

# Article 10

# Use Provisions

# Article 10 – Use Provisions

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# Div. 10.1. Use Classification

## 10.1.1. Classification of Uses

Where not otherwise prohibited, multiple uses can take place on a property by a per site, lot, unit, or business license bases.

### A. Principal Uses

1. In order to regulate a variety of similar uses, use categories have been established for principal uses. Use categories provide a systematic basis for assigning uses to appropriate categories with other, similar uses. Use categories classify principal uses and activities based on common functional, product or physical characteristics.
2. Where a use category contains a list of included uses, the list is to be considered example uses, and not all-inclusive. The Administrator has the responsibility for categorizing all uses.
3. The allowed use table in Div. 10.2 establishes permitted uses by district. No building or lot may be used except for a purpose permitted in the district in which it is located.
4. Use definitions and limited use standards for principal uses are specified in Div. 10.3 through Div. 10.8.

### B. Accessory Uses

1. An accessory use is any use that is subordinate in both purpose and size, incidental to and customarily associated with a permitted principal use located on the same lot.
2. The allowed use table in Div. 10.2 establishes permitted accessory uses by district. Standards for allowed accessory uses are specified in Div. 10.9.

### C. Temporary Uses

1. A temporary use is a use that is in place for a limited period of time only.
2. Temporary uses are specified in Div. 10.10.

### D. Principal Uses Not Listed

1. A principal use not specifically listed is prohibited, unless the Administrator determines the use to be part of a use category as described below.
2. The Administrator is responsible for categorizing all principal uses. If a proposed use is not listed in a use category, but is similar to a listed use, the Administrator may consider the proposed use part of that use category. When determining whether a proposed use is similar to a listed use, the Administrator must consider the following criteria:
  - a. The actual or projected characteristics of the proposed use;
  - b. The relative amount of site area or floor area and equipment devoted to the proposed use;
  - c. Retail sales;
  - d. The customer type;
  - e. The relative number of employees;
  - f. Hours of operation;
  - g. Building and site arrangement;
  - h. Types of vehicles used and their parking requirements;

- i. The number of vehicle trips generated;
- j. How the proposed use is advertised;
- k. The likely impact on surrounding properties;
- l. Whether the activity is likely to be found independent of the other activities on the site; and
- m. Where a use not listed is found by the Administrator not to be similar to any other permitted use, the use is only permitted following a text amendment (see Div. 14.4).

### E. Accessory Uses Not Listed

An accessory use not specifically listed is prohibited unless the Administrator determines the accessory use:

1. Is clearly incidental to and customarily found in connection with an allowed principal use;
2. Is subordinate to and serving an allowed principal use;
3. Is subordinate in area, extent, and purpose to the principal use served;
4. Contributes to the comfort, convenience, or needs of occupants, business, or industry in the principal use served; and
5. Is located on the same lot as the principal use served.

## 10.1.2. Use Table Key

### A. Permitted Use (P)

Indicates a use is permitted in the respective district. The use is also subject to all other applicable requirements of this Land Use Development Code.

### B. Limited Use (L)

Indicates a use is permitted in the respective district, subject to a use standard found in the right-hand column of the use table. The use is also subject to all other applicable requirements of this Land Use Development Code.

### C. Conditional Use (C)

Indicates a use may be permitted in the respective district only after a public hearing and approval by the Planning & Zoning Commission (see Div. 14.4). Conditional uses are subject to all other applicable requirements of this Land Use Development Code, including any applicable use standards, except where the use standards are expressly modified as part of the approval process.

### D. Use Not Permitted ( )

Indicates that a use is not permitted in the respective district.

# Div. 10.2. Allowed Use Table

Use Category Specific Use	HS	RC	RS-16	RS-7	RS-5	RS-3	RM-1	RM-2	NX	CX	DX	CC	CH	IX	IL	IH	CIV	REC	CON	Definition/ Standards
<b>Residential Uses</b>																				Div. 10.3.
All household living, as listed below:																				Sec. 10.3.1
Single-family detached house	P	P	P	P	P	P	P	P	P											Div. 8.2 & Sec. 10.3.1.B
Cottage Court	P	P	P	P	P	P	P	P												Div. 8.4 & Title 7 Ch 3
Two-family (Duplex)	P	P		P	P	P	P	P												Div. 8.5/6 & Sec.10.3.1.C
Single-family attached house (2 units)	P	P		P	P	P	P	P												Div. 8.7 & Sec. 10.3.1.D
Four-plex (3 or more units)							P	P	P											Div. 8.8
Townhouse (2 or more units)							P	P	P	P										Div. 8.9
Multi-family Apartment (5 or more units)								P		P	L	L		P			L			Div. 8.10 & Sec. 10.3.1.E
Multi-family Live/Work (3 or more units)										L	L	L		L						Div. 8.11 & 10.3.1.E
Multi-family: Shopfront house									L	L	L	L		L						Div. 8.12 & 10.3.1.E
Multi-family: Mixed Use Shopfront									L	L	L	L		L						Div. 8.14& 10.3.1.E
Manufactured housing community	C	C																		Sec. 10.3.1.G
Group home (per FHA; up to 8 residents)	P	P	P	P	P	P	P	P	P					P						Sec. 10.3.1.H
All group living(9 or more residents)							C	P		P	L	L								Sec. 10.3.2
All social service													C	C						Sec. 10.3.3.A
<b>Civic &amp; Public Uses</b>																				Div. 10.4.
All civic, as listed below:																				Sec. 10.4.1.A.
Community college, university										P	P	P	P	P			P			Sec. 10.4.1.B
Club or lodge									P	P	P	P	P	P			P	P		Sec. 10.4.1.C
Museum, library									P	P	P	P	P	P			P	P		Sec. 10.4.1.D
Place of worship										P	P	P	P	P			P			Sec. 10.4.1.E
Public use									P	P	P	P	P	P	P	P	P	P		Sec. 10.4.1.F
Correctional Facility																				Sec. 10.4.1.F.1
Trade or technical school										P	P	P	P	P	P		P			Sec. 10.4.1.G
School (K-12)										P	P	P		P			P	P		Sec. 10.4.1.H
All civic open space, as listed below:																				Sec. 10.4.2
Cemetery																	P	P		Sec. 10.4.2.B
Key: P = Permitted Use L=Limited Use C = Conditional Use = Use Not Permitted																				

Use Category Specific Use	HS	RC	RS-16	RS-7	RS-5	RS-3	RM-1	RM-2	NX	CX	DX	CC	CH	X	IL	IH	CIV	REC	CON	Definition/ Standards
Civic & Public Uses cont.																				Div. 10.4
Conservation area (under 2 acres)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	Sec. 10.4.2.C.
Conservation area (over 2 acres)	P																P	P	P	Sec. 10.4.2.C.
Transportation Terminal										P			P				P	P		Sec. 10.4.3
All utilities, as listed below:																				Sec. 10.4.4.A.
Minor utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 10.4.4.A.1
Major utilities															C	P	C			Sec. 10.4.4.A.2
Recreation Uses	HS	RC	RS-16	RS-7	RS-5	RS-3	RM-1	RM-2	NX	CX	DX	CC	CH	X	IL	IH	CIV	REC	CON	Div. 10.5.
All Indoor Recreation, except as listed below:										P	P	P	P	P				P		Sec. 10.5.1.A.
Dance, marital arts, music studio or classroom									P	P	P	P	P	P						Sec. 10.5.1.B
Gym, health spa, yoga studio									P	P	P	P	P	P						Sec. 10.5.1.C
Shooting Range (indoor)													C							Sec. 10.5.1.D
Special Event Facility		C							C	P	P	P	P	P			P			Sec. 10.5.1.E
All Outdoor Recreation, except as listed below:																		P		Sec. 10.5.2.A
Golf course																		P		Sec. 10.5.2.B
Park recreation field (up to 2 acres)	P	P	P	P	P	P	P	P	P	P	P	P		P			P	P	P	Sec. 10.5.2.C
Park recreation field (over to 2 acres)			P	C													P	P		Sec. 10.5.2.C
Horse stable, riding academy, equestrian center	L	L	L											L	L			C		Sec. 10.5.2.D
Shooting range (Outdoor)																				Sec. 10.5.2.E
Guest/Dude Ranch	C	C																C		Sec. 10.5.4
Campground, travel trailer park, RV park	C	C	C										C	C				C		Sec. 10.5.3
Seasonal Rental Cabin/ Recreational Park Trailer (RPT) Facility, up to 5 units	L	L	L	C	C	C	C	C	C				C	C				C		Sec. 10.5.4
Seasonal Rental Cabin/ Recreational Park Trailer (RPT) Facility, more than 5 units	C	C							C	C			C	C				C		Sec. 10.5.4
Key:	P = Permitted Use L = Limited Use C = Conditional Use = Use Not Permitted																			

Use Category Specific Use	HS	RC	RS-16	RS-7	RS-5	RS-3	RM-1	RM-2	NX	CX	DX	CC	CH	IX	IL	IH	CIV	REC	CON	Definition/ Standards
<b>Commercial Uses</b>																				Div. 10.6.
All day care, as listed below:																				Sec. 10.6.1.A
Family day care home (up to 6)	L	L	L	L	L	L	L	L	L											Sec. 10.6.1.B/E
Group day care facility (7 to 12)	C	C	C	C	C	C	L	L	L	L	L	L	L	L			L			Sec. 10.6.1.C/E
Day care center (13 or more)							L	L	L	L	L	L	L	L			L			Sec. 10.6.1.D/E
All medical, except as listed below:									P	P	P	P	P	P						Sec. 10.6.2.A
Hospital										P	P	P	P				P			Sec. 10.6.2.B
All Office, except as listed below:									P	P	P	P	P	P						Sec. 10.6.3.A
Bail Bonds										L	L	P	P	P						Sec. 10.6.3.B
Call Center										P	P	P	P	P						Sec. 10.6.3.C
All Overnight Lodging, as listed below:																				Sec. 10.6.4.A
Bed and breakfast (up to 6 rooms)	C	C					P	P	P											Sec. 10.6.4.B
Boutique hotel/motel (7 to 30 rooms)									P	P	P	P	P	P						Sec. 10.6.4.C
Hotel/motel (more than 30 rooms)										P	C	P	P	P						Sec. 10.6.4.D
All Parking, as listed below:																				Sec. 10.6.5.A
Commercial parking										C			C	C						Sec. 10.6.5.B
Remote parking									L	L	L	L	L	L	L	L	L			Sec. 10.6.5.C
All Personal Service, except as listed below:									P	P	P	P	P	P						Sec. 10.6.6.A
Animal care (indoor)									P	P	P	P	P	P	P					Sec. 10.6.6.B
Animal care (outdoor)													L	L	L					Sec. 10.6.6.C
All Restaurants									L	P	P	P								Sec. 10.6.7.A

Use Category Specific Use	HS	RC	RS-16	RS-7	RS-5	RS-3	RM-1	RM-2	NX	CX	DX	CC	CH	IX	IL	IH	CIV	REC	CON	Definition/ Standards
Commercial Uses cont.																				Div. 10.6.
All Retail Sales, as listed below:																				Sec. 10.6.8.A
Sexually Oriented Business															C					Sec. 10.6.8.A & City Code Title 3 Ch 3
Retail establishment (up to 5,000 SF)									P	P	P	P	L	P						Sec. 10.6.8.A
Retail establishment (5,001 - 15,000 SF)										P	P	P	L	L						Sec. 10.6.8.A
Retail establishment (15,001 to 20,000 SF)										C	C	C	L	L						Sec. 10.6.8.A
Retail establishment (over 20,000)																				Sec. 10.6.8.A
Business services												P	P	P	P	P				Sec. 10.6.8.B
Convenience store with gas pumps												P	P							Sec. 10.6.8.C
Convenience store without gas pumps									P	P	P	P	P	P						Sec. 10.6.8.D
All Vehicle Sales/Rental, as listed below:																				Sec. 10.6.9.A
Light vehicle/equipment												L	L	L						Sec. 10.6.9.B/D
Heavy vehicle/ equipment													L		L	L				Sec. 10.6.9.C/D
Industrial Uses	HS	RC	RS-16	RS-7	RS-5	RS-3	RM-1	RM-2	NX	CX	DX	CC	CH	IX	IL	IH	CIV	REC	CON	Div. 10.7
All Heavy Industrial																C				Sec. 10.7.1.A
All Light Industrial (based on SF of use area):																P				Sec. 10.7.2
less than 3,000 SF gross floor area									C	C	L	L	L	L	P	P				Sec. 10.7.2
> 3,000 SF gross floor area										C	C	C	L	L	P	P				Sec. 10.7.2
Craft shop							L	L	L	L	L	L	P	P	P	P				Sec. 10.7.2.C
Food and Beverage Processing									C	C	C	C	L	L	P	P				Sec. 10.7.2.D

Use Category Specific Use	HS	RC	RS-16	RS-7	RS-5	RS-3	RM-1	RM-2	NX	CX	DX	CC	CH	IX	IL	IH	CIV	REC	CON	Definition/ Standards
Industrial Uses cont.																				Div. 10.7.
All Research and Development									L	P	P	P	P	P	P	P				Sec. 10.7.3.A
All resource extraction																C				Sec. 10.7.4.A
All Vehicle Service and Repair, as listed below:																				Sec. 10.7.5.A
Car wash													L	L						Sec. 10.7.5.B
Vehicle repair, minor										L		L	L	L	P					Sec. 10.7.5.C
Vehicle repair, major													C	L	L	P				Div. 10. 7.5.D
Vehicle repair, commercial vehicle													C	C	C	P				Div. 10. 7.5.E
All Warehouse, Storage and Distribution, as listed below:																				Sec. 10.7.6.A
Enclosed storage										L	L	L	L	L	L	L				Sec. 10.7.6.A/B
Self-service storage, mini-warehouse													L	L	L	L				Sec. 10.7.6.A/B
All Waste-Related Service																C				Sec. 10.7.7.A
All Wireless Telecommunication Facility:																				Sec. 10.7.8.A
Amateur Radio Operator Tower	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L			Sec. 10.7.8.B.
Wireless Telecommunication (TC) Tower													C		C	C		C		Sec. 10.7.8.C.
Building-Mounted Wireless TC Facility	C	C	C	C	C	C	C	C	C	C	L	L	L	L	L	L	L	L	L	Sec. 10.7.8.D.
Emergency TC Tower													C		C	C	C			Sec. 10.7.9.
Agricultural Uses	HS	RC	RS-16	RS-7	RS-5	RS-3	RM-1	RM-2	NX	CX	DX	CC	CH	IX	IL	IH	CIV	REC	CON	Div. 10.8
All Agriculture, as listed below:																				Sec. 10.8.1.A
Agricultural auction																P				Sec. 10.8.1.C
Agricultural processing													C		P	P				Sec. 10.8.1.D
Winery	C	C											P	P	P					Sec. 10.8.1.E
Nursery	C	C								P	P	P	P	P						Sec. 10.8.2.
Community garden	L	L	L	L	L	L	L	L	L	L	L	L	L	L			L	L		Sec. 10.8.3
Farming	L	L																	L	Sec. 10.8.4
Urban farm	L	L								L	L	L	L	L			L	L	P	Sec. 10.8.5.
Confined Animal Feeding Operation (CAFO)																				Sec. 10.8.7
Key: P = Permitted Use L = Limited Use C = Conditional Use = Use Not Permitted																				

Use Category Specific Use	HS	RC	RS-16	RS-7	RS-5	RS-3	RM-1	RM-2	NX	CX	DX	CC	CH	IX	IL	IH	CIV	REC	CON	Definition/ Standards
<b>Accessory Uses</b>																				Div. 10.9.
Accessory uses not otherwise listed below, as determined by the Planning Administrator:	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Div. 10.9.
Attached Accessory Dwelling Unit	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L					Sec. 10.9.1.
Detached Accessory Dwelling Unit	L	L	L	L	L	L	L	L	L											Sec. 10.9.2.
Drive-thru facility										C	C	L	L							Sec. 10.9.3.
Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	Sec. 10.9.4.
Greenhouse	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P		Sec. 10.9.5.
Home business	C	C	C	C	C	C	C	C	L	L	L	L		L						Sec. 10.9.6.
Home industry	C	C							L	L				L	L	P				Sec. 10.9.7.
Home occupation	L	L	L	L	L	L	L	L	L	L	L	L		L						Sec. 10.9.8.
Livestock keeping- All animals defined	L/C	L/C	L/C	L/C	L/C	L/C								L/C			L/C	L/C		Sec. 10.8.6
Livestock keeping, chickens/ducks/rabbits/ turkeys only	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C					L/C			L/C	L/C		Sec. 10.8.6.B.2
Outdoor dining									L	L	L	L	L	L						Sec. 10.9.9.
Outdoor display									L	L	L	L	L	L						Sec. 10.9.10.
Outdoor storage as listed below:																				Sec. 10.9.11.
Low-impact										L		L	L	L	L	L				Sec. 10.9.11.A.
High-impact															L	C	C			Sec. 10.9.11.B.
Parking, on-site	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 10.9.12.
Restaurants, Accessory														C	C		C	C		Sec 10.9.13
Retail Sales, Accessory									P	P	P	P	P	P	P	P	P	P		Sec. 10.9.14
Solar panels, wind turbines, rainwater collection systems	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Sec. 10.9.15. Sec. 2.5.2
Wind Turbines >40' height	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 10.9.15.B2 Sec. 2.5.2
<b>Temporary Uses</b>	HS	RC	RS-16	RS-7	RS-5	RS-3	RM-1	RM-2	NX	CX	DX	CC	CH	IX	IL	IH	CIV	REC	CON	Div. 10.10
Temporary Portable Storage Containers	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Sec. 10.10.1.
Temporary On-Site Rock Crushing	C	C	C	C	C	C	C	C	C	C	C	C	L	C	L	L	C	C		Sec. 10.10.2.
Temporary Structures as Living Quarters	L	L	L	L	L	L	L	L	L											Sec. 10.10.3.
Long Term Temporary Merchants										L			L							City Code Title 3 Ch 1B (Ord O529)
Mass Gathering and Special Event Camping	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		L	L	L	Sec. 10.10.4 & <a href="#">City Code Title 6 Ch 5</a>
Key: P = Permitted Use L = Limited Use C = Conditional Use = Use Not Permitted																				

## Div. 10.3. Residential Uses

### 10.3.1. Household Living

#### A. Defined

Residential occupancy of a dwelling unit by a household. Household living includes the following.

1. Single-family detached, two-family, single-family attached, townhouse, multi-family.
  - a. Manufactured home.
  - b. Modular home.
2. Manufactured housing community.
3. Group home.

#### B. Single-Family Detached

One dwelling unit in a single principal structure; may also contain an accessory unit in an attached accessory apartment or a backyard cottage.

1. Use Standards
  - a. The home must be placed on a permanent foundation that complies with the International Residential Code as adopted in Title 7 Chapter 1 of City Code.
  - b. Any hitch, axels, and wheels that are associated with a manufactured home must be removed, and the foundation and foundation fascia must be similar in appearance and durability as masonry foundations of site built buildings.
  - c. The home must have a non-glare metal, wood shake, or asphalt roof.
  - d. Pitched roofs must have a slope of at least 3 feet in height for each 12 feet in width and have a minimum of 6 inch eaves. The home must have exterior siding that is residential in character, including but not limited to clapboards (such as conventional vinyl or metal siding), wood shingles or shakes, vertical or horizontal wood siding, or similar material. The siding may not have a high gloss finish and may not be primarily composed of smooth, ribbed, or corrugated metal or plastic panels.

#### C. Two-Family

Two dwelling units in a single principal structure, such as a duplex.

#### D. Single-Family Attached

Two or more dwelling units where each unit is attached vertically by a common side wall. Units cannot be vertically mixed.

#### E. Multi-Family

Three or more dwelling units in a single principal structure that do not meet the definition of single-family attached above.

##### 1. Use Standards

- a. Where multi-family is allowed as a limited use, it is allowed only if it does not front upon the primary street or it is in the upper stories of a mixed use building. A lobby or other entrance is allowed on the ground floor.
- b. Where multi-family is allowed as a limited use in the civic zone, the following standards apply:
  - i. The use shall be subject to all development standards as found in the RM-2 zone (Div. 4.6).
  - ii. If the multi-family housing is to be located within 300ft of a residentially zoned parcel, a CUP shall be required in accordance with Div. 14.7.

#### F. Manufactured Housing Community

Any site, lot, or tract of land upon which ten (10) or more manufactured homes may be sited. The manufactured housing community may feature either fee simple land sales or land leased or rented by the homeowner.

##### 1. Use Standards

Where a manufactured housing community is allowed as a Limited or Conditional Use, it may be permitted subject to Site Plan Review in Art14.6 and the standards below:

- a. The maximum density for a Manufactured Housing Community is 6 units/acre, with a minimum project size of 3 acres.

##### b. Location Restrictions

Manufactured Housing Communities are not permitted in the Trail Creek Flood Damage Prevention Overlay District.

##### c. Installation

All manufactured homes must be installed in compliance with I.C. 44-2201, et seq.

##### d. Occupancy

Manufactured Housing Communities shall not permit short-term (less than one month) occupancy.

## Div. 10.4. Public/Institutional Uses

### e. Design

- i. All manufactured homes placed in a Manufactured Housing Community must be skirted with a matching metal or matching wood skirting material.
- ii. Skirting shall meet the following standards:
  - a. The skirting must be insulated to the IBC standards.
  - b. Skirting shall be constructed of a durable rigid material such as vinyl, wood, aluminum, or steel, and shall be suitable for exterior exposure. Untreated wood shall not be utilized within six inches (6") of any earthen material.
  - c. Skirting shall be installed according to the skirting manufacturer's installation instructions and this subsection.
  - d. Skirting shall be adequately secured to assure stability, to minimize vibration, and to minimize susceptibility to wind damage.
  - e. Skirting shall be installed to compensate for possible frost heave.
  - f. Holes or gaps between the skirting and the ground, or any other gap anywhere around the skirting that could permit rodents to get under the home, shall be sealed or backfilled.
  - g. Skirting shall not be attached to a manufactured home in a manner which will permit water to be trapped between the skirting and the siding or between the skirting and the trim of the manufactured home.
  - h. All framing used to secure skirting material and located within six inches (6") of earth shall be pressure treated lumber.
- f. 15% of the site area shall be designated and improved as a landscaped common area.
- g. A Type A or B buffer (see Sec. 11.2.2) must be established along all side and rear lot lines.

### 2. Required Improvements

#### a. Improvements Enumerate

The following improvements must be provided in all Manufactured Housing Communities:

- i. A connection to the City's potable water system and city's waste water system for each unit and any extension of water and/or sewer main infrastructure required to serve the development;

- ii. Underground electric power and telecommunication lines for each unit, including any extension of lines or cables required to serve the development, in compliance with the standards established by the utility involved;
- iii. Drained and graded gravel or paved roads, as specified in Art. 12;
- iv. Sidewalks as specified in Art. 12;
- v. Street lights as deemed necessary; and
- vi. Any other improvement required for compliance with this Title.

#### b. Developer's Expense

All required improvements will be installed at the Developer's expense.

#### c. Performance Standards

All required improvements must be installed in compliance with the performance standards of this Title and any design and engineering standards separately adopted by the City.

d. Improvements Maintained All Manufactured Housing Communities must remain in one ownership and all required improvements must be maintained by the Developer or owner of the development. Maintenance must include regular solid waste collection and timely snowplowing.

#### e. Installation of Improvements

Developers must install all required improvements before any unit is offered for lease, is leased, or is occupied.

#### f. Inspection and Acceptance of Improvements

Required improvements will be inspected by the City before acceptance. The Planning and Zoning Administrator may retain professional engineers to assist in these inspections. Acceptance of required improvements must be by action of the Council, following submission of the developer's written request for acceptance and receipt of the Administrator's report, or a report from the Administrator's designee, that all improvements have been inspected and are in compliance with this ordinance.

### 3. As-Built Drawings

Reproducible as-built drawings of all Manufactured Housing Community improvements must be provided to the City at the developer's expense, in both digital and hard copy form.

### 4. Development Agreement Required

A Development Agreement for the development of a Manufactured Housing Community may be required.

## Div. 10.4. Public/Institutional Uses

### 5. CC&Rs Required

Conditions, Covenants, and Restrictions are required for all Manufactured Housing

Communities. Draft CC&Rs must be submitted with all Manufactured Housing Community development Site Plan Review applications and the CC&Rs must be recorded with the Teton County Recorder prior to issuance of an occupancy permit

### G. Group Home

#### 1. Defined

a. A dwelling unit containing up to 8 unrelated persons who are mentally or physically impaired who are protected under the Fair Housing Act, along with support or supervisory personnel or family members who may reside at the facility. The term mental or physical impairment includes conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness.

b. Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders, are not considered mental or physically impaired under the Fair Housing Act.

c. The Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others. Determining whether someone poses such a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability.

### 10.3.2. Group Living

#### A. Defined

Residential occupancy of a structure by 9 or more people that does not meet the definition of household living. Generally, group living facilities have a common eating area for residents, and residents may receive care or training. Group living includes the following:

1. Assisted living facility.
2. Boarding house, rooming house, (considered “non-transient” and require a minimum stay of 30 days).
3. Congregate care facility.
4. Dormitory.
5. Hospice.
6. Monastery, convent
7. Nursing or care home.
8. Independent living facility.
9. Skilled nursing care facility.

### 10.3.3. Social Services

#### A. Defined

A facility that provides treatment for persons not protected under the Fair Housing Act or who present a direct threat to the persons or property of others.

Includes persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders. Also includes facilities that provide transient housing related to post-incarceration and social service programs.

## Div. 10.4. Public/Institutional Uses

### 10.4.1. Civic

#### A. Defined

Places of public assembly that provide ongoing governmental, life safety, educational, and cultural services to the general public, as well as meeting areas for religious practice. Civic includes the following.

1. Community college, university.
2. Club or lodge.
3. Museum, library.
4. Place of worship.
5. Public use.
6. Trade or technical school.
7. School (K-12).

#### B. Community College, University

A facility of higher education having authority to award associate and higher degrees.

#### C. Club or Lodge

A facility used for associations or organizations of an educational, fraternal, or social character, not operated or maintained for profit. Representative organizations include Elks, Veterans of Foreign Wars, or Lions.

#### D. Museum, Library

A facility having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of books, natural, scientific, literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be viewed by members of the public, with or without an admission fee.

#### E. Place of Worship

A facility that by design and construction is primarily intended for conducting organized religious services.

#### F. Public Use

Any building, structure, or use owned or operated by the federal government, State, County, City, or other municipality, or any authority, agency, board, or commission of the above governments, that is necessary to serve a public purpose, including but not limited to, government administrative buildings, post offices, police, fire and EMS stations, public health facilities, public works facilities, community centers, and jails and correctional facilities.

1. Correctional Facility/Jail: A facility for the confinement of prisoners or juvenile offenders operated by or under the control of the state, county, or city for a period longer than 72 hours.

#### G. Trade or Technical School

A facility having a curriculum devoted primarily to industry, trade, or other vocational-technical instruction.

#### H. School (K-12)

A facility for students in grades pre-kindergarten through 12.

### 10.4.2. Civic Open Space

#### A. Defined

Uses focusing on natural areas consisting mostly of vegetation, passive outdoor recreation areas, and having few structures. Civic open space includes the following.

1. Cemetery.
2. Conservation area.

#### B. Cemetery

The use of property as a burial place.

#### C. Conservation Area

A tract of land that is protected in order to ensure that natural features, cultural heritage, or biota are preserved. May include recreation trails, greenways, and nature preserves.

### 10.4.3. Transportation Terminal

A public facility where passengers are gathered or dispersed. This does include a bus stop or park and ride.

### 10.4.4. Utilities

#### A. Defined

Public or private infrastructure serving a limited area with no on-site personnel (minor utility) or serving the general community with on-site personnel (major utility). Utilities includes the following.

1. Minor utilities, including on-site stormwater retention or detention facility, neighborhood serving telephone exchange/switching center, gas/electric/telephone/cable transmission lines, water and wastewater pump station or lift station, gas gates, reservoir, control structure, drainage well, water supply water well.
2. Major utilities, including aeration facility, electrical substation, electric or gas generation plant, filter bed, transmission towers, waste treatment plant, water pumping facility, water tower or tank.

## Div. 10.5. Recreation Uses

### 10.5.1. Indoor Recreation

#### A. Defined

A facility providing daily or regularly scheduled recreation-oriented activities in an indoor setting. Indoor recreation includes the following.

1. Amusement center, game/video arcade.
2. Assembly hall, auditorium, meeting hall.
3. Billiard hall, pool hall.
4. Bowling alley.
5. Dance, martial arts, music studio or classroom
6. Extreme sports facility such as BMX, skateboarding, or roller blading.
7. Gym, health spa, or yoga studio.
8. Ice or roller skating rink.
9. Indoor sports facility.
10. Inflatable playground, indoor trampolines
11. Miniature golf facility.
12. Motor track.
13. Movie theater or other indoor theater.
14. Shooting range (indoor).
15. Special event facility.

#### B. Dance, Martial Arts, Music Studio or Classroom

A facility that offers or provides instruction to more than 2 students at a time in dance, singing, music, painting, sculpting, fine arts, or martial arts.

#### C. Gym, Health Spa, Yoga, Studio

A facility which for profit or gain provides as one of its primary purposes, services, or facilities which assist patrons improve their physical condition or appearance. Not included within this definition are facilities operated by nonprofit organizations, facilities wholly owned and operated by a licensed physician at which such physician is engaged in the practice of medicine, or any establishment operated by a health care facility.

#### D. Shooting Range (indoor)

A facility with an enclosed firing range with targets for archery, rifle, or handgun practice.

#### E. Special Event Facility

A facility or assembly hall, or outside area available for lease by private parties or special events, such as weddings.

### 10.5.2. Outdoor Recreation

#### A. Defined

A facility, varying in size, providing daily or regularly scheduled recreation-oriented activities. Activities take place predominately outdoors or within outdoor structures. Outdoor recreation includes the following.

1. Drive-in theater.
2. Campground, travel trailer park, RV park.
3. Extreme sports facility such as BMX, skateboarding, or roller blading.
4. Horse stable, riding academy, equestrian center.
5. Outdoor amusements such as batting cage, golf driving range, amusement park, miniature golf facility, or water park.
6. Outdoor theater.
7. Shooting range (outdoor).
8. Racetrack.

#### B. Golf Course

A tract of land laid out with at least 9 holes for playing golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, shelters, and a driving range as accessory uses.

#### C. Park, Recreation Field

An area used for outdoor play or recreation, often containing recreational equipment such as slides, swings, climbing frames, ballfields, soccer fields, basketball courts, swimming pools, and tennis courts. May include both passive and active recreation.

#### D. Horse Stable, Riding Academy, Equestrian Center

1. A facility used primarily for the care, breeding, boarding, rental, riding or training of horses or for the teaching of equestrian skills.
2. Where a horse stable, riding academy, or equestrian center is allowed as a limited use, no part of any building, structure, or run in which animals are housed can be closer than 50 feet from any property line, except property owned or occupied by an owner or operator of the facility.

#### E. Shooting Range

A facility with an outdoor firing range with targets for archery, rifle, or handgun practice.

### 10.5.3. Guest/Dude Ranch

A ranch that provides multi-night accommodations for guests, provides a recreational/agricultural activity or immediate access to recreational/ agricultural activities, has dining facilities on-site, barns, associated buildings, corrals, pastures, and livestock related to a working ranch, working farm and/or the recreational activity available to guests. The guest/dude ranch does not include a commercial restaurant, café or bar that caters to the general public, nor does it actively solicit nightly accommodations. A ranch may have limited availability for special activities such as a wedding or social gathering.

### 10.5.4. Campground, travel trailer park, RV park

#### A. Defined

A facility used for 2 or more tent camp sites, temporary structure camp sites, such as yurts, or camp sites for recreational vehicles that are not affixed to permanent foundations. Does not include sites for manufactured homes. The intent is to facilitate the development of part time, seasonal camping and RV use opportunities within City limits.

#### B. Operational Standards

1. A site or structure may be rented to or owner occupied by the same occupant for a period of 200 days annually. The remaining days of the calendar year structures may not be rented or owner occupied to the same occupant for periods exceeding 31 days.
2. No site or structure shall be used as a permanent dwelling site or structure for a patron of the development, however, there may be one structure on the site used in excess of 200 consecutive days per year for the purpose of housing the caretaker or owner of the campground, provided the structure meets all applicable building, fire, energy and other codes adopted by the City.
3. The City may require rental records as a condition of approval renewal or to certify compliance; it is the burden of the owner or operator of the development to furnish such records upon request.

#### C. Review & Approval

1. All developments are subject to Site Plan Review (Art. 14), a Property Development Plan (Art. 13), and approval from all applicable City departments and external agencies (Fire Marshal, DEQ, etc.).
2. Spaces designated for RVs, tents and yurts must be specified on the Site Plan and adhered to.
3. Developments may be subject to a Development Agreement and/or requirement that an Owner's Association maintain common grounds and may be required to renew the approval before the Planning and Zoning Commission biannually.

#### D. Design and Layout

1. The maximum density for a campground is 15 units per acre inclusive of service roads, restrooms facilities, recreation areas, etc.
2. Campground developments are subject to a minimum 20' setback on rear and interior sides and a 20' setback from the primary street and a Type A or Type B buffer described in Art. 11.
3. Developments must contain either an open space courtyard at least 2,500 square feet in size, with a minimum width of 30', or 20' of linear separation between each structure.
4. A minimum of 1 visitor parking space per 10 sites is required
5. All utility and telecommunication services shall be located below the ground.
6. Developments with tent campsites and yurt sites must contain a restroom and shower facility in a centralized location at a ratio of 1 male toilet and shower and 1 female toilet and shower per 15 camp sites with a minimum of 1 male and 1 female facility per development.
7. Amenities and accessory structures such as fire pits, swimming pools, storage buildings, recreation buildings, etc. that may be associated with or required within a campground may be approved at the discretion of the City.
8. Internal roads are subject to City, Fire Marshal and outside agency standards, review and approval.
9. Developments must be ADA compliant.

#### E. Utilities

1. All RV sites must provide 1 electric hook up per site; generators may not be used as a source of power.
2. Water system within the site is subject to City Engineer approval.
3. Sewage disposal, including location(s) of sanitary or dump stations for the use of self contained camping units, is subject to City Engineer approval.
4. All developments must provide adequate trash and recycling collection and are subject to the screening requirements in Div. 11.2.4.

adopted by the City.

3. The City may require rental records as a certify compliance; it is the burden of the owner or operator of the development to furnish such records upon request.

#### C. Review and Approval

1. All developments are subject to Site Plan Review (Art. 14), a Property Development Plan (Art. 13) and approval from all applicable City departments and external agencies (Fire Marshal, DEQ, etc.).

2. Developments may be subject to a Development Agreement and/or requirement that an Owner's Association maintain common grounds and may be required to renew the approval before the Planning and Zoning Commission biannually.

#### D. Design and Layout

1. All structures must include restroom and shower facilities within the structure; kitchen facilities are not required.

2. Developments must include ADA accommodations.

3. Each structure must provide 1 (one) parking space.

4. Setbacks for the zone and zone district buffering standards found in Art. 11 apply.

5. All utility and telecommunication services shall be located below the ground.

6. Amenities and accessory structures such as fire pits, swimming pools, storage buildings, recreation or common buildings, etc. that may be associated with or required within a Rental Cabin development may be approved at the discretion of the Planning Administrator or Planning & Zoning Commission, if subject to a CUP.

7. Internal roads are subject to City, Fire Marshal and outside agency standards, review and approval.

8. Site area for each cabin should reflect the size standards and intent for the Cottage Court building type, but may be scaled to the dimensions of the structure's footprint and required parking space. Site layout may deviate from the Cottage Court layout in order to conform to the shape of the property.

9. Development must contain either an open space courtyard of at least 2,500 square feet in size, with a minimum width of 30', or 20' of linear separation between each structure.

10. Developments over 5 units may be required to install the following as part of the Conditional Use Permit:

a. Pedestrian pathway connections.

b. A Type A or B buffer (see Div. 11. 2) must be established along all lot lines abutting a residential and/or commercial use.

#### F. Recreational Vehicle site requirements

1. Each RV site must include a paved or otherwise approved hard surface parking pad.

2. RV site sizes: Width between 25' to 35', length between 60-100' (depending on road layout); minimum square footage of 1,500 square feet per RV site.

3. Minimum spacing between RV pads: 15'

4. Amenities for each site must include a cleared 10' x 10' activity area and picnic table.

5. All site boundaries shall be visible and clearly defined on the ground by permanent flush stakes or markers with a stall number.

6. Campgrounds consisting of 10 or more RV sites must contain a permanent stall location map at the entrance to the campground.

#### G. Tent, yurt, and other temporary structure campsite requirements

1. Tent and yurt site sizes: Minimum width 25', minimum length 25'; minimum square footage temporary structure site.

2. Amenities for each site must include a cleared 10' x 10' activity area and picnic table.

3. All sites shall be clearly defined on the ground by permanent flush stakes or markers with a site number.

4. Campgrounds consisting of 10 or more tent, yurt or temporary structure sites must contain a permanent stall location map at the entrance to the campground.

#### 10.5.5. Seasonal Rental Cabins/Park Model RV (Recreational Park Trailer) Facility

A. A facility used for up to 5 rental cabins, Recreational Park Trailers, or other like structures that are similar in form that are affixed to permanent foundations or are anchored and skirted. Does not include sites for manufactured homes, tents, yurts, similar temporary structures, or Recreational Vehicles not classified as Recreational Park Trailers/Park Models. The intent is to facilitate the development of part-time, seasonal accommodations within City limits.

#### B. Operational Standards

1. A structure may be rented to or owner occupied by the same occupant for a period of 200 days annually. The remaining days of the calendar year structures may not be rented or owner occupied to the same occupant for periods exceeding 31 days.

2. No structure shall be used as a permanent dwelling site or structure for a patron of the development, however, there may be one structure on the site used in excess of 200 consecutive days per year for the purpose of housing the caretaker or owner of the campground, provided the structure meets all applicable building, fire, energy and other codes

## Div. 10.6. Commercial Uses

### 10.6.1. Day Care

#### A. Defined

A facility providing care and supervision for compensation during part of a 24 hour day, for a child/ adult or children/adults not related by blood, marriage, or legal guardianship to the person or persons providing the care, in a place other than the child's or children's own home or homes. Day care includes the following.

1. Family Day Care Home (up to 6 )
2. Group Day Care Facility (7 to 12)
3. Day Care Center (13 or more)

#### B. Family Day Care Home (up to 6)

A home, place, or facility providing day care for six (6) or fewer children or adults.

#### C. Group Day Care Facility (7 to 12)

A home, place, or facility providing day care for seven (7) to twelve (12) children or adults.

#### D. Day Care Center (13 or more)

A place or facility providing day care for thirteen (13) or more children or adults.

#### E. Use Standards

Where day care is allowed as a limited or Conditional use the day care must be licensed with the City of Victor.

### 10.6.2. Medical

#### A. Defined

A facility providing medical or surgical care to patients. Some facilities may offer overnight care. Medical includes the following:

1. Ambulatory surgical center.
2. Blood plasma donation center, medical or dental laboratory.
3. Hospital.
4. Medical, dental office or chiropractor, osteopath, physician, medical practitioner.
5. Medical clinic.
6. Urgent care, emergency medical office.

#### B. Hospital

A facility providing health services primarily for the sick or injured and offering inpatient medical and/or surgical care.

### 10.6.3. Office

#### A. Defined

A facility used for activities conducted in an office setting and generally focusing on business, professional, or financial services. Office includes the following.

1. Services including, but not limited to, advertising, business management consulting, computer or data processing, graphic design, commercial art, or employment agency.
2. Professional services including, but not limited to, lawyer, accountant, auditor, bookkeeper, engineer, architect, sales office, travel agency, interior decorator, or security system services.
3. Financial services including, but no limited to, lender, investment or brokerage house, bank, call center, bail bonds, insurance adjuster, real estate or insurance agent, mortgage agent, or collection agency.
4. Counseling in an office setting.
5. Radio, TV station, recording studio.

#### B. Bail Bonds

A facility with a bail bond agent, or bondsman, that provides surety and pledges money or property as bail for the appearance of persons accused in court.

1. Where allowed as a Limited Use, the business hours when the office is open to the public and customers shall be from 8AM to 7PM.

#### C. Call Center

A facility used for the purpose of receiving or transmitting a large volume of telephone calls.

### 10.6.4. Overnight Lodging

#### A. Defined

Accommodations arranged for short term stays. Overnight lodging includes the following.

1. Bed and breakfast (up to 6 rooms).
2. Boutique hotel (7 to 30 rooms).
3. Hotel/motel (more than 30 rooms).

#### B. Bed and Breakfast (up to 6 rooms)

A facility where overnight accommodations not exceeding six (6) rooms are provided for compensation, with or without a morning meal, and which may include an afternoon or evening meal for guests, and where the operators of the facility live on the premises.

#### C. Boutique Hotel/Motel (7 to 30 rooms)

A facility where overnight accommodations not exceeding thirty (30) rooms are provided for compensation.

#### D. Hotel/Motel (more than 30 rooms)

A facility where more than thirty (30) rooms are provided for overnight accommodations.

## Div. 10.7. Industrial Uses

### 10.6.5. Parking

#### A. Defined

A facility that provides parking as a principal use. Parking includes the following:

1. Commercial parking.
2. Remote parking.

#### B. Commercial Parking

1. A facility that provides parking as a principal use where a fee is charged.
2. Where commercial parking is allowed as a Conditional use, it may be permitted subject to Div. Art. 14 and the standards below:

- a. A Type A or B buffer (see Div. 11.2.2) must be established along all lot lines abutting a ground floor residential use;
- b. All surface parking areas must be landscaped in accordance with Div. 11.2.3.

#### C. Remote Parking

1. A facility that provides parking as a principal use where a fee is not charged.
2. Where remote parking is allowed as a limited use, it is subject to the following:
  - a. The remote parking facility must be located within the same or more intense zoning district as the principal use served;
  - b. A Type A or B buffer (see Div. Art. 11) must be established along all lot lines abutting a ground floor residential use;
  - c. All surface parking areas must be landscaped in accordance with Art. 11.

### 10.6.6. Personal Service

#### A. Defined

A facility involved in providing personal or repair services to the general public. Personal service includes the following.

1. Animal care.
2. Beauty, hair or nail salon.
3. Catering establishment.
4. Cleaning establishment, dry-cleaning or laundry drop-off facility, laundromat, washeteria.
5. Copy center, printing, binding, photocopying, blueprinting, mailing service.
6. Funeral home, funeral parlor, mortuary, undertaking establishment, crematorium.
7. Locksmith.
8. Optometrist.
9. Palmist, psychic, medium, fortune telling.

10. Repair of appliances, bicycles, canvas product, clocks, computers, jewelry, musical instruments, office equipment, radios, shoes, televisions, watch, or similar items.

11. Tailor, milliner, or upholsterer.
12. Tattoo parlor or body piercing.
13. Taxidermist.
14. Tutoring.
15. Wedding chapel.

#### B. Animal Care (Indoor)

A facility designed or arranged for the care of animals without any outdoor activity. No outdoor activity associated with care of animals is allowed. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, commercial kennel and doggy day care.

#### C. Animal Care (Outdoor)

1. A facility designed or arranged for the care of animals that includes outdoor activity. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, commercial kennel and doggy day care.
2. Where outdoor animal care is allowed as a limited use, it is subject to the following:
  - a. All outdoor exercise areas and runs must be fenced for the safe confinement of animals;
  - b. A Type A or B buffer (see Div. 11.2.2) must be established along any outside areas used to exercise, walk, or keep animals that abuts a ground floor residential use; and
  - c. No animal may be kept outdoors between 11 PM and 6 AM.

### 10.6.7. Restaurant

#### A. Defined

A facility that prepares and sells food and drink for on- or off-premise consumption. Restaurant includes the following.

1. Bar, tavern, pub.
2. Brewpub.
3. Cafe.
4. Coffee or tea shop.
5. Restaurant, take out or pizza delivery facility.
6. Restaurant, fast-food.
7. Restaurant, sit down
8. Yogurt or ice cream shop.

## Div. 10.7. Industrial Uses

### B. Use Standards

Where a restaurant is allowed as a limited use, it is subject to the following:

1. A Type A or B buffer (see Sec. 11.2.2) shall be established along all lot lines within 300 ft of a residentially zoned property.
2. Hours of operation shall not exceed 6am-Midnight.
3. Outdoor seating noise or music shall not create a disturbance to neighbors.

### 10.6.8. Retail Sales

#### A. Defined

A facility involved in the sale, lease, or rental of new or used products. Retail sales includes the following:

1. Business services.
2. Antiques, appliances, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronics, fabric, flowers, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, office supplies, package shipping, pets, pet supplies, pharmaceuticals, phones, photo finishing, picture frames, plants, pottery, printed materials, produce, seafood, shoes, souvenirs, sporting goods, stationery, tobacco, toys, vehicle parts and accessories, videos, video games, and related products.
  - a. Retail sales facilities that sell primarily pre-packaged food products, such as a delicatessen, bakery, or grocery, may offer incidental seating areas for consumption of food on the premises.
3. Convenience store with fuel pumps or gas station.
4. Convenience store without fuel pumps.
5. Where retail sales is allowed as a limited use, it is limited to large items only, such as lumber, hardware, trailers, etc. or retail associated with and incidental to a service business.

#### B. Business Services

A facility providing other businesses with services including maintenance, repair and service, testing, rental, includes: business equipment repair services, document storage, document destruction, soils and materials testing laboratories.

#### C. Convenience Store with FuelPumps

1. A facility with a floor area less than 5,000 square feet that sells convenience goods, such as prepackaged food items and a limited line of groceries. A convenience store with fuel pumps may sell vehicle fuel but cannot have any type of vehicle repair or service.

2. Where a convenience store with fuel pumps is allowed as a limited use, it is subject to the following:

- a. All fuel pumps must be located at least 25 feet from any public right-of-way or lot line, and all buildings and appurtenances must be located at least 100 feet from all lot lines abutting a residential use;
- b. A Type A or B buffer (see Div. 11.2.2) must be established along all lot lines abutting a residential use; and
- c. All fuel must be stored underground outside of any public right-of-way.

#### D. Convenience Store without Fuel Pumps

1. A facility with a floor area less than 5,000 square feet that sells convenience goods, such as prepackaged food items and a limited line of groceries. A convenience store without fuel pumps cannot sell vehicle fuel or have any type of automotive service.
2. Where a convenience store without fuel pumps is allowed as a limited use, the use must be within or attached to a multi-tenant building, cannot be located in a standalone building.

### 10.6.9. Vehicle Sales/Rental

#### A. Defined

A facility that sells, rents, or leases passenger vehicles, light and medium trucks, and other consumer vehicles such as motorcycles, boats, and recreational vehicles.

#### B. Light Vehicle/Equipment

Sales, rental, or leasing of passenger vehicles, motorcycles, boats.

#### C. Heavy Vehicle/Equipment

Sales, rental, or leasing of commercial vehicles, heavy equipment and manufactured homes. Includes recreational vehicles, 18-wheelers, commercial box trucks, high-lifts, construction, heavy earthmoving equipment, and manufactured homes.

#### D. Use Standards

Where vehicle sales/rental is allowed as a limited use, it is subject to the following:

1. A Type A or B buffer (see Div. 11.2.2) must be established along all lot lines abutting a ground floor residential use;
2. All surface parking areas must be landscaped in accordance with Div. 11.2.3;
3. Vehicle display areas may not be artificially elevated above the general topography of the site; and
4. Parked or stored vehicles may not encroach upon any public right-of-way or sidewalk.
5. All vehicles for sale, rent or lease shall be in operating condition and must be displayed or stored on an impervious surface, such as asphalt or concrete, with a maximum slope of 5% in any direction.

## Div. 10.7. Industrial Uses

### 10.7.1. Heavy Industrial

#### A. Defined

A facility that involves dangerous, noxious, or offensive uses or a facility that has smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation, or any other likely cause. Heavy industrial includes the following.

1. Animal processing, packing, treating, and storage.
2. Bulk fuel sales.
3. Bulk storage of flammable liquids, chemical, cosmetics, drug, soap, paints, fertilizers, and abrasive products.
4. Concrete batch plant.
5. Detention center, jail, prison (private).
6. Laundry, dry-cleaning, and carpet cleaning plant.
7. Primary metal manufacturing.
8. Sawmill, log production facility, lumberyard.

#### A. Defined

A facility conducting light industrial operations within a fully-enclosed building. Light industrial includes uses such as the following.

1. Clothing, textile, or apparel manufacturing.
2. Craft shop.
3. Food and beverage processing.
4. Facilities engaged in the assembly or manufacturing of scientific measuring instruments; semiconductor and related devices, including but not limited to clocks, integrated circuits, jewelry, medical, musical instruments, photographic or optical instruments, or timing instruments.
5. Pharmaceutical or medical supply manufacturing.
6. Recreational equipment manufacturing.
7. Sheet metal, welding, machine shop, tool repair.
8. Stone, clay, glass, or concrete products.
9. Woodworking, cabinet makers, or furniture manufacturing.

#### B. Use Standards

Where Light Industrial is allowed as a limited or conditional use, it is subject to the following:

1. The use is conducted in a fashion that does not generate continuous, frequent, or repetitive noises or vibrations or odors than that which is usual in the neighborhood.
2. No more dust, fumes, gases, odors, smoke, or vapors escape from the premises than that which is usual in the neighborhood is allowed.

3. All by-products, including waste, are effectively confined to the premises or disposed of off the premises so as to avoid air pollution other than that which is usual in the neighborhood.

4. No noise or disturbance of adjoining premises takes place other than that which is usual in the neighborhood.

5. A Type A or B buffer (see Sec. 11.2.2) must be established along all lot lines abutting a ground floor residential use.

#### C. Craft Shop

1. A facility devoted solely to the arts and crafts that produces or makes items that by their nature, are designed or made by an artist or craftsman by using hand skills.

2. Where a craft shop is allowed as a limited use, it is subject to the following:

- a. May have no more than 5 employees.
- b. No more dust, fumes, gases, odors, smoke, or vapors escape from the premises than that which is usual in the neighborhood is allowed.
- c. All by-products, including waste, are effectively confined to the premises or disposed of off the premises so as to avoid air pollution other than that which is usual in the neighborhood.
- d. No noise or disturbance of adjoining premises takes place other than that which is usual in the neighborhood.
- e. All equipment and material storage is kept in an enclosed structure.

#### D. Food and Beverage Processing

1. A facility in which food, beverages and alcohol are processed or otherwise prepared and distributed for eventual human consumption. On-site consumption of free samples is allowed when permitted by the State.

### 10.7.3. Research and Development

#### A. Defined

A facility focused primarily on the research and development of new products. Research and development includes the following.

1. Laboratories, offices, and other facilities used for research and development by or for any individual, organization, or concern, whether public or private.
2. Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product.
3. Pilot plants used to test manufacturing processes planned for use in production elsewhere.

## B. Use Standards

Where Research and Development is allowed as a limited or conditional use, it is subject to the following:

1. The use is conducted in a fashion that does not generate continuous, frequent, or repetitive noises or vibrations or odors than that which is usual in the neighborhood.

### 10.7.4. Resource Extraction

#### A. Defined

A facility that extracts minerals and other solids and liquids from land. Resource extraction includes the following.

1. Extraction of phosphate or minerals.
2. Extraction of sand or gravel, borrow pit.
3. Metal, sand stone, gravel clay, mining and other related processing.
4. Stockpiling of sand, gravel, or other aggregate

### 10.7.5. Vehicle Service and Repair

#### A. Defined

Repair and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Vehicle service includes the following.

1. Car wash.
2. Vehicle repair (minor).
3. Vehicle repair (major).
4. Vehicle repair (commercial vehicle).

#### B. Car Wash

1. A facility with mechanical or hand-operated equipment used for cleaning, washing, polishing, or waxing of motor vehicles.
2. Where a car wash is allowed as a limited use, it is subject to the following.
  - a. No car wash is permitted within 50 feet of a ground floor residential use (measured from the residential lot line to the lot line of the car wash facility).
  - b. A Type A or B buffer (see Div. 11.2.2) must be established along all lot lines abutting a ground floor residential use.
  - c. When abutting a ground floor residential use, the car wash facility cannot operate before 6 AM or after 11 PM.

#### C. Vehicle Repair (Minor)

1. A facility where minor vehicle repair and service is conducted. Includes audio and alarm installation, custom accessories, quick lubrication facilities, minor scratch and dent repair, emissions testing, bed-liner installation, and glass repair or replacement.

2. Where minor vehicle repair is allowed as a limited use, it is subject to the following.

- a. A Type A or B buffer (see Div. 11.2.2) must be established along all lot lines abutting a ground floor residential use.
- b. The dismantling of vehicles for salvage and the storage of impounded vehicles is not allowed.

#### D. Vehicle Repair (Major)

1. A facility where general vehicle and power sports vehicle repair is conducted, including transmission, brake, muffler and tire shops, along with body and paint shops.

2. Where major vehicle repair is allowed as a limited use, it is subject to the following.

- a. A Type A or B buffer (see Div. 11.2.2) must be established along all lot lines abutting a ground floor residential use.
- b. The dismantling of vehicles for salvage and the storage of impounded vehicles is not allowed.

#### E. Vehicle Repair (Commercial Vehicle)

1. A facility conducting repair, service, washing, or accessory installation for commercial vehicles, including boxtrucks, 18-wheelers, and construction or other heavy equipment.

#### 2. Use Standards

- a. A Type A or B buffer (see Div. 11.2.2) must be established along all lot lines abutting a ground floor residential use.
- b. The dismantling of vehicles for salvage and the storage of impounded vehicles is not allowed.

### 10.7.6. Warehouse, Storage, and Distribution

#### A. Defined

A facility involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers. Warehouse, storage, and distribution includes the following.

1. Enclosed storage (includes bulk storage, cold , frozen food lockers, household moving, and general freight storage).
2. Self-service storage, mini-warehouse.

#### B. Use Standards

Where warehouse, storage, and distribution is allowed as a limited use, outdoor storage areas are allowed in accordance with in Div. 10.9.11.

### 10.7.7. Waste-Related Service

#### A. Defined

A facility that processes and stores waste material. Waste-related service includes the following.

1. Automobile dismantlers and recyclers, junk yard, wrecking yard, salvage yard.
2. Landfill.
3. Recycling and recovery facility, including recyclable material storage, including construction material.
4. Scrap metal processors, secondary materials dealer.

### 10.7.8. Wireless Telecommunication Facility

#### A. Defined

A facility for the provision of radio waves or wireless service. Wireless telecommunication facility includes the following.

1. Amateur radio operator tower.
2. Wireless telecommunication tower.
3. Building-mounted wireless telecommunication facility.
4. Wireless Telecommunication Facility, Emergency

#### B. Amateur Radio Operator Tower

##### 1. Defined

A facility used for personal, non-commercial radio licensed by the Federal Communications Commission.

##### 2. Standards

Where an amateur radio operator tower is allowed as a limited use, it is subject to the following:

- a. An amateur radio operator tower may not exceed the wireless telecommunication tower heights as listed by district in Sec. 10.7.8.C.2.b). Additional height may be granted through the Conditional use permit process (See Art. 14).
- b. The tower must be located so that no part of the antenna or its elements encroaches within the required side or rear setbacks or within 10 feet of any easement for overhead electric distribution or transmission lines.
- c. Maximum tower height is measured to the tallest point of the supporting tower and does not include the antenna mast or antenna elements affixed to the tower.
- d. No more than one tower is allowed on a lot.

e. A request for a building permit must be accompanied by a copy of a valid Amateur Radio Operators licensed issued by the Federal Communications Commission for the location being requested.

#### C. Wireless Telecommunication Tower

##### 1. Defined

Any mast, pole, monopole, lattice tower, or other structure designed and primarily used to support antennas.

##### 2. Standards

Where a wireless telecommunication tower is allowed as a Limited or Conditional use, it may be permitted subject to Div. 14.4 and the standards below:

##### a. Necessary to Erect Tower

i. It must be demonstrated that it is necessary to erect the tower at the proposed location and due to one or more of the following reasons:

- a. The planned equipment would exceed the structural capacity of existing or approved structure and those structures cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.
- b. The planned equipment would result in technical or physical interference with or from other existing or planned equipment and the interference cannot be prevented at a reasonable cost.
- c. There is no appropriate existing or pending structure to accommodate the planned equipment.
- d. Other technical reasons that make it impractical to place equipment planned by the applicant on existing or approved structures.

##### b. Height

Building height restrictions do not apply to wireless communication towers. Wireless communication tower height may not exceed the standards established in the table below.

##### c. Setbacks for Ground Equipment

The setbacks for ground equipment are governed by the applicable setbacks for the district.

##### d. Setbacks for Towers

Towers must be set back 1 foot from the property line for every foot of height.

e. Co-Location

i. No wireless telecommunication tower or equipment owner or lessee or employee may exclude or attempt to exclude any other wireless telecommunication provider from using the same building, structure or location. Wireless telecommunication facility owners or lessees or employees must cooperate in good faith to achieve co-location of wireless telecommunication facilities and equipment with other wireless telecommunication providers.

ii. All new telecommunications towers must be constructed with excess capacity for co-location. Any owner of a telecommunications tower must allow other telecommunications providers to install or co-locate antennae or facilities on their towers. Co-location is subject to mutually agreeable terms and conditions negotiated between the parties.

f. Screening

Wireless telecommunication towers may require extensive landscaping/screening due to the unique nature of such facilities. Landscaping may be required to achieve a total screening effect at the base of the facility to screen the mechanical characteristics. A heavy emphasis on coniferous plants or other approved materials for year-round screening may be required.

g. Lighting

No signals, lights, or illumination is allowed on a tower or telecommunication facility unless required by the Federal Aviation Administration or other applicable authority.

b. A building-mounted wireless telecommunication facility must be painted or camouflaged to match as closely as possible the color and texture of the wall, building, roof, or surrounding built environment. Muted colors, earth tones, and subdued colors must be used.

c. A building-mounted wireless telecommunication facility mounted to the wall of a building or structure, must be mounted in a configuration as flush to the wall as technically possible and must not project above the wall on which it is mounted.

d. A building-mounted wireless telecommunication facility mounted to a roof must be located as far from the edge of the roof as possible.

e. A building-mounted wireless telecommunication facility is not subject to the screening requirements of Div. 11.2.4.

E. Wireless Telecommunication Facility, Emergency

Any pole, spire, tower, structure, or combination thereof, including supporting lines, cables, wire, braces, and masts, intended primarily for the purpose of mounting an antenna, or to serve as an antenna and/or radio transmitter to receive and transmit emergency communications for public safety entities. These towers shall meet the same standards found in Div. 10.7.8.C.2.b.

D. Building-Mounted Wireless Telecommunication Facility

1. Defined

Any antenna attached or affixed to a building or roof or other type of structure not originally intended to house such a facility.

2. Standards

Where a building-mounted wireless telecommunication facility is allowed as a limited use, it shall be subject to the standards below:

a. A building-mounted wireless telecommunication antenna shall not exceed the maximum height allowed for a wireless telecommunication tower in the same district (§10.7.8.C.2.b)

## Div. 10.8. Open Uses

### 10.8.1. Agriculture

#### A. Defined

The production of crops, livestock, or poultry. Agriculture may include the following.

1. Agricultural auction.
2. Agricultural Processing
3. Community garden.
4. Nursery.
5. Urban farm.
6. Winery.

#### B. Right to Farm

No agricultural operation, agricultural facility or expansion of an agricultural operation or facility will be or become a nuisance, private or public, based on any changed conditions in or about the surrounding nonagricultural activities after it has been in operation for more than one year, when the operation, facility or expansion was not a nuisance at the time it began or was constructed.

#### C. Agricultural Auction

A sales establishment at which farm-related merchandise or livestock is sold to the highest bidder on a monthly (or more regular) basis.

#### D. Agricultural Processing

Any operation that transforms, packages, sorts, or grades farm products into goods that are used for intermediate or final consumption, including goods for non-food use, such as the products of forestry. Agricultural processing includes milk plant, grain elevator, and mulch or compost production and manufacturing, but does not include animal processing, packing, treating, and storage (see Sec 10 7.1, Heavy Industrial).

#### E. Winery

A facility for processing grapes or other fruit into wine for sale on-site or through wholesale or retail outlets.

### 10.8.2. Nursery

The sale of plants and plant materials grown on- or off-site, as well as garden supplies, equipment and related items.

### 10.8.3. Community Garden

A. An area of land managed and maintained by..a group of individuals to grow and harvest food crops and non-food ornamental crops, for personal or group use, consumption, or donation. On-site sales may be permitted upon approval of a Conditional Use Permit under Div. 14.7.10. A Community Garden may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group, and may include common areas maintained and used by the group.

B. Where a community garden is allowed as a limited use, it is subject to the following:

1. A community garden must be primarily used for growing and harvesting food and ornamental crops for consumption or donation or for sale off-site;
2. Only mechanical equipment designed for household or small farm use may be used.
3. On-site sales may be permitted upon approval of a Conditional Use Permit Div. 14.7.10. Sales are restricted to horticultural and agricultural products produced on the premises;
4. Livestock keeping may be allowed as an accessory use subject to Div. 10.2.

### 10.8.4. Farming

The practice of agriculture on a property, and any associated buildings. Agriculture means the business, science, and art of cultivating and managing the soil; composting, growing, harvesting, and selling crops, and the products of forestry, horticulture, and hydroponics; breeding, raising, managing, or selling livestock, including horses, poultry, fish, game, and fur-bearing animals; dairying, beekeeping, and similar activities; and equestrian events and activities. Agriculture includes processing on the farm of an agricultural product to prepare the product for market and may cause a change in the natural form or state of the product. Farming includes the following accessory uses:

- A. Accessory agricultural processing and storage of products grown or raised on-site or on property owned, rented, or controlled by the farmer. Accessory agricultural processing includes a milk plant, grain elevator, and mulch or compost production and manufacturing.
- B. The sale of products of agriculture and agricultural processing, if products are produced on-site or on property owned, rented, or controlled by the farmer.
- C. Accessory agricultural education and tourism activities conducted as a part of a farm's regular operations, with emphasis on hands-on experiences and events that foster increased knowledge of agriculture, including cultivation methods, animal care, water conservation. The maximum footprint for any structure and the total footprint of all structures primarily used for education or tourism is limited to 10% of the total footprint square footage of all structures on the site used for agriculture.
- D. The outdoor storage of farm supply materials and machinery used in farming for agricultural purposes.

### 10.8.5. Urban Farm

- A. The raising and harvesting of crops and nonfood ornamental crops for commercial use. An urban farm may be owned by an individual, group or organization and may include large-scale farm equipment.
- B. Where an urban farm is allowed as a limited use, livestock keeping may be allowed as an accessory use subject to Div. 10.2.

## 10.8.6. Livestock Keeping

### A. Defined

Livestock includes any animals of the equine, swine or bovine class, including goats, sheep, mules, cattle, hogs, pigs, and other grazing animals, and all ratites, including, but not limited to, ostriches, emus and rheas.

### B. Use Standards

Where livestock keeping is allowed as a limited use, it is subject to the following:

#### 1. Prohibited

a. The keeping of any animal other than dogs, cats and other household domestic animals and those specifically allowed below is prohibited.

b. Roosters are not allowed.

#### 2. Ducks, Chickens, Rabbits, and Turkeys,

a. One rabbit, turkey, duck, or chicken is allowed per 1,500 square feet of lot area, provided that no more than 7 rabbits, ducks, or chickens, and no more than 3 turkeys are located on a single parcel.

b. Up to 25 rabbits, turkeys, ducks, or chickens may be allowed upon approval of a Conditional Use Permit under Div. 14.7.10.

c. An area of at least 20 square feet or at least 4 square feet for each rabbit, turkey, duck, or chicken, whichever is larger, must be provided. The area must be adequately fenced, cannot be located in a front yard, be at least 25 feet from any dwelling on an abutting lot, and be at least 15 feet from any side or rear lot line.

d. Coops or cages cannot exceed 8 feet in height.

#### 3. Alpacas, Llamas, Goats and Sheep

a. A lot least 1/2 acre in size is allowed 1 alpaca, llama, goat, or sheep per 10,000 square feet of lot area.

b. Up to 2 alpaca, llama, goat, or sheep per 10,000 square feet of lot area may be allowed upon approval of a Conditional Use Permit under Div. 14.7.10.

c. An area of at least 500 square feet or at least 250 square feet for each alpaca, llama, goat, or sheep, whichever is larger, must be provided.

d. The containment area must be adequately fenced, cannot be located in a front yard, and must be at least 30 feet from any side or rear lot line.

#### 4. Horses and Cows

a. One horse or cow is allowed per 1 acre of lot area.

b. An area of at least 5,000 square feet must be provided per horse or cow provided that a corral measuring at least 500 square feet per horse or cow may be used to confine the horse or cow in wet seasons.

c. The containment area must be adequately fenced, cannot be located in a front yard, and must be at least 100 feet from any dwelling on an abutting lot.

### 5. Slaughtering of Animals

Rabbits, chickens, ducks, and turkeys may be slaughtered on site. No other farm animal may be slaughtered on site.

### 6. Sales

The sale of animals and/or animal by-products is allowed if conducted in conformance Div. 10.9.8 Home Industry.

## 10.8.7. Confined Animal Feeding Operation (CAFO)

A lot or facility where the following conditions are met:

A. Animals have been, are, or will be stabled or confined and fed or maintained for a total of 90 consecutive days or more in any 12-month period;

B. Crops, vegetation, forage growth or post harvest residues are not sustained in the normal growing season over any portion of the lot or facility; and

C. The lot or facility is designed to confine or actually does confine as many as or more than the numbers of animals specified in any of the following categories:

1. 700 mature dairy cows, whether milked or dry;
2. 1,000 veal calves;
3. 1,000 cattle other than mature dairy cows or veal calves;
4. 2,500 swine each weighing 55 pounds or more;
5. 10,000 swine each weighing less than 55 pounds;
6. 500 horses;
7. 10,000 sheep or lambs; or
8. 82,000 chickens.

D. Two or more concentrated animal feeding operations under common ownership are considered, for the purposes of this definition, to be a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of wastes.

### 10.9.1. Attached Accessory Dwelling Unit

#### A. Defined

An additional dwelling unit within or attached to an existing principal structure, for use as a complete, independent living facility, with provisions for cooking, sanitation, and sleeping.

#### B. Use Standards

Where an attached accessory apartment is allowed as a limited use, it is subject to the following:

1. Only one attached accessory dwelling unit is allowed per lot. Where a detached accessory dwelling unit is proposed or exists, an attached accessory apartment is not allowed.
2. One additional off-street parking space must be provided on the lot;

### 10.9.2. Detached Accessory Dwelling Unit

#### A. Defined

A small, self-contained accessory dwelling unit located on the same lot as a principal structure but physically separated for use as a complete, independent living facility, with provisions for cooking, sanitation, and sleeping.

#### B. Use Standards

Where a backyard cottage is allowed as a limited use, it is subject to the following:

1. Only one detached accessory dwelling unit is allowed per lot. Where an attached accessory dwelling unit is proposed or exists, a detached accessory dwelling unit is not allowed.
2. One additional parking space must be provided on the lot; and
3. A tiny house may be used as a backyard cottage, provided it is:
  - a. Attached to a permanent foundation; and
  - b. Connected to public water and sewer.

### 10.9.3 Drive-Thru Facility

#### A. Defined

A facility at which the customer is served while sitting in a vehicle, typically associated with drive-thru restaurants, banks, and pharmacies.

#### B. Use Standards

Where a drive-thru is allowed as a limited use, it is subject to the following:

1. No drive-thru window, lane, or order box is permitted within 50 feet of a ground floor residential use (measured from the residential lot line to the closest point of the drive-thru lane);

2. In CX and DX, all drive-thru areas, including but not limited to menu boards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-thru, must be located to the side or rear of the building. Drive-thru windows and lanes may not be placed between a public street (not including an alley) and the associated building; and

3. Queuing and screening requirements are specified in Div. 11.1.6.

### 10.9.4. Garden

#### A. Defined

A plot of ground where herbs, fruits, flowers, or vegetables are cultivated for personal or group use, consumption or donation. Includes a rooftop garden or green roof.

### 10.9.5. Greenhouse

#### A. Defined

A glass accessory building in which herbs, fruits, flowers, or vegetables that need protection from the weather are cultivated for personal or group use, consumption or donation.

### 10.9.6. Home Business

#### A. Defined

A home business provides a service or product that is conducted wholly within a dwelling and/or its accessory residential structures (i.e. garage or shed) that requires employees, customers, clients or patrons to visit the dwelling. A home business does not include Bed and Breakfast (see Sec. 10.6.4.B), Home industry (see Sec. 10.9.8) or Day Care (see Sec. 10.6.1)

#### B. Use Standards

Where a home business is allowed as a conditional use, it may be permitted subject to Div. 14.4 and the standards below. Where a home business is allowed as a limited use, it is subject to the following:

1. The use of the dwelling unit for a home business must be clearly incidental and subordinate to its use for residential purposes, and under no circumstances change the residential character of the building.
2. No business, storage, or warehousing of material, supplies, or equipment is allowed outside.
3. No equipment or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.
4. No display of products may be visible from the street.

5. The home business must be conducted by a person residing on the premises and may

employ no more than two people not living on the premises.

6. No more than two vehicles may be used in the conduct of the home business, and the vehicles must be parked on-site.

7. Storage space and the operation of the business inside the dwelling cannot exceed 25% of the total floor area of the building (including any accessory structures on the lot).

8. Not more than 6 clients a day are permitted to visit the home business.

9. The delivery of materials may not exceed more than 2 deliveries per day. No delivery may be by a vehicle larger than typical delivery van.

10. Retail sales of goods must be entirely accessory to any service provided on the site (such as hair care products sold as an accessory to hair cutting).

11. No mechanical equipment is installed or used except such that is normally used for domestic or professional purposes.

12. Signs advertising the home business are limited to one unlit wall sign no larger than 3 square feet in area.

### 10.9.7. Home Industry

#### A. Defined

An industrial use conducted on a residential lot. Uses include activities related to agriculture, trucking operations, small automotive repair shops, well and septic tank system service, carpentry, upholstery, woodworking and other similar uses.

#### B. Use Standards

Where home industry is allowed as a limited use, it is subject to the following:

1. Up to 4 employees may be employed in addition to family members.

2. No more dust, fumes, gases, odors, smoke, or vapors escape from the premises than that which is usual in the neighborhood.

3. All by-products, including waste, are effectively confined to the premises or disposed of off the premises so as to avoid air pollution other than that which is usual in the neighborhood; and

4. All non-personal vehicles and/or equipment associated with use must be screened in an enclosed structure.

5. Low impact outdoor storage is allowed in as specified in Div.10.9.11.

### 10.9.8. Home Occupation

#### A. Defined

A home occupation provides a service or product that is conducted wholly within a dwelling unit and/or its accessory residential structures (i.e. garage or shed). Customers and employees coming to the dwelling to conduct business are not allowed. A home occupation does not include Bed and Breakfast (see Sec. 10.6.4.B), Home industry (see Sec. 10.9.8) or Day Care (see Sec.10.6.1).

#### B. Use Standards

Where a home occupation is allowed as a limited use, it is subject to the following:

1. The use of the dwelling unit for a home occupation must be clearly incidental and subordinate to its use for residential purposes, and under no circumstances change the residential character of the building.

2. No business, storage, or warehousing of material, supplies, or equipment is allowed outside.

3. No equipment or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.

4. No display of products may be visible from the street.

5. No persons other than members of the family residing on the premises may be engaged in the home occupation.

6. No more than one vehicle may be used in the conduct of the home occupation, and it must be parked on-site.

7. Storage space and the operation of the business cannot exceed 25% of the total floor area of the dwelling (including any accessory structures on the lot).

8. Customers and employees are not allowed.

9. The delivery of materials may not exceed more than 2 deliveries per day. No delivery may be by a vehicle larger than typical delivery van.

10. No signs advertising the home occupation are allowed.

### 10.9.9. Outdoor Dining

#### A. Defined

A seating area specifically designed for the consumption of food or drink, typically associated with a restaurant or coffee shop and which is either:

1. Located entirely outside the walls of a building,
2. Enclosed on two sides or less by walls, with or without a solid roof cover, or
3. Enclosed on three sides by walls without a solid roof cover.

#### B. Use Standards

Where outdoor dining is allowed as a limited use, it is subject to the following.

1. The outdoor dining area must not interfere with the circulation of bike, pedestrian, or vehicular traffic.
2. The hours of operation for the outdoor dining area may be no greater than that of the principal use.
3. The outdoor dining area must be maintained in a clean, neat, and orderly condition. All debris and litter must be removed daily.
4. Outdoor dining is not allowed in the public right-of-way without first obtaining an encroachment license.

### 10.9.10. Outdoor Display

#### A. Defined

1. The outdoor display of products actively available for sale. The outdoor placement of propane gas storage racks, ice storage bins, soft drink or similar vending machines is considered outdoor display.
2. Outdoor display does not include merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers (see Div. 10.9.11).
3. Where allowed, the outdoor sale or rental of vehicles equipment as part of a properly permitted use is not considered outdoor display (see Div. 10.9.10).

#### B. Use Standards

Where outdoor display is allowed as a limited use, it is subject to the following:

1. Outdoor display is only allowed with a permitted nonresidential use;
2. Outdoor display must abut the primary facade with the principal customer entrance, and may not extend more than 6 feet from the facade or occupy more than 25% of the horizontal length of the facade;
3. Outdoor display may not exceed 6 feet in height;

4. Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day, except propane gas storage racks, ice storage bins, soft drink or similar vending machines may remain outside overnight; and

5. Outdoor display may not encroach upon any public right-of-way or sidewalk. Outdoor display may not impair the ability of pedestrians to use the sidewalk. There must be a minimum of 6 feet of clear distance of sidewalk at all times.

### 10.9.11. Outdoor Storage

#### A. Low-Impact

##### 1. Defined

Low-impact outdoor storage includes, but is not limited to:

- a. The overnight outdoor storage of vehicles awaiting repair;
- b. The outdoor storage of merchandise or material in boxes, in crates, on pallets, or other kinds of shipping containers;
- c. Outdoor sale areas for sheds, building supplies, garden supplies, plants, lawn mowers, barbecues, and other similar items; and
- d. The outdoor storage of vehicles, boats, recreational vehicles, or other similar vehicles at a self-service storage, mini-warehouse facility.
- e. The outdoor storage of trailers or equipment associated with the primary use. The storage area shall be surfaced and subject to all standards found in Art 11.1

##### 2. Use Standards

Where low-impact outdoor storage is allowed as a limited use, it is subject to the following:

- a. All material stored outdoors shall be limited to the interior side or rear yards;
- b. All material stored outdoors may not be more than 12 feet in height;
- c. All material stored outdoors must be fully screened from view from the public right-of-way and abutting properties using a 6-foot privacy fence; and
- d. Vehicles awaiting repair may only be stored up to 14 days within the screened storage area.
- e. Where District Boundary Buffers are not already established, new outdoor storage use shall trigger said buffer to be installed.

## B. High-Impact

### 1. Defined

High-impact outdoor storage includes, but is not limited to:

- a. The outdoor storage of contractor equipment, lumber, pipe, steel or wood; The outdoor storage of salvage, recycled materials, or scrap metal;
- b. The outdoor storage of impounded or inoperable vehicles;
- c. The loading yard for vehicles, trailers, or equipment.
- d. The outdoor storage of construction material; and
- e. The outdoor storage of domestic or construction waste or debris.

### 2. Use Standards

Where high-impact outdoor storage is allowed as a limited or conditional use (see Div. 14.4), it is subject to the following:

- a. All material stored outdoors shall be limited to the interior side and rear yards; and
- b. All material stored outdoors must be fully screened from view from the public right-of-way and abutting properties using a 6-foot privacy fence a Type C or D buffer (see Div. 11.2.2).
- c. Where District Boundary Buffers are not already established, new outdoor storage use shall trigger said buffer to be installed.

## 10.9.12. Parking, On-Site

### A. Defined

Parking provided on-site to serve a principal use of the site.

## 10.9.13. Restaurant, Accessory

### A. Defined

Restaurants that are incidental to, and on the same premises as a principal use.

### B. Use Standards

Where a restaurant is allowed as an accessory use, it is subject to the following:

1. When located in the CH or IX districts the products offered for sale shall be limited to those that are produced or processed by the principal use, or which are directly related to, and offered in support of, products which are produced or processed by the associated principal use.
  - a. Hour of operation shall not exceed 7:00 AM - 9:00 PM.

2. When located in the CIV or REC districts the products offered for sale shall be limited to those which are directly related to and offered in support of the associated principal use.

- a. The accessory use shall only be in operation when the principal use is also in operation, not to exceed 7:00 AM – 9:00 PM.

3. The total area used for the accessory use shall not exceed 1,000 SF and shall have a physical separation between it and the principal use.

4. Parking for the accessory use shall be provided onsite at a minimum of 5 spaces not to exceed 10 spaces. The use of shared parking will be allowed with written permission from the property owner or HOA in the circumstances of multi-tenant buildings.

5. Outdoor seating noise or music shall not create a disturbance to neighbors.

## 10.9.14. Retail Sales, Accessory

### A. Defined

Retail sales that are incidental to, and on the same premises as a principal use. Products offered for sale are limited to those that are produced or processed by the principal use, or which are directly related to, and offered in support of, products which are produced, processed, or warehoused by the associated principal use.

## 10.9.15. Solar Panels, Wind Turbines, and Rainwater Collection Systems

### A. Defined

Renewable energy systems such as residential solar panels and rainwater collection systems such as rain barrels and cisterns.

### B. Use Standards

Where solar panels, wind turbines, or rainwater collection systems are allowed as a limited use the following restrictions apply:

1. The system must meet setback as required by the district in which it is located; and
2. The system is subject to height encroachment limits (see Sec. 2.5).
  - a. Wind turbines over 40' in height are subject to review through a Conditional Use Permit (Div.14.4) and shall not exceed 120' in height

## Div. 10.1. Temporary Uses

### 10.10.1. Temporary Portable Storage Containers

#### A. Defined

A container designed and rented or owned for the temporary storage of commercial, industrial, or residential household goods that does not contain a foundation or wheels for movement.

#### B. Use Standards

1. In an RC, RS- and RM- districts, one container is permitted for a maximum of 30 consecutive days twice per calendar year.
2. No container may be more than 8 feet in height, or more than 16 feet in length in a residential district.
3. In all other districts, no more than 3 containers are permitted at any one time. No single container may be on-site for more than 30 consecutive days.
4. Any person wishing to utilize a container longer than 30 calendar days may apply for a 30-day extension subject to the Planning & Zoning Administrator's approval.
5. Containers cannot be stacked on top of each other.
6. Containers cannot be located in any required setback and must be located completely on the owner's lot, and no part of any container may be located in the public right-of-way.

### 10.10.2. Temporary On-Site Rock Crushing

#### A. Use Standards

Where the use is allowed as a Limited or Conditional Use the following standards are required to be met prior to the operation of temporary on-site rock crushing for on-site construction and maintenance:

1. The development has received site plan or final plat approval for the associated construction or maintenance activity or is an approved public facility project.
2. A final grading plan for the development has been approved by the City of Victor, or the City of Victor if located in the Area of City Impact.
3. No excavation of native material will occur outside of approved roadways or building foundations, unless:
  - a. A reclamation plan detailing how those areas will be re-vegetated is approved by the Planning & Zoning Commission,
  - b. A balance sheet is submitted showing that the excavated material will be used within the development, and
  - c. The estimated reclamation/re-vegetation costs are included in the development's surety bond.
4. No off-site materials are brought on site for crushing.

5. Rock crushing equipment is removed from the site within 15 days of completing the crushing activity.

6. Excavated crushed material not used for on-site construction or landscaping is removed from the site within 30 days of completing the crushing activity.

7. The rock crushing equipment is setback as far away as practicable from all occupied structures and residential property lines, but in no case may the setback be less than 800 feet without a sound barrier shown to be capable of reducing sound levels at the nearest residential property line or occupied structure to below 65 dBA. With such sound barrier in place the setback from occupied structures and residential property lines cannot be less than 400 feet.

8. The duration of the temporary rock crushing activity is for no more than 60 consecutive days from the date the activity commenced, unless extended by the City Council within an executed development agreement.

9. Rock crushing will occur only during Monday through Friday, between 8:00 AM and 6:00 PM, and not on Federal holidays.

10. Water is available and utilized for dust control.

11. Any Federal, State or County permits required for the proposed operation are obtained.

### 10.10.3. Temporary Structures as Living Quarters

#### A. Use Standards

One temporary (non-winterized) structures such as yurts, Recreational Vehicles (RVs), park models, and seasonal cabins that do not meet the building code requirements for habitable space are not considered to be permanent residential structures, and therefore are not allowed as living quarters except as follows:

- a. One temporary (non-winterized) structures may be occupied for no more than 3 months in a single calendar year when located on the premises of an authorized city water and/or sewer user.
- b. A temporary building may be used as necessary for construction purposes when associated with a residential building permit and for a period not to exceed one (1) year.

### 10.10.4. Mass Gathering and Special Event Camping

#### A. Defined

Mass Gathering and Special Event Camping is defined as two (2) or more tent camp sites or recreational vehicle (RV) campsites associated with any pre-planned single gathering, event or series of related gatherings or events temporary in nature held on private or publicly owned property outside of its permitted use in association with a permitted Special Event or Mass Gathering. Mass Gathering and Special Event is defined in City Code Title 6 Ch 5. ).

## Div. 10.1. Temporary Uses

### B. Mass Gathering Permit or Special Event Permit Required

A Mass Gathering Permit or Special Event Permit shall be obtained in accordance with the application procedure and standards for issuance set forth in Title 6, Chapter 5 of the Victor City Municipal Code.

### C. Camping Allowed

Camping as defined in 10.10.4(A) above shall be allowed on property associated with a valid Mass Gathering Permit or Special Event Permit for the duration of said permit, regardless of the underlying zoning district.

### D. Use Standards

1. The maximum density for temporary campgrounds is 15 units per acre inclusive of service roads, restroom facilities, recreation areas, etc.
2. Developments with tent campsites must contain a restroom facility in a centralized location at a ratio of 1 male toilet and 1 female toilet per 15 camp sites, with a minimum of 1 male and 1 female facility per campground.
3. Amenities that may be associated with or required within a campground may be approved at the discretion of the City.
4. Facilities on unimproved properties must submit a dust mitigation plan.