

# Chapter 134. Zoning

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## 134-3.1 Principal Uses

### 3.1.1 TABLE OF ALLOWED USES

Principal uses are allowed in accordance with [Table 3.1-1](#).

### 3.1.2 INTERPRETING THE USE TABLE

**A. Use Classification System.** Uses are listed in the first column of [Table 3.1-1](#). This zoning ordinance classifies uses into categories and subcategories, which are defined in [134-3.2](#). In some cases, specific use types are listed in addition to the use categories and subcategories. The final (“Reference”) column of [Table 3.1-1](#) includes a cross-reference to the applicable use definition and any applicable supplemental use regulations.

**B. Permitted Uses.** Uses identified with a ● are permitted as-of-right in the subject zoning district, subject to compliance with any supplemental regulations identified in the final column of [Table 3.1-1](#) and with all other applicable regulations of this zoning ordinance.

**C. Conditional Uses.** Uses identified with ○ symbol are allowed only if reviewed and approved in accordance with the conditional use procedures of [134-6.4](#).

**D. Multiple Units.** Uses identified with a “②” or a “④” are permitted only in zoning districts with a map symbol (abbreviation) that includes a “-2” or “-4”

extension, respectively. An N5-4 district, for example, allows up to 4 household units per lot.

**E. Prohibited Uses.** Uses identified with an “-” are expressly prohibited. Uses that are not listed in the table and that cannot be reasonably interpreted (as stated in [134-3.2](#)) to fall within any defined use category or subcategory are also prohibited.

**F. Reference.** The final (“Reference”) column of [Table 3.1-1](#) includes a cross-reference to the use definition and any applicable supplemental use regulations that apply to the subject use. Unless otherwise expressly stated, compliance with supplemental use regulations is required regardless of whether the use is permitted as-of-right or requires conditional use approval.

**G. Accessory Uses.** Accessory uses are not regulated by [Table 3.1-1](#). Customary accessory uses are allowed in conjunction with principal uses permitted by right or by conditional use approval, subject to compliance with all applicable accessory use regulations of [134-3.9](#).

**H. Controlled Uses.** The sale of alcoholic liquor, wine and beer is a controlled use and is allowed only in districts identified in [Table 3.1-1](#). Controlled use are subject to the supplemental regulations of [134-3.8.2](#).

**TABLE 3.1-1. PRINCIPAL USE TABLE**

USE CATEGORY	DISTRICTS																Reference				
	A	DX1	DX2	DXR	MX1	MX2	MX3	RX1	RX2	CX	EX	I1	I2	N1, N2, N3, N4, N5	NX1	NX2, NX2a		NX3	NM	P1	P2
<b>RESIDENTIAL</b>																					
<b>Household Living</b>																					
1 household (per lot)	●	●	●	●	●	●	●	●	●	●	-	-	-	●	●	●	●	●	-	-	<a href="#">134-3.3.1</a>
2 households (per lot)	-	●	●	●	●	●	●	●	●	●	-	-	-	②	●	●	●	-	-	-	<a href="#">134-3.3.1</a>
3 to 4 households (per lot)	-	●	●	●	●	●	●	●	●	●	-	-	-	④	●	●	●	-	-	-	
5 to 8 households (per lot)	-	●	●	●	●	●	●	●	●	●	-	-	-	-	●	●	●	-	-	-	<a href="#">134-3.3.1</a>
9 or more households (per lot)	-	●	●	●	●	●	●	●	●	●	-	-	-	-	●	●	●	-	-	-	<a href="#">134-3.3.1</a>
Mobile home park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●*	-	-	<a href="#">134-3.3.1</a>
<b>Group Living</b>																					
Assisted living facility	-	●	●	●	●	●	●	●	●	●	-	-	-	-	●	●	-	-	-	-	<a href="#">134-3.3.2</a>
Correctional placement residence	-	○*	○*	○*	○*	○*	○*	○*	○*	○*	-	-	-	-	-	○*	○*	-	-	-	<a href="#">134-3.3.2</a>
Family home	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	-	●*	●*	●*	●*	●*	-	-	<a href="#">134-3.3.1</a>
Fraternity or sorority	-	●	●	●	●	●	●	●	●	●	-	-	-	-	●	●	-	-	-	-	<a href="#">134-3.3.2</a>
Group residence, supervised	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	-	-	●*	●*	-	-	-	-	<a href="#">134-3.3.2</a>
Shelter, temporary	-	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	-	-	●*	●*	-	-	-	-	<a href="#">134-3.3.2</a>
Group living not otherwise classified	-	○	○	○	○	○	○	○	○	○	-	-	-	-	○	○	-	-	-	-	<a href="#">134-3.3.2</a>
<b>PUBLIC, CIVIC AND INSTITUTIONAL</b>																					
Airport	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	-	-	●	<a href="#">134-3.4.1</a>
College or University	-	●	●	●	-	-	-	●	●	●	●	-	-	-	-	-	-	-	-	●	<a href="#">134-3.4.2</a>
Fraternal Organization	-	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	●	<a href="#">134-3.4.3</a>
Hospital	-	●	●	●	-	-	-	●	●	●	●	●	●	-	-	-	-	-	-	●	<a href="#">134-3.4.4</a>
Library or Cultural Exhibit	-	●	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	●	<a href="#">134-3.4.5</a>
Parks and Recreation	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	<a href="#">134-3.4.6</a>
Postal Service	-	●	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	●	<a href="#">134-3.4.7</a>
Religious Assembly	-	●	●	●	○	●	●	○	●	●	●	●	-	-	-	○	○	-	-	●	<a href="#">134-3.4.8</a>
Safety Service	●	●	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	●	<a href="#">134-3.4.9</a>
School	-	●	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	●	<a href="#">134-3.4.10</a>
<b>Utilities and Public Service Facilities</b>																					
Minor	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	<a href="#">134-3.4.11</a>
Major	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	<a href="#">134-3.4.11</a>
<b>COMMERCIAL</b>																					
Adult Entertainment	-	-	-	-	-	-	●*	-	-	-	-	-	○	-	-	-	-	-	-	-	<a href="#">134-3.5.1</a>
<b>Animal Service</b>																					
Boarding	●	-	-	-	-	-	●	-	-	●	●	●	●	-	-	-	-	-	-	-	<a href="#">134-3.5.2</a>
Grooming	●	●	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	<a href="#">134-3.5.2</a>

KEY: ●=permitted by right | ●=permitted on upper floors only | ○=requires conditional use approval | \*supplemental use regulations apply | --=prohibited  
 ②=permitted by right where district includes "2" extension | ④=permitted by right where district includes "4" extension

# 134-3. USES

## Principal Uses

DRAFT

**TABLE 3.1-1. PRINCIPAL USE TABLE**

USE CATEGORY	DISTRICTS																	Reference					
	A	DX1	DX2	DXR	MX1	MX2	MX3	RX1	RX2	CX	EX	I1	I2	N1, N2, N3, N4, N5	NX1	NX2, NX2a	NX3		NM	P1	P2		
Use Subcategory																							
Specific Use Type																							
Stable	●	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Veterinary	●	●	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.2</a>
<b>Assembly and Entertainment</b>																							
Small	-	●	●	●	○	●	●	○	●	●	●	-	-	-	-	○	○	-	-	○	-	<a href="#">134-3.4.3</a>	
Large	-	●	●	●	-	●	●	-	●	●	●	-	-	-	-	○	-	-	-	○	-	<a href="#">134-3.4.3</a>	
<b>Broadcast or Recording Studio</b>	-	●	●	-	-	○	●	-	●	●	●	●	●	-	-	-	-	-	-	●	-	<a href="#">134-3.5.4</a>	
<b>Business or Trade School</b>	-	●	●	●	○	○	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	<a href="#">134-3.5.5</a>	
<b>Commercial Service</b>																							
Consumer Maintenance and Repair	-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.6</a>	
Personal Service	-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.6</a>	
Studio or Instructional Service	-	●	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	<a href="#">134-3.5.6</a>	
<b>Day Care</b>	-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.7</a>	
<b>Day Services, Adult</b>	-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.8</a>	
<b>Eating and Drinking Places</b>																							
Restaurant	-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.9</a>	
Bar	-	○*	○*	○*	-	○*	○*	-	-	○*	○*	-	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.9</a>	
<b>Financial Service (except as below)</b>	-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.10</a>	
Check Cashing	-	-	-	-	-	-	●	-	-	●	-	-	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.10</a>	
Pawnshop	-	-	-	-	-	-	●	-	-	●	-	-	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.10</a>	
Delayed Deposit Service	-	-	-	-	-	-	●	-	-	●	-	-	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.10</a>	
Bail Bonds	-	-	-	-	-	-	●	-	-	●	-	-	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.10</a>	
<b>Funeral or Mortuary Service</b>	-	-	-	-	-	-	●	-	●	●	●	●	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.11</a>	
<b>Lodging</b>																							
Bed & Breakfast	○	○	○	○	○	○	○	○	○	○	-	-	-	○	○	○	○	-	-	-	-	<a href="#">134-3.5.12</a>	
Hotel/Motel	-	●	●	●	-	○	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.12</a>	
Short-Term Rental	○	○	○	○	○	○	○	○	○	○	-	-	-	○	○	○	○	-	-	-	-	<a href="#">134-3.5.12</a>	
<b>Office</b>																							
Business or Professional	-	●	●	●	○	○	●	●	●	●	●	●	●	-	-	-	-	-	-	●	-	<a href="#">134-3.5.13</a>	
Medical	-	●	●	●	○	○	●	●	●	●	●	-	-	-	-	-	-	-	-	●	-	<a href="#">134-3.5.13</a>	
<b>Parking, Non-accessory</b>	-	○*	○*	○*	○*	○*	○*	○*	○*	○*	○*	●	●	-	-	-	-	-	-	○*	○*	<a href="#">134-3.5.14</a>	
<b>Retail Sales</b>																							
Limited	-	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.15</a>	
General	-	●	●	●	-	●	●	-	-	●	-	-	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.15</a>	
Large-Format	-	●	○	-	-	-	-	-	-	●	-	-	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.15</a>	

KEY: ●=permitted by right | ○=permitted on upper floors only | ○=requires conditional use approval | \*supplemental use regulations apply | -=prohibited  
 ②=permitted by right where district includes "-2" extension | ④=permitted by right where district includes "-4" extension

**TABLE 3.1-1. PRINCIPAL USE TABLE**

USE CATEGORY Use Subcategory Specific Use Type	DISTRICTS																Reference					
	A	DX1	DX2	DXR	MX1	MX2	MX3	RX1	RX2	CX	EX	I1	I2	N1, N2, N3, N4, N5	NX1	NX2, NX2a		NX3	NM	P1	P2	
Fireworks Sales	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	-	-	-	<a href="#">134-3.5.15</a>
<b>Self-service Storage</b>	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	-	-	-	<a href="#">134-3.5.16</a>
<b>Sports &amp; Recreation, Participant</b>																						
Indoor	-	●	●	●	●	●	●	-	-	●	●	●	●	-	-	-	-	-	-	-	-	<a href="#">134-3.5.17</a>
Outdoor	-	-	-	●	-	-	●	-	-	●	●	●	●	-	-	-	-	-	-	-	-	<a href="#">134-3.5.17</a>
<b>Vehicle Sales and Service</b>																						
Fueling Station	-	-	○	○	-	○	●	-	-	●	●	●	●	-	-	-	-	-	-	-	-	<a href="#">134-3.5.18</a>
Vehicle Sales	-	-	-	-	-	-	●	-	-	●	-	●	●	-	-	-	-	-	-	-	-	<a href="#">134-3.5.18</a>
Vehicle Rental	-	●	●	●	-	●	●	-	-	●	●	●	●	-	-	-	-	-	-	-	-	<a href="#">134-3.5.18</a>
Vehicle Maintenance and Repair, Minor	-	-	-	-	-	-	●*	-	-	●*	●*	●*	●*	-	-	-	-	-	-	-	-	<a href="#">134-3.5.18</a>
Vehicle Maintenance and Repair, Major	-	-	-	-	-	-	-	-	-	●*	-	●*	●*	-	-	-	-	-	-	-	-	<a href="#">134-3.5.18</a>
<b>INDUSTRIAL</b>																						
<b>Fabrication and Production</b>																						
Artisan	●	●*	●*	●	●*	●*	●	-	-	●	●	●	●	-	-	-	-	-	-	-	-	<a href="#">134-3.6.1</a>
Limited	-	-	-	-	-	-	●	-	-	●	●	●	●	-	-	-	-	-	-	-	-	<a href="#">134-3.6.1</a>
General	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	-	-	-	<a href="#">134-3.6.1</a>
Intensive	-	-	-	-	-	-	-	-	-	-	-	-	○	-	-	-	-	-	-	-	-	<a href="#">134-3.6.1</a>
<b>Industrial Service</b>	-	-	-	-	-	-	●	-	-	●	●	●	●	-	-	-	-	-	-	-	-	<a href="#">134-3.6.2</a>
<b>Storage, Distribution and Wholesaling</b>																						
Equipment & Material Storage, Outdoor	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	-	-	-	<a href="#">134-3.6.3</a>
Trucking and Transportation Terminal	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	-	-	-	<a href="#">134-3.6.3</a>
Warehouse	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	-	-	●	<a href="#">134-3.6.3</a>
Wholesale sales and distribution	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	-	-	-	<a href="#">134-3.6.3</a>
<b>Junk or Salvage Yard</b>	-	-	-	-	-	-	-	-	-	-	-	-	○*	-	-	-	-	-	-	-	-	<a href="#">134-3.6.4</a>
<b>Mining or Mineral Processing</b>	-	-	-	-	-	-	-	-	-	-	-	-	○	-	-	-	-	-	-	-	-	<a href="#">134-3.6.5</a>
<b>AGRICULTURAL</b>																						
<b>Community Garden</b>	●	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	<a href="#">134-3.7.1</a>
<b>Crop Production</b>	●	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	<a href="#">134-3.7.2</a>
<b>Nursery or Truck Farm</b>	●	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	<a href="#">134-3.7.3</a>
<b>OTHER</b>																						
<b>Off-Premise Advertising Sign</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<a href="#">134-3.8.1</a>
<b>Wireless Telecom. Service</b>	Forthcoming																					

KEY: ●=permitted by right | ●=permitted on upper floors only | ○=requires conditional use approval | \*supplemental use regulations apply | -=prohibited  
 ②=permitted by right where district includes “-2” extension | ④=permitted by right where district includes “-4” extension

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### 134-3.2 Use Classifications

#### 3.2.1 GENERAL

This section establishes and describes the use classification system used to classify principal uses in this zoning ordinance.

#### 3.2.2 USE CATEGORIES

This zoning ordinance classifies principal land uses into 6 major groupings (described in section [134-3.3](#) through section [134-3.8](#)). These major groupings are referred to as “use categories.” The use categories are as follows:

- A. Residential (see section [134-3.3](#)).
- B. Public, Civic and Institutional (see section [134-3.4](#)).
- C. Commercial (see section [134-3.5](#)).
- D. Industrial (see section [134-3.6](#)).
- E. Agricultural (see section [134-3.7](#)).
- F. Other (see section [134-3.8](#)).

#### 3.2.3 USE SUBCATEGORIES

Each use category is further divided into more specific “subcategories.” Use subcategories classify principal land uses and activities based on common functional, product or physical characteristics, such as the type and amount of activity, the type of customers or residents, and how goods or services are sold or delivered and site conditions.

#### 3.2.4 SPECIFIC USE TYPES

Some use subcategories are further broken down to identify specific types of uses that are regulated differently than the subcategory as a whole.

#### 3.2.5 DETERMINATION OF USE CATEGORIES AND SUBCATEGORIES

- A. The community development director is authorized to classify uses on the basis of the use category, subcategory and specific use type descriptions of this article.
- B. When a use cannot be reasonably classified into a use category, subcategory or specific use type, or appears to fit into multiple categories, subcategories or specific use types, the community development director is authorized to determine the most similar and thus most appropriate use category, subcategory or specific use type based on the actual or projected characteristics of the principal use or activity in relationship to the use category, subcategory and specific use type descriptions provided in this article. In making

such determinations, the community development director must consider:

1. The types of activities that will occur in conjunction with the use;
  2. The types of equipment and processes to be used;
  3. The existence, number and frequency of residents, customers or employees;
  4. Parking demands associated with the use; and
  5. Other factors deemed relevant to a use determination.
- C. If a use can reasonably be classified in multiple categories, subcategories or specific use types, the community development director is authorized to categorize each use in the category, subcategory or specific use type that provides the most exact, narrowest and appropriate “fit.”

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### 134-3.3 Residential Use Category

This category includes uses that provide living accommodations for one or more persons. The residential use subcategories are as follows.

#### 3.3.1 HOUSEHOLD LIVING

Residential occupancy of a dwelling unit by a household or a family home. When dwelling units are rented, tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered a form of lodging.

#### 3.3.2 GROUP LIVING

Residential occupancy of a building or any portion of a building by a group other than a household or family home. Tenancy is arranged on a month-to-month or longer basis. Structures containing group living uses contain individual rooms with private or shared bathroom facilities and may also contain shared kitchen facilities, and/or common dining and living areas for residents. Residents may or may not receive any combination of care, training, or treatment, but those receiving such services must reside at the site. Examples of group living use types include assisted living facilities, fraternity and sorority houses and temporary shelters.

- A. **Assisted Living Facility.** An assisted living facility is a group living use consisting of individual rooms or dwelling units where meals and assistance with daily living activities are provided to the residents, who are primarily elderly persons. Assisted living facilities must be licensed as a residential care facility,

intermediate care facility or nursing facility under I.C. §135C.1.

### B. Correctional Placement Residence

1. A correctional placement is a group living use occupied by 3 or more persons who have been convicted of public offenses and who have been released to such facility during any period of:
  - a. Probation;
  - b. Work release while serving a sentence in a correctional institution; or
  - c. Assignment to the judicial district department of correctional services after receiving a deferred sentence.
2. Correctional placement residences are subject to the following supplemental use regulations:
  - a. The proposed location must provide residents with adequate access to public transportation.
  - b. A permit for such use is subject to reconsideration by the board or adjustment if at any time the community development director determines that the facility has become detrimental to the neighborhood.
  - c. Each bedroom within the residence must contain (i) beds for no more than 4 residents, (ii) at least 80 square feet of usable floor space per bed, except a minimum of 60 square feet of usable floor space per bed is permitted for those correctional placement residences that are constructed after July 1, 1991 and are owned or leased and administered by the fifth judicial district department of correctional services as part of a community-based correctional program under I.C. ch. 905, and (iii) usable floor space of at least 8 feet in any major dimension. For purposes of calculating usable floor space, any parts of a room having less than 7 feet of ceiling height may not be counted. Rooms in which beds are located may not be used for purposes other than bedrooms. The regulations of this paragraph do not apply to facilities licensed and regulated as health care facilities by the state department of public health.
  - d. Each such facility must contain at least one lavatory and one toilet per 10 residents or fraction thereof and one tub or shower per 15 residents or fraction thereof. At least

one bathroom with tub or shower, toilet and lavatory must be located on each floor that is occupied by resident bedrooms. The regulations of this paragraph do not apply to facilities licensed and regulated as health care facilities by the state department of public health.

- e. Each such facility must contain areas for dining and recreational purposes. When space is used for multi-purpose dining and recreational purposes, the area must include at least 30 square feet of floor area per resident bed. When space is provided exclusively for dining, the area must include at least 15 square feet of floor area per resident bed. When space is provided to be used exclusively for recreational purposes, the area shall total at least 15 square feet of floor area per resident bed and at least 50% of the required area must be in one room. The regulations of this paragraph do not apply to facilities licensed and regulated as health care facilities by the state department of public health.
- f. Each correctional placement residence must provide supervision 24 hours per day by persons responsible for the care of the residents.
- g. New correctional placement residences may not be located within 1,320 feet of any existing family home, correctional placement residence, or temporary shelter, except when such facilities are separated from by a freeway or river.

### C. Family Home

1. A family home is a community-based residential home licensed as a residential care facility under I.C. Ch. 135C or as a child foster care facility under I.C. ch. 237 to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than 8 persons with a developmental disability or brain injury and any necessary support personnel. A family home includes an elder group home but does not include an individual foster care family home licensed under I.C. ch. 237.
2. New family homes owned and operated by public or private agencies must be dispersed throughout residential districts and may not be located within contiguous city block areas (see

## Residential Use Category

also I.C. [§414.22](#)).

### D. Group Residence, Supervised

1. A residential facility, occupied by 3 or more persons under the supervision of one or more persons who are unrelated to the persons being supervised by blood, marriage or adoption, wherein the individuals supervised have mental, social or substance-abuse problems that hinder their functioning in society and require the protection and supervision of a group environment to facilitate their becoming functional members of society. Family homes, hospitals, correctional placement residences, and nursing, convalescent and retirement homes are not included within this definition.
2. Supervised group residences are subject to the following supplemental use regulations:
  - a. Each bedroom within the facility must contain (i) beds for no more than 4 residents, (ii) at least 80 square feet of usable floor space per bed and (iii) usable floor space of at least 8 feet in any major dimension. For purposes of calculating usable floor space, any parts of a room having less than 7 feet of ceiling height may not be counted. Rooms in which beds are located may not be used for purposes other than bedrooms. The regulations of this paragraph do not apply to facilities licensed and regulated as health care facilities by the state department of public health.
  - b. Each such facility must contain at least one lavatory and one toilet per 10 residents or fraction thereof and one tub or shower per 15 residents or fraction thereof. At least one bathroom with tub or shower, toilet and lavatory must be located on each floor that is occupied by resident bedrooms. The regulations of this paragraph do not apply to facilities licensed and regulated as health care facilities by the state department of public health.
  - c. Each such facility must contain areas for dining and recreational purposes. When space is used for multi-purpose dining and recreational purposes, the area must include at least 30 square feet of floor area per resident bed. When space is provided exclusively for dining, the area must include at least 15 square feet of floor area per resident bed. When space is provided to be

used exclusively for recreational purposes, the area shall total at least 15 square feet of floor area per resident bed and at least 50% of the required area must be in one room. The regulations of this paragraph do not apply to facilities licensed and regulated as health care facilities by the state department of public health.

- d. Each such facility shall provide supervision 24 hours a day by persons responsible for the care of the residents.
- e. New supervised group residences may not be located within 1,320 feet of an existing supervised group residence, family home, correctional placement residence, or temporary shelter, except when such facilities are separated from by a freeway or river.
- f. A supervised group residence may not be operated until a permit has been issued by the zoning enforcement officer, based upon a finding that the proposed facility complies with all applicable zoning regulations. If, after issuance of the required permit, evidence comes to the attention of the zoning enforcement officer that operation of such facility may be causing unreasonable and chronic traffic congestion in the streets; unreasonable and chronic noise in the neighborhood; or danger to the health, safety and general welfare of its occupants or of occupants of other property in the neighborhood, the zoning enforcement officer must refer the matter to the zoning board of adjustment. If, after public hearing, the board of adjustment finds that operation of the facility is causing unreasonable and chronic noise in the neighborhood or danger to the health, safety and general welfare of its occupants or of occupants of other property in the neighborhood, the board is authorized to revoke such permit or prescribe appropriate conditions and safeguards to remedy the problems found to exist.

### E. Shelter, Temporary

1. A temporary shelter is a group living use that provides overnight or temporary living accommodations for individuals who do not have access to traditional or permanent housing or who require temporary living accommodations



during periods of emergency or crisis. Temporary shelters may provide other services for residents, including counseling.

2. Temporary shelters are subject to the following supplemental use regulations:
  - a. Temporary shelters must contain at least 70 square feet of usable floor space per occupant. Bathrooms and areas having less than 7 feet of ceiling height may not be counted.
  - b. Each such facility must contain at least one lavatory and one toilet per 10 residents or fraction thereof and one tub or shower per 15 residents or fraction thereof. At least one bathroom with tub or shower, toilet and lavatory must be located on each floor that is occupied by resident bedrooms.
  - c. New temporary shelters may not be located within 1,320 feet of an existing family home, correctional placement residence, or temporary shelter, except when such facilities are separated from by a freeway or river.

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### 134-3.4 Public, Civic and Institutional Use Category

This category includes public, quasi-public and private uses that provide unique services that are of benefit to the public at-large. The public, civic and institutional subcategories are as follows.

#### 3.4.1 AIRPORT

Facilities from which FAA-certified aircraft take off, land and operate, including customary accessory uses and structures.

#### 3.4.2 COLLEGE OR UNIVERSITY

Academic institutions of higher learning that are accredited or recognized by the state and offer courses of general or specialized study.

#### 3.4.3 FRATERNAL ORGANIZATION

The use of a building or lot by a not-for-profit, social or business organization that restricts access to its facility to bona fide, annual dues-paying members and their occasional guests and where the primary activity is a service not carried on as a business enterprise.

#### 3.4.4 HOSPITAL

Uses providing medical or surgical care to patients and offering inpatient (overnight) care.

#### 3.4.5 LIBRARY OR CULTURAL EXHIBIT

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art or library collections of books, manuscripts and similar materials operated by a public or quasi-public agency other than the city for study and reading by the general public.

#### 3.4.6 PARKS AND RECREATION

Recreational, social or multi-purpose uses associated with parks and open spaces, including playgrounds, play fields, play courts and other facilities typically associated with public parks and open space areas.

#### 3.4.7 POSTAL SERVICE

Post offices operated by the U.S. Postal Service. Mail sorting and distribution facilities are classified as trucking and transportation terminals.

#### 3.4.8 RELIGIOUS ASSEMBLY

Buildings used for conducting organized religious services. Examples include synagogues, temples, mosques and churches.

#### 3.4.9 SAFETY SERVICE

Establishments that provide fire, police or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations and police stations.

#### 3.4.10 SCHOOL

Public and private schools at the primary, elementary, middle school or high school level that provide basic, compulsory education.

#### 3.4.11 UTILITIES AND PUBLIC SERVICE FACILITIES

- A. **Minor.** Infrastructure services that need to be located in or close to the area where the service is provided. Minor utilities and public service facilities do not regularly have employees at the site and typically have few if any impacts on surrounding areas. Typical uses include; underground electric distribution substations; electric transformers; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication warning/broadcast facilities.
- B. **Major.** Infrastructure services that typically have substantial visual or operational impacts on nearby areas.

## Commercial Use Category

### 134-3.5 Commercial Use Category

The commercial use category includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use subcategories are as follows.

#### 3.5.1 ADULT ENTERTAINMENT

An adult bookstore, adult motel, adult motion picture arcade, adult motion picture theater or sexual encounter center.

- A. Adult Bookstore.** An establishment having as a significant portion of its stock in trade books, films, magazines and other periodicals which are distinguished or characterized by an emphasis on matter depicting or describing sex acts or specified anatomical areas.
- B. Adult Motel.** A motel wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing sex acts or specified anatomical areas.
- C. Adult Motion Picture Arcade.** Any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing sex acts or specified anatomical areas.
- D. Adult Motion Picture Theater.** An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting or describing sex acts or specified anatomical areas for observation by patrons therein.
- E. Sexual Encounter Center.** A business, agency or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in sex acts or exposing specified anatomical areas.
- F. Supplemental Use Regulations.** Adult entertainment uses are subject to the following supplemental use regulations.

1. Adult entertainment uses may not be established within 750 feet of:
  - a. Another adult entertainment use;
  - b. School, religious assembly, parks and recreation, or day care use;

- c. N or NX district or lot that is restricted to residential use.
2. For purposes of measuring compliance with these separation distance requirements, measurements must be taken on a direct line following the shortest distance from the property line of the proposed use to property line of lot occupied by the use, district or area from which separation is required.
3. The establishment of an adult entertainment use includes the opening of a new such use, the relocation of such use, the expansion of such a use or the conversion of an existing use to an adult entertainment use.
4. All building entries, windows, and other openings must be constructed, located, covered, or visually screened in to prevent views into the interior of such building from any sidewalk, walkway, street or other public or semipublic area.

#### 3.5.2 ANIMAL SERVICE

Uses that provide goods and services for care of animals, including the following specific use types:

- A. Breeding and Boarding .** Breeding of 4 or more pets or companion animals 6 months in age or older in a location other than their primary residence. Typical examples include dog breeding kennels, kennel services, pet resorts/hotels, pet training centers, and pet day care centers.
- B. Grooming.** Grooming of dogs, cats and similar small household pets, including dog bathing and clipping salons and pet grooming shops.
- C. Stable.** Land or structure in which horses are kept, whether for personal enjoyment or for compensation.
- D. Veterinary.** Animal hospitals and veterinary clinics. Any outdoor boarding or outdoor exercise runways must be located at least 200 feet from N districts (see also section [135-1.19.3](#)).

#### 3.5.3 ASSEMBLY AND ENTERTAINMENT

Buildings and other facilities that accommodate public assembly for spectator-oriented sports, amusement, or entertainment events. Typical uses include event centers, fairgrounds, theaters, and cinemas..

- A. Event Center.** Civic or community auditoriums, sports stadiums and arenas, convention facilities and multi-purpose venues,.
- B. Small.** Assembly and entertainment, uses including event centers, with a seating or occupant capacity of

no more than 2,000 persons.

**C. Large.** Assembly and entertainment uses, including event centers, with a seating or occupant capacity of more than 2,000 persons.

### 3.5.4 BROADCAST OR RECORDING STUDIO

Uses that provide for audio or video production, recording or radio, television or Internet broadcasting.

### 3.5.5 BUSINESS OR TRADE SCHOOL

Uses in an enclosed building that focus on teaching the skills needed to perform a particular job. Examples include schools of cosmetology, modeling academies, computer training facilities, vocational schools, administrative business training facilities and similar uses. Truck driving schools and other training facilities that involve outdoor work or training activities are classified as industrial services.

### 3.5.6 COMMERCIAL SERVICE

Uses that provide low-impact repair, maintenance and improvement services to individual consumers and small businesses.

#### A. Consumer Maintenance and Repair Service.

Uses that provide maintenance, cleaning and repair services for consumer goods on a site other than that of the customer (i.e., customers bring goods to the site of the repair/maintenance business). Typical uses include laundry and dry cleaning pick-up shops, tailors, taxidermists, dressmakers, shoe repair, picture framing shops, copy shops, locksmiths, vacuum repair shops, electronics repair shops and similar establishments. Business that offer repair and maintenance service for large equipment or technicians who visit customers' homes or places of business are classified as an "industrial service."

**B. Personal Service.** Uses that provide personal support and improvement services. Typical uses include barbers, hair and nail salons, tanning salons, travel agencies, and day spas. Also includes uses involved in providing tattoos, piercing and similar forms of body art.

**C. Studio or Instructional Service.** Uses that focus on providing individual or small group instruction or training in fine arts, music, dance, drama, fitness, language or similar activities. Also includes dance studios, ballet academies, yoga studios, martial arts instruction, tutoring, photography studios and other studios for artists that do not involve the use of power tools or power machinery.

### 3.5.7 DAY CARE

Uses providing care and supervision for 8 or more

children away from their primary residence for less than 24 hours per day.

### 3.5.8 DAY SERVICES, ADULT

An organized program providing a variety of health-related care, social services, and other related support services for 16 hours or less in a 24-hour period to 2 or more persons with a functional impairment on a regularly scheduled, contractual basis certified by the State of Iowa.

### 3.5.9 EATING AND DRINKING PLACES

An establishment that serves food or beverages for on- or off-premise consumption as its principal business.

**A. Restaurant.** An establishment that serves food or beverages for on- or off-premise consumption as its principal business. Typical examples of restaurant uses include principal use restaurants, cafés, cafeterias, ice cream/yogurt shops, donut shops and coffee shops. Any restaurant engaged in the sale of alcoholic liquor, wine or is subject to the regulations of [134-3.8.2.](#)

**B. Bar.** Uses that cater primarily to adults, 21 years of age and older and that sell and serve beer, wine or alcoholic liquor for on-premise consumption as their principal business. Typical uses include bars, taverns, brewpubs, tasting rooms and nightclubs. All such uses are subject to the regulations of [134-3.8.2.](#)

### 3.5.10 FINANCIAL SERVICE

Uses related to the exchange, lending, borrowing and safe-keeping of money. Automatic teller machines, kiosks and similar facilities that do not have on-site employees or amplified sound are not classified as financial service uses if they meet the criteria for classification as an accessory use (see section [134-3.9](#)). Typical examples of financial service use types are banks, credit unions, and the following types of personal credit establishments:

**A. Check Cashing.** A use that:

1. Is not a bank or financial lending institution subject to federal or state regulation;
2. Charges a fee to cash a check or have a check processed; and
3. Provides such services to the public.

**B. Pawnshop.** A use that is engaged to any extent in any of the following business or activities:

1. The lending of money on the deposit or pledge of personal property, other than choses in action, securities or written evidence of indebtedness;

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2. The purchase of personal property either from an individual, another pawn business or any other business with an expressed or implied agreement or understanding to offer the property for sale to the public, and if that sale is unsuccessful, then to sell it back to the previous owner at a subsequent time at a stipulated price or negotiated price;
3. The purchase of precious metals with the intent to melt down, provided that such activity is not clearly incidental to the principal use of the establishment; or
4. The lending of money upon personal property, goods, wares, or merchandise pledged, stored or deposited as collateral security.

**C. Delayed Deposit Service.** A use that for a fee does either of the following:

1. Accepts a check dated after the date it was written.
2. Accepts a check dated on the date it was written and holds the check for a period of time before deposit or presentment pursuant to an agreement with, or any representation made to, the maker of the check, whether express or implied.

**D. Bail Bonds.** A use that provides surety and pledged money or property as bail for the appearance of persons accused in court.

**E. Supplemental Use Regulations.** Personal credit establishments are subject to the following supplemental use regulations.

1. Personal credit establishments may not be established within 1,320 feet of another personal credit use;
2. Personal credit establishments may not be established within 250 feet of an N district, NX district, or lot restricted to residential use;
3. For purposes of measuring compliance with these separation distance requirements, measurements must be taken on a direct line following the shortest distance from the property line of the proposed use to property line of lot occupied by the use, district or area from which separation is required.
4. The establishment of a personal credit establishment includes the opening of a new such use, the relocation of such use, the expansion of such a use or the conversion of an existing use to an personal credit use.

5. Drive-in and drive-through service facilities are prohibited for personal credit establishments.

#### 3.5.11 FUNERAL AND MORTUARY SERVICE

Uses that provide services related to the death of a human or domestic, household pet, including funeral homes and mortuaries.

#### 3.5.12 LODGING

Uses that provide temporary lodging for less than 30 days where rents are charged by the day or by week. Lodging uses sometimes provide food or entertainment, primarily to registered guests. Examples of specific lodging use types include:

- A. Bed and Breakfast.** A small-scale lodging establishment in which the owner/operator offers overnight accommodations and meal service to overnight guests for compensation in a house building type.
- B. Hotel/Motel.** A lodging establishment other than a bed and breakfast and that may provide ancillary facilities and services, customary in a full-service hotel, as further regulated by the Iowa Code.
- C. Short-Term Rental.** The use of a dwelling unit for lodging.

#### 3.5.13 OFFICE

Uses in an enclosed building, customarily performed in an office, that focus on providing executive, management, administrative, professional or medical services. Examples of specific use types include:

- A. Business or Professional.** Office uses for companies and non-governmental organizations. Examples include corporate office, law offices, architectural firms, insurance companies and other executive, management or administrative offices for businesses and corporations. Also includes uses engaged in scientific research and testing services leading to the development of new products and processes that do not involve the mass production, distribution or sale of such products.
- B. Medical.** Office or clinic uses related to diagnosis and treatment of human patients' illnesses, injuries and physical maladies that can be performed in an office setting with no overnight care. Typical uses include offices of physicians, dentists, psychiatrists, psychologists and chiropractors. Surgical, rehabilitation and other medical centers that do not involve overnight patient stays are included in this use subcategory, as are medical and dental laboratories, unless otherwise expressly indicated.

### 3.5.14 PARKING, NON-ACCESSORY.

**A. Definition.** A lot that does not contain a permitted building of more than 1,000 square feet, is not used for open space, and is almost exclusively used for the parking of vehicles, whether a surface lot or a parking structure.

**B. Supplemental Use Regulations.** When a conditional use permit is required, a non-accessory parking facility shall meet the following requirements:

1. A corner lot shall not be used solely for parking.
2. Two or more principal parking facilities shall not be located directly adjacent to one another.
3. A parking lot specified for use by the public-at-large is exempt from these requirements.

### 3.5.15 RETAIL SALES

Uses involving the sale, lease or rental of new or used goods to the ultimate consumer. Examples of specific retail use types include retail sales of convenience goods, consumer shopping goods and building supplies and equipment, provided however, that any retail sales use that derives more than 40% of its gross receipts from the sale of alcoholic liquor, wine, beer or tobacco products is classified as a controlled use and must comply with the supplemental regulations of [134-3.8.2](#).

**A. Limited Retail Sales.** Retail sales establishments occupying no more than 12,000 square feet of floor area. Accessory outdoor display per [134-3.9.5](#) is limited to no more than the gross square footage of the interior space of the associated establishment.

**B. General Retail Sales.** Retail sales establishments occupying more than 12,000 square feet of floor area but no more than 40,000 square feet of floor area.

**C. Large-Format Retail Sales.** Retail sales establishments occupying more than 40,000 square feet of floor area.

**D. Fireworks Sales.** Retail sales of consumer fireworks, as defined in chapter 46 of the municipal code.

1. Such uses are allowed only in those zoning districts where fireworks sales are expressly identified as a permitted use.
2. Fireworks sales shall be permitted only as a principal permitted use, not as an accessory use.
3. All fireworks sales activities must comply with chapter 46 of the municipal code.

### 3.5.16 SELF-SERVICE STORAGE

An enclosed use that provides separate, small-scale, self-service storage facilities leased or rented to individuals or small businesses. Facilities are designed and used to accommodate interior access to storage lockers or drive-up access from passenger vehicles.

### 3.5.17 SPORTS AND RECREATION, PARTICIPANT

Provision of sports or recreation primarily by and for participants. (Spectators are incidental). Examples include bowling alleys, health clubs, skating rinks, bingo halls, casinos, billiard parlors, driving ranges and miniature golf courses, shooting and archery ranges, batting cages, and go-cart tracks.

**A. Indoor.** Participant sports and recreation uses conducted entirely within buildings.

**B. Outdoor.** Participant sports and recreation uses conducted wholly or partially outside of buildings.

### 3.5.18 VEHICLE SALES AND SERVICE

#### A. Fuel Station

1. A use engaged in retail sales of vehicle fuels for personal vehicles, other than fleet fueling facilities and truck stops, which are regulated as industrial service uses.
2. Fuel stations are subject to the accessory structure regulations in section [135-1.19.3](#).

**B. Vehicle Sales.** Uses primarily engaged in the sales of personal, consumer-oriented motor vehicles, such as automobiles, pick-up trucks, motorcycles and personal watercraft. Note: the sale of large trucks, construction equipment, agricultural equipment, aircraft or similar large vehicles are regulated as trucking and transportation terminals (see section [134-3.6.3](#))

**C. Vehicle Rentals.** Uses primarily engaged in the rental of personal, consumer-oriented motor vehicles, such as automobiles, pick-up trucks, motorcycles and personal watercraft. Note: the rental of large trucks, construction equipment, agricultural equipment, aircraft or similar large vehicles are regulated as trucking and transportation terminals (see section [134-3.6.3](#))

**D. Vehicle Maintenance and Repair, Minor.** Uses that repair, install or maintain the mechanical components of automobiles, trucks, vans, trailers or motorcycles or that wash, clean or otherwise protect the exterior or interior surfaces of such vehicles. Minor vehicle maintenance and repair uses are subject to the following supplemental use regulations:

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1. No more than 3 vehicles may be stored outdoors while awaiting repair or pick-up.
2. Vehicles awaiting repair or pick-up may not occupy required parking spaces.
3. All vehicles must be have current license tags.
4. Outdoor storage of junk, debris, tires or vehicle parts is prohibited.

**E. Vehicle Maintenance and Repair, Major.** Uses that primarily conduct motor vehicle body work and repairs or that apply paint to the exterior or interior surfaces of motor vehicles by spraying, dipping, flow-coating or other similar means. Major vehicle maintenance and repair uses are subject to the following supplemental use regulations:

1. No more than 3 vehicles may be stored outdoors while awaiting repair or pick-up.
2. Vehicles awaiting repair or pick-up may not occupy required parking spaces.
3. Vehicles awaiting repair or pick-up must be screened from view of rights-of-way.
4. All vehicles must be have current license tags.
5. Outdoor storage of junk, debris, tires or vehicle parts is prohibited.

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### 134-3.6 Industrial Use Category

The industrial use category includes uses that produce goods from extracted materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced. It also includes uses that store or distribute materials or goods in large quantities and uses involved in basic industrial processes.

#### 3.6.1 FABRICATION AND PRODUCTION

Uses primarily involved in the manufacturing, processing, fabrication, packaging, or assembly of goods made for the wholesale market, for transfer to other plants, or for firms or consumers.

**A. Artisan.** Uses involved in the creation of art works or custom goods by hand manufacturing involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations, storage or regular commercial truck parking/loading, but which may include retail sales of goods produced on on-site. Where subject to supplemental use regulations, artisan fabrication and production uses must include retail sales of goods produced on-site,

with a sales area of at least 625 square feet, with direct access from the main building entrance.

**B. Limited.** Uses that process, fabricate, assemble, treat, or package finished parts or products without the use of explosive or petroleum materials. This subcategory does not include the assembly of large equipment and machinery and has very limited external impacts in terms of noise, vibration, odor, hours of operation, and traffic. Common examples include apparel manufacturing, bakery products manufacturing, bottling plants, ice manufacturing, mattress manufacturing and assembly, microbreweries, micro distilleries, musical instrument manufacturing, newspaper printing and binderies.

**C. General.** Uses that process, fabricate, assemble, or treat materials for the production of large equipment and machines as well as fabrication and production uses that because of their scale or method of operation regularly produce odors, dust, noise, vibration, truck traffic or other external impacts that are detectable beyond the property lines of the subject property. Common examples include dairy products manufacturing, foundries, chrome plating, crematoriums, electroplating, fiberglass manufacturing, flour mills and paper products manufacturing.

**D. Intensive.** Uses that regularly use hazardous chemicals or procedures or produce hazardous byproducts, including the following: manufacturing of acetylene, cement, lime, gypsum or plaster-of-paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins, and radioactive materials. This subcategory also includes petrochemical tank farms, gasification plants, smelting, animal slaughtering, oil refining, asphalt and concrete plants, and tanneries. Intensive industrial uses have high potential for external impacts on the surrounding area in terms of noise, vibration, odor, hours of operation, and traffic.

#### 3.6.2 INDUSTRIAL SERVICE

Uses engaged in the maintenance, repair or servicing of industrial, business or consumer machinery. Examples include janitorial, carpet cleaning, extermination, plumbing, electrical, window cleaning and similar building maintenance services; welding shops; machine shops; heavy truck servicing and repair; publishing and lithography; redemption centers; laundry, dry-cleaning, and carpet cleaning plants; photofinishing laboratories

and maintenance and repair services that are not otherwise classified..

### 3.6.3 STORAGE, DISTRIBUTION AND WHOLESALING

Uses involved in the storage or movement of goods for themselves or other firms or the sale, lease, or rental of goods primarily intended for industrial, institutional, or commercial businesses.

#### A. Equipment and Materials Storage, Outdoor.

Uses related to outdoor storage of equipment, products or materials, whether or not stored in containers.

**B. Trucking and Transportation Terminals.** Uses engaged in the sales, rental, dispatching or long-term or short-term storage of large trucks, buses, construction equipment agricultural equipment and similar large vehicles, including parcel service delivery vehicles, taxis and limousines. Also includes uses engaged in the moving of household or office furniture, appliances and equipment from one location to another, including the temporary on-site storage of those items.

**C. Warehouse.** Uses conducted within a completely enclosed building that are engaged in long-term and short-term storage of goods and that do not meet the definition of "self-service storage" use or a "trucking and transportation terminal."

**D. Wholesale Sales and Distribution.** Uses engaged in the wholesale sales, bulk storage and distribution of goods. Such uses may also include incidental retail sales and wholesale showrooms. Expressly includes the following uses: bottled gas and fuel oil sales, flea markets, ice distribution centers, monument sales, portable storage building sales, vending machine sales, auctioneers, and frozen food lockers.

### 3.6.4 JUNK OR SALVAGE YARD

**A.** A building or open area where waste, scrap, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, crushed, processed, or handled for reclamation, disposal or other similar purposes, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles encompassing either:

1. An area of 200 square feet or more; or
2. Two or more inoperable motor vehicles, or used parts and materials thereof, which taken together equal the bulk of two or more motor vehicles.

**B.** Junk or salvage yard uses are subject to the following supplemental use regulations:

1. All driveways, parking lots and areas used for temporary storage of vehicles must be surfaced with an asphaltic or Portland cement binder pavement or such other surfaces approved by the city engineer so as to provide a durable and dustless surface, and must be graded to properly drain all surface water accumulation within the area.
2. All areas outside a completely enclosed building used for the storage of inoperable or unsafe vehicles, junk or salvage materials must be enclosed on all sides by a solid opaque fence and gates at least 8 feet in height and of uniform design and color, so as to effectively screen such areas from public view. If such area abuts an area upon the adjoining property that is also used for the storage of inoperable or unsafe vehicles, junk or salvage materials, no fence or setback is required along the common property line while such adjoining use continues. All fences shall be maintained in good repair.
3. Junk and salvage materials may not be stacked higher than the perimeter fence within 75 feet of the fence and may not be stacked higher than 25 feet anywhere on the site.
4. The dismantling or repair of vehicles shall occur only upon a impermeable surface with adequate provision for the collection and disposal of fluids and wastes.
5. Any junk or salvage yard shall provide a paved area for the receipt and temporary storage of material, which is screened from the adjoining public right-of-way.
6. The best practical control technology shall be employed to minimize any obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance generated by the proposed use, and the best practical means known shall be employed for the disposal of refuse matter.

### 3.6.5 MINING OR MINERAL PROCESSING

The mining or extraction of mineral or aggregate resources from the ground for off-site use. Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil or gas.

# 134-3. USES

## Agricultural Use Category

### 134-3.7 Agricultural Use Category

#### 3.7.1 COMMUNITY GARDEN

Areas that are managed and maintained by a group of individuals to grow and harvest food crops or non-food crops (e.g., flowers). A community garden area may be divided into separate garden plots for cultivation by one or more individuals or may be farmed collectively by members of the group. Community gardens may be principal or accessory uses and are subject to the following supplemental use regulations:

- A. Unless permitted in the subject zoning district or approved as a conditional use, on-site sales of community garden products or other items is prohibited.
- B. All equipment must be stored in a completely enclosed building.
- C. The community garden site must be designed and maintained to prevent any chemical pesticide, fertilizer or other garden waste from draining on to adjacent properties.
- D. On-site trash, recyclable and compost containers must be located and maintained as far as practicable from residential dwelling units located on other lots.
- E. A sign must be posted on the subject property identifying the name and phone number of the property owner or the owner’s agent. The sign must be at least 4 and no more than 6 square feet in area and be posted so that it is legible from the public right-of-way.
- F. The property must be maintained free of tall weeds and debris. Dead garden plants must be regularly removed and, in any instance, no later than October 31 of each year.
- G. The perimeter of all community gardens must be fenced.
- H. One sign is allowed on lots on which an allowed community garden use is located. Such signs may not exceed 16 square feet in area or 8 feet in height.

#### 3.7.2 CROP PRODUCTION

An area managed and maintained by an individual, group or business entity to grow row crops.

#### 3.7.3 NURSERY OR TRUCK FARM

The propagation and growth of trees or food or non-food crops for wholesale or retail sales and distribution. Does not include on-site retail sales unless such sales are otherwise allowed in the subject zoning district. Typical uses include plant nurseries, the growing of

vegetables and non-food crops primarily for local wholesale and retail sales.

### 134-3.8 Other Use Category

This category includes uses that do not fit the other use categories.

#### 3.8.1 OFF-PREMISE ADVERTISING SIGN

A sign that identifies or directs attention to a profession, business, service, activity, product or attraction manufactured, sold, offered or conducted at a location other than upon the premises where the sign is located.

#### 3.8.2 CONTROLLED USES (LIQUOR, WINE AND BEER SALES)<sup>1</sup>

- A. The retail sale of alcoholic liquor, wine and beer is permitted only in the zoning districts and subject to the conditions indicated in [Table 3.8-1](#).

**TABLE 3.8-1. CONTROLLED USES**

Use	Liquor Sales		Beer or Wine Sales	
	Districts			
	MX1, MX2, DXR	MX3, CX	MX1, MX2, DXR	MX3, CX
<b>Retail Sales</b>				
Limited	NA	○ 40%/500 1,320	○ 40%/150	○ 40%/150
General	40%/75	40%/75	40%/75	40%/75
Large	40%/75	40%/75	40%/75	40%/75
<b>Fuel Station/C-Store</b>	NA	○ 40%/500 1,320	40%/150	40%/150
<b>Liquor Store</b>	NA	○ 500/ 1,320	NA	○ 150
<b>Tobacco Store</b>	NA	○ 25%/500 1,320	○ 25%/150	○ 25%/150
<b>Restaurant</b>	50%/75	50%/75	50%/75	50%/75
<b>Bar</b>	○	○ 150	○	○ 150

**Table Notes**

○ = Uses identified with a ○ symbol are allowed only if reviewed and approved in accordance with the conditional use procedures of section [134-6.4](#).

**40%** = no more than 40% of the gross receipts from sales from the premises may be derived from the sale of liquor, wine, beer or tobacco products.

<sup>1</sup> Should/do the regulations apply in DX1 and DX2? To event centers? in P districts? Discuss



**50%** = at least 50% of the gross receipts must be derived from the sale of prepared food and food services.

**25%** = no more than 25% of the gross receipts from sales from the premises may be derived from the sale of alcoholic liquor, wine or beer.

**75** = the premises occupied by such use must be separated by at least 75 feet from any church, school, public park or licensed child care facility as defined by I.C. ch. 237A. However, this condition is not applicable in the DX1, DX2, and DXR districts.

**150** = the premises occupied by such use must be separated by at least 150 feet from any church, school, public park or licensed child care facility as defined by I.C. ch. 237A. However, this condition is not applicable in the DX1, DX2, and DXR districts.

**500** = the premises occupied by such use must be separated by at least 500 feet from any church, school, public park or licensed child care facility as defined by I.C. ch. 237A. However, this condition is not applicable in the DX1, DX2, and DXR districts.

**1,320** = the premises occupied by such use must be separated by at least 1,320 feet from any other controlled use engaged in the sale of alcoholic liquor. In the DX1, DX2, and DXR districts, this condition is only applicable to liquor stores.

## B. Conditional Use Approval Criteria

Conditional use approval is required for the use of a premises for the sale of alcoholic liquor, wine or beer, under the circumstances identified in indicated in [Table 3.8-1](#). The board of adjustment is authorized to grant conditional use approval for such uses only when the business, operated in conformance with such reasonable conditions as may be imposed by the board, satisfies the following criteria:

1. The business conforms with the conditions identified in indicated in [Table 3.8-1](#).
2. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing in the adjoining or surrounding residential area.
3. The business is sufficiently separated from the adjoining residential area by distance, landscaping, walls or structures to prevent any noise, vibration or light generated by the business from having a significant detrimental impact upon the adjoining residential uses.
4. The business will not unduly increase congestion on the streets in the adjoining residential area.
5. The operation of the business will not constitute a nuisance.

**C. General Conditions.** Any conditional use approval granted by the board of adjustment for the use of a premises for the sale of alcoholic liquor, wine and beer is subject to the following general conditions,

together with such additional special conditions as may be reasonably required by the board of adjustment to ensure that the conditional use review approval criteria of paragraph B of this subsection, are satisfied:

1. Any parking area provided for the use of customers of the business must be illuminated at an intensity of at least one footcandle of light on the parking surface at all times. The entire site must be landscaped and illuminated so as to minimize hiding places for possible criminal activity.
2. The business shall comply with the noise control regulations of article IV of chapter 42. Outside speakers and amplified sound is prohibited except when used in compliance with a type E sound permit.
3. Any such business must comply with the following requirements:
  - a. Every limited food sales establishment, limited retail sales establishment, gas station/convenience store and tobacco store shall display alcoholic liquor only in a locked case or behind a counter accessible only to employees. Any other business selling alcoholic liquor for off premises consumption shall either:
    - i. Display alcoholic liquor only in a locked case or behind a counter accessible only to employees;
    - ii. Employ an electronic security cap or tag system on all containers of alcoholic liquor on display; or
    - iii. Have more than one employee on duty at all times the business is open to the public.
  - b. Conspicuously post 24-hour contact information for a manager or owner of the business near the main public entrance.
  - c. Institute a strict no loitering policy, conspicuously post one or more "No Loitering" signs, and cooperate with police in addressing loitering on the premises.
  - d. Not dispense alcoholic beverages from a drive-through window.
4. Litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of such business shall remove all trash and debris from the premises

## Other Use Category

and adjoining public areas on a daily basis.

5. The conditional use approval is subject to amendment or revocation if the operation of the business becomes a nuisance or exhibits a pattern of violating the conditions of the conditional use approval.
  6. If the zoning enforcement officer determines at any time that the operation of such a business exhibits a pattern of violating the conditions of the conditional use approval, the zoning enforcement officer may apply to the board of adjustment to reconsider conditional use approval for such business. A copy of such application and notice of the hearing before the board on such application shall be provided to the owner of such business at least 30 days in advance and shall also be provided to all owners of record of property within 250 feet of the subject property. If the board of adjustment finds that the operation of such business exhibits a pattern of violating the conditions of the conditional use, the board shall have the authority to amend or revoke the conditional use approval.
- D.** Upon reasonable suspicion that any gas station/ convenience store, food sales establishment or retail sales establishment derives more than 40% of its gross receipts from sales, from the sale of alcoholic liquor, wine, beer or tobacco products, the zoning enforcement officer may require that the owner or operator of the business demonstrate within 45 days that during the prior 6 months no more than 40% of its gross receipts from sales are derived from the sale of alcoholic liquor, wine, beer or tobacco products. In such event it shall be presumed that more than 40% of the gross receipts from sales are derived from the sale of alcoholic liquor, wine, beer or tobacco products, which presumption may be overcome by the business timely furnishing a statement prepared and verified by a certified public accountant identifying the total dollar volume of all sales, and separately identifying the total dollar volume of sales derived from the sale of alcoholic beverages, from the sale of tobacco products, and from the sale of all other merchandise and food exclusive of alcoholic beverages and tobacco products, from the business premises in the preceding 6 months.
- E.** Upon reasonable suspicion that any restaurant does not derive at least 50% of its gross receipts from the sale of prepared food and food-related services, the zoning enforcement officer may require that the owner or operator or the restaurant demonstrate within 45 days that during the prior 6 months at least 50% of its gross receipts were derived from the sale of prepared food and food-related services. In such event it shall be presumed that less than 50% of the restaurant's gross receipts are derived from the sale of prepared food and food-related services, which presumption may be overcome by the business timely furnishing a statement prepared and verified by a certified public accountant identifying the total dollar volume of all receipts, and separately identifying the total dollar volume of gross receipts derived from the sale of alcoholic beverages, and from the sale of prepared food and food-related services exclusive of alcoholic beverages and tobacco products, from the business premises in the preceding months.
- F.** Upon reasonable suspicion that any tobacco store derives more than 25% of its gross receipts from sales from the sale of alcoholic liquor, wine or beer, the zoning enforcement officer may require that the owner or operator of the business demonstrate within 45 days that during the prior 6 months no more than 25% of the gross receipts from sales were derived from the sale of alcoholic liquor, wine or beer. In such event it shall be presumed more than 25% of its gross receipts from sales are derived from the sale of alcoholic liquor, wine or beer, which presumption may be overcome by the business timely furnishing a statement prepared and verified by a certified public accountant identifying the total dollar volume of all sales, and separately identifying the total dollar volume of sales derived from the sale of alcoholic beverages, from the sale of tobacco products, and from the sale of all other merchandise and food exclusive of alcoholic beverages and tobacco products, from the business premises in the preceding 6 months.
- G.** All gas stations/convenience stores, food sales establishments, retail sales establishments, tobacco stores and restaurants that have not continuously held an alcoholic liquor license or a beer or wine permit since July 1, 2012, shall comply with the requirements of paragraphs A., B., C., D., E., and F. of this subsection. Any gas station/convenience store, food sales establishment, retail sales establishment, tobacco store or restaurant which has continuously held an alcoholic liquor license or a wine or beer permit since July 1, 2012, shall comply with paragraphs A., B., C., D., E., and F. of this subsection, exclusive of any changed separation requirements, commencing on December 31, 2013, and prior to that date shall continue to be subject to the general

regulations regarding nonconforming uses, as set forth in section [134-7.3](#).

### 134-3.9 Accessory Uses

#### 3.9.1 GENERALLY APPLICABLE REGULATIONS

**A. Accessory Uses Allowed.** Accessory uses are allowed only in connection with lawfully established principal uses.

**B. Allowed Uses.** Allowed accessory uses are limited to those expressly regulated in this section as well as those that, in the determination of the community development director, satisfy all of the following criteria:

1. They are customarily found in conjunction with the principal use of the subject property;
2. They are subordinate and clearly incidental to the principal use of the property; and
3. They serve a necessary function for or contribute to the comfort, safety or convenience of occupants of the principal use.

**C. Time of Construction and Establishment.**

Accessory uses may be established only after the principal use of the property is in place.

**D. Location.** Accessory uses must be located on the same lot as the principal use to which they are accessory, unless otherwise expressly stated.

**E. Accessory Structures.** See section [135-1.19](#) for regulations governing accessory structures.

#### 3.9.2 ACCESSORY DWELLING UNITS<sup>2</sup>

**A. Where Allowed.** Accessory dwelling units (ADUs) are permitted as of right in zoning districts that allow 2, 3, or 4 dwelling units or households on a single lot.

**B. Number Allowed**

1. No more than one ADU is permitted on a single lot.
2. The total number of (principal and accessory) dwellings or households on the subject lot may not exceed the number of units or households allowed on the subject lot.

**C. Location**

1. ADUs may be located within the principal dwelling unit (internal) or in a detached accessory out building (see section [135-1.19](#)).

2. ADUs located within out buildings must be in the rear yard.

#### D. Other Regulations

1. Only one entrance to a house containing an accessory dwelling unit may be located on a façade that faces a street.
2. The floor area of an ADU may not exceed 50% of the floor area within the principal dwelling unit.
3. One additional off-street parking space must be provided for any ADU that exceed 600 square feet in area.

#### 3.9.3 DRIVE-IN AND DRIVE-THROUGH USES

**A. Description.** A use accessory to a principal use that offers service directly to occupants of motor vehicles. Such uses are typically associated with restaurants, banks and pharmacies.

**B. Where Allowed.** Drive-in and drive-through uses without a structure are permitted only in the MX3, CX, EX, and I1 districts.

**C. Exceptions.** Automatic teller machine kiosks and similar drop-off or pick-up facilities that do not have on-site employees or amplified sound are not classified as drive-in or drive-through facilities if they meet the criteria for classification as an accessory use.

**D. Structure.** See the accessory structure regulations of section [135-1.19.3](#).

#### 3.9.4 HOME OCCUPATIONS<sup>3</sup>

**A. Description.** Home occupations are jobs or professions conducted wholly or partly from a residential dwelling as an accessory use to an allowed household living use.

**B. Purpose.** The home occupation regulations of this section are intended to allow residents to engage in customary home-based work activities, while also helping to ensure that neighbors are not subjected to adverse operational and land use impacts (e.g., excessive noise or traffic or public safety hazards) that are not typical of residential neighborhoods.

**C. Type 1 Home Occupations.** Type 1 home occupations are those in which household residents use their home as a place of work, with no employees, customers or clients coming to the site. Typical examples include telecommuting office workers, writers, consultants, and artists.

<sup>2</sup> Entirely new section.

<sup>3</sup> Represents a complete update of existing home occupation regulations.

## Accessory Uses

**D. Type 2 Home Occupations.** Type 2 home occupations are those in which household residents use their home as a place of work and in which either employees or customers come to the site. Typical examples include tutors, teachers, photographers, counselors and real estate agents.

**E. Type 3 Home Occupations<sup>4</sup>.** Type 3 home occupations are those in which household residents use a limited portion of their home as a shop or place of business and in which either employees or customers come to the site. Typical examples include shops, professional offices, and small restaurants (such as cafes, tearooms, sandwich shops).

**F. Exemptions.** Nonresidential uses that are expressly allowed in conjunction with residential uses (e.g., in-home day care facilities for 8 or fewer children) are not subject to home occupation regulations.

### G. Allowed Uses

1. For type 1 and type 2 home occupations, the regulations of this section establish performance standards for all home occupations rather than listing specific uses and activities allowed to be conducted as part of a home occupation. Uses that comply with the regulations of this section are allowed as of right unless otherwise expressly stated.
2. For type 3 home occupations, provided the regulations of this section are met, the following uses are allowed as follows:
  - a. Uses allowed as of right include personal service and studio or instructional service per [134-3.5.6](#); restaurants per [134-3.5.9](#); office uses per [134-3.5.13](#); limited retail sales per [134-3.5.15](#); and artisan industrial per [134-3.6.1](#).
  - b. Uses that may be approved only through the conditional use procedures of [10.6](#) include: drinking places per [134-3.5.9](#).

**H. Prohibited Uses.** The following uses are expressly prohibited as home occupations:

1. Any type of assembly, cleaning, maintenance, painting or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);
2. Dispatch centers or other businesses where employees come to the site and are dispatched

to other locations;

3. Equipment or supply rental businesses;
4. Taxi, limo, van or bus services;
5. Tow truck services;
6. Taxidermists;
7. Restaurants for type 1 and type 2;
8. Funeral or interment services;
9. Animal care, shelter or boarding establishments;
10. Commercial food preparation;
11. Short-term rentals for type 1 and type 2;
12. In-home day care for more than 8 children for type 1 and type 2;
13. Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building; and
14. Any use that does not comply with regulations of this section.

### I. Where Allowed

1. Type 1 home occupations are permitted as of right as an accessory use to a principal use in the household living use category. Type 1 home occupations are subject to the general regulations of [134-3.9.4-J](#) and the supplemental regulations of [134-3.9.4-K](#).
2. Type 2 home occupations may be approved as an accessory use to a principal use in the household living use category only through the conditional use procedures of section [134-6.4](#). Type 2 home occupations are subject to the general regulations of [134-3.9.4-J](#) and the supplemental regulations of [134-3.9.4-L](#).
3. Type 3 home occupations<sup>5</sup> are permitted as of right as an accessory use in addition to the household living use category in the NX2 district in the following listed neighborhoods. Type 3 home occupations are subject to the regulations of [134-3.9.4-M](#).

### J. General Regulations for Type 1 and Type 2 Home Occupations.

All type 1 and type 2 home occupations are subject to the following regulations.

1. Home occupations must be accessory and subordinate to the principal residential use of

<sup>4</sup> Replaces R-HD allowances for businesses in homes.

<sup>5</sup> Note that the parcels on the SE and SW corner of 17th and Woodland have been changed to MX1. The buildings are storefront buildings.

the property.

2. Home occupations that change the character of the residential building they occupy or that adversely affect the character of the surrounding neighborhood are prohibited. Home occupations may not, for example, produce light, noise, vibration, odor, parking demand, or traffic impacts that are not typical of a residential neighborhood. Home occupations must be operated so as not to create or cause a nuisance.
3. Any tools or equipment used as part of a home occupation must be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.
4. External structural alterations or site improvements that change the residential character of the lot upon which a home occupation is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting, the addition of a separate building entrance that is visible from abutting streets or the exterior display of an illuminated nameplate sign.
5. No display of any material or merchandise is allowed.
6. The use or storage of hazardous substances is prohibited, except at the “consumer commodity” level, as that term is defined in 49 C.F.R. Sec. 171.8.
7. Outdoor storage is prohibited.

### **K. Supplemental Regulations for Type 1 Home Occupations**

1. Only residents of the dwelling unit in which the home occupation is located may be engaged in a type 1 home occupation. No nonresident owners, employees or contractors may be present on the subject property.
2. No clients, customers, patients, or students are allowed in conjunction with a type 1 home occupation.
3. Type 1 home occupations and all related activities, including storage (other than the lawful parking of passenger vehicles), must be conducted entirely within the principal residential building or an allowed accessory building.
4. More than one Type 1 home occupation is allowed as an accessory use, but the general

regulations of regulations of [134-3.9.4-J](#) and the supplemental regulations of [134-3.9.4-K](#) apply to the combined home occupation uses.

### **L. Supplemental Regulations for Type 2 Home Occupations**

1. Only uses approved in accordance with the conditional use procedures of section [134-6.4](#) are allowed as type 2 home occupations.
2. At least one individual engaged in the home occupation must reside in the dwelling unit in which the home occupation is located as their primary place of residence.
3. No more than 2 clients or customers may be present at any one time on the site of a type 2 home occupation. Family members of the client or customer are not counted towards the 2-person limit.
4. A maximum of 2 nonresident employees are allowed with a type 2 home occupation if no customers or clients come to the site at any time. Home occupations that have clients, customers or students coming to the site may not have nonresident employees and vice-versa. For the purpose of this provision, the term “nonresident employee” includes an employee, contractor, business partner, co-owner or any other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.
5. Type 2 home occupations and all related activities, including storage (other than the lawful parking of passenger vehicles), must be conducted entirely within the principal residential building or an allowed accessory building.

### **M. Regulations for Type 3 Home Occupations**

1. Type 3 home occupations that change the character of the residential building they occupy or that adversely affect the character of the surrounding neighborhood are prohibited. Home occupations may not, for example, produce additional light, noise, vibration, or odor. Home occupations must be operated so as not to create or cause a nuisance.
2. Any tools or equipment used as part of a home occupation must be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.
3. External structural alterations or site improvements that change the residential character of the lot upon which a home

## Accessory Uses

occupation is located are prohibited. Examples of such prohibited alterations include the addition of commercial-like exterior lighting, the addition of a separate building entrance that is visible from abutting streets.

4. Signs for type 3 home occupations are limited to one sign, no more than 8 feet in height and 12 square feet per sign face with no more than 2 sign faces.
5. No outdoor display of any material or merchandise is allowed.
6. The use or storage of hazardous substances is prohibited, except at the "consumer commodity" level, as that term is defined in 49 C.F.R. Sec. 171.8.
7. The area devoted to the type 3 home occupation use shall not exceed more than 50% the gross floor area of the building or the gross floor area of the ground story.
8. At least one individual engaged in the home occupation must reside in the dwelling unit in which the home occupation is located as their primary place of residence.
9. A maximum of 1 nonresident employee per 250 square feet of gross floor area devoted to the type 3 home occupation use is allowed. For the purpose of this provision, the term "nonresident employee" includes an employee, contractor, business partner, co-owner or any other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.
10. Type 3 home occupations and all related activities, including storage (other than the lawful parking of passenger vehicles), must be conducted entirely within the principal residential building or an allowed accessory building.
11. Restaurant uses are limited to the hours of 7:00am and 10:00pm, local time. Outdoor eating may be approved in accordance with the conditional use procedures of section [134-6.4](#) for buildings on corners and spaces not abutting another residence.
12. Parking lots are allowed in rear yard with a frontage buffer per section [135-5.9](#) and semi-pervious paving. Parking lots are limited to no more than 6 spaces.

### 3.9.5 OUTDOOR DINING & DISPLAY

**A. Outdoor Dining.** Tables and chairs for patrons of

eating and drinking places located outdoors and directly adjacent to the structure containing the associated use.

1. Outdoor dining may be located anywhere on the lot.
2. within 30 feet of N district, a medium side and rear buffer
3. Outdoor dining may be located on the sidewalk of an adjacent right-of-way of a non-primary street if all of the following requirements are met:
  - a. A sidewalk permit per chapter 102 is approved.
  - b. At least 5 feet of continuous sidewalk is maintained clear and unobstructed for passing pedestrians.
  - c. No permanent construction is permitted within the right-of-way and all appurtenances shall be removed during the off-season.
  - d. A type 1 exception may be approved for outdoor dining on a primary street, where no non-primary street is available adjacent to the business and the sidewalk is wide enough to accommodate the above requirements.
4. The maximum size of any outdoor dining shall not exceed the gross floor area of the restaurant interior.
5. In MX districts, outdoor dining may be a temporary use on a lot without a principal structure with a approval of a type 1 exception. The exception shall be reviewed every year by the community development director. The outdoor dining shall utilize a temporary patio on an MX lot, exempted from building type regulations per [135-1.1.4.A](#).

**B. Outdoor Display.** The outdoor display of merchandise or other items offered for sale.

1. Outdoor sales displays are permitted anywhere on the lot, but shall not be closer to the right-of-way line than the front building facade.
2. Outdoor sales are restricted to those items or merchandise which are permitted in the district.
3. If associated with a principal use on a corner lot, only a single frontage shall be utilized for accessory outdoor display purposes.
4. Merchandise, displays, and other structures in

the front or street-side yards shall be removed and stored indoors during non-business hours.

5. Outdoor sales in the interior side or rear yard shall be fenced or walled. Any outdoor sales yard abutting a street right-of-way shall include a frontage buffer per section [135-5.9](#).
6. In MX districts, outdoor display may be a temporary use on a lot without a principal structure with a approval of a type 1 exception. The exception shall be reviewed every year by the community development director. The outdoor display shall utilize a temporary patio on an MX lot, exempted from building type regulations per [135-1.1.4.A](#).

### 3.9.6 OUTDOOR STORAGE

Permanent outdoor storage of goods, not typically housed or sold indoors, such as large-scale materials, and building and landscape supplies.

- A. Outdoor storage is permitted in any I or EX district when associated with an industrial use, and in any CX district when associated with a large format retail use.
- B. Outdoor storage shall be located in the rear or side yard of the lot.
- C. Loose materials shall not be stacked higher than 6 feet and shall, at a minimum, be stored in a 3-sided covered shelter.
- D. Materials shall be set back a minimum of 5 feet from any lot line.
- E. All outdoor storage areas shall be screened from view of adjacent lots and streets using the medium side and rear buffer per section [135-5.10](#), unless adjacent to an N district. Adjacent to an N district requires the use of the heavy buffer per section [135-5.10](#).

### 3.9.7 RESIDENTIAL SUPPORT SERVICE

- A. Residential support services are small-scale personal service and retail sales uses that primarily serve the needs of residents of large residential buildings.
- B. Residential support services are allowed in NX3 districts as an accessory use to any principal group living use with more than 50 residents and in apartment buildings containing more than 30 permanent dwelling units.
- C. Residential support services must be located on the ground floor of the same building as the principal residential use and not exceed 25% of the ground floor area of the building.

- D. Residential support services must have internal access from the principal residential building. External entrances are also allowed.

### 3.9.8 BOARDING AND ROOMING UNITS

The taking of boarders or the leasing of rooms by a resident household is allowed as an accessory use to a principal use in the household living use category, provided the total number of boarders and roomers does not exceed 2.

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## 134-3.10 Temporary Uses

### 3.10.1 DESCRIPTION AND PURPOSE

- A. A temporary use is the use of private property that does not require a building permit and that may or may not comply with the use and lot and building regulations of the zoning district in which the temporary use is located.
- B. The temporary use regulations of this section are intended to permit such occasional, temporary uses and activities when consistent with the purposes and regulations of this zoning ordinance.

### 3.10.2 AUTHORITY TO APPROVE

- A. All temporary uses require approval of a temporary use permit unless otherwise expressly stated.
- B. The community development director is authorized to establish administrative procedures governing the processing, review and approval of temporary use permits.
- C. The community development director is authorized to approve temporary uses that comply with the provisions of this section and to impose conditions on the operation of temporary uses to help ensure that they do not create significant adverse impacts on surrounding uses and that they operate safely and without causing nuisances, consistent with the general purposes of this zoning ordinance.
- D. Temporary uses that do not comply with all applicable regulations and all conditions of approval may be approved in accordance with the conditional use procedures of section [134-6.4](#). The community development director is authorized to refer any temporary use to the board of adjustment for consideration in accordance with conditional use procedures of section [134-6.4](#).

### 3.10.3 GENERAL PROCEDURE

Upon receipt of a complete application for a temporary use permit, the community development director must review the proposed temporary use for its likely effects

## 134-3. USES

### Temporary Uses

and surrounding properties and its compliance with the general provisions of this section. The community development director may impose such conditions of approval on the temporary use permit as the community development director determines necessary to mitigate potential adverse impacts. Such conditions may include the following:

- A.** Requirements for vehicle access and parking;
- B.** Restrictions on hours of operation and duration;
- C.** Limitations on signs and outdoor lighting;
- D.** Requirements for financial guarantees covering the costs of cleanup and/or removal of structures or equipment; and
- E.** Other conditions necessary to carry out the stated purposes of this zoning ordinance and the municipal code.

#### 3.10.4 AUTHORIZED USES

The community development director is authorized to approve a temporary use permit upon determining that the proposed use is a customary temporary use in the subject location and will generally be compatible with surrounding uses and not be a detriment to public safety.

#### 3.10.5 GARAGE SALES

Garage sales located on lots occupied by residential dwelling unit are permitted without approval of temporary use permit, subject to the following supplemental regulations:

- A.** No more than 2 garage sales may be conducted on a single lot in any calendar year, with each garage sale limited to no more than 4 consecutive days in duration. These limits apply on a per-lot basis, regardless of the person conducting the garage sale.
- B.** No person conducting a garage sale may sell merchandise at the garage sale acquired solely for resale purposes.
- C.** Garage sales are sometimes referred to as "yard sales," "estate sale," "moving sales," "occasional sales" and other similar names. All such sales, by whatever name, are classified and regulated as "garage sales."
- D.** Authorization to conduct more than 2 garage sales in any calendar year requires review and approval with conditional use procedures of section [134-6.4.](#)