

# Chapter 10 – Use Provisions

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# Art. 10.1. Use Classification

## 10.1.1. Classification of Uses

### 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 Planning & Zoning Administrator has the responsibility for categorizing all uses.
3. The allowed use table in Art. 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 Art. 10.3 through Art. 10.9.

### 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 Art. 10.2 establishes permitted accessory uses by district. Standards for allowed accessory uses are specified in Art. 10.8.

### C. Temporary Uses

1. A temporary use is a use that is in place for a limited period of time only.
2. Temporary uses may be permitted through the Special Event Permit process in Title 5 Chapter 6 or are otherwise specified in Art.

10.9.

### D. Principal Uses Not Listed

1. A principal use not specifically listed is prohibited unless the Planning & Zoning Administrator determines the use to be part of a use category as described below.
2. The Planning & Zoning 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 Planning & Zoning Administrator may consider the proposed use part of that use category. When determining whether a proposed use is similar to a listed use, the Planning & Zoning 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. Relative amounts of 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; and
  - l. Whether the activity is likely to be found independent of the other activities on the site.

## Art. 10.1. Use Classification

- m. Where a use not listed is found by the Planning & Zoning Administrator not to be similar to any other permitted use, the use is only permitted following a text amendment (see Art. 14.4).

### E. Accessory Uses Not Listed

An accessory use not specifically listed is prohibited unless the Planning & Zoning 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 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 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 Art. 14.7). Conditional uses are subject to all other applicable requirements of this 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.

# Art. 10.2. Allowed Use Table

Key: P = Permitted Use L = Limited Use C = Conditional Use -- = Use Not Permitted

Properties located within the Airport Overlay Zone are subject to Article 9.2

Use Category Specific Use	RC-2.5	RC-1.0	RC-0.5	RS-16	RS-7	RS-5	RS-3	RM-1	RM-2	RX	NX	CX	DX	CC	CH	IX	IL	CIV	REC	CON	Definition/ Standards
<b>Residential Uses</b>																					
All household living, as listed below:																					Sec. 10.3.1.A
Single-family Detached House	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	Sec. 10.3.1.B & Art. 8.2
Duplex	-	P	P	-	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	Sec. 10.3.1.C & Art. 8.4
Single-family Attached House (2 units)	-	P	P	-	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	Art. 8.7
Townhouse (2 or more units)	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-	-	Art. 8.9
Four-plex (3 or 4 units)	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-	-	Art. 8.8
Multi-family: Apartment (5 or more units)	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-	-	L	-	-	Sec. 10.3.1.D & Art. 8.10
Multi-family: Live-Work (3 or more units)	-	-	-	-	-	-	-	-	-	P	-	P	L	P	-	L	-	-	-	-	Sec. 10.3.1.D & Art. 8.11
Multi-family: Shopfront house	-	-	-	-	-	-	-	-	-	-	L	L	-	L	-	L	-	-	-	-	Sec. 10.3.1.D & Art. 8.12
Multi-family: Mixed Use Shopfront	-	-	-	-	-	-	-	-	-	-	-	L	L	L	-	L	-	-	-	-	Sec. 10.3.1.D & Art. 8.14
Cottage Court	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	Art. 8.4
Manufactured housing community	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 10.3.1.E
Group home (per FHA; up to 8 residents)	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	Sec. 10.3.1.F
All group living (9 or more residents)	-	-	-	-	-	-	-	-	C	P	P	-	P	P	-	P	-	-	-	-	Sec. 10.3.2.A
All social service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	Sec. 10.3.3.A
<b>Public Uses</b>																					
All civic, as listed below:																					
Community college, university	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	-	-	Sec. 10.4.1.B
Club or lodge	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	-	-	Sec. 10.4.1.C
Museum, library	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	P	P	-	Sec. 10.4.1.D
Place of worship	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	C	-	Sec. 10.4.1.E
Public use, except as listed below	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	C	-	Sec. 10.4.1.F
Public Works Facility	C	C	C	-	-	-	-	-	-	-	-	-	-	-	C	C	P	C	-	-	Sec. 10.4.1.F.1
Correctional Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 10.4.1.F.2
Trade or technical school	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	Sec. 10.4.1.G
School (K-12)	-	-	-	-	-	-	-	-	-	-	C	P	P	P	-	-	-	P	-	-	Sec. 10.4.1.H
All parks and open space, as listed below:																					
Cemetery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	-	Sec. 10.4.2.B
Conservation area	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 10.4.2.C
Golf course	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	Sec. 10.4.2.D
Park, recreation field (up to 2 acres)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	P	P	P	Sec. 10.4.2.E
Park, recreation field (more than 2 acres)	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	Sec. 10.4.2.E
All utilities, as listed below:																					
																					Sec. 10.4.3.A

# Art. 10.2. Allowed Use Table

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Properties located within the Airport Overlay Zone are subject to Article 9.2

Minor utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	Sec. 10.4.3.A.1
Major utilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	Sec. 10.4.3.A.2
Wireless telecommunication facility, as listed below																					Sec. 10.4.4.A
Amateur radio operator Tower	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	P	P	-	-	Sec. 10.4.4.B	
Wireless telecommunication tower	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	-	-	Sec. 10.4.4.C
Building- mounted wireless telecommunication antenna	C	C	C	C	C	C	C	L	L	L	L	L	L	L	L	L	L	L	L	-	Sec. 10.4.4.D
<b>Commercial Uses</b>	RC-2.5	RC-1.0	RC-0.5	RS-16	RS-7	RS-5	RS-3	RM-1	RM-2	RX	NX	CX	DX	CC	CH	IX	IL	CIV	REC	CON	Definition/ Standards
All day care, as listed below:																					Sec. 10.5.1.A
Family day care (6 or less)	L	L	L	L	L	L	L	L	L	L	L	-	-	-	-	-	-	-	-	-	Sec. 10.5.1.B/E
Group day care (7 to 12)	C	C	C	C	C	C	C	L	L	L	L	L	L	L	L	L	-	L	-	-	Sec. 10.5.1.C/E
Day care center (13 or more)	-	-	-	-	-	-	-	L	L	L	L	L	L	L	L	L	-	L	-	-	Sec. 10.5.1.D/E
All indoor recreation, except as listed below:																					Sec. 10.5.2.A
Dance, martial arts, music studio or classroom	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	P	-	-	Sec. 10.5.2.B
Gym, health spa, yoga studio	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	P	-	-	Sec. 10.5.2.C
Shooting range	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	Sec. 10.5.2.D
Special event facility	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	P	C	-	Sec. 10.5.2.E
All medical, except as listed below:																					Sec. 10.5.3.A
Hospital	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	-	P	-	-	Sec. 10.5.3.B
Clinic or medical office	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	P	-	-	
All office, except as listed below:																					Sec. 10.5.4.A
Bail bonds	-	-	-	-	-	-	-	-	-	-	L	P	P	P	P	P	-	-	-	-	Sec. 10.5.4.B
Call center	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	Sec. 10.5.4.C
All outdoor recreation, except as listed below:																					Sec. 10.5.5.A
Campground, travel trailer park, RV park	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	-	-	-	C	-	Sec. 10.5.5.B
Horse stable, riding academy, equestrian center	L	-	-	-	-	-	-	-	-	-	-	-	-	-	L	-	-	-	C	-	Sec. 10.5.5.C
Shooting range	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 10.5.5.D
Underwing Camping	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	L	-	-	-	Sec. 10.5.5.E
	RC-2.5	RC-1.0	RC-0.5	RS-16	RS-7	RS-5	RS-3	RM-1	RM-2	RX	NX	CX	DX	CC	CH	IX	IL	CIV	REC	CON	Definition/ Standards
All overnight lodging, as listed below:																					Sec. 10.5.6.A
Bed and breakfast (up to 6 rooms)	C	C	-	-	C	-	-	P	P	P	P	-	-	-	-	-	-	-	-	-	Sec. 10.5.6.B
Boutique hotel/motel (7 to 30 rooms)	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-	Sec. 10.5.6.C
Hotel/motel (more than 30 rooms)	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	-	-	-	-	-	Sec. 10.5.6.D
All parking, as listed below:																					Sec. 10.5.7.A
Commercial parking	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	-	-	-	-	-	Sec. 10.5.7.B
Remote parking	-	-	-	-	-	-	-	-	-	-	L	L	L	L	L	L	L	P	-	-	Sec. 10.5.7.C
All personal service, except as listed below:																					Sec. 10.5.8.A
Animal care (indoor)	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	Sec. 10.5.8.B
Animal care (outdoor)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	L	L	L	-	-	-	Sec. 10.5.8.C
All restaurants	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	Sec. 10.5.9.A

# Art. 10.2. Allowed Use Table

Key: P = Permitted Use L = Limited Use C = Conditional Use -- = Use Not Permitted

Properties located within the Airport Overlay Zone are subject to Article 9.2

All retail sales, as listed below:																					Sec. 10.5.10.A	
Retail establishment (5,000 SF or less)	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-	-	-	Sec. 10.5.10.A	
Retail establishment (5,001 - 15,000 SF)	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	Sec. 10.5.10.A	
Retail establishment (15,001 - 50,000SF)	-	-	-	-	-	-	-	-	-	-	-	P	P	P	L	-	-	-	-	-	Sec. 10.5.10.A	
Retail establishment over (50,000 SF)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 10.5.10.A	
Business services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	Sec. 10.5.10.B	
Convenience store with gas pumps	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	-	-	-	-	-	Sec. 10.5.10.C	
Convenience store without gas pumps	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	Sec. 10.5.10.D	
All vehicle sales/rental, as listed below:																					Sec. 10.5.11.A	
Light vehicle/equipment	-	-	-	-	-	-	-	-	-	-	-	L	L	L	L	L	-	-	-	-	Sec. 10.5.11.B/D	
Heavy vehicle/equipment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	L	-	L	-	-	-	Sec. 10.5.11.C/D	
Sexually Oriented Businesses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	Defined by the State	
<b>Industrial Uses</b>		RC-2.5	RC-1.0	RC-0.5	RS-16	RS-7	RS-5	RS-3	RM-1	RM-2	RX	NX	CX	DX	CC	CH	IX	IL	CIV	REC	CON	Definition/ Standards
All heavy industrial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 10.6.1.A	
All light manufacturing (based on area)	-	-	-	-	-	-	-	-	-	-	-	-	L	C	L	L	L	P	-	-	Sec. 10.6.2.A	
< 3,000sqft gross floor area	-	-	-	-	-	-	-	-	-	-	-	C	L	L	L	L	L	P	-	-	Sec. 10.6.2.A	
> 3,000sqft gross floor area	-	-	-	-	-	-	-	-	-	-	-	-	C	C	L	L	L	P	-	-	Sec. 10.6.2.A	
All research and development	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	Sec. 10.6.3.A	
<b>Resource Extraction</b>		RC-2.5	RC-1.0	RC-0.5	RS-16	RS-7	RS-5	RS-3	RM-1	RM-2	RX	NX	CX	DX	CC	CH	IX	IL	CIV	REC	CON	Definition/ Standards
All resource extraction	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 10.6.4.A	
All vehicle service and repair, as listed below:																					Sec. 10.6.5.A	
Car wash	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	L	L	-	-	-	Sec. 10.6.5.B	
Vehicle repair, minor	-	-	-	-	-	-	-	-	-	-	-	-	L	L	L	L	L	P	-	-	Sec. 10.6.5.C	
Vehicle repair, major	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	L	L	-	-	Sec. 10.6.5.D	
Vehicle repair, commercial vehicle	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	L	-	-	Sec. 10.6.5.E	
Vehicle repair, power sports vehicle	-	-	-	-	-	-	-	-	-	-	-	-	L	L	L	P	L	P	-	-	Sec. 10.6.5.F	
All warehouse, storage and distribution, as listed below:																					Sec. 10.6.6.A	
Enclosed storage	-	-	-	-	-	-	-	-	-	-	-	-	L	L	L	L	L	L	-	-	Sec. 10.6.6.A/B	
Self-service storage, mini-warehouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	L	L	L	-	-	Sec. 10.6.6.A/B	
All waste-related service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 10.6.7	
Hangar	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-		
<b>Open Uses</b>		RC-2.5	RC-1.0	RC-0.5	RS-16	RS-7	RS-5	RS-3	RM-1	RM-2	RX	NX	CX	DX	CC	CH	IX	IL	CIV	REC	CON	Definition/ Standards
All agriculture, as listed below:																					Sec. 10.7.1.A	
Agricultural auction	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 10.7.1.C	
Agricultural processing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	P	-	-	Sec. 10.7.1.D	
Community garden	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-	P	P	Sec. 10.7.1.E	
Confined Animal Feeding Operation (CAFO)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 10.7.1.F	

# Art. 10.2. Allowed Use Table

Key: P = Permitted Use L = Limited Use C = Conditional Use -- = Use Not Permitted

**Properties located within the Airport Overlay Zone are subject to Article 9.2**

Farming	L	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 10.7.1.G
Nursery	L	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	Sec. 10.7.1.H
Urban farm	L	-	-	-	-	-	-	-	-	-	-	L	L	L	L	L	-	P	-	-	P	Sec. 10.7.1.I
Winery	C	C	C	-	-	-	-	-	-	-	-	-	-	-	P	-	-	L	-	-	-	Sec. 10.7.1.J
<b>Accessory Uses</b>	<b>RC-2.5</b>	<b>RC-1.0</b>	<b>RC-0.5</b>	<b>RS-16</b>	<b>RS-7</b>	<b>RS-5</b>	<b>RS-3</b>	<b>RM-1</b>	<b>RM-2</b>	<b>RX</b>	<b>NX</b>	<b>CX</b>	<b>DX</b>	<b>CC</b>	<b>CH</b>	<b>IX</b>	<b>IL</b>	<b>CIV</b>	<b>REC</b>	<b>CON</b>	Definition/ Standards	
Accessory uses not otherwise listed below, as determined by the Planning & Zoning Administrator:	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 10.1.1.E
Accessory apartment, attached	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-	-	-	-	Sec. 10.8.1
Backyard cottage	L	L	L	L	L	L	L	L	L	L	L	-	-	-	-	-	-	-	-	-	-	Sec. 10.8.2
Drive-thru facility	-	-	-	-	-	-	-	-	-	-	-	L	-	L	L	-	-	-	-	-	-	Sec. 10.8.3
Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	P	P	Sec. 10.8.4
Greenhouse	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-	-	Sec. 10.8.5
Home occupation	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-	L	-	-	-	-	-	Sec. 10.8.6
Home business	C	C	C	C	C	C	C	C	C	L	L	L	L	L	-	L	-	-	-	-	-	Sec. 10.8.7
Home industry	C	C	C	-	-	-	-	-	-	-	-	L	-	L	L	L	P	-	-	-	-	Sec. 10.8.8
Livestock keeping	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-	L	-	L	L	L	L	Sec. 10.8.9
Outdoor display	-	-	-	-	-	-	-	-	-	L	L	L	L	L	L	L	L	-	-	-	-	Sec. 10.8.10
Outdoor commercial storage as listed below:																						Sec. 10.8.11
Low-impact	-	-	-	-	-	-	-	-	-	-	-	L	-	L	-	L	P	-	-	-	-	Sec. 10.8.11.A
High-impact	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	L	C	-	-	-	Sec. 10.8.11.B
Parking, on-site	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	Sec. 10.8.12
Retail Sales, Accessory	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-	-	Sec. 10.8.13
Solar panels, wind turbines	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-	-	Sec. 10.8.14
Rainwater collection systems	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-	-	Sec. 10.8.15
<b>Temporary Uses</b>	<b>RC-2.5</b>	<b>RC-1.0</b>	<b>RC-0.5</b>	<b>RS-16</b>	<b>RS-7</b>	<b>RS-5</b>	<b>RS-3</b>	<b>RM-1</b>	<b>RM-2</b>	<b>RX</b>	<b>NX</b>	<b>CX</b>	<b>DX</b>	<b>CC</b>	<b>CH</b>	<b>IX</b>	<b>IL</b>	<b>CIV</b>	<b>REC</b>	<b>CON</b>	Definition/ Standards	
Temporary Portable Storage Containers	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-	-	Sec. 10.9.1
Temporary On-Site Rock Crushing	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-	-	Sec. 10.9.2
Temporary Structures as Living Quarters	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-	-	Sec. 10.9.3
Temporary Construction Staging	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-	-	Sec. 10.9.4
Temporary Construction Housing	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	C	-	-	-	-	Sec. 10.9.5
Nonpermanent Vendor	-	-	-	-	-	-	-	-	-	L	L	L	L	L	L	L	L	L	L	-	-	Sec. 10.9.4
Special Events	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	City Code Title 5 Ch 6

## Art. 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, duplex, single-family attached, townhouse, multi-family.
2. Manufactured home.
3. Modular home.
4. Manufactured housing community.
5. 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 8-1-1](#) 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.
  - e. 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. Single-Family Attached

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

#### D. 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 in a mixed-use zone, it is allowed only if it does not front upon the main street or 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 (Art 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 Art 14.7.

#### E. Manufactured Housing Community

Any site, lot or tract of land upon which 2 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.



## Art. 10.3. Residential Uses

### 1. Use Standards

- a. 15% of the site area shall be designated and improved as a landscaped common area.
- b. A Type A or B buffer (see Sec. 11.2.2) must be established along all side and rear lot lines.
- c. Minimum site size of 14,000sf.
- d. Skirting standards shall meet the following:
  - i. 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.
  - ii. Skirting shall be installed according to the skirting manufacturer's installation instructions and this subsection.
  - iii. Skirting shall be adequately secured to assure stability, to minimize vibration, and to minimize susceptibility to wind damage.
  - iv. Skirting shall be installed to compensate for possible frost heave.
  - v. 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 back filled. F
  - vi. 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.
  - vii. All framing used to secure skirting material and located within six inches (6") of earth shall be pressure treated lumber.

### F. 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.
- b. The term mental or physical impairment includes conditions such as blindness, hearing impairment, mobility impairment, HIV infection, intellectual disability, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness.
- c. 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 mentally or physically impaired under the Fair Housing Act.
- d. 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.

## Art. 10.3. Residential Uses

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 correctional facilities and facilities that provide transient housing related to post-incarceration and social service programs.

# Art. 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, 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, the 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, fairgrounds, and community centers.

1. Public Works facilities include buildings and/or sites operated by a government agency used for the operation, storage and/or maintenance of equipment, vehicles, and machinery related to public facilities such as roads, parks, and water and sewer utilities.
2. Correctional Facility/Jail: A facility for the confinement of prisoners or juvenile offenders operated by or under the control of the 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. Parks and Open Space

### A. Defined

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

1. Cemetery.
2. Conservation area.
3. Golf course.

# Art. 10.4. Public/Institutional Uses

- 4. Park, recreation field.
- 5. Reservoir, water supply, water well.

## 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.

## D. 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.

## E. 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.

### 10.4.3. 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 facilities, neighborhood- serving telephone exchange/switching centers, gas/electric/telephone/cable transmission lines, water and wastewater pump stations or lift stations, gas gates, reservoirs, control structures, drainage wells, water supply

water wells, and water towers or tanks.

- 2. Major utilities, including aeration facilities, electrical substations, electric or gas generation plants, filter beds, transmission towers, waste treatment plants, and water pumping facilities.

### 10.4.4. 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 antenna.

#### B. Amateur Radio Operator Tower

##### 1. Defined

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

##### 2. Use 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 section 10.4.4.C.2.b. Additional height may be granted through the variance process (See Art. 14.8).
- 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

# Art. 10.4. Public/Institutional Uses

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 license 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. Use Standards

Where a wireless telecommunication tower is allowed as a conditional use, it may be permitted subject to Art. 14.7 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 following table.

Districts	Tower Height (max)
Rural District	65'
Residential District	45'
Mixed Use District	65'
Industrial District	75'
Civic/ Con /Rec District	75'
Airport Overlay	See Article 9.2

### 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

## Art. 10.4. Public/Institutional Uses

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.

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.

## D. Building-Mounted Wireless Telecommunication Antenna

### 1. Defined

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

### 2. Standards

Where a building-mounted wireless telecommunication antenna is allowed as a limited or conditional use, it may be permitted subject to Art. 14.7 and 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 (§10.4.4.C.b).
- b. A building-mounted wireless telecommunication antenna 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 antenna 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 antenna mounted to a roof must be located as far from the edge

## Art. 10.4. Public/Institutional Uses

of the roof as possible.

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

# Art. 10.5. Commercial Uses

## 10.5.1. 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 (6 or less)
2. Group day care (7 to 12)
3. Day care center (13 or more)

### B. Family Day Care Home

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

### C. Group Day care Facility

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

### D. Day Care Center

A place or facility providing day care for compensation for 13 or more children or adults.

### E. Use Standards

Where day care is allowed as a limited or conditional use (see Art. 14.7), the day care must be registered with the city.

## 10.5.2. Indoor Recreation

### A. Defined

A commercial 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. Movie theater or other indoor theater.
13. Shooting range.
14. 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 in improving 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

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

### E. Special Event Facility

A facility or assembly hall available for lease by



## Art. 10.5. Commercial Uses

private parties or special events, such as weddings.

### 10.5.3. 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.

### 10.5.4. 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 not 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.

### 10.5.5. Outdoor Recreation

#### A. Defined

A commercial 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.

# Art. 10.5. Commercial Uses

7. Shooting range.

8. Racetrack.

## B. Campground, Travel Trailer Park, RV Park

A facility used for 2 or more tent or recreational vehicle campsites. Does not include sites for manufactured homes.

## C. 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 may be closer than 50 feet from any property line, except property owned or occupied by an owner or operator of the facility.

## D. Shooting Range

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

## E. Underwing Camping

1. A facility that allows for the tying down of small personal aircraft and overnight camping on the same site.

2. Where underwing camping is allowed as a limited use, the following standards apply;

- a. Underwing camping and facilities are only allowed on property within the Light Industrial zone, that is owned by the City of Driggs and managed by the Driggs Airport Board
- b. Underwing camping facilities and management are subject to FAA regulations.

## 10.5.6. 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 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 30 rooms are provided for compensation.

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

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

## 10.5.7. 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 fee is charged.
2. Where commercial parking is allowed as a conditional use, it may be permitted subject to Art. 14.7 and the standards below:

## Art. 10.5. Commercial Uses

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

### 10.5.8. 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

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be fenced for the safe confinement of animals;

- b. A Type A or B buffer (see Sec. 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 outdoors between 11 PM and 6 AM.

### 10.5.9. 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. Cafe.
- 3. Coffee or tea shop.
- 4. Restaurant, take out or pizza delivery facility.
- 5. Restaurant, fast-food.
- 6. Restaurant, sit down
- 7. Yogurt or ice cream shop.

#### 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

### 10.5.10. 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.
- 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 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 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

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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 Sec. 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.

### 10.5.11. Vehicle Sales/Rental

#### A. Defined

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

#### B. Light Vehicle/Equipment

Sales, rental or leasing of passenger vehicles, power sports vehicles and 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 Sec. 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 Sec. 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.

## 10.6.1. 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.

## 10.6.2. Light Manufacturing

### A. Defined

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

1. Clothing, textile or apparel manufacturing.
2. Food and beverage processing
3. 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.

4. Pharmaceutical or medical supply manufacturing.
5. Recreational equipment manufacturing.
6. Sheet metal, welding, machine shop, tool repair.
7. Stone, clay, glass or concrete products.
8. Woodworking, cabinet makers or furniture manufacturing.

### B. Use Standards

1. Where Light Manufacturing is allowed as a limited or conditional use, it is subject to the following.
  - a. 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.
  - 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.

### C. A Type A or B buffer (see Sec. 11.2.2) must be established along all lot lines abutting a ground floor residential use Food and Beverage Processing

A facility in which food, beverages and alcohol are processed or otherwise prepared and distributed for eventual human consumption. On-

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site consumption of free samples is allowed when permitted by the State.

### 10.6.3. 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.

### 10.6.4. 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 materials.

### 10.6.5. Vehicle Service and Repair

#### A. Defined

Repair and service to passenger vehicles, light and medium trucks, and other consumer motor

vehicles such as power sports vehicles, 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).
5. Vehicle repair (power sports 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 Sec. 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 tires, brakes, mufflers, oil change, 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.



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- a. A Type A or B buffer (see Sec. 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.
- c. Outdoor storage provisions (see Sec. 10.8.11.A.2).

### D. Vehicle Repair (Major)

1. A facility where general vehicle repair is conducted, including transmission, 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 Sec. 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.
  - c. Outdoor storage provisions (see Sec. 10.8.11.A.2).

### E. Vehicle Repair (Commercial Vehicle)

1. A facility conducting repair, service, washing or accessory installation for commercial vehicles, including box trucks, 18-wheelers and construction or other heavy equipment.
  - a. A Type A or B buffer (see Sec. 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 vehicle is not allowed.

### F. Vehicle Repair (Power Sports Vehicle)

1. Premises used for the maintenance and repair of power sports vehicles. No impounded or salvage vehicles shall be stored onsite. All power sports vehicles must carry a work order with a completion date not to exceed 45 days. Power sports vehicles without a work order shall be classified as salvage and junk and may not be kept, stored, or worked on at a power sports vehicle repair shop.
  - a. All materials and vehicles for repair must be screened from view from any public right-of-way or adjacent property using a screen of at least 6ft in height. The screen may consist of buildings, landscaping and/or fencing.
  - b. Exterior storage of all materials and vehicles onsite must be related only to the business.
  - c. Any associated noise not in violation of City Code Section [5-1-3](#) (Disturbing the Peace), [5-1-4](#) (Loud Noise), and [5-1-5](#) (Disorderly Houses) shall only occur between the hours of 8AM and 7PM.
  - d. The use shall not front upon Main Street (Highway 33).

## 10.6.6. 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.



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1. Enclosed storage (includes bulk storage, cold storage plants, 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 Sec. 10.8.11.

## 10.6.7. 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.

## 10.7.1. Agriculture

### A. Defined

The production of crops, livestock or poultry. Agriculture includes 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 is sold to the highest bidder.

### 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. 10.6.1, Heavy Industrial).

## E. Community Garden

1. 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 Art. 14.7. 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.
2. Where a community garden is allowed as a limited use, it is subject to the following:
  - a. A community garden must be primarily used for growing and harvesting food and ornamental crops for consumption or donation or for sale off-site;
  - b. Only mechanical equipment designed for household use may be used;
  - c. On-site sales may be permitted upon approval of a conditional use permit under Art. 14.7. Sales are restricted to horticultural and agricultural products produced on the premises; and
  - d. Livestock keeping may be allowed as an accessory use subject to the use table.

## F. Confined Animal Feeding Operation (CAFO)

A lot or facility where the following conditions are met:

1. 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;
2. Crops, vegetation, forage growth or postharvest residues are not sustained in the

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normal growing season over any portion of the lot or facility; and

3. 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:
  - a. 700 mature dairy cows, whether milked or dry;
  - b. 1,000 veal calves;
  - c. 1,000 cattle other than mature dairy cows or veal calves;
  - d. 2,500 swine each weighing 55 pounds or more;
  - e. 10,000 swine each weighing less than 55 pounds;
  - f. 500 horses;
  - g. 10,000 sheep or lambs; or
  - h. 82,000 chickens.
4. 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.

### G. 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:

1. 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.
2. 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.
3. 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.
4. The outdoor storage of farm supply materials and machinery used in farming for agricultural purposes.

### H. Nursery

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

### I. Urban Farm

1. The raising and harvesting of crops and non-food ornamental crops for commercial use.

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An urban farm may be owned by an individual, group or organization and may include larger- scale farm equipment.

- 2 Where an urban farm is allowed as a limited use, livestock keeping may be allowed as an accessory use subject to the use table.

### J. Winery

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

# Art. 10.8. Accessory Uses

## 10.8.1. Accessory Apartment, Attached

### A. Defined

A dwelling unit within or attached to an existing detached house, general building, or hangar 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 apartment is allowed per lot. Where a backyard cottage is proposed or exists, an attached accessory apartment is not allowed to be associated with the same detached house;
2. One additional off-street parking space must be provided on the lot;
3. The heated floor area for an attached accessory apartment must not exceed:
  - a. RC-2.5, RC-0.5: 1,200 square feet.
  - b. RS-16: 1,000 square feet.
  - c. RS-7, RS-5, DX, CX: 1000 square feet.
  - d. RS-3, RM-1, RM-2, RX, NX, IX, CC, CH: 700 square feet.
  - e. IL: 900 square feet / Airport Operations Overlay: 1250 gross square feet and cannot exceed 20% of the ground floor area of the hangar in which it is located in (see Art. 9.3).
4. In all instances, an attached accessory apartment must be less than 50% of the heated floor area of the entire dwelling (principal plus accessory);
5. Entrance to the attached accessory apartment must be from the rear or side and must not face the street to which the detached house or general building is oriented; and

6. In the Light Industrial (IL) district, the dwelling must be owner- or employee-occupied.

## 10.8.2. Backyard Cottage

### A. Defined

A small self-contained second dwelling unit located on the same lot as a detached house 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 backyard cottage is allowed per lot. Where an attached accessory apartment is proposed or exists, a backyard cottage is not allowed to be associated with the same detached house;
2. One additional parking space must be provided on the lot; and
3. The heated floor area for a backyard cottage cannot exceed:
  - a. RC-2.5, 1.0, 0.5: 1,200 square feet.
  - b. RS-16: 1,000 square feet.
  - c. RS-7, RS-5: 1000 square feet.
  - d. RS-3, RM-1, RM-2, RX, NX: 700 square feet.
4. A tiny house may be used as a backyard cottage, provided it is:
  - a. Attached to a permanent foundation;
  - b. Skirted to hide any frame or wheels; and
  - c. Connected to public water and sewer.
5. A backyard cottage must also meet the requirements of Art. 8.3.

# Art. 10.8. Accessory Uses

## 10.8.3. Drive-Thru Facility

### 1. Defined

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

### 2. 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, 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 Sec. 11.1.6.

## 10.8.4. 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.

## 10.8.5. 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.

### B. Use Standards

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

1. When the roof or façade consists of transparent or translucent materials (which allow for the transmission of light), nighttime emission of interior light that projects outward or upward beyond the building's exterior is prohibited except when interior illumination is intermittent and its immediate exterior illumination does not increase the exterior ambient-light level by more than 0.2 foot-candles.

## 10.8.6. Home Occupation

### A. Defined

A home occupation provides a service or product that is conducted wholly on the parcel which also contains a dwelling unit. A home occupation can take place within the dwelling unit or in a building separate from the primary dwelling unit, such as an accessory building or garage.

Customers and employees coming to the dwelling to conduct business are not allowed. A home occupation does not include Bed and Breakfast (see Sec. 10.5.6.B), Home industry (see Sec. 10.8.8) or Day Care (see Sec. 10.5.1).

### 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 property.
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.

## Art. 10.8. Accessory Uses

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 buildings on site (including any accessory structures on the lot).
8. No article may be sold or offered for sale on the premises except such as is produced by the occupant of the premises.
9. Only 1 customer or pupil is permitted at a time.
10. The delivery of materials may not exceed more than 2 deliveries of per day. No delivery may be by a vehicle larger than a typical delivery van.

### 10.8.7. Home Business

#### A. Defined

A home business provides a service or product and is conducted wholly on the parcel which also contains a dwelling unit requires employees, customers, clients or patrons to visit the property. A home business does not include Bed and Breakfast (see Sec. 10.5.6.B), Home industry (see Sec. 10.8.8) or Day Care (see Sec. 10.5.1).

#### B. Use Standards

Where a home business is allowed as a conditional use, it may be permitted subject to Art. 14.7 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 property.
2. No business, storage or warehousing of material, supplies or equipment is allowed outside unless approved as part of a conditional use permit.
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 a 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.

# Art. 10.8. Accessory Uses

## 10.8.8. 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 noise, 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 Sec. 10.8.11.

## 10.8.9. Livestock Keeping

### A. Defined

1. 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 on residential property 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. Allowing any farm animal to roam freely on or onto public property or private property without the property owner's permission is prohibited.
  - c. Roosters are not allowed in non-agricultural districts.
2. Rabbits, Turkeys, Ducks and Chickens
  - 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 Art. 14.7.
  - 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 must be ventilated, designed to be easily accessed and cleaned, and may not exceed 8 feet in height.
3. Alpacas, Llamas, Goats and Sheep



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- 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 Special Use Permit under Art. 14.4.
  - 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 15 feet from any side or rear lot line.
  - e. The structure area must not be located in the front yard and must be at least 30 feet from all lot lines.
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. Animal Nuisances and Cruelty Prohibited
- Complaints of animal nuisance and/or cruelty will be investigated by the Enforcement Officer, who, upon finding a complaint to be in violation of the following requirements, issue a notice of violation and require abatement within forty- eight (48) hours of the notice of violation being received by the property occupant(s).
- a. Animal enclosures and structures must be regularly cleaned of waste and maintained so as to prevent offensive odors and the attraction of insects and rodents that would constitute a nuisance or health hazard to any person in the vicinity of the premises.
  - b. It is unlawful for any person or other party operating or occupying any building or premises to keep or allow to be kept any animal that makes noise so as to habitually or regularly disturb the peace and quiet of any person in the vicinity of the premises.
  - c. Animals must not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.
6. Slaughtering of Animals
- Rabbits, chickens, ducks and turkeys may be slaughtered on site. No other farm animal may be slaughtered on site.
7. Sales
- The sale of animals and/or animal by-products is allowed if conducted in conformance with Sec. 10.8.6.
- C. Penalty
- A violation of this Section will result in a citation being issued and the owner of the property in question being charged a civil fine as provided in Driggs Code 1-4A.
- ### 10.8.10. Outdoor Display
- A. Defined
1. The outdoor display of products actively

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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 limited outdoor storage).
3. Where allowed, the outdoor sale or rental of vehicles and equipment as part of a properly permitted use is not considered outdoor display (see Sec. 10.5.11).

### 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, unless otherwise permitted through City Code [§7-1-1-C](#). 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.

### D. Penalty

A violation of this Section will result in a citation being issued and the owner of the property in question being charged a civil fine as provided in City Code [§1-4A](#).

## 10.8.11. Outdoor Commercial Storage

### A. Low-Impact

#### 1. Defined

Low-impact outdoor commercial 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, barbecue's 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 contractor's equipment; lumber, pipe, steel or wood;
- f. 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:

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- a. All material stored outdoors cannot be located in a required setback;
- b. All material stored outdoors cannot 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 Type A or B buffer (see Sec. 11.2.2); and
- d. Vehicles awaiting repair overnight may only be stored up to 30 days within the screened storage area.

## B. High-Impact

### 1. Defined

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

- a. The outdoor storage of salvage, recycled materials or scrap metal;
- b. The outdoor storage of impounded or inoperable vehicles;
- c. 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 Art. 14.7), it is subject to the following:

- f. All material stored outdoors cannot be located in a required setback and must be located at least 15 feet from

the public right- of-way; and

- g. All material stored outdoors must be fully screened from view from the public right-of- way and abutting properties using a Type C or D buffer (see Sec. 11.2.2).

## C. Penalty

A violation of this Section will result in a citation being issued and the owner of the property in question being charged a civil fine as provided in City Code [§1-4A](#).

## 10.8.12. Parking, On-Site

### A. Defined

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

## 10.8.13. 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.

## 10.8.14. Solar Panels, Wind Turbines

### A. Defined

Renewable energy systems such as solar panels and wind turbines.

### B. Use Standards

Where solar panels or wind turbines are allowed as a limited use, it is subject to the following:

- 1. The system must meet setbacks as required by the district in which it is located; and
- 2. The system is subject to height encroachment limits (see Sec.2.5.2.C).

### 10.8.15. Rainwater Collection Systems

#### A. Defined

1. Rainwater collection devices such as rain barrels and cisterns.

#### B. Use Standards

Where rainwater collection systems are allowed as a limited use, it is subject to the following:

1. A rainwater collection device that has a capacity of 55 gallons or less are exempt from setback requirements. If the system is larger than 55 gallons, it must meet setbacks as required by the district in which it is located; and
2. The system is subject to height encroachment limits (see Sec.2.5.2.C).

#### C. Penalty

A violation of this Section will result in a citation being issued and the owner of the property in question being charged a civil fine as provided in City Code [§1-4A](#).

# Art. 10.9. Temporary Uses

## 10.9.1. Temporary Portable Storage Containers

### A. Defined

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

### B. Use Standards

1. In RS- and R- 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.

### C. Penalty

A violation of any of the provisions of this Section will result in a citation being issued and the owner of the property in question being charged a civil fine as provided in City Code [§1-4A](#).

## 10.9.2. Temporary On-Site Rock Crushing

### A. Use Standards

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, or Teton County 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 revegetated is approved by the Planning & Zoning Administrator,
  - b. A balance sheet is submitted showing that the excavated material will be used within the development, and
  - c. The estimated reclamation/ revegetation 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

# Art. 10.9. Temporary Uses

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.

### B. Penalty

A violation of any of the provisions of this Section will result in a citation being issued and the owner of the property in question being charged a civil fine as provided in City Code [§1-4A](#).

## 10.9.3. Temporary Structures as

## Living Quarters

### A. Defined

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

- 1. Temporary structures may be occupied for a maximum of three (3) months when visiting the premises of an authorized city water and/or sewer user per City Code [§7-3-7](#).
- 2. 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 year.
- 3. A unit within a temporary construction housing camp that holds a valid CUP (as per Sec. 10.9.5)

### B. Penalty

A violation of any of the provisions of this Section will result in a citation being issued and the owner of the property in question being charged a civil fine as provided in City Code [§1-4A](#).

## 10.9.4. Temporary Construction Staging

The following standards are required to be met prior to the staging of construction materials on a project site (including vehicles and equipment):

- 1. The construction is not required to take place on the subject parcel, but should be located within 1,000 feet of the project site.
- 2. The development has received site plan or final plat approval for the associated construction or maintenance activity or is an approved public facility project.
- 3. A weed control / ground cover

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restoration plan has been approved by the City, or Teton County if located in the Area of City Impact,

4. Excavation of native material is not allowed unless otherwise permitted.
5. All construction equipment is removed from the site within 15 days of completion of the associated construction project.
6. The construction 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 400 feet.
7. Equipment shall not be staged onsite for more than 1 year. An applicant may request one extension of 180 days, to be reviewed and approved by the Planning & Zoning Administrator.
8. Water is available and utilized for dust control.
9. Any Federal, State or County permits required for the proposed operation are obtained.

## 10.9.5. Temporary Construction Housing

A temporary housing camp located on an active and permitted construction site or permitted temporary construction staging area occupied solely by construction workers employed on the same construction site. The temporary housing camp shall not require hookup to City water or sewer services,. All units shall comply with the applicable temporary housing standards outlined in Sec 10.9.3. In no case will temporary construction housing be allowed within 300 feet

of a residential use in a residential or mixed use zone. The Commission shall specifically consider the appropriate length of time that the temporary construction housing will be permitted onsite.

## 10.9.6. Nonpermanent Vendors

### A. Defined

1. Mobile Vendor  
A business exhibiting goods or services from a vehicle, trailer, on foot or in a similar mobile manner for not more than one (1) hour in twenty- four (24) hours on any one site, or which is operating during an approved public event on property owned or leased by a governmental entity, with approval of the event organizer.
2. Temporary Vendor  
A business, other than a mobile vendor, exhibiting goods or services within the City of Driggs from a temporary or mobile structure or vehicle or in a similar temporary manner for fourteen (14) or fewer days in any one year period.
3. Seasonal Vendor  
A business, other than a mobile vendor, exhibiting goods or services within the City of Driggs from a temporary or mobile structure or vehicle or in a similar temporary manner for more than fourteen (14) days in any year, but for less than one hundred eighty (180) days in any year.

### B. Use Standards

All commercial or mixed-use projects, including temporary and seasonal vendors, within the Design Review Overlay must submit an application for Design Review. Applications for permanent construction and seasonal vendors must be evaluated in accordance with the Driggs Design Standards and Guidelines, adopted as

# Art. 10.9. Temporary Uses

Appendix A to this Title. Design Review applications for temporary vendors must be evaluated by the Planning & Zoning Administrator, who will approve, conditionally approve or deny the application based on the standards below. The City will not issue a building permit or business registration for such projects until the Design Review application has been approved.

## 1. Temporary Vendors

Temporary Vendors must:

- a. Provide parking in quantity, location and design that meets the requirements in Article 11.1;
- b. Provide trash receptacle(s), if vending food or beverages;
- c. Provide a safe area for pedestrian circulation and queuing that is adequately separated from vehicular traffic; and
- d. Conform to the lighting standards contained in Article 11.4.

## 2. Seasonal Vendors

Applications for design review of a seasonal vendor project must be guided by the standards and guidelines for the respective zone, however the Design Review Advisory Committee may recommend and the Planning and Zoning Commission may approve waivers for non-applicable or overly-burdensome requirements in situations where the proposed seasonal use will not conflict with guiding principles for the standard(s) or the values and objectives for the applicable district.

## C. Penalty

A violation of any of the provisions of this Section will result in a citation being issued and the owner of the property in question being charged a civil fine as provided in City Code [§1-4A](#).