citizens of the City. Demonstration of existing adequate physical barriers may be considered as such evidence.

Adequate barriers include, but are not limited to, such things as an improved drainage facility, freeway, other major roadway with a minimum width of 150 feet, or a topographical feature that prevents vehicular and pedestrian access.

iv. Building Design

- a. All exterior windows shall not be tinted or covered, as to not allow a view inside the establishment from the exterior of the building.
- b. The establishment shall provide a waiting area for patrons separate from any area wherein massages are provided. There shall be direct access to this area from the main entrance or from the hallway connected only to the main entrance.
- c. No massage services may be given within any cubicle, room, booth, or area within the massage establishment which is fitted with a door capable of being locked from inside the room, unless the door is an exterior door.
- d. No electronic locking device may be utilized on any interior door.
- e. No massages shall be performed in any room where table showers or shower apparatus are located.

v. Conditional Use Permits

- a. Additional conditions may be required as part of the conditional use permit.
- b. All massage establishments must comply with approval criteria for a conditional use permit.

2. COM Districts: Massage establishments may be permitted as an accessory use to a hotel, beauty shop, fitness club, country club, golf course clubhouse, or a reflexology establishment, subject to the following:
  - i. Establishments providing massage as an accessory use are limited to the hours of operation between 8:00 a.m. to 10:00 p.m. A conditional use permit is required if requesting different hours of operation and the applicant can demonstrate how the modified hours are consistent and compatible to the other uses within the same development and with uses on the surrounding properties.
  - ii. No massage services may be given within any cubicle, room, or booth, or any area within the reflexology establishment which is fitted with a door capable of being locked, unless that door is an exterior door.
  - iii. No massages shall be performed in any room where table showers or shower apparatus are located.
  - iv. The primary business shall be open during all hours massage is offered.
  - v. A detailed floor plan shall be submitted to City at the time of licensing and building permit to show compliance with all requirements.
  - vi. The use shall conform to the requirements of all state and municipal ordinances.

3. CN Districts: Massage establishments are prohibited as a primary use.

c) Off-Street Parking Requirement: Nonresidential districts: 1 space per 250 square feet.

#### 4. Reflexology

- a) Definition: Any establishment that involves the application of specific pressure by the use of the licensed practitioner's hands, thumbs, and fingers to reflex points in the client's hands, feet, or ears using alternating pressure, and such techniques as thumb walking, finger walking, hook and back up, and rotation on a reflex. This practice does not involve the removal of any clothes other than shoes or socks.
- b) Standards – The following standards apply in all districts:
  1. Hours of Operation
    - i. Reflexology establishment hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. or the hours of operation for the specific development, whichever is more restrictive. A conditional use permit is required if requesting different hours of operation, and the applicant shall demonstrate how the modified hours are

consistent and compatible to other uses within the same development and with uses on the surrounding properties.

- ii. The primary business of reflexology must be provided during all times the business is open.

2. Location Requirements

- i. No reflexology establishment may be located closer than 1,000 feet from any other reflexology establishment, as measured by the shortest line, without regard to intervening obstacles, between the space to be occupied by the proposed reflexology establishment and the occupied space of the nearest established or approved reflexology establishment.
- ii. No reflexology establishment may be located closer than 500 feet from any parcel where a school, religious facility, park, or child care facility are established or approved, and from any parcel with a residential land use category as designated by the Comprehensive Plan. This separation requirement is measured by the shortest line, without regard to intervening obstacles, between the space to be occupied by the proposed reflexology establishment and the property line of the nearest established or approved school, religious facility, park, child care facility, and residential land use category as designated by the Comprehensive Plan.
- iii. The foregoing distance requirements may be waived through the conditional use permit only if it can be shown by clear and convincing evidence by the applicant that a waiver of such distance requirements will not compromise the purpose and the general intent of this Code and the HMC to protect the public health, safety, and general welfare of the citizens of the City. Demonstration of existing adequate physical barriers may be considered as such evidence. Adequate barriers include, but are not limited to, such things as an improved drainage facility, freeway, other major roadway with a minimum width of 150 feet, or a topographical feature that prevents vehicular and pedestrian access.

3. Building Design Requirements

- i. All exterior windows shall not be tinted or covered, as to not allow a view inside the establishment from the exterior of the building.
- ii. The establishment shall provide a waiting area for patrons separate from any area wherein reflexology is provided. There shall be direct access to this area from the main entrance or from the hallway connected only to the main entrance.
- iii. Reflexology shall not take place within an enclosed room. Reflexology rooms shall be defined by walls not taller than three feet in height, as measured from the finished floor of the tenant space.
- iv. No electronic locking device may be utilized on any interior door.
- v. A detailed floor plan shall be submitted to the City for review and approval at the time of licensing and building permit to show compliance with all requirements.
- vi. The reflexology use shall conform to the requirements of state and municipal codes for Reflexology.

4. Conditional Use Permit – If a conditional use permit is required, the following additional standards shall apply:

- i. All reflexology establishments must comply with approval criteria for a conditional use permit.
- ii. Additional conditions may be required as part of the conditional use permit.

c) Off-Street Parking Requirement: Nonresidential districts: 1 space per 250 square feet.

## **DD. TATTOO AND BODY ALTERATION PARLOR**

### **1. Definition**

Establishments offering permanent body art or coloring, establishments where decorations or other devices are inserted in human or animal skin, and similar businesses whose primary function is permanent body alteration for nonsurgical purposes. Establishments engaged solely in ear piercing, establishments that provide permanent facial make-up, and medical offices are not included in this use type.

### **2. Off-Street Parking Requirement**

1 space per 250 square feet

## **EE. PLANT NURSERY**

### **1. Definition**

Establishments selling plants and garden supplies in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only.

### **2. Off-Street Parking Requirement**

Schedule "B"

### **3. Off-Street Loading Group**

Group Two

## **FF. RECREATIONAL VEHICLE RESORT**

### **1. Definition**

A commercial establishment providing individual spaces and facilities for recreational vehicles for the purpose of transient lodging or recreation purposes, such use types may include accessory retail sales, outdoor recreation, and limited personal services establishments for use by resort patrons.

### **2. Standards**

Recreational vehicle resorts shall comply with all applicable requirements in Title 17 of the HMC.

### **3. Off-Street Parking Requirement**

1 space per each recreational vehicle plus one guest space per ten recreational vehicles.

### **4. Off-Street Loading Group**

Group One

## **GG. RETAIL SALES AND SERVICE**

### **1. General**

- a) Definition: The retail sale or rental of merchandise not specifically listed under another use classification. This use type includes department stores, clothing stores, video rental stores, furniture stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, art, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (but not including service and installation).
- b) Standards
  1. All Districts: Any proposed alcohol or liquor use shall comply with *Distance Limitations for Alcohol and Liquor Uses* and state and municipal requirements for the subject use.
  2. IND Districts: Limited to sale of products manufactured or processed on the subject premises. Permitted for areas up to 15 percent of the gross

floor area of onsite buildings directly associated with the manufacturing, processing, and administration of the retailed products. A conditional use permit is required for exceptions to this use requirement.

- c) Off-Street Parking Requirement
  - 1. Furniture, appliances, and other large consumer goods: 1 per 500 square feet.
  - 2. All other retail sales uses in nonresidential districts in developments over 15,000 square feet: 1 space per 250 square feet.
  - 3. All other retail sales uses in nonresidential districts in developments less than 15,000 square feet: 1 space per 175 square feet.
- d) Off-Street Loading Group: Group One

## 2. Auction Facility

- a) Definition: An activity where goods or livestock are sold by auction within an enclosed building or structure or conducted outdoors
- b) Standards
  - 1. COM Districts
    - i. All activities shall be conducted within an enclosed building.
  - 2. IND District
    - i. Outdoor auctions are only permitted with approval of a conditional use permit.
- c) Off-Street Parking Requirement: 1 space per 250 square feet
- d) Off-Street Loading Group: Group One

## 3. Convenience Market

- a) Definition: A small retail self-service store selling a limited line of fast-moving food and nonfood items, usually with extended hours of operation and usually with a high volume of customer traffic comprised of quick transactions of a small number of items.
- b) Standards
  - 1. All Districts
    - i. Any use that includes outdoor seating and outdoor food service areas shall comply with section *Outdoor Seating/Outdoor Food Service*.
    - ii. Windows shall face all adjacent parking areas.
    - iii. All exterior doors shall be provided with individual light sources.
    - iv. Parking areas shall remain lit from dusk to dawn, subject to the lighting standards.

- c) Off-Street Parking Requirement: Residential and nonresidential districts: 1 space per 200 square feet of convenience store/food sales area plus any vehicle stacking spaces required.

#### 4. Pharmacy

- a) Definition: Stores or shops licensed where drugs, controlled substances, poisons, medicines or chemicals are stored or possessed, dispensed or sold at retail, displayed for sale at retail, or where prescriptions are compounded or dispensed.
- b) Standards
  - 1. IND Districts: The use is limited to the sale of products manufactured or processed on the subject premises. Permitted for areas up to 15 percent of the gross floor area of onsite buildings directly associated with the manufacturing, processing, and administration of the retail products. A conditional use permit is required for exceptions to this use standard.
- c) Off-Street Parking Requirement: Nonresidential districts: 1 space per 250 square feet.
- d) Off-Street Loading Group: Group One

#### 5. Pharmacy with Drive-Through Service

- a) Definition: A pharmacy that includes service from a building to persons in vehicles through an outdoor service window
- b) Standards
  - 1. All Districts
    - i. A conditional use permit is required if the use will be located within 300 linear feet of a residential district boundary unless an intervening building or a major or minor arterial as shown on the *Master Street and Highways Plan*, is located between the drive-through service and the residential district boundary.
    - ii. Drive-through facilities (including the drive lanes and stacking spaces) are discouraged between a building and any adjacent street unless it can be demonstrated that the facilities are integrated into the site, screened from view of the adjacent street, and does not create negative impacts on pedestrian movement. Screening methods include landscaping, landscaping with a berm, a low screen wall with landscaping, or other similar feature(s).
    - iii. The drive-through use may be subject to conditions imposed by the approving body to ensure compatibility with surrounding uses, efficient vehicular travel, efficient pedestrian movement, and architectural



compatibility with the principal structure and development.

- iv. The above-listed conditions may be waived or modified through a request as part of a conditional use permit.
- c) Off-Street Parking Requirement: 1 space per 250 square feet plus stacking spaces
- d) Off-Street Loading Group: Group One

## 6. Printing Service

- a) Definition: A commercial establishment providing custom reproduction of written or graphic materials on a custom order or self-service basis these use types typically provide photocopying, blueprint, and photo reproduction services, but do not include bulk or large-scale printing on presses, which is categorized as “limited industry.”
- b) Off-Street Parking Requirement: Nonresidential districts: 1 space per 250 square feet.
- c) Off-Street Loading Group: Group One

## 7. Rental Service

- a) Definition: The rental of general merchandise and equipment primarily intended for homeowner use, including but not limited to clothing, electronics, videos, tools and garden equipment, furniture, household appliances, special occasion or seasonal items, and similar consumer goods. This use category does not include the rental, storage, or maintenance of large construction equipment; such vehicles are restricted to the broader use category of “Vehicle/Equipment Sales and Rentals.”
- b) Standards
  - 1. The net site area shall not exceed two acres.
  - 2. All maintenance of equipment must be conducted within a building.
  - 3. All equipment shall be stored within an enclosed area or building.
- c) Off-Street Parking Requirement: Nonresidential districts: 1 space per 250 square feet.
- d) Off-Street Loading Group: Group One

## 8. Secondhand Goods

- a) Definition: The retail sale or rental of used appliances, furniture, clothing, video games, and other merchandise by secondhand dealers, this use type does not include antique shops primarily engaged in the sale of used furniture and accessories, other than appliances, that are at least 60 years old, jewelry shops whose primary business is the sale of newly manufactured jewelry, auto dealers, pawnshops, used-book stores, used-baseball-card stores, and stamp- and similar-collectibles stores.
- b) Standards: No outdoor display, sales, or storage of any merchandise shall be permitted unless otherwise permitted through the conditional use permit.
- c) Off-Street Parking Requirement: Nonresidential districts: 1 space per 250 square feet.
- d) Off-Street Loading Group: Group One

## 9. Smoke/Tobacco Shop Establishment

- a) **Definition:** Establishment in which sales of tobacco products such as cigarettes, cigars, chewing tobacco, snuff, pipe tobacco, and tobacco paraphernalia and accessories consist of ten percent or more of the product display, sales, and storage areas of the space. Smoke/tobacco shop establishments include any person or business that operates a store, stand, booth concession, or other place at which the sales of tobacco products are made to purchasers for personal consumption. Smoke/tobacco shops shall prohibit minors to enter or remain upon the premises, unless the minor is accompanied by the minor's parent/guardian.
- b) **Purpose:** The purpose of regulating smoke/tobacco shops is to ensure compatibility with surrounding uses and properties and to avoid an unchecked proliferation of smoke/tobacco shop establishments that may result in the displacement of other necessary commercial services.
- c) **Standards:** A conditional use permit is required subject to, but not limited to, the following standards:
  - 1. No smoke/tobacco shop establishment may be located within 1,000 feet of any other smoke/tobacco shop establishment. This separation requirement is measured by the shortest line between the space to be occupied by the proposed smoke/tobacco shop establishment and the occupied space of the nearest existing or approved smoke/tobacco shop establishment.
  - 2. No smoke/tobacco shop establishment may be located within 1,000 feet of any parcel where a school, park, or library are established or approved; and from any parcel with a residential land use category as designated by the Land Use Plan. This separation requirement is measured by the shortest line between the space to be occupied by the proposed smoke/tobacco shop establishment and the property line of the nearest established or approved school, park, library, or residential land use category as designated by the Land Use Plan.
  - 3. Waivers or reductions of the minimum separation requirements may be considered through the conditional use permit only if it can be shown by clear and convincing evidence by the applicant that a waiver or reduction of such separation requirements will not compromise the aforesated purpose and the general intent of this Code to protect the public health, safety, and general welfare of the citizens of the City. Demonstration of existing adequate physical barriers may be considered as such evidence. Adequate barriers include, but are not limited to, such things as an improved drainage facility, freeway, other major roadway with a minimum width of 150 feet, or a topographical feature that prevents vehicular and pedestrian access.
- d) **Off-Street Parking Requirement:** 1 space per 250 square feet
- e) **Off-Street Loading Group:** Group One

## 10. Swap Meet

- a) Definition: A location, in which multiple vendors, dealers, sellers, or traders have rented, leased, purchased, or otherwise obtained an area from an operator or sponsor for the purpose of selling, bartering, exchanging, or trading new or used articles of personal property. The sale of merchandise may include secondhand items, specialty items, and hand-crafted items where the aggregate value of all such property exceeds the amount of one thousand dollars.
- b) Standards
  - 1. No outdoor display, sales, or storage of any merchandise or equipment is permitted, except if outdoor activities have been approved through the conditional use permit or in connection with temporary activities that have been authorized by means of a temporary use permit.
  - 2. All signage, including any temporary signage, shall comply with signs regulations.
  - 3. The swap meet operation shall comply with all applicable requirements of the Ross Municipal Code.
- c) Off-Street Parking Requirement
  - 1. Indoors: 1 space per 175 square feet.
  - 2. Outdoors: 4 spaces for each retail stall or unit.
- d) Off-Street Loading Group: Group One

## HH. SEXUALLY ORIENTED BUSINESS

### 1. Definition

“Sexually oriented business” means, but is not limited to, nude modeling studio, nude modeling agency, nude shows, adult bookstores, adult motion picture theaters, adult video centers, sexual encounter businesses, adult novelty businesses, sexual encounter centers, escort services, adult clubs not serving alcoholic liquors and outcall promoter and outcall entertainer.

### 2. Standards

- a) Separation Requirements
  - 1. The applicant shall provide evidence certified by a professional land surveyor licensed in the State of North Dakota that the proposed sexually oriented business will be separated a minimum of 1,000 feet from the following:
    - i. A child care facility;
    - ii. A religious assembly use;
    - iii. A property with a residential land use category as designated by the Land Use Plan;
    - iv. A hospital;
    - v. A school (public or private);
    - vi. A governmental office;
    - vii. A public park;
    - viii. A building where any alcoholic liquor is distributed;

- ix. A Teenage Dancehall;
  - x. A Teenage Nightclub;
  - xi. Another sexually oriented business.
2. Measurement of the required 1,000 foot separation:
- i. The separation requirement is measured by the shortest line, without regard to intervening obstacles, between the space to be occupied by the proposed sexually oriented business establishment and the property line of the above-listed items (except for another sexually oriented business).
  - ii. The separation requirement for another sexually oriented business is to be measured by the shortest line, without regard to intervening obstacles, between the space to be occupied by the proposed sexually oriented business establishment and the occupied space of the nearest established or approved sexually oriented business establishment.
  - iii. The foregoing distance requirements may be waived through the conditional use permit only if it can be shown by clear and convincing evidence by the applicant that a waiver of such distance requirements will not compromise the purpose and the general intent of the municipal code to protect the public health, safety, and general welfare of the citizens of the City. Demonstration of existing adequate physical barriers may be considered as such evidence. Adequate barriers include, but are not limited to, such things as an improved drainage facility, freeway, other major roadway with a minimum width of 150 feet, or a topographical feature that prevents vehicular and pedestrian access.

b) Other Requirements

- 1. The use must comply with all approval criteria for a conditional use permit.
- 2. Additional conditions may be required as part of the conditional use permit process.
- 3. The use shall conform to the requirements for *Sexually Oriented Businesses*.
- 4. Businesses known as "outcall promoter and outcall entertainer" shall also be subject to the requirements and regulations.

5. Nothing in this Title pertaining to sexually oriented businesses is intended to make legal any business or activity that is expressly declared illegal under any other provisions of the Municipal Code or under any state or federal laws.
- c) Exemptions – The provisions of this section do not apply to those businesses that:
1. Operate a manufacturing or wholesale business,
  2. Are prohibited from conducting retail sales;
  3. Prohibit public access to the premises; and
  4. Meet all zoning requirements ; or
  5. Personal introduction businesses.

### 3. Off-Street Parking Requirement

- a) Adult clubs: 1 space per 100 square feet.
- b) All other adult uses: 1 space per 250 square feet.

## II.VEHICLE/EQUIPMENT SALES AND SERVICE

### 1. Auto Broker

- a) Definition: A facility or area used primarily for the wholesaling of motor vehicles, typically on an intermediary basis between an auction house and a car dealership. The term does not include a facility or area used for the retail sales of vehicles.
- b) Standards
  1. No more than two vehicles may be stored on the property.
  2. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.
  3. The repair or servicing of vehicles is not allowed.
  4. No retail sales of vehicles to the public are allowed.
- c) Off-Street Parking Requirement: 1 space for each 300 square feet of gross floor area, plus 2 additional spaces for vehicle storage

### 2. Car Wash, Attended

- a) Definition: An establishment providing wash functions controlled manually by a car-wash employee where vehicle interiors and exteriors are cleaned and a customer’s vehicle is automatically moved through the car wash.
- b) Standards
  1. All Districts
    - i. Site layout should include screening and buffering to help avoid adverse impacts on properties in the surrounding area.
    - ii. The location of display racks and vending machines shall be specified on the site plan as part of the design review application.

- c) Off-Street Parking Requirement: 1 space per 200 square feet of sales, office, or lounge area plus vehicle stacking spaces required
- d) Off-Street Loading Group: Group One

### 3. Car Wash, Unattended

- a) Definition: An unattended or automatic establishment providing car wash functions automatically controlled or controlled by the customer where the customer drives the vehicle through the wash equipment. The car wash is for the vehicle exterior only but equipment for cleaning the interior may be available.
- b) Standards
  - 1. All Districts
    - i. Site layout should include screening and buffering to help avoid adverse impacts on properties in the surrounding area.
    - ii. The location of display racks and vending machines shall be specified on the site plan as part of the design review application.
    - iii. Openings to the wash bays shall not face public right-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
  - a) Off-Street Parking Requirement: 1 space per 200 square feet of sales, office, or lounge area plus vehicle stacking spaces required

### 4. Commercial (Retail) Fueling Center

- a) Definition: Any building, land or other premises used for the retail dispensing or sales of vehicular fuels or oils and accessories for the motor-vehicle trade.
- b) Standards
  - 1. All activities and operations shall be conducted entirely within an enclosed structure, except as follows:
    - i. The dispensing of petroleum products, water, and air from pump islands.
    - ii. The sale of items from a vending machine which shall be located next to the main structure.
  - 2. No automotive repair may take place on the premises or within any building.
  - 3. No vehicle shall be parked on the premises for the purpose of offering the vehicle for sale.
  - 4. No used or discarded automotive parts or equipment or disabled, junked, or wrecked vehicles shall be located in any open area outside the main structure.

5. Noise from bells or loudspeakers shall not be audible beyond the property line at any time.

c) Off-Street Parking Requirement: Vehicle stacking spaces required

### 5. Commercial Parking Facility

a) Definition: Surface parking lot or parking structure offering short- or long-term vehicle parking services to the public for a fee

b) Standards

1. COM District: Commercial parking facilities are allowed only in conjunction with an office principal use.

### 6. Fleet Fueling Station

a) Definition: An unmanned facility for the fueling of vehicle fleets that may include fuel for certain gasoline vehicles, this use type is primarily intended to serve diesel trucks, taxicabs, and similar fleet-type vehicles employing charge account fuel billing. This use type does not include service stations, convenience stores, or other retail services except vending machines.

b) Off-Street Parking Requirement: Schedule "B"

### 7. Service Station

a) Definition: Any building, land area or other premises used for the retail dispensing or sales of vehicular fuels, minor servicing and maintenance of automobiles, and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories. This use type also includes express oil-change facilities. This use type does not include auto body or repair of heavy trucks or vehicles.

b) Standards

1. All Districts

i. Vehicle Repair

a. In the COM and IND districts, major vehicle repairs, including drivetrain, engine, transmission, and differential repair and installation may be allowed as a conditional use in conjunction with the primary use of dispensing vehicular fuels, if specifically indicated in the public hearing notice and if approved by the Planning and Zoning Board and/or City Council.

ii. Site Layout

a. Site layout shall include screening and buffering to help avoid adverse impacts on properties in the surrounding area.

b. Openings to the service bays shall not face public rights-of-way and shall be

designed to minimize their visibility from adjoining residential or lower-intensity zoned properties, as determined through the conditional use permit or design review application.

- c. The location of display racks and vending machines shall be specified on the site plan as part of the entitlement review process.
- c) Off-Street Parking Requirement: 1 space per 200 square feet of convenience store/food sales area plus 1 space per service bay and vehicle stacking spaces required
- d) Off-Street Loading Group: Group One

### 8. Vehicle/Equipment Auction

- a) Definition: Auction of automobiles, motorcycles, trucks, construction or agricultural equipment, recreational vehicles, boats, and similar equipment, including incidental storage and incidental maintenance
- b) Standards
  - 1. COM Districts: Vehicle auctions may only be permitted as an accessory use to vehicle/equipment sales establishments.
  - 2. IND Districts: All outdoor storage shall be screened from public view. Screening shall consist of an opaque wall or fence with a minimum height of at least eight feet, constructed in accordance with the standards in *Fences and Walls*. Except for operational recreational and construction vehicles, stored materials and equipment shall not exceed the height of the screening fence or wall.
- c) Off-Street Parking Requirement: Schedule "B"

### 9. Vehicle/Equipment Rental

- a) Definition: Rental of automobiles, motorcycles, trucks, construction or agricultural equipment, recreational vehicles, boats, and similar equipment, including incidental storage and incidental maintenance
- b) Standards
  - 1. All Districts
    - i. All outdoor storage shall be screened from public view. Screening shall consist of an opaque wall or fence with a minimum height of at least eight feet, constructed in accordance with the standards . Except for operational recreational and construction vehicles, stored materials and equipment shall not exceed the height of the screening fence or wall.



- ii. Required customer parking spaces shall not be used for vehicle/equipment rental display.
  - 2. COM Districts
    - i. Freestanding vehicle/equipment rental uses are prohibited. Automobile and motorcycle rental uses may only be permitted as an accessory use to a hotel, motel, or parking structure.
- c) Off-Street Parking Requirement
  - 1. Automobile and truck rental uses: 1 space per 400 square feet plus 1 space for each rental vehicle.
  - 2. All other rental uses: 1 space per 400 square feet plus 1 space per 500 square feet of outdoor display area.
- d) Off-Street Loading Group: Group One

## 10. Vehicle/ Equipment Repair

- a) Definition: Repair of automobiles, trucks, motorcycles, recreational vehicles or boats, including the sale, installation, and servicing of related equipment and parts. This use type includes auto repair shops, body and fender shops, vehicle upholstery shops, wheel and brake shops, and tire sales and installation, but does not include vehicle dismantling or salvage and tire retreading or recapping.
- b) Standards
  - 1. All Districts
    - i. The location of display racks and vending machines shall be specified on the site plan as part of the entitlement review process.
    - ii. Only one display rack of automobile products is allowed per street frontage, and such rack shall be no more than four feet wide and located within three feet of the principal building.
    - iii. Storage of unlicensed or inoperable vehicles shall be prohibited.
    - iv. Site Layout:
      - a. Site layout shall include screening and buffering to help avoid adverse impacts on properties in the surrounding area.
      - b. Openings to the service bays shall not face public rights-of-way and shall be designed to minimize their visibility from adjoining residential or lower-intensity zoned properties, as determined through the conditional use permit or design review application.

1. COM Districts: Body and fender shops shall obtain a conditional use permit. Storage shall not be permitted.
  2. IND District
    - i. No building, structure, canopy, gasoline pump, or storage tank shall be located within 300 feet of a residential zoning district, unless otherwise approved through a conditional use permit.
    - ii. The following activities and equipment are permitted only within an enclosed building:
      - a. Lubrication equipment;
      - b. Motor vehicle washing equipment;
      - c. Hydraulic hoists and pits; and
      - d. Tire repair and installation.
    - iii. Bays shall not face an arterial street, but may face an alley or rear lot line.
- a) Off-Street Parking Requirement: See Schedule "B" plus vehicle stacking spaces required
  - b) Off-Street Loading Group: Group One

## 11. Vehicle Sales

- a) Definition: Sales of automobiles, motorcycles, trucks, or recreational vehicles, including incidental storage and incidental maintenance
- b) Standards
  1. All Districts: Establishments engaged in the retail sale of used vehicles shall include at least one area for the display of vehicles for sale. The City may limit this area to one vehicle based on site conditions and the proposed use's ability to comply with the standards in this Code.
  2. COM Districts: In all commercial districts, sale of used vehicles may be permitted with a conditional use permit, subject to the following standards:
    - i. Vehicle display and sales occurring outdoors shall be located on a site with a minimum size of 40,000 square feet, or all vehicle display and sales shall take place within an enclosed structure.
    - ii. Required customer parking spaces shall not be used for vehicle display.
    - iii. Vehicle display shall not be located within required landscaping areas.
    - iv. Exterior lighting shall be configured and shielded so as to not pose a safety hazard, shine directly onto residential land, or otherwise negatively impact surrounding uses.

- v. Materials, supplies, and equipment associated with operation of the use (including delivery trucks) shall be enclosed within a building or screened from all views from adjacent streets.
- 3. IND Districts – Sales of vehicles shall be limited to the following:
  - i. Used vehicle sales made between licensed dealers with no sales made directly to the general public.
  - ii. Used vehicle sales as an accessory to an automobile dismantling/wrecking use.
  - iii. Used vehicle sales as an accessory to an automobile salvage or towing use.
  - iv. Sales of classic, custom, and antique vehicles provided vehicles are displayed and stored indoors.
- c) Off-Street Parking Requirement: 1 space per 400 square feet plus 1 space per 500 square feet of outdoor display area.
- d) Off-Street Loading Group: Group One

## 12. Equipment Sales

- a) Definition: Sales of all-terrain vehicles, boats, construction or agricultural equipment, and similar equipment, including incidental storage and incidental maintenance
- b) Standards
  - 1. Establishments engaged in the retail sale of equipment shall include at least one area for the display of equipment for sale. The City may limit this area to one vehicle based on site conditions and the proposed use's ability to comply with the standards in this Code.
  - 2. Sale of equipment may be permitted with a conditional use permit, subject to the following standards:
    - i. Equipment display and sales occurring outdoors shall be located on a site with a minimum size of 40,000 square feet, or all equipment display shall take place within an enclosed structure.
    - ii. Required customer parking spaces shall not be used for equipment display.
    - iii. Equipment display shall not be located within required landscaping areas.
    - iv. Exterior lighting shall be configured and shielded so as to not pose a safety hazard, shine directly onto residential land, or otherwise negatively impact surrounding uses.
    - v. Materials, supplies, and equipment associated with operation of the use (including delivery trucks) shall be

enclosed within a building or screened from all views from adjacent streets.

- a) Off-Street Parking Requirement: 1 space per 400 square feet plus 1 space per 500 square feet of outdoor display area.
- b) Off-Street Loading Group: Group One

### 13. Vehicle Storage

- a) Definition: Storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses, and recreational vehicles.
- b) Standards
  - 1. COM Districts: Vehicular storage may only be permitted as an accessory use to vehicular sales establishments. Recreational vehicle storage is limited to lots in the CH district, and shall comply with the following standards:
    - i. Recreational vehicle storage uses shall obtain a conditional use permit; and
    - ii. Recreational vehicle storage shall take place within an enclosed structure, or screened from all offsite views by a solid, decorative, masonry wall of at least eight feet in height.
  - 2. IND Districts: All outdoor storage shall be screened from public view. Screening shall consist of an opaque wall or fence with a minimum height of at least eight feet, constructed in accordance with the standards in Section 19.7.5.K, Fences and Walls. Except for operational recreational and construction vehicles, stored materials and equipment shall not exceed the height of the screening fence or wall.
- c) Off-Street Parking Requirement: Schedule "B"

## JJ. VISITOR ACCOMMODATION

### 1. Hotel/Motel

- a) Definition
  - 1. "Hotel" means every building or other structure kept, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered at daily rates to transient guests on a less-than-weekly basis. Hotels must have a minimum of 40 rooms used for sleeping accommodations in a single or connected structure where access to the sleeping rooms is through a foyer and hallways. A hotel may also contain a restaurant and personal-service shops.
  - 2. "Motel" means every building or other structure kept, maintained, advertised, or held out to the public to be a place that provides five or more rooms as sleeping accommodations offered at a daily rate to

transient guests on a less-than-weekly basis where access to the rooms used for sleeping accommodations in a single or connected structure is through a foyer and enclosed hallways. A motel may also contain incidental food service.

3. This use category does not include bed-and-breakfast, residential hotel/motel uses, or hostel facilities.

b) Standards

1. All Districts: Any use that includes live entertainment shall comply with the standards for *live entertainment*
2. CH District: Hotels and motels may be up to 100 feet in height, and may exceed 100 feet in height if approved through a conditional use permit, provided minimum setbacks abutting residential zoning districts or lots occupied by residential uses be increased by at least one foot for each one foot increase in height above 100 feet.

a) Off-Street Parking Requirement: Nonresidential districts: 0.75 space per guest room.

b) Off-Street Loading Group: Group One

## 2.3.6 INDUSTRIAL USES

### A. GENERAL STANDARDS FOR ALL INDUSTRIAL USES

#### 1. Prohibited Industrial Uses

The following uses are specifically prohibited in all industrial zoning districts, unless otherwise noted:

- a) Feedlots
- b) Petroleum and Coal Products Manufacturing
- c) All establishments falling within North American Industry Classification System (NAICS) Major Group 3241, Petroleum and Coal Products Manufacturing, as identified in the 2007 U.S. NAICS Manual.
- d) Primary Metal Manufacturing
- e) All establishments falling within NAICS Major Group 331, Primary Metal Manufacturing, as identified in the 2007 U.S. NAICS Manual.
- f) Fabricated Metal Product Manufacturing
- g) All establishments falling within NAICS Major Group 332, Fabricated Metal Product Manufacturing, as identified in the 2007 U.S. NAICS Manual. Uses within this category may be considered through a Conditional Use Permit if the use(s) is operated in a way that would not cause safety or environmental concerns as determined by the City.
- h) Electric Power Generation Facilities
- i) All electric power generation facilities falling within NAICS Major Groups 221111, Hydro Electric Power Generation, 221112, Fossil Fuel Electric Power Generation, 221113, Nuclear Electric Power Generation, and 221119, Other Electric Power Generation, as identified in the 2007 U.S. NAICS Manual, but not including cogeneration facilities.
- j) Natural Gas Distribution
- k) All establishments falling within NAICS Major Group 221210, Natural Gas Distribution, as identified in the 2007 U.S. NAICS Manual.
- l) Animal Slaughtering and Processing
- m) All establishments falling within NAICS Major Groups 311611, Animal (except Poultry) Slaughtering, 311615, Poultry Processing, 311999, All Other Miscellaneous Food Processing, and 311613, Rendering and Meat Byproduct Processing, as identified in the 2007 U.S. NAICS Manual.
- n) Seafood Processing
- o) All establishments falling within NAICS Major Groups 311711, Seafood Canning, and 311712, Fresh and Frozen Seafood Processing, as identified in the 2007 U.S. NAICS Manual.

### B. COGENERATION FACILITY

#### 1. Definition

A facility for the simultaneous production of useful thermal energy and electricity from the same fuel source

#### 2. Off-Street Parking Requirement

Schedule "C"

## **C. COMMERCIAL LAUNDRY**

### **1. General**

- a) Definition: A business that launders and dry cleans clothing and other fabric articles in bulk quantities. The term includes cleaning services for hospitals, restaurants, hotels, and similar clients, as well as rug and dry-cleaning plants.
- b) Off-Street Parking Requirement: Schedule “B”
- c) Off-Street Loading Group: Group One

### **2. Limited**

- a) Definition: A “limited” commercial laundry is a business that launders clothing and other fabric articles in bulk quantities. This use type does not include dry cleaning.
- b) Off-Street Parking Requirement: Schedule “B”
- c) Off-Street Loading Group: Group One

## **D. CONCRETE PRODUCT PRODUCTION**

### **1. Definition**

Establishments that produce concrete products from raw materials on site, including concrete blocks, cinder blocks, and similar products, these use types often include stockpiling of raw materials and storage of products produced on site (including concrete ready-mix plants).

### **2. Standards**

- a) Conditions may be imposed to ensure that fugitive dust, mud on adjacent roads, and other external environmental impacts are controlled.
- b) All finished concrete products shall be stored indoors or screened from view from neighboring properties and all public rights-of-way.

### **3. Off-Street Parking Requirement**

Schedule “B”

### **4. Off-Street Loading Group**

Group One

## **E. CONSTRUCTION STORAGE YARD**

### **1. Definition**

A facility utilized for the storage of vehicles, equipment, and materials utilized in the construction industry.

### **2. Standards**

- a) All outdoor storage shall be screened from public view. Screening shall consist of an opaque wall or fence with a minimum height of at least eight feet, constructed in accordance with the standards Fences and Walls. Except for operational recreational and construction vehicles, stored materials and equipment shall not exceed the height of the screening fence or wall.

- b) No pile of raw material stockpiled outdoors shall exceed eight feet in height, unless approved by a conditional use permit.

### 3. Off-Street Parking Requirement

Schedule "B"

### 4. Off-Street Loading Group

Group One

## F. INDUSTRY

### 1. Custom

- a) Definition: Establishments primarily engaged in onsite production of goods by hand manufacturing involving the use of hand tools and small-scale equipment.
- b) Standards
  - 1. Industrial uses storing hazardous materials shall comply with the standards in *Hazardous Materials Storage*.
  - 2. All outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.
- c) Off-Street Parking Requirement: Schedule "B"
- d) Off-Street Loading Group: Group One

### 2. General

- a) Definition: Manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials that typically involve a high incidence of truck or rail traffic, and outdoor storage, this use type includes such items as food processing and packaging and stonework. This use type does not include noxious industrial uses, such as asphalt and chemical manufacture, hot-mix plants, rendering, and tanneries.
- b) Standards
  - 1. All Districts
    - i. Industrial uses storing hazardous materials shall comply with the standards in *Hazardous Materials Storage*.
    - ii. All outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of



masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

2. IND Districts: General warehousing is allowed; all other general industry uses require a conditional use permit. All warehousing and manufacturing processes shall be conducted within a totally enclosed building, and all storage of materials and equipment, except vehicles used for transporting the warehoused or manufactured products, and all outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

- c) Off-Street Parking Requirement: Schedule "B"
- d) Off-Street Loading Group: Group One

### 3. Limited

- a) Definition: Provision of limited industrial services including manufacturing of finished parts or products, primarily from previously prepared materials, within an enclosed building. This use type includes laboratories, printing, processing, fabrication, assembly, treatment, and packaging, custom bookbinding, ceramic studios, candle-making shops, and custom-jewelry manufacture, but excludes basic industrial processing from raw materials, food processing, and vehicle/equipment services.
- b) Standards: Industrial uses storing hazardous materials shall comply with the standards in *Hazardous Materials Storage*. All limited industry uses shall comply with the following:
  1. Any single piece of mechanical equipment associated with the manufacturing process shall not exceed a maximum of two horsepower.
  2. Such uses are limited to a single kiln with a maximum power usage of eight kilowatts or less.
  3. Incidental direct sale to consumers shall be limited to only those goods produced onsite.
- c) Off-Street Parking Requirement: Schedule "B"
- d) Off-Street Loading Group: Group One

### 4. Research and Development

- a) Definition: Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial, or scientific products or commodities for sale, but prohibits uses that may be objectionable in the opinion of the City, by reason of production of offensive odor, dust, noise, vibration, or storage of hazardous materials. Uses include biotechnology, films, and non-toxic computer component manufacturers.

- b) Standards: Industrial uses storing hazardous materials shall comply with the standards in *Hazardous Materials Storage*.
- c) Off-Street Parking Requirement: 1 space per 400 square feet
- d) Off-Street Loading Group: Group One

## **G. JUNKYARD**

### **1. Definition**

Any area, lot, land, parcel, building or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk or junk vehicles.

### **2. Standards**

All outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

### **3. Off-Street Parking Requirement**

Schedule "B"

### **4. Off-Street Loading Group**

Group One

## **H. MAINTENANCE AND SERVICE FACILITY**

### **1. Definition**

Facilities providing maintenance and repair services for vehicles and equipment and materials storage areas, including corporation yards, equipment service centers, and similar facilities owned by the City, public or private utilities, or other public entities.

### **2. Standards**

All outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall fence, block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

### **3. Off-Street Parking Requirement**

Schedule "B"

### **4. Off-Street Loading Group**

Group One

## **I. MINING AND PROCESSING**

### **1. General**

- a) Definition: Places or plants primarily devoted to surface or subsurface mining of metallic and nonmetallic minerals, oil or gas, together with essential onsite processing and production of only nonmetallic mineral products. Typical uses include borrow pits, quarries, rock-crushing and power-screening facilities, oil and gas drilling rigs, or concrete batch plants.
- b) Off-Street Parking Requirement: Schedule “C”

### **2. Short Term**

- a) Definition: Places or plants in place for more than two days but less than 18 months primarily devoted to surface or subsurface mining of metallic and nonmetallic minerals, oils, or gas, together with essential onsite processing and production of only nonmetallic mineral products. Typical uses include borrow pits, quarries, rock-crushing and power-screening facilities, oil and gas drilling rigs, or concrete batch plants.
- b) Standards
  - 1. The minimum distance between a short-term mining and processing facility and any existing, occupied residential dwelling units shall be ¼ mile (1,320 feet). The only exceptions to this distance requirement shall be for temporary mining and processing equipment or by approval of a variance. Once an approved facility is in operation and a newly constructed or previously vacant dwelling unit becomes occupied within the 1/4 mile distance, the facility shall be allowed to continue operation until the end of the approved time limit stipulated by the conditions of the use permit or as stipulated by the conditions on any extensions of time for the use permit.
  - 2. All applicants shall provide documentation of the existing distance between a short-term mining and processing facility and any existing, occupied, residential dwelling units. Such documentation shall be provided at the time a use permit application is submitted to the City for processing.
- c) Off-Street Parking Requirement: 1 space per employee plus 1 space per facility vehicle

## **J. RECYCLING FACILITY**

### **1. Definition**

A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products.

### **2. Off-Street Parking Requirement**

Schedule “B”

### **3. Off-Street Loading Group**

Group One

## K. WAREHOUSING AND/OR STORAGE YARD

### 1. General

- a) Definition: A building or tract of land used primarily for the storage of goods and materials including tank storage, commodity warehouses, refrigerated warehouses, and general merchandise warehouses.
- b) Standards
  1. All Districts
    - i. All outside storage of materials, products, and equipment must be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.
    - ii. Warehousing and storage yards storing hazardous materials shall comply with the standards in *Hazardous Materials Storage*.
  2. IND District: General warehousing and the manufacture of products from raw materials may be permitted with a conditional use permit. All warehousing and manufacturing processes shall be conducted within a totally enclosed building, and all outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall fence, block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.
- c) Off-Street Parking Requirement: Schedule “B”
- d) Off-Street Loading Group: Group One

### 2. Limited

- a) Definition: Structures of 3,000 square feet or less that provide storage space for household or commercial goods within an enclosed building without direct public access to individual storage spaces. This use type does not include wholesaling, distribution, and storage, mini-storage, and vehicle storage uses.
- b) Standards: Limited warehousing and storage use storing hazardous materials shall comply with the standards in *Hazardous Materials Storage*.
- c) Off-Street Parking Requirement: Schedule “B”
- d) Off-Street Loading Group: Group One

## L. WHOLESALING, DISTRIBUTION, AND STORAGE

### 1. General

- a) Definition: Establishments primarily engaged in selling, distribution, or storing merchandise for sale or distribution to retailers, business uses, or other wholesalers.
- b) Standards
  - 1. All Districts: All outside storage of materials, products, and equipment must be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall fence, block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.
  - 2. IND District: All wholesaling and distribution functions shall take place within an enclosed building. All outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall fence, block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.
- c) Off-Street Parking Requirement: Schedule “B”
- d) Off-Street Loading Group: Group One

### 2. Small-Scale

- a) Definition: Establishments of 5,000 square feet or less primarily engaged in selling, distribution, or storing merchandise for sale or distribution to retailers, business uses, or other wholesalers, and having no more than two docks or service bays.
- b) Off-Street Parking Requirement: Schedule “B”
- c) Off-Street Loading Group: Group One

### 3. Trucking Terminal

- a) Definition: Storage and distribution facilities having more than six heavy trucks on the premises, this use type does not include trucking accessory to limited or general industry uses. For purposes of this definition, a “heavy truck” is one with a rating of more than 10,000 pounds or an unladen weight of more than 6,000 pounds.
- b) Standards
  - 1. IND Districts: All wholesaling, distribution, and storage of materials and equipment, except vehicles used for transporting the warehoused products, shall be conducted within a totally enclosed building. Vehicles used for transporting the warehoused products shall be screened from neighboring properties and internal and external streets by a minimum

eight-foot-tall fence, block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

- c) Off-Street Parking Requirement: Schedule "B"
- d) Off-Street Loading Group: Group One

## **2.3.7 ACCESSORY USES AND STRUCTURES**

### **A. PURPOSE**

This subsection authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The intent of this subsection is to allow a range of accessory uses, provided they:

- a) Are located on the same site as the principal use;
- b) Comply with the standards set forth in this subsection; and
- c) Do not create adverse impacts on surrounding lots or sites.

### **B. APPROVAL PROCEDURE**

#### **1. Generally**

Any principal use listed in this code, or any of the accessory uses identified in this Section may be allowed as accessory to an authorized principal use provided that:

- a) The proposed accessory use is allowed in the base district ; and
- b) The proposed accessory use or structure is consistent with the general and specific standards for accessory uses in this subsection.

#### **2. Subsequent to a Principal Use**

- a) Unless exempted, a building permit shall be required in cases where an accessory use or structure is proposed subsequent to a principal use. Freestanding accessory structures of 120 square feet or less are exempted from the building permit requirement unless a mechanical or electrical permit is required.
- b) The City may also require design review to ensure compliance with the requirements of this subsection and other parts of the Code.

### **C. GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES**

#### **1. Use-Specific Standards**

Unless otherwise provided in this Code, an accessory use or structure is subject to all regulations applicable to the principal structure on the site.

#### **2. Size**

All accessory uses and structures shall:

- a) Be clearly subordinate in area, extent, and purpose to the principal use or structure;
- b) Not violate the bulk, density, parking, landscaping, or open space standards of this ordinance when taken together with the principal use or structure; and
- c) In a commercial district, not exceed 14 feet in height at the property line when the accessory structure is located on the property line.

### 3. Function

All accessory uses and structures shall directly serve the principal use or structure, and be accessory and clearly incidental to the principal use or structure.

### 4. Timing

Except for temporary construction trailers, accessory uses and structures shall not be constructed or established prior to the start of construction of the principal use or structure.

### 5. Location

Accessory uses or structures shall be located on the same lot as the principal use or structure and shall comply with the following requirements:

- a) Accessory structures shall not be located within platted or recorded easements or over underground utilities.
- b) An accessory structure in a required interior side yard shall be a minimum of three feet from the side property line or located on the property line under certain conditions, in accordance with the International Building Code. An accessory structure in a required rear yard shall be a minimum three feet from the rear property line or located on the property line under certain conditions, in accordance with the International Building Code.
- c) For nonresidential developments, the location of accessory structures shall comply with *Residential Compatibility Standards*.

### 6. Design Compatibility

- a) Except where exempted, all accessory structures shall be designed to be aesthetically compatible with the principal structure and the neighborhood character. Compatibility shall be measured in terms of building materials, building orientation, building placement, and building mass. Non-enclosed stables, gazebos, greenhouses, and carports ten feet or less in height with a roofed area of 300 square feet or less are exempted from this compatibility requirement.
- b) Applicants for accessory structures not exempted in accordance with this subsection who request exceptions from the design compatibility requirements shall demonstrate screening methods or design features that will be used to minimize any potential adverse impacts on neighboring properties. This review shall be in accordance with the design review process.
- c) A storage/shipping container may be allowed as an accessory structure in the RS-2 district in conjunction with an approved primary use. Containers must comply with accessory uses and structure standards. Containers shall not be stacked.

### 7. Ownership

Accessory uses or structures shall be owned or operated by the same person as the principal use or structure.

### 8. Residential Districts

In addition to complying with all standards in subsections 1 through 7 above, accessory uses and structures in residential districts shall comply with the following:



- a) Size: Except for accessory dwelling units, the total combined floor area of all detached accessory structures shall not exceed ten percent of the lot size or 50 percent of the floor area of the principal structure, whichever is greater.
- b) Location
1. Detached accessory structures larger than 120 square feet shall:
    - i. Be separated from all other buildings by at least six feet;
    - ii. Not be located within a required front or corner side yard setback; and
    - iii. Not project beyond the front building line of the principal structure.
  2. Any accessory structure constructed closer than six feet to a principal residential structure, located in the front or corner side yard, or located projecting beyond the front building line of the principal structure, must be attached to the principal structure.
    - i. Once attached, the accessory structure is no longer considered accessory, but rather a part of the principal structure and must be designed with the same wall and window materials as the principal structure with the connecting wall being of a height equal to the top-plate height of either the accessory structure or the principal structure.
    - ii. If the accessory structure is connected to the principal structure by a roof, it must have its roof slope and roofing materials identical to the principal structure. The connecting roof shall be a minimum of ten feet wide or the width of the accessory structure, whichever is less.
    - iii. For setback purposes, the attached buildings (accessory or principal) shall be treated as a single structure.
    - iv. This restriction is intended to be applied to buildings such as casitas, garages, and sheds that are enclosed. This restriction does not apply to residential patio covers, carports, or similar open shade structures.
- c) Function: Except for accessory dwelling units, accessory structures shall not include more than three plumbing fixtures unless more are approved during the design review process. Any three of the following fixtures may be used in combination provided any single fixture is not duplicated: sink, toilet, shower, bathtub or combination bathtub/shower fixture, or washing machine connections.

d) Height and Roof Form

1. Except in the RMH district, accessory structures shall be limited to a maximum height of 24 feet if roof is pitched and 20 feet if the roof is flat unless exempted from the height requirements in this Code
2. Accessory structures within the RMH district shall be limited to a maximum height of 15 feet, except that the maximum height may be increased up to 30 feet from the finished grade for recreational facilities.

**D. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES**

The following use types may be permitted as accessory uses to a lawfully established principal use.

**1. Barns, Stables, and Corrals**

a) Standards

1. Stables, barns, corrals, paddocks, or other approved fenced enclosures shall be in a rear or side yard a minimum of 75 feet from the front property line.
2. Corrals or other approved enclosures for the keeping of equine, bovines, or livestock shall be a minimum of 20 feet by 20 feet per animal, shall include a minimum of 40 square feet of shade per animal, and shall have a properly operating hose bibb within ten feet of the fenced enclosure.
3. Stables and barns shall be setback a minimum of 30 feet from any adjacent primary residential dwelling.

**2. Carports and Garages**

- a) Standards: Any garage or other accessory building used or intended for use as vehicle storage shall maintain a minimum distance of 20 linear feet or more from the right-of-way to the vehicle-entry point into the structure, unless otherwise permitted in *Parking and Loading or Single-Family Residential Design Standards*.

**3. Caretaker's Quarters**

- a) Definition: Accessory housing for an employee acting as caretaker, custodian, or security personnel for principal use on the same property
- b) Standards
1. The living area of caretaker's quarters shall not exceed 800 square feet of net interior floor area.
  2. Caretaker's or resident manager's quarters associated with a mini-storage use shall comply with the standards in *Mini-Storage Facility*.
- c) Off-Street Parking Requirement: 1 parking space per unit

#### 4. Drive-Through/Drop-Off Window Uses

- a) Definition: An outdoor service window or similar area that allows for a service to be provided from a building to persons in vehicles
- b) Standards: This is an accessory use to the primary use of the building/tenant space where it is located. These standards are to be used for a use not specifically listed in the use section that includes a drive-through facility. The proposed drive-through must be approved by the Community Development Director through design review process.
  - 1. All Districts
    - i. A conditional use permit is required if the use will be located within 300 linear feet of a residential district boundary, unless an intervening building or a major or minor arterial as shown on the Master Street and Highways Plan is located between the drive-through service and the residential district boundary.
    - ii. Drive-through facilities (including the drive lanes and stacking spaces) are discouraged between a building and any adjacent street unless it can be demonstrated that the facilities are integrated into the site, screened from view of the adjacent street, and do not create negative impacts on pedestrian movement. Screening methods include landscaping, landscaping with a berm, a low screen wall with landscaping, or other similar feature(s).
    - iii. The drive-through use may be subject to conditions imposed by the approving body to ensure compatibility with surrounding uses, efficient vehicular travel, efficient pedestrian movement, and architectural compatibility with the principal structure and development.
    - iv. The above-listed conditions may be waived or modified through a request as part of a conditional use permit.

#### 5. Home Occupations

- a) Definition: Any activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit or accessory building. This does not include live/work dwellings. Where authorized, a home occupation is permitted as an accessory use in all districts that allow residential uses.
- b) Standards: Home occupations shall comply with the following standards.
  - 1. Size/Area: A home occupation shall occupy no more than 20 percent of the building floor area, excluding garage space.

2. Employees: No one other than a resident of the dwelling shall be employed onsite or report to work at the site in the conduct of a home occupation. This prohibition also applies to independent contractors.
3. Operational
  - i. There shall be no stock-in-trade other than items that are used for product demonstration or samples or products fabricated by artists or artisans.
  - ii. A home occupation shall be conducted entirely within a portion of a building, not within a required parking area.
  - iii. No home occupation may have customers or clients come to the home except by prior appointment, and no more than three customers or clients per hour are allowed.
  - iv. There shall be no advertising of the address of the home occupation that results in attracting persons to the premises.
  - v. No home occupation shall be allowed that will create noise, dust, fumes, odors, smoke, glare, vibration, electrical hazards, fire hazards or the storage of hazardous materials, or any other nuisance to a greater degree than normally experienced in the residential district in which the permit is granted.
4. Exterior Appearance and Outdoor Storage
  - i. No changes in the exterior appearance of the dwelling to accommodate the home occupation shall be allowed.
  - ii. No outdoor storage of materials or equipment in conjunction with the home occupation shall be permitted.
5. Parking/Vehicles/Traffic
  - i. Not more than one truck or vehicle incidental to a home occupation shall be kept on the site or on any adjacent street. Commercial vehicles as defined by this Code are not permitted.
  - ii. A home occupation shall not create pedestrian, automobile or truck traffic significantly in excess of the normal amount associated with residential uses in the district.

c) Prohibited Home Occupations

1. No home occupation shall be allowed that will create noise, dust, fumes, odors, smoke, glare, vibration, electrical hazards, fire hazards, the storage of hazardous materials, or any other nuisance to a greater

degree than normally experienced in the district in which the permit is granted.

2. A home occupation shall not create pedestrian, automobile, or truck traffic significantly in excess of the normal amount associated with residential uses in the district where located.
  3. The following uses and activities shall not be conducted as a home occupation:
    - i. Motor vehicle or marine service/repair;
    - ii. Beauty or barber shop; or
    - iii. Restaurants.
  4. No home occupation shall be allowed that is prohibited by the Building Code.
- d) Revocation: In cases where the use is not operated in accordance with these standards, authorization to operate a home occupation shall be revoked after 30 days written notice, unless the home occupation is altered to comply.
- e) Appeal: Decisions of the City regarding home occupations may be appealed by the applicant or owners of property located within 300 feet of the proposed home occupation in accordance with the procedures established.

## 6. Outdoor Display/Sale

- a) Definition: The display and sale (or rental) of products and services primarily outside of a building or structure that houses an existing, licensed business including, but not limited to, vehicles, garden supplies, gas, tires, motor oil, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yards.
- b) Standards: Outdoor display of merchandise for sale and material for customer pick-up shall be subject to the following standards:
  1. Outdoor display/sales activities shall be limited to the COM districts;
  2. Display/sales areas shall be located immediately adjacent to the front or sides of a building of the principal use, and shall not occur to the rear of a building;
  3. Display/sales areas shall be located outside of drive aisles, fire lanes, parking areas, required landscape areas, or pedestrian ways;
  4. Display/sales areas shall not exceed eight feet in height;
  5. Such uses shall take place on an improved surface such as paved area; and
  6. Display/sales areas shall not be located within landscaped areas.

These standards shall not apply to establishments engaged in the sale or rental of vehicles or equipment.

## 7. Parking/Storage of a Commercial Vehicle

- a) Standards: Parking or storage of a commercial vehicle (as defined in this Code) overnight shall be prohibited within any residential base zoning district. This provision shall not be construed to prohibit temporary parking of a moving van, vehicle making a delivery, or vehicle used in making repairs provided all activity associated with the commercial vehicle (e.g., loading/unloading/repairs) is actually occurring.

## 8. Outdoor Seating/Outdoor Food Service

### a) Standards

1. All Districts: A principal use may, with approval of the City, provide outdoor seating and outdoor food service on the site of the principal use at tables provided by the establishment for the use of their customers. When food service is provided, it shall be provided by employees of the establishment. In approving outdoor seating and outdoor food service, the City shall be authorized to impose conditions relating to the location, configuration, and operational aspects (such as visual screening, lighting, litter control, and hours of operation) of such outdoor seating and outdoor food service areas to ensure that such area is compatible with surrounding uses and maintained in an attractive manner.

Outdoor seating areas and outdoor food service may be permitted as an accessory use to an eating and drinking establishment in accordance with the following standards:

- i. Such uses may be located adjacent to the main building or the curb provided a five-foot-wide unobstructed pedestrian pathway is maintained.
- ii. Outdoor seating areas wider than one table shall be surrounded by railings that complement the architectural style of the building, subject to design review approval.
- iii. Flower boxes and other decorative elements may be attached to railings or located on the sidewalk provided they do not interfere with the required pedestrian pathway.
- iv. Umbrellas shall be secured so as not to create a hazard in windy conditions.
- v. Furnishings shall be compatible with the overall design of the building and should express the restaurant's theme or image.

## 9. Wind Energy System

- a) Definition: A wind energy conversion system consisting of a wind turbine and associated control or conversion electronics mounted to a tower or building that has a rated capacity of not more than 10 kilowatts or less for residential use or 100 kilowatts (kW) or less for nonresidential uses and that is intended to primarily reduce on-site consumption of utility power.
- b) Standards
  1. Residential Districts: A conditional use permit shall be required for all freestanding wind energy systems. All wind energy systems mounted to buildings shall require a design review and may be approved administratively.
  2. All Other Districts: All wind energy systems shall require design review and may be approved administratively.
  3. Location: In single-family residential areas, wind energy systems shall not be located in the front yard between the principal structure and the public right-of-way. In all other districts, wind energy systems shall be integrated into the design and architecture of accessory structures or used as decorative elements if placed between a principal structure and the public right-of-way.
  4. Setback
    - i. No part of the wind energy system structure, including guy wire anchors, shall be located within five feet of adjacent property lines or ten feet of other structures.
    - ii. When adjacent to residentially zoned property, all parts of a freestanding wind energy system shall be setback a minimum distance equal to the total extended height. The setback may be reduced to 15 feet if the applicant provides a registered engineer's certification that the wind energy system is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the wind energy system.
  5. Height
    - i. For residential properties subject to subsection (1) above, the tower height shall be determined through the Conditional Use Permit.
    - ii. The maximum height of wind energy systems attached to buildings located within all residential zoning districts shall not exceed ten feet above the maximum height permitted within the zoning district, unless additional height is approved through a conditional use permit.
    - iii. For nonresidential and residential districts not listed in subsection (1) above, the maximum allowable height

- shall be 70 feet. Requests for additional height shall be subject to approval of a conditional use permit.
6. Noise: Noise produced by the turbine under normal operating conditions, as measured at the property line of any adjacent property improved with a dwelling unit at the time of the issuance of the zoning certificate, shall comply with Section *Noise*. The maximum noise level may be exceeded during short-term events out of the owner's control such as utility outages and/or severe wind storms.
  7. Appearance, Color, and Finish
    - i. When mounted to a building, wind energy systems shall be painted or finished to blend or complement the color of the building.
    - ii. When mounted to a tower outside of residentially zoned districts, wind energy systems shall either be designed to blend or complement the color of the site on which it is located or be used as a decorative feature.
    - iii. The appearance of all wind energy systems shall be subject to approval by the City.
  8. Clearance: The blade tip or vane of any wind energy system shall have a minimum ground clearance of 20 feet as measured at the lowest point of the arc of the blades. No blades shall extend over parking areas, driveways, or sidewalks.
  9. Signage: All signs on a wind generator, tower, or other structure associated with a small wind energy system visible from any public road, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification, shall be prohibited.
  10. Lighting: No illumination of the turbine or tower shall be allowed unless required by the FAA.
  11. Access: Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed and must be integrated into the design of the tower structure.
  12. Compliance with FAA Regulations: Wind energy systems shall comply with all applicable FAA regulations, including any necessary approvals for installations close to airports.
  13. Utility Notification: No wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.



14. Abandonment: If a wind turbine is inoperable for six consecutive months the owner shall, within six months of receiving a notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons. If the owner(s) fails to remove the wind turbine from the tower, the City may pursue legal action to have the wind energy system removed at the owner's expense.

## 10. Solar Collection System

- a) Definition: Any solar collector or other solar energy device, certified pursuant to state law, along with ancillary equipment, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electrical generation, or water heating.
- b) Standards
1. Setbacks, Location, and Height
    - i. In single-family residential areas, solar collection systems shall not be located in the front yard between the principal structure and the public right-of-way. In all other districts, solar collection systems shall be integrated into the design and architecture of accessory structures if placed between a principal structure and the public right-of-way.
    - ii. In all zoning districts, freestanding solar collection systems shall be located a minimum of six feet from all property lines and other structures. When adjacent to single-family residential areas, freestanding solar collection systems shall be set back from shared property lines by a distance equal to the height of the solar collection system when it is fully extended.
    - iii. In single-family residential areas, a solar collection system mounted on a structure shall not extend more than five feet above the highest point of the roof to which it is mounted and freestanding solar collection systems shall not exceed the height of the primary structure. In all other zoning districts, solar collection systems shall not extend more than five feet above the maximum height limit in the zoning district in which it is located.
    - iv. Restrictions regarding placement and location shall comply with all applicable state laws.

- c) Appearance: A structure-mounted solar collection system that is visible from a single-family residential area or public right-of-way shall, to the maximum extent practicable, be integrated into the design and architectural character of the building to which it is attached.
- d) Code Compliance: Solar collection systems shall comply with all applicable building and electrical codes.
- e) Solar Easements: A property owner who has installed or intends to install a solar collection system shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easement and shall record the easement with the County Recorder.

#### **11. Swimming Pools and Hot Tubs**

- a) Standards: Swimming pools, spas, and hot tubs shall be secured by protective barriers and constructed in accordance with the International Building Code.

#### **12. Vending Machines**

- a) Standards: Internally illuminated vending machines within a residential district or within 300 linear feet of a residential district shall be screened from view from all streets.

## 2.3.8 TEMPORARY USES AND STRUCTURES

### A. PURPOSE

This section allows for the establishment of certain temporary uses of limited duration and special events, provided that such uses comply with the standards in this subsection and are discontinued upon the expiration of a set time period. Temporary uses and special events shall not involve the construction or alteration of any permanent building or structure.

### B. APPROVAL PROCEDURE

Any use listed in this Section may be permitted as a temporary use provided:

- a) If applicable, the proposed temporary use obtains a temporary use permit in accordance with the requirements in Section *Temporary Use Permits*; and
- b) The proposed temporary use is consistent with the general and specific standards for temporary uses and structures in this subsection.
- c) Temporary uses permitted for a period exceeding 30 days or otherwise limited for the specific use shall require approval of a conditional use permit in accordance with Section *Conditional Use Permits*.
- d) The City may also require design review to ensure compliance with the requirements of this subsection.

### C. GENERAL STANDARDS FOR ALL TEMPORARY USES AND STRUCTURES

All temporary uses, structures, or events shall:

- a) Obtain a temporary use permit as appropriate;
- b) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- c) Be compatible with the principal uses taking place on the site;
- d) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
- e) Not include permanent alterations to the site;
- f) Not maintain temporary signs associated with the use or structure after the activity ends;
- g) Not violate the applicable conditions of approval that apply to a site or use on the site;
- h) Not interfere with the normal operations of any permanent use located on the property; and
- i) Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement associated with the temporary use, without disturbing environmentally sensitive lands.

### D. STANDARDS FOR SPECIFIC TEMPORARY USES AND STRUCTURES

“T” in a table cell indicates that the temporary use and/or structure is allowed in the respective district subject to approval of a temporary use permit. “P” indicates that the temporary use and/or structure is allowed in the respective district by right.

### 1. Circuses and Carnivals

- a) Definition: Provision of games, eating and drinking facilities, live entertainment, animal exhibitions or similar activities in a tent or other temporary structure
- b) Standards: Circuses and carnivals shall be limited to a maximum of seven days per occurrence.

### 2. Commercial Filming, Limited

- a) Definition: A temporary use involving commercial motion picture or video photography at the same location for six or fewer days per quarter of a calendar year.

### 3. Holiday Retail Sales/Rental

- a) Definition: Retail sales of goods and products associated with nationally recognized holidays. Merchandise is typically displayed outside, and the use is seasonal or temporary in nature.
- b) Standards
  - 1. Such sales, when located outdoors, shall take place only on fully improved, paved lots with a lawfully established principal use.
  - 2. A temporary use permit is required for the sale of merchandise not associated with a primary business onsite.

### 4. Mining and Processing, Temporary

- a) Definition: Places or plants primarily devoted to surface or subsurface mining of metallic and nonmetallic minerals, oil or gas, together with essential onsite processing and production of only nonmetallic mineral products. Typical uses are rock-crushing and power-screening facilities.
- b) Purpose: The intent of this subsection is to permit certain self-propelled material processing equipment to operate on construction sites for a short time, generally limited to no more than two days, to allow certain site cleanup and materials processing activities without meeting the distance and conditional use permit requirements imposed on standard rock-crushing operations.
- c) Standards: Temporary mining and processing equipment shall comply with the following standards:
  - 1. Temporary mining and processing shall not take place for a period exceeding 48 hours. Material processing equipment must not be operated in a stationary position for more than two calendar days.
  - 2. Processing equipment shall be self-propelled by means of its own on-board engine.
  - 3. Processing equipment must have a self-contained watering system of sufficient size and design to control dust, and shall be used continuously while the equipment is in operation.
  - 4. Materials for processing or having been processed shall not be stacked more than ten feet in height.
  - 5. Processed materials shall remain on the site where processed, and shall not be moved more than 1,000 feet from their source or origin.

6. Materials for processing shall not be imported to the site from another site.

## 5. Storage/Shipping Containers

- a) Definition: Standardized, reusable shipping vessels used in the transportation of freight and capable of being mounted and moved on a rail car, or mounted on a chassis for movement by truck trailer or loaded on a ship (also referred to as cargo containers, freight containers, or sea vans). This definition includes portable storage units.
- b) Standards: Temporary storage/shipping containers may be permitted as a temporary use in accordance with the following standards:
  1. Nonresidential Districts
    - i. Temporary storage/shipping containers are permitted without a temporary use permit on construction sites with a valid building permit provided the containers are not stacked, and provided the containers are removed following completion or expiration of all construction permits.
    - ii. Storage/shipping containers may be located within City-approved outdoor storage yards provided the containers are not stacked. No conditional use permit shall be required.
    - iii. Temporary storage/shipping containers may be permitted as a temporary use for a maximum period of three months per site per year.
    - iv. Temporary storage/shipping containers shall not be stacked.
  2. Residential Districts
    - i. Temporary storage containers may be utilized by a residential use on its own lot for a period of up to two weeks without a temporary use permit. Use of a temporary storage container for a period longer than two weeks shall require a temporary use permit.
    - ii. Use of a temporary storage container for a period exceeding 30 days shall require a conditional use permit.
    - iii. A maximum of one temporary storage/shipping container may be permitted as a temporary use on a lot in a residential district with a principal structure for a maximum of three occurrences per site per year.
    - iv. Temporary storage/shipping containers must be located on an improved surface such as a parking or paved area and at least five feet from any lot line.

- v. Storage containers may not be stacked.

## 6. Street Fairs

- a) Definition: Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures

## 7. Temporary Construction Trailer

- a) Definition: A temporary portable unit for construction office use that is designed to be transported, after fabrication, on its own wheels or on a flatbed or other trailer, or have detachable wheels.
- b) Standards: The owner of a construction project may utilize a temporary office for use by construction and security personnel in accordance with the following standards:
  - 1. The temporary trailer is permitted by right if located on the site of the construction activity. A temporary trailer may be approved offsite with a temporary use permit for up to 30 days; periods of longer than 30 days require approval of a conditional use permit.
  - 2. The temporary trailer shall not be located within 25 feet of any residential use.
  - 3. The sanitary plumbing requirements can be waived by the City provided adequate sanitary plumbing is available elsewhere on the site.
  - 4. The temporary trailer shall be removed ten days after final inspection of the permanent structure or expiration of the corresponding building permit, whichever event occurs first. In the case of residential development projects, the office must be removed with ten days of sale or lease of all dwelling units.

## 8. Temporary Development Lodging

- a) Definition: Lodging associated with and on the site of a development project that is used on a temporary basis only by prospective buyers of land or residential dwelling units within that development or another project owned by the applicant within the city.
- b) Standards: Temporary development lodging shall comply with the following requirements:
  - 1. Temporary development lodging shall not consist of more than three living units on any lot, and the maximum number units shall not exceed five percent of the total number of units approved for the development.
  - 2. Lodging is intended only for potential dwelling unit purchasers, and the lodging period shall not exceed 14 consecutive nights for any one guest.
  - 3. Lodging shall be limited to residential structures located on the same site as the proposed development.

## 9. Temporary Dwelling Unit

- a) Definition: A temporary portable unit for residential use that is occupied during the construction or reconstruction of a primary residence

- b) Standards: Up to one temporary dwelling unit (consisting of a manufactured home, modular home, mobile home, or a travel trailer) may be located on a lot or site and may serve as a temporary dwelling unit during construction of a single-family residence in accordance with the following standards:
  - 1. Temporary dwelling units may only be sited and occupied in accordance with the standards set forth in the Municipal Code; and
  - 2. Except as authorized by the Municipal Code, the temporary dwelling unit may be in place for a maximum period of 12 months.

#### **10. Temporary Live Entertainment Events**

- a) Definition: Live Entertainment events lasting less than five days.
- b) Standards: Conditions may be added to ensure compatibility with surrounding properties.

#### **11. Temporary Outdoor Event**

- a) Definition: Events that are carried out primarily out-of-doors for a fixed period of time including flea markets/swap meets, auctions, farm stands, seasonal sales, arts and crafts shows, animal shows, racing meets, parades, and other similar events.
- b) Standards: Flea Markets/Swap Meets – events shall not exceed a maximum of three days and shall be limited to a maximum of two occurrences per site per year.

#### **12. Temporary Religious Assembly**

- a) Definition: Religious services conducted on a site that is not permanently occupied by a religious assembly use.
- b) Standards: Temporary religious assembly uses shall be limited to a maximum of 30 days per site per year.

#### **13. Temporary Real Estate Sales Office**

- a) Definition: A temporary portable unit for sales office use that is located on the site of the development for which sales are occurring, and that is designed to be transported, after fabrication, on its own wheels or on a flatbed or other trailer, or have detachable wheels. This use type also includes the temporary use of a portion of a model home for sales-office purposes.
- b) Standards: Temporary sales offices serving residential subdivisions shall be operated in accordance with the following standards:
  - 1. Purpose: The primary use of a temporary sales office shall be to provide information concerning the initially approved subject subdivision. No other uses may be established at this facility, except that additional sites under construction by the same developer up to two miles away may be represented, subject to the maximum duration limitation applicable to the initially approved subdivision.
  - 2. Maximum Duration
    - i. The City may approve an onsite temporary sales office for a maximum of 12 months; unless an extension of time application is approved.

- ii. A temporary trailer may be approved offsite with a temporary use permit for up to 30 days; periods of longer than 30 days require approval of a conditional use permit.
    - iii. The Planning and Zoning Board may approve, as a conditional use, an offsite temporary sales office for a period of longer than 30 days, up to a maximum of six months.
  - 3. Authorization for Offsite Location
    - i. The proposed location must be within one mile of the nearest portion of the first phase of the subject subdivision, with public access to the interior of the first phase either unavailable or unsafe as the result of conditions beyond the control of the developer.
    - ii. To qualify for consideration, the temporary office must offer information and represent for sale a subdivision that has a recorded final map, has completed all onsite grading for at least the first phase, and has commenced construction of at least five dwelling units.
  - 4. Appearance: The temporary locations may be established using a “Gelco-style” modular unit with a finished exterior, no glaring surface, with walls made of T-111 plywood or comparable materials and a composition roof or comparable material. Travel trailers, field office-type units, and motor homes are not permitted as temporary sales offices.
  - 5. Configuration
    - i. The site must be of a sufficient size and dimension to provide adequate parking, landscaping, and maneuvering room to allow automobiles to exit the site through a forward movement.
    - ii. Parking shall be provided at a minimum ratio of one space for each 100 square feet of gross floor area, but in no case shall less than three spaces be provided.
    - iii. Off-street parking areas shall be paved or improved with an alternate material approved by the City.
    - iv. Water-efficient landscaping shall be provided at the ratio of 50 square feet of landscaping for each 100 square feet of gross floor area or part thereof. No more than 50 percent of the required landscaping material may be in above-ground containers.
    - v. Indoor sanitary facilities shall be provided.



- vi. Sewer and water service may be provided by temporary connection or through other non-permanent facilities such as holding tanks, provided such temporary tanks or supply facilities are completely screened from public view in a manner consistent with the temporary office structure. Temporary holding tanks require a letter the Health District.
- 6. Removal: Immediately following the end of the time period granted for operation, all sales office facilities must be removed from the site, and the site returned to a safe and clean condition and be graded in a manner consistent with requirements for drainage and dust controls established by the City.

#### **14. Temporary Security Trailer**

- a) Definition: A temporary portable unit for security office use that is designed to be transported, after fabrication, on its own wheels or on a flatbed or other trailer, or have detachable wheels.
- b) Standards
  - i. A residential or nonresidential use requiring security protection during hours of closure may include a travel trailer for that purpose for a maximum period of up to six months.
  - ii. The temporary trailer shall not be located within 25 feet of any residential use.

#### **15. Trade Fair**

- a) Definition: Display and sale of goods or equipment related to a specific trade or industry for a maximum period of five days.

#### **16. Temporary Vehicle/Equipment Sales and Auctions**

- a) Definition: The sale and auction of vehicles or equipment from a site not permanently licensed by the City for such sale or auctions
- b) Standards: The number of events allowed at each site is limited to seven days per quarter per site.

**Appendix A**