

# NOTICE OF MEETING

## *CITY OF BRANSON*



### **BOARD OF ALDERMEN**

*Study Session– Thursday, November 3, 2016 – 12:30 p.m.*  
Municipal Courtroom – Branson City Hall – 110 W. Maddux

### **AGENDA**

- 1) Call to Order.
- 2) Roll Call.

#### **SPECIAL TDD AGENDA ITEMS:**

- 3) A meeting of the Property Owner's of The Branson Landing Transportation Development District. (See separate agenda)
- 4) A meeting of the Board of Directors of The Branson Landing Transportation Development District. (See separate agenda)

#### **STUDY SESSION:**

- 5) Administrator's Report. [Handout]
- 6) Discussion of previous Study Session items.
- 7) Review of November 8, 2016 Agenda.
- 8) Update on Highway 76 Complete Street Project.
- 9) Update on Zoning Code. [Handout]
- 10) Review of Appointment Process for the Taney County Enhanced Enterprise Zone Board.
- 11) Mayor's Report.
- 12) Board of Aldermen requests for agenda items to be placed on future agendas.
- 13) Adjourn.

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*Where Values are the Difference*

**NOVEMBER: INTEGRITY**

**Doing the right thing, even when no one is looking**

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For more information please visit [www.bransonmo.gov](http://www.bransonmo.gov) or contact:  
Lisa Westfall, City Clerk, 417-337-8522

# CITY CONNECTION

A PUBLICATION OF THE CITY OF BRANSON

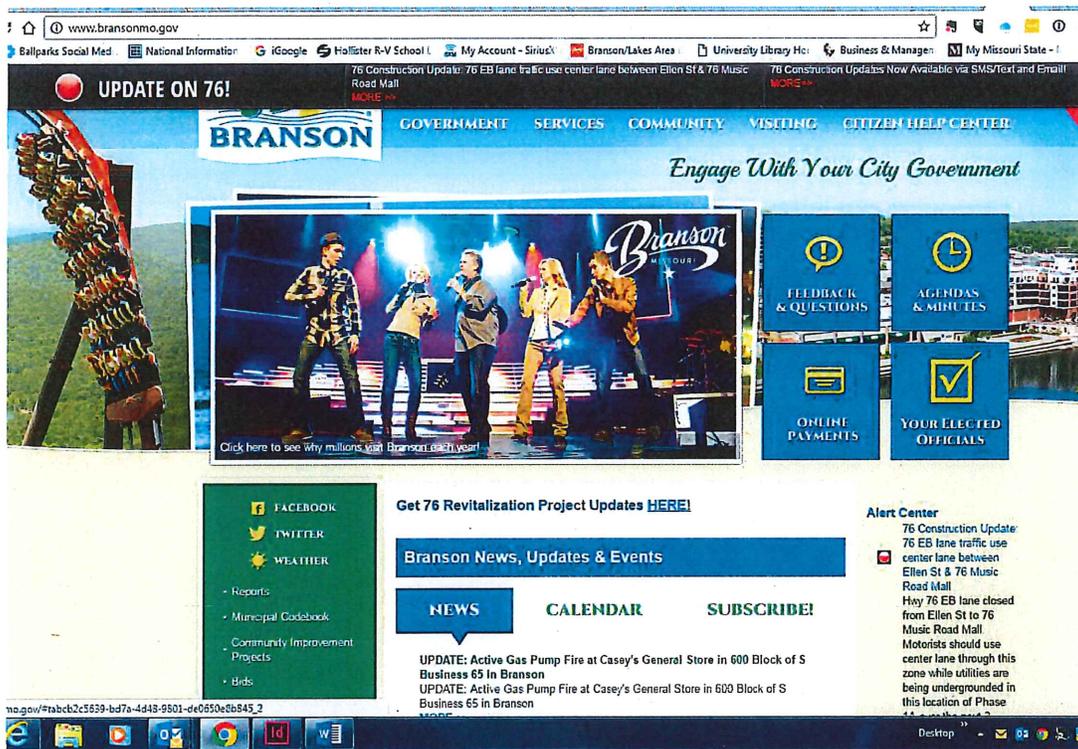


## 76 Construction Updates Now Available via SMS/Text and Email!

The City of Branson is pleased to announce that it now offers a means for community members to stay informed by receiving news and updates related to the 76 Revitalization project right via SMS/Text message or email inbox!

By subscribing to this list, users can select to receive news and updates via mobile device and/or email as new information is released pertaining to detour routes, road/lane closures, project status reports and more!

Visit [www.BransonMo.gov](http://www.BransonMo.gov), click on **"Get 76 Construction Updates HERE"**, then **select the alerts you wish to receive!** Also visit: <http://www.bransonmo.gov/list.aspx>



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## PREVIOUS ITEMS DISCUSSED AT STUDY SESSIONS

- 1) Update on Highway 76 Complete Street Project. (Continual updated item)
- 2) Update on Historic Downtown Streetscape. (Continual updated item)
- 3) Presentation on American Gondola. (Action item)
  - Scheduled for future meeting
- 4) Discussion regarding the Administrative Hearing Process. (Action item)
  - Scheduled for November 22, 2016 Regular Meeting
- 5) ~~Discussion regarding funding for the Branson Housing Authority.~~ (Action item)
  - Scheduled for November 8, 2016 Regular Meeting
- 6) Discussion of proposed zoning changes. (Action item)  
Discussion regarding food trucks. (Action item)
  - Scheduled for November 3, 2016 Study Session
- 7) Discussion concerning the Scout House. (Action item)
  - Scheduled for future meeting
- 8) Discussion regarding new Branson Logo. (Action item)
  - Scheduled for November 22, 2016 Regular Meeting
- 9) ~~Discussion of 2017 Employee Medical, Dental, and Life Insurance.~~ (Action item)
  - Scheduled for November 8, 2016 Regular Meeting
- 10) Discussion on Water Agreement with Empire Electric. (Action item)
  - Scheduled for November 22, 2016 Regular Meeting
- 11) ~~Discussion of Public Safety Tax.~~ (Action item)
  - Resolution scheduled for October 25, 2016 Regular Meeting
- 12) ~~Review of Appointments for TCED and 76 Entertainment CID.~~ (Action item)
  - Scheduled for November 8, 2016 Regular Meeting
- 13) ~~Discussion of Community & Business Survey.~~ (One-time item)
- 14) ~~Update on Goals.~~ (One-time item)
- 15) Discussion on Uber Drivers. (Action item)
  - Scheduled for future meeting
- 16) ~~Discussion of Theater League request.~~ (One-time item)

**BRANSON BOARD OF ALDERMEN  
AGENDA**

November 8, 2016

7:00 p.m.

**Meeting Called to Order  
Pledge of Allegiance  
Invocation – Jamie Rouch  
Roll Call**

**Employee of the Month – Jonathan Thomason of the Public Works Department to be presented by Alderman Mike Booth.**

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**PUBLIC COMMENT:**

To speak during public comment, please sign the speaker sign-up sheet located at the front door of the council chambers prior to the start of the meeting.

**HEARING:**

- 1) **A hearing to consider the action on a complaint filed by the Liquor Control Specialist against Country Mart #71 located at 1447 State Highway 248 in Branson, Missouri in violation of Chapter 6 of the Branson Municipal Code.**

**CONSENT AGENDA:**

- 2) **Approval of Board of Aldermen Minutes:**
  - a) **October 20, 2016 Study Session**
  - b) **October 25, 2016 Regular Meeting**
- 3) **Acknowledge Receipt of Minutes:**
  - a) **Budget & Finance Committee meeting of August 25, 2016**
  - b) **Tree Board meeting of September 7, 2016**
- 4) **Acknowledge Receipt of Community Improvement District (CID) 2017 Budgets:**
  - a) **Historic Downtown Branson CID**
  - b) **Branson Hills CID**
  - c) **Branson Hills Infrastructure Facilities CID**
  - d) **Branson Commerce Park CID**
  - e) **Forsythe Road CID**
  - f) **76 Entertainment CID**

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- 5) **Final Reading of Bill No. 5032 approving the issuance of Tax Increment Refunding Revenue Bonds, Series 2016A (Branson Shoppes Redevelopment Project) and Subordinate Tax Increment Refunding Revenue Bonds, Series 2016B (Branson Shoppes Redevelopment Project) of the Industrial Development Authority of the City of Branson, Missouri; authorizing the execution of documents by the City related to the issuance of the bonds and authorizing certain other actions in connection with the issuance of said bonds.**
- 6) **Final Reading of Bill No. 5033 accepting the proposal of BWI of Springfield pertaining to the purchase of agriculture supplies and authorizing the Mayor to execute the contract.**
- 7) **Final Reading of Bill No. 5034 accepting the proposal of Pennington Seed Inc. pertaining to the purchase of agriculture supplies and authorizing the Mayor to execute the contract.**
- 8) **Final Reading of Bill No. 5035 accepting the proposal of Reinhart Foodservice pertaining to the purchase of concession supplies used in Park Facilities and authorizing the Mayor to execute the contract.**
- 9) **Final Reading of Bill No. 5036 accepting the proposal of Blue Water Pools pertaining to the purchase of pool chemicals used in the Aquaplex and authorizing the Mayor to execute the contract.**
- 10) **Final Reading of Bill No. 5037 approving a zoning change from A Agricultural to R-1 One-Family Dwelling District for the properties located at 432 Camp Drive.**
- 11) **Final Reading of Bill No. 5038 approving R-2 Two-Family Dwelling District Zoning for the property located at 180 Stillwood Drive.**
- 12) **Final Reading of Bill No. 5039 approving the renewal of the contract with Tradebe Treatment and Recycling, LLC pertaining to transport and disposal of household chemical collections and authorizing the Mayor to execute the contract.**
- 13) **Final Reading of Bill No. 5040 approving the renewal of the agreement between the City of Branson, Taney County, and Ripple Glass, LLC and authorizing the Mayor to execute the contract.**
- 14) **Final Reading of Bill No. 5041 accepting the proposal of Mid American Signal, Inc. pertaining to the Roark Valley Road and Gretna Road Traffic Signal Upgrade Project and authorizing the Mayor to execute the contract.**
- 15) **Final Reading of Bill No. 5042 approving an amendment to the agreement with Allied Air Heating and Cooling, LLC pertaining to the HVAC maintenance & repairs at various city buildings and authorizing the Mayor to execute the contract.**

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- 16) **Final Reading of Bill No. 5043 approving the renewal of the contract with Central Power Systems & Services pertaining to generator maintenance and repair services for the City of Branson and authorizing the Mayor to execute the contract.**
- 17) **Final Reading of Bill No. 5044 approving the renewal of the contract with Dazzee Integrations pertaining to Information Technology Managed Network Services Solution; monitoring, maintenance, & support and authorizing the Mayor to execute the contract.**
- 18) **Final Reading of Bill No. 5045 authorizing the purchase of cellular services and products from Verizon Wireless and authorizing the Mayor to execute the documents related thereto.**

**REGULAR:**

- 19) **Report by Marc Mulherin about the Branson Convention Center Third Quarter 2016 Review.**
- 20) **Update by Jamie Rouch on 2016 Third Quarter Financials.**
- 21) **Public Hearing and First Reading of Bill No. \_\_\_\_ adopting a Budget, 5 Year Capital Program, Employee Insurance Rates, Pay/Merit Plan and the Reserve Policy for the City of Branson, Missouri, for the fiscal year January 1, 2017 through December 31, 2017.**
- 22) **First Reading of Bill No. \_\_\_\_ approving the renewal of the contract with Allen, Gibbs & Houlik, L.C., for auditing services for the City of Branson and authorizing the Mayor to execute the contract.**
- 23) **First Reading of Bill No. \_\_\_\_ approving a Recovery Agreement between the Branson Housing Authority, the United States Department of Housing and Urban Development and the City of Branson and authorizing the Mayor to execute the contract.**
- 24) **First Reading of Bill No. \_\_\_\_ appointing Thomas Motley as Municipal Court Judge and authorizing the Mayor to execute the contract.**
- 25) **First Reading of Bill No. \_\_\_\_ appointing Willard A. Dillow as Special Municipal Judge and authorizing the Mayor to execute the contract.**
- 26) **First Reading of Bill No. \_\_\_\_ approving the renewal of the contract with Chemtrade Chemicals US, LLC. for the purchase of operational chemicals used in the City's water and wastewater treatment processes and authorizing the Mayor to execute the contract.**
- 27) **First Reading of Bill No. \_\_\_\_ approving the renewal of the contract with Hawkins, Inc. for the purchase of operational chemicals used in the City's water and wastewater treatment processes and authorizing the Mayor to execute the contract.**

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- 28) **First Reading of Bill No. \_\_\_\_ approving the renewal of the contract with Brenntag Mid-South Inc. for the purchase of operational chemicals used in the City's water and wastewater treatment processes and authorizing the Mayor to execute the contract.**
- 29) **First Reading of Bill No. \_\_\_\_ approving an addendum to the contract with Brenntag Mid-South Inc. to provide operational chemicals for the City's water and wastewater treatment facilities and authorizing the Mayor to execute the contract.**
- 30) **First Reading of Bill No. \_\_\_\_ approving the renewal of the contract with PDC Laboratories, Inc. for Biosolids and Wastewater Analysis for the City's wastewater treatment facilities and authorizing the Mayor to execute the contract.**
- 31) **First Reading of Bill No. \_\_\_\_ approving the renewal of an agreement with Missouri American Water Company for Water Termination Services and authorizing the Mayor to execute the contract.**
- 32) **First Reading of Bill No. \_\_\_\_ approving the renewal of the contract with Prolawn and Landscape pertaining to mowing and weed eating of Utilities Treatment Facilities for the City of Branson and authorizing the Mayor to execute the contract.**
- 33) **First Reading of Bill No. \_\_\_\_ approving the 2017 Medical Insurance Premiums from Anthem Blue Cross and Blue Shield for the City of Branson and authorizing the Mayor to execute the contract.**
- 34) **First Reading of Bill No. \_\_\_\_ approving the 2017 Life & AD&D Insurance Premiums from Anthem Life Insurance Company for the City of Branson and authorizing the Mayor to execute the contract.**
- 35) **First Reading of Bill No. \_\_\_\_ approving the 2017 Dental Insurance Premiums from Delta Dental for the City of Branson and authorizing the Mayor to execute the contract.**
- 36) **First Reading of Bill No. \_\_\_\_ approving amendments to the City of Branson's Human Resources Manual.**
- 37) **First Reading of Bill No. \_\_\_\_ accepting the proposal of Donelson Construction Co., LLC pertaining to the 2016 Microsurfacing and Crack Sealing Projects and authorizing the Mayor to execute the contract.**
- 38) **First Reading of Bill No. \_\_\_\_ accepting the proposal of Cargill, Inc., Deicing Technology Business D/B/A Cargill Deicing Technology pertaining to the purchase of enhanced deicer and authorizing the Mayor to execute the contract.**
- 39) **First Reading of Bill No. \_\_\_\_ accepting the proposal of Compass Minerals America, Inc. pertaining to the purchase of sodium chloride and authorizing the Mayor to execute the contract.**

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- 40) First Reading of Bill No. \_\_\_\_ accepting the proposal of K.W. Luetkemeyer Painting & Wallcovering Co., Inc. pertaining to the 2016 paint striping of various streets and authorizing the Mayor to execute the contract.
- 41) First Reading of Bill No. \_\_\_\_ accepting the proposal of Mohawk Resources LTD. pertaining to the purchase of a Mohawk Lift and authorizing the Mayor to execute the contract.
- 42) First Reading of Bill No. \_\_\_\_ accepting the proposal of Prolawn and Landscape pertaining to mowing, weed eating and flower bed maintenance for the City of Branson and authorizing the Mayor to execute the contract.
- 43) First Reading of Bill No. \_\_\_\_ accepting the proposal of Prolawn and Landscape for the purpose of installation of a project at the Owen's Home Site at Lakeside Forest Wilderness Area for the City of Branson and authorizing the Mayor to execute the contract.
- 44) First Reading of Bill No. \_\_\_\_ approving the renewal of the contract with WCA Waste Corporation pertaining to trash removal and disposal services for the City of Branson and authorizing the Mayor to execute the contract.
- 45) First Reading of Bill No. \_\_\_\_ accepting the proposal of Cody Systems for the purchase of maintenance for Police Records Management Software for the City of Branson and authorizing the Mayor to execute the contract.
- 46) First Reading of Bill No. \_\_\_\_ approving the renewal of the contract with Corporate Business Systems pertaining to managed print services for the City of Branson and authorizing the Mayor to execute the contract.

**APPOINTMENTS:**

- 47) Appointments.

**DISBURSEMENTS:**

- 48) Disbursements.

**MAYOR/CITY ALDERMEN/CITY ADMINISTRATOR'S REPORTS**

**ADJOURN INTO EXECUTIVE SESSION**

**Closed Executive Session pursuant to 610.021.1 RSMo for litigation and 610.021.3 RSMo for personnel.**

**ADJOURN**

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## CITY OF BRANSON ZONING CODE TIMELINE

1968 – First zoning districts adopted

1988 – First substantial zoning code adopted

1996 – Zoning Code substantially modified

2005 – Zoning Code modified

2012 – Community Plan 2030 adopted

2015 (1<sup>st</sup> Quarter) – Spencer Fane Britt and Browne retained by the City

2015 (3<sup>rd</sup> Quarter) – Stakeholders interviewed (34 individuals)

2016 (1<sup>st</sup> Quarter) – P&Z Study Session Discussions (3)

2016 (6/7) – Branson ReZone Open House

2016 (6/22) – Board of Aldermen Update

2016 (8/18) – Board of Aldermen Food Truck Update

2016 (9/6) – Public Draft Posted

2016 (10/4) – Public Meeting (Planning Commission)

2016 (10/6) – Updated Public Draft Posted

2016 (11/1) – Public Meeting (Planning Commission)

2016 (11/2) – Board of Aldermen Study Session

## ZONING CODE UPDATE – SUMMARY

### Chapters 22, 42, 58, 62, 66, 70, 78, 86 and 94

The following represents the significant modifications proposed within the zoning code update along with changes made since the 10/6 public draft: **GREEN: changes (18)** **RED: items for discussion (5)** **BLUE: unresolved public comments (4)**

- Overall organization of the code so it is more simplified and efficient for all users
- Definitions have been reviewed for clarity and modernization; several definitions have been added and subtracted to reflect current developments and practices
  - **Alternative Financial Services definition (pg. 10 - 346)**
    - **Staff and consultant fine tuning to achieve desired result**
  - *Animal shelter* definition (pg. 10 - 317)
  - *Building height* definition (pg. 12 - 423)
  - *Hotel and motel* definitions (pg. 19 - 699, pg. 22 - 820)
  - *Portable structure* definition (pg. 25 - 935)
- Site plan review process has been expanded so developments can be more thoroughly reviewed to ensure compliance with the code and the Community Plan 2030
  - Site plan review expiration (pg. 40 - 1413)
- Common procedures for processing applications have been added to reflect actual practices
  - Existing Special Use Permits (pg. 41 - 1473)

- The process for Planned Developments has been modified so they are regulated as overlay districts; they must include a phasing program and public benefit; timelines established so incomplete developments are reverted back to their base zoning
  - 10 ac minimum should not be required
    - 7 out of 57 (12%) would not comply, see attached graphic for more detail
- Establishes 13 zone districts based on the recommendations of the Community Plan 2030 as compared to the 10 current zone districts
- Revises the Conservation Zoning District to reflect current uses and anticipated future uses
- Establishes five commercial districts (neighborhood, community, mixed use, downtown, entertainment) as compared to two (commercial, downtown) in current code for more orderly development, and so specific uses are allowed in appropriate areas
- Creates an Entertainment District with compatible uses to allow for the flexibility and creativity desired along Highway 76, as envisioned in the Community Plan 2030, and currently being pursued by developers
- Updates to the Industrial District and the addition of a Business District to reflect anticipated future uses
- Updates to the bulk and dimensional standards to reflect the range of local development scales and to better reflect modern development practices
  - HDR densities for multi-unit developments (pg. 63 – 2074)
  - Max. height for multi-unit developments (pg. 63 – 2074)
    - Planning Commission recommends approval of 75'
- Creates the ability to develop an entertainment structure up to 200 feet tall within the Entertainment District if up to 50 percent transparent (i.e. Ferris Wheel and Bigfoot Tower)
- Adds numerous new uses which currently exist in Branson, or are anticipated in the future based on modern practices and developments
  - OPCs & Campgrounds (pg. 81 - 82)
- Creation of supplementary standards so certain uses can be reviewed and approved administratively rather than through a public hearing process
  - Hours of operation for live/work (pg. 88 – 2533)
  - Amusement Parlor/Arcade (pg. 95 - 2779)
  - OPC regulations (pg. 97 - 2820, pg. 120 - 3603)
    - Staff actively conducting research, see attached graphic for more detail
  - Hotel surveillance cameras (pg. 98 - 2842)
    - Planning Commission recommends approval of current language
  - Food truck court - sale of alcohol (pg. 113 - 3372, pg. 126 - 3788)
  - On-site employee housing (pg. 120 - 3607)
- Introduces a temporary use category to accommodate uses that may exist on private property for a short duration including food trucks, farmer's markets, seasonal sales and public events
- Updates the special event definition to be more clear and reflect current practice
  - Special event public notification plan (pg. 132 - 3972)
  - Special event duration (pg. 135 - 4104)
- Proposes required parking to be calculated by square footage instead of occupant load and establishes maximum parking standards and modern design requirements if excess is requested
  - Parking maximums questioned, stated not common
    - Simple Google search shows APA recommends reverse from minimum standards, and Portland, Boston metro, Chapel Hill, San Francisco, Spokane, Sacramento...
    - Staff reviewing to achieve desired result
  - Parking requirements for single family dwellings (pg. 144)
  - Parking requirements for restaurants and retail (pg. 146)
- Members of the Planning Commission (pg. 164 – 4754)
  - Planning Commission recommends approval of current language

## TEMPORARY SIGN CODE UPDATE - SUMMARY

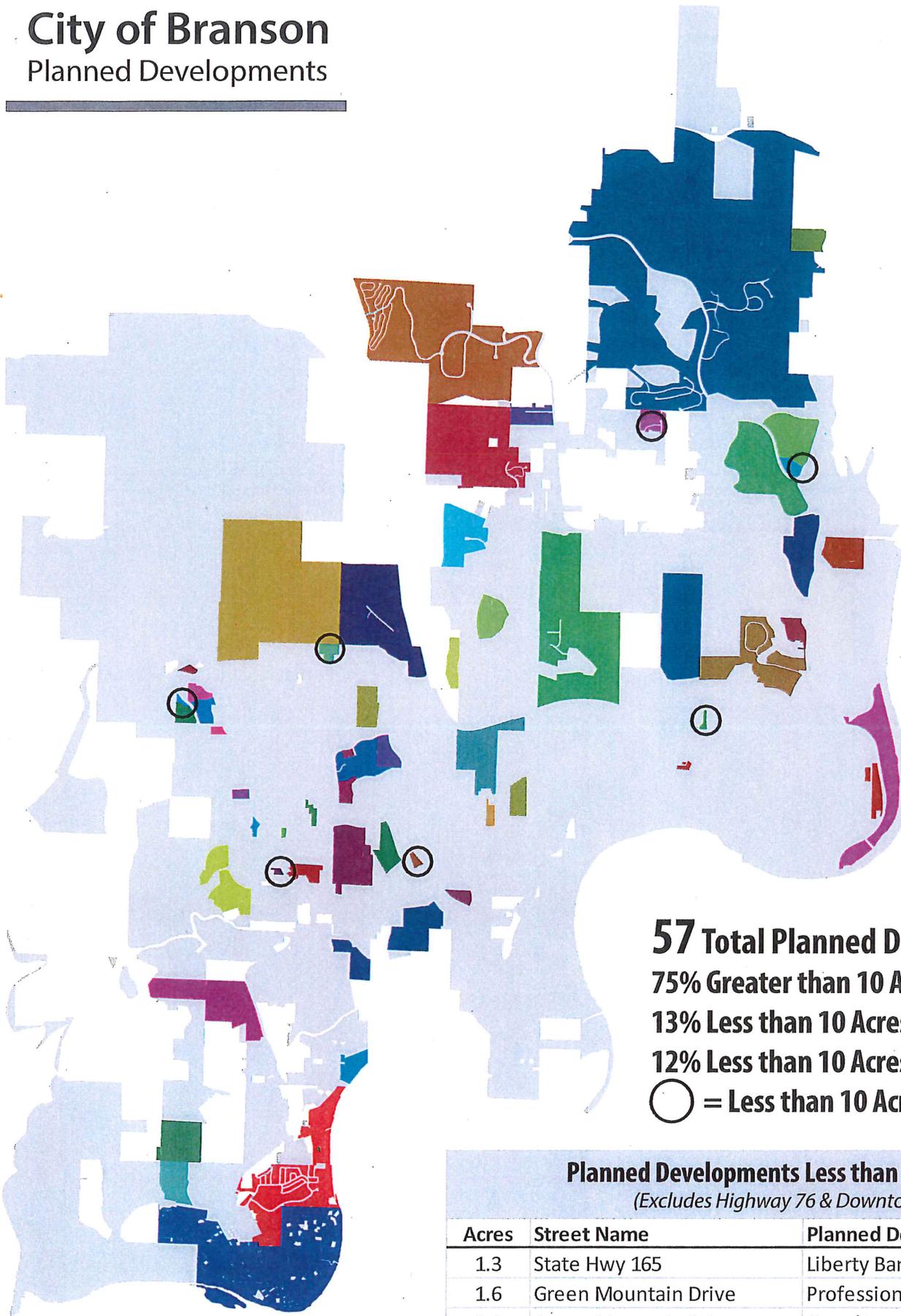
- Revises temporary signs due to Supreme Court decision which generalized regulations based on location, size and length of time
  - Max area for A-frame signs (pg. 5)
  - No permit for real estate/building permit signs (pg. 6 - 110)
  - Election signs (pg. 7 - 126)
    - Planning Commission recommends approval of proposed language:
      - For a period of sixty days prior to a state, local or national election, the total number of temporary signs permitted per premise may be increased over the maximum amount of temporary signage permitted by this Code. The number of increased signs is calculated by the number of federal, state and local issues and elected positions on the ballot within the voting district where the property is located. That number shall be used to determine the number of signs allowed as additional temporary signage during the sixty day period. The content of this additional signage is not subject to regulation by the City but the number shall not exceed the number of ballot issues and offices on the ballot. The dimensional standards of Table 70-321.1 shall apply by district. No permit shall be required for the additional signage during an election event, and the additional signage shall be removed immediately following the election.
  - Garage/yard sale signs (pg. 7 - 134, pg. 8 - 139)

### PUBLIC COMMENTS:

- Gina Brandt & Joyce Arnold (emails & office) – 1) Special events vs. public events, 2) Temporary signs
- Bob Huels (meeting & emails) – 1) Parking for retail and restaurants, 2) Real estate signs
- Rick Huffman (meeting & office) – 1) More time, 2) Parking for retail and restaurants
- Jay Wilson (meeting) – 1) Cameras in hotels
- Mark Ruda (meeting, emails & office) – 1) More time, 2) Food trucks for their new development, 3) Definition for alternate Financial Services, 4) Building height
- Lana Johnson (emails) – 1) Special events vs. public events, 2) Temporary signs
- Rick Davis (emails) – 1) Compliments to the Commission and Staff

# City of Branson

## Planned Developments



**57 Total Planned Developments**

**75% Greater than 10 Acres**

**13% Less than 10 Acres (Highway 76)**

**12% Less than 10 Acres (Excluding Hwy76/Downtown)**

**○ = Less than 10 Acres (Excluding Hwy76/Downtown)**

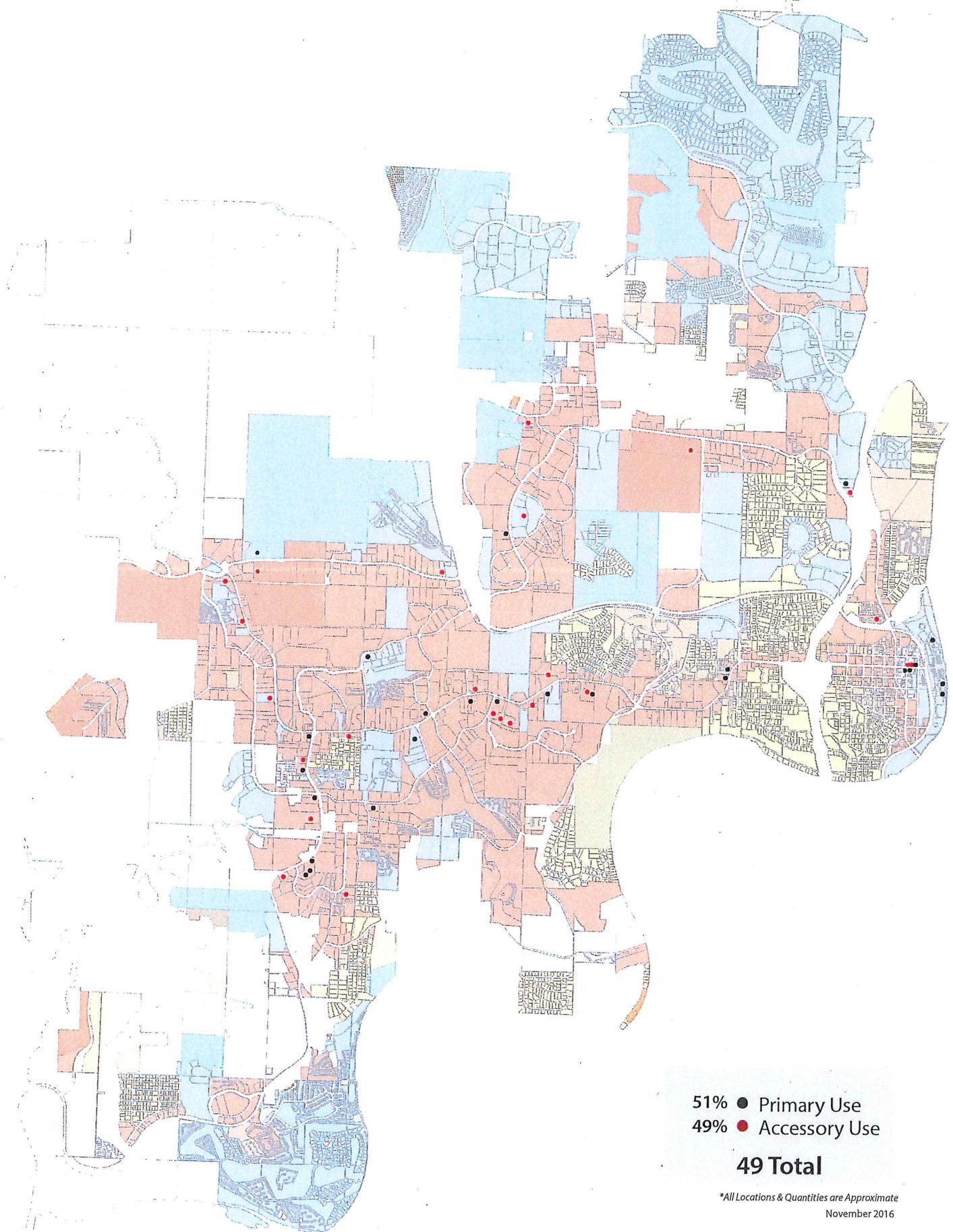
### Planned Developments Less than 10 Acres

*(Excludes Highway 76 & Downtown)*

Acres	Street Name	Planned Development
1.3	State Hwy 165	Liberty Bank
1.6	Green Mountain Drive	Professional Park (Undeveloped)
2.4	Green Mountain Drive	Grand Legacy II (Undeveloped)
3	Tyler Street	Hideaway Hills
6.4	Branson Hills Pkwy	Branson 1st Stop
6.6	Sapling Drive	Black Oak Estates
6.9	Shepherd of the Hills Expwy	The Village Green

# City of Branson

## Off-Premise Contacts



51% ● Primary Use  
49% ● Accessory Use

**49 Total**

*\*All Locations & Quantities are Approximate*  
November 2016

**Branson Board of Aldermen  
Staff Report and Recommendation**

**ITEM/SUBJECT:** UPDATE PERTAINING TO THE ZONING CODE.

**DATE:** NOVEMBER 3, 2016

**INITIATED BY:** PLANNING & DEVELOPMENT DEPARTMENT

**CITY ADMINISTRATOR REVIEWED**



**STAFF REPORT:**

The staff has continued its effort of updating the zoning code so it is more strongly aligned with the vision adopted by the Community Plan 2030. The overall proposed draft has been reviewed by the community and is now ready to be reviewed by the Board of Aldermen. The attached drafts additionally represent those changes made since October 4, 2016 in red and those topics which need additional direction in yellow.

The Planning Commission conducted their review of the proposed code changes during their October 4 and November 1, 2016 meetings. Staff will be additionally providing a verbal summary of their review and recommendation during the Study Session.

**RECOMMENDED ACTION:**

This item will be scheduled for action at a Regular Board of Aldermen meeting in the form of an Ordinance.

**ATTACHED INFORMATION:**

- 1) Redline – Proposed Draft Zoning Code
- 2) Redline – Proposed Draft Temporary Sign Code
- 3) Proposed Draft, Other Municipal Code Changes (ref.)



# BRANSON ZONING CODE

2016 Update

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231 **Article I In General**

232 **Sec. 94-1 Interpretation, Purpose, Fees**

233 (a) In interpreting and applying the provisions of this chapter, they shall be held to be the minimum  
234 requirements for the promotion of public safety, health, convenience, comfort, propriety, general  
235 welfare and the preservation of personal and property rights. It is not intended that this chapter  
236 interfere with, abrogate or annul any ordinance, rule, regulation, or permit previously adopted or  
237 issued, and not in conflict with any of the provisions of this chapter, or which shall be adopted or  
238 issued, pursuant to the law, relating to the use of structures or premises, nor is it intended by this  
239 chapter to interfere with, abrogate or annul any easement, covenant or other agreements  
240 between parties; provided, however, that where this chapter imposes greater width or size of  
241 yards, courts, or other open spaces, or requires a lower height of building or less number of  
242 stories, or requires a greater percentage of a parcel to be left unoccupied, or imposes other higher  
243 standards than are required in any other ordinance or regulation, the provisions of this chapter  
244 shall control.

245 (b) Application fees are in the amount provided in the city fee schedule.

246 **Sec. 94-2 Administration and Enforcement**

247 The administration, interpretation and enforcement of the terms of this chapter shall be vested in the  
248 planning and development director, and in the discharge of these duties, the planning and development  
249 director shall have power of entry in, or upon any premises in all lawful manner and means. The  
250 planning and development director shall rule on all questions regarding such enforcement and  
251 interpretation, and from his opinion and decision, any party shall have the right of appeal.

252 **Sec. 94-3 Conformance to Code**

253 (a) As used in this chapter, the term "all codes" shall include the building code, electrical code,  
254 mechanical code, plumbing code, fire code, property maintenance code, environment code and  
255 the health and sanitation code currently in effect and approved by Board action by reference or  
256 otherwise.

257 (b) All buildings in any district shall strictly conform to all codes herein defined, and failing such  
258 compliance, it shall be the duty of the planning and development director to initiate appropriate  
259 enforcement of such codes, and all of them.

260 **Sec. 94-4 Definitions**

261 **(a) General Interpretation**

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262 For the purpose of this chapter, any words defined in the building code of the city and not specifically  
263 defined herein shall be construed as defined in the building code of the city. Any word not defined  
264 herein or in the building code of the city shall have its usual meaning unless otherwise provided in this  
265 section. For general definitions and rules of construction applicable throughout this Code, see section 1-  
266 2.

267 **(b) Definitions**

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268 (1) *Abutting* means contiguous or sharing any point of contact. Distance from a contiguous  
269 zoning district shall be measured from the common property boundary, or if separated  
270 by right-of-way, the width of the right-of-way shall be measured and credited as part of  
271 any required separation distance.

272 (2) *Accessory Building* means any structure which is not the primary structure on a premises,  
273 detached, but on the same premises as the primary structure.

274 (3) *Accessory Use* means a use that:

275 a. Is clearly incidental to, and customarily found in connection with a principal use, and  
276 is located on the same lot as the principal use served;

277 b. Is subordinate to, and serves a principal use, and is subordinate in area, extent, or  
278 purpose to the use served; and

279 c. Contributes to the comfort, convenience, or necessity of occupants, business, or  
280 industry in the principal use served.

281 (4) *Adult Entertainment* means any of the establishments, businesses, buildings, structures  
282 or facilities defined in this section.

283 a. *Adult bookstore*: An establishment having at least a ten percent portion of its stock in  
284 trade, books, photographs, magazines, films for sale or rental, viewing on the  
285 premises by use of motion picture devices, or other coin-operated means, or other  
286 periodicals which are distinguished or characterized by their principal emphasis on  
287 matters depicting, describing or relating to specified sexual activities as said term is  
288 defined herein.

289 b. *Adult entertainment facility*: Any building, structure or facility which contains or is  
290 used entirely or partially for commercial entertainment, including theaters used for  
291 presenting live presentations, videotapes or films predominantly distinguished or  
292 characterized by their principal emphasis on matters depicting, describing, or relating  
293 to specified sexual activities, as said term is defined herein, and exotic dance facilities  
294 (regardless of whether the theater or facility provides a live presentation, videotape  
295 or film presentation), where the patrons either:

296 (i) Engage in personal contact with, or allow personal contact by employees,  
297 devices or equipment, or by personnel provided by the establishment which  
298 appeals to the prurient interest of the patrons; or

299 (ii) Observe any live presentation, videotape or film presentation of persons  
300 wholly or partially nude with their genitals or pubic region exposed or  
301 covered only with transparent or opaque covering, or in the case of female  
302 persons with the areola and nipple of the breast exposed or covered only with  
303 transparent or opaque covering or to observe specified sexual activities as  
304 said term is defined herein.

- 305 c. *Adult Massage establishment*: An establishment which has a fixed place of business  
 306 having a source of income or compensation of 60 percent or more of which is derived  
 307 from the practice of any method of pressure on or friction against or stroking,  
 308 kneading, rubbing, tapping, pounding, vibrating or stimulation of external parts of the  
 309 human body with the hands or with the aid of any mechanical electric apparatus or  
 310 appliances with or without such supplementary aids as rubbing alcohol, liniments,  
 311 antiseptics, oils, powders, creams, lotion, ointment or other similar preparations  
 312 commonly used in the practice of massage. Under such circumstances that it is  
 313 reasonably expected that the person to whom the treatment is provided or some  
 314 third person on his/her behalf will pay money or give any other consideration or  
 315 gratuity; provided that this term shall not include any establishment operated or  
 316 supervised by a medical or chiropractic practitioner or professional physical therapist,  
 317 or professional masseuse, licensed by the state.
- 318 d. *Bathhouse*: An establishment or business which provides the services of baths of all  
 319 kinds, including all forms and methods of hydrotherapy, unless operated or  
 320 supervised by a medical or chiropractic practitioner or professional physical therapist  
 321 licensed by the state.
- 322 e. *Specified sexual activities*:
- 323 (i) "Sexual conduct," being acts of masturbation, sexual intercourse, or physical  
 324 contact with a person's unclothed genitals, pubic area, buttocks or, if such  
 325 person be a female, her breast;
- 326 (ii) "Sexual excitement," being the condition of human male or female genitals  
 327 when in a state of sexual stimulation or arousal; or
- 328 (iii) "Sadomasochistic abuse," being flagellation or torture by or upon a person or  
 329 the condition of being fettered, bound or otherwise physically restrained.
- 330 (5) *Agriculture* is a use category comprised of uses characterized by general active and on-  
 331 going agricultural uses, activities, and related uses. An agricultural use, in general, means  
 332 the use of land for the growing and production of field crops, livestock, aquatic, and  
 333 animal products for the production of income.
- 334 (6) *Agritainment* means events and activities that allow for recreation, entertainment, and  
 335 tourism in conjunction with agriculture support and services directly associated with on-  
 336 going agricultural activities on-site that are for-profit. Events and activities include the  
 337 following: hay rides, corn mazes, hay mazes, petting zoos (farm animals only), living  
 338 historical farms, farm tours (for profit), and agricultural festivals.
- 339 (7) *Airport and Passenger Terminal* means a facility that provides space for aircraft to take  
 340 off and land which is usually equipped with a control tower, hangars, and  
 341 accommodations for passengers and cargo.
- 342 (8) *Alcohol and Drug Abuse Treatment Facility* means any dwelling or place licensed, certified  
 343 or authorized by state, federal or local authorities as a residence and treatment facility

- 344 for persons with alcoholism or drug abuse problems needing a supervised living  
345 arrangement and rehabilitation services on a short-term or long-term basis.
- 346 (9) *Alternative Financial Services* means the provision of non-bank financial services, such as  
347 check cashing, payday advance or loan, money transfer, motor vehicle title loan, pawn  
348 shops, rent-to-own, or credit access businesses. An alternative financial services  
349 establishment does not include state or federally chartered banks, savings and loans, or  
350 credit unions. An alternative financial establishment does not include an establishment  
351 that provides financial services that are accessory to another main use. **For the purposes**  
352 **of this definition, accessory means processing of ten or fewer transactions per month.**
- 353 (10) *Amusement Park or Theme Park* means a facility that may include amusement parlors,  
354 structures, buildings and premises, where there are various devices for entertainment,  
355 which may include rides, booths for the conduct of games or sale of items, buildings for  
356 shows and entertainment, and restaurants and souvenir sales.
- 357 (11) *Amusement Parlor/Arcade* means a building, or part of a building, to which the public may  
358 enter in which pinball machines, video games, or other similar coin, token, or app-  
359 operated devices operated for amusement, pleasure, test of skill, competition, or sport  
360 are maintained.
- 361 (12) *Animal Hospital* means a facility for the diagnosis and treatment of pets and other animals  
362 including, but not limited to, dogs, cats, birds, and horses. No outside boarding of these  
363 animals shall be allowed overnight.
- 364 (13) *Animal Raising, Farm or Domestic Use* means land used for the production, keeping or  
365 maintenance of livestock for either hobby or recreational purposes, and to supplement  
366 household food supply to the occupants of a dwelling on the same tract.
- 367 (14) *Animal Sales and Services* is a use category that includes the sale, boarding, and care of  
368 animals on a commercial basis. Accessory uses may include confinement facilities for  
369 animals, parking, and storage areas.
- 370 (15) *Animal Shelter* means a facility that is used to house or contain animals, and is owned,  
371 operated, or maintained by a **nonprofit organization** or corporation for the purpose of  
372 providing temporary kenneling and care for the animals, and finding permanent adoptive  
373 homes for them.
- 374 (16) *Antique Shop* means an establishment offering articles for sale such as glass, china,  
375 furniture or similar furnishing or decorations which have value and significance as a result  
376 of age, design or sentiment.
- 377 (17) *Art Gallery* means a building or space where artwork is exhibited and sometimes sold.
- 378 (18) *Athletic Area* means an outdoor area, along with its incidental buildings and structures,  
379 at least part of which is designed, developed, and intended for organized sport or athletic  
380 activities and other activities or events to which groups of people greater than the family  
381 unit might be attracted as participants or spectators.

- 382 (19) *Attraction* means a use or structure that promotes tourism or provides an opportunity to  
383 partake in entertainment which is permitted by the zoning regulations for that district  
384 including food and beverage, musical and theater performances, art and cultural  
385 attractions, and amusement rides and features.
- 386 (20) *Auto Rental* means a facility limited to office space, along with the display of automobiles  
387 which, for a fee, are rented or leased.
- 388 (21) *Auto Repair* means a facility that may provide and specialize in the repair of certain auto  
389 parts such as brakes, mufflers, collision repair or transmissions.
- 390 (22) *Auto Sales* means a facility used primarily for the sale of automobiles.
- 391 (23) *Auto Salvage and Wrecking* means any location at which:
- 392 (i) More than five inoperable vehicles, or vehicles under repair are located, and  
393 all vehicles are located outside of an enclosed building, and said vehicles have  
394 been in a state of disrepair for 45 or more days, continuous or collective.
- 395 (ii) Automotive parts are being stored outside of any enclosed building.
- 396 (iii) An area is being used for the outdoor storage of scrap metal, sheet metal,  
397 piping, plumbing supplies, construction materials, glass, waste paper, tanks,  
398 storage containers or other similar items.
- 399 (24) *Automated Teller Machine (ATM)* means an electronic banking outlet which allows  
400 customers to complete basic transactions without the aid of a branch representative or  
401 teller.
- 402 (25) *Automobile Parts Recycling* means an establishment that is maintained, operated, or used  
403 for storing, keeping, buying or selling used automobile parts; for the maintenance or  
404 operation of an automobile part recycling; the term shall include salvage yards,  
405 automobile graveyards, and used auto parts dealers.
- 406 (26) *Barbershop, Beauty Shop, Spa* means a facility licensed by the state where hair cutting,  
407 hair dressing, shaving, trimming beards, facials, manicures or related services are  
408 performed.
- 409 (27) *Bed and Breakfast Inn* means a house, or portion thereof, used by the record owner of  
410 the property, who is also a resident of the property, and where short-term rental lodging  
411 rooms and meals are provided.
- 412 (28) *Brewery, Distillery, or Winery* mean an establishment that produces alcoholic beverages  
413 in conjunction with a restaurant, retail sales, or tasting room. The liquor may be  
414 distributed to other locations, and be sold on site.
- 415 (29) *Building Line* means the exterior face of a wall of an existing structure, or the limits to  
416 which an exterior face of a wall of a proposed structure may be built, but shall not include

- 417 retaining walls, the face of one-story unoccupied gable-roofed areas over porches,  
418 entrance or line appendages.
- 419 (30) *Building Maintenance, Sales and Service* means a facility or area for contracting services  
420 such as building repair and maintenance, the installation of plumbing, electrical, air  
421 conditioning and heating equipment, janitorial services, and exterminating services. The  
422 retail sale of supplies is permitted as an accessory use.
- 423 (31) *Building Height* means the vertical distance from the grade to the highest point of the  
424 roof. For purposes of this definition, grade shall mean the average of the finished ground  
425 level at the center of each wall of a building containing ten percent or more of the  
426 combined perimeter length of all walls of the building, measured either ten feet away  
427 from the building, or at the property line if the building is less than ten feet from the  
428 property line.
- 429 (32) *Bus Garage* means a facility where buses and similar modes of transportation are stored  
430 and maintained.
- 431 (33) *Bus Terminal* means a lot and related building that is a designated location where bus,  
432 coach, or similar transportation services start or end. A bus terminal shall not include a  
433 location where the bus stops to drop off or take on passengers where there are no  
434 operational facilities.
- 435 (34) *Campground and Vehicle Park* means any parcel or tract of land upon which two or more  
436 campsites are occupied, or intended to be occupied, for overnight camping.
- 437 (35) *Campsite* means a portion of the rentable space of a campground having an area 580  
438 square feet or more.
- 439 (36) *Car Wash* means a facility for washing or steam cleaning passenger automobiles  
440 (including self-service operation), operating either as a separate facility or when installed  
441 and operating in conjunction with another use, and which installation includes equipment  
442 customarily associated with a car wash and which is installed solely for the purpose of  
443 washing and cleaning automobiles.
- 444 (37) *Carport* means an accessory structure used for the housing or storage of motor vehicles,  
445 and enclosed on not more than two sides by walls.
- 446 (38) *Cemetery and Mausoleum* means a facility or area used or intended to be used for the  
447 burial of the dead, including crematories, mausoleums, and mortuaries when operated in  
448 conjunction with, and within the boundaries of such cemetery.
- 449 (39) *Charitable Drop Box* means a container used to hold charitable donations.
- 450 (40) *Child Care* means the care of a child away from its own home for any part of the day or  
451 night.
- 452 (41) *Child Care Center* means a child care program where care is provided for 20 or more  
453 children not related to the provider for any part of a 24 hour day.

- 454 (42) *Civic, Social, and Fraternal Organizations* means public, quasi-public, and private  
455 organizations that provide unique services that are of benefit to the public as a whole.  
456 This category includes organized groups having a membership requirement and specific  
457 purpose related to the welfare of the members or community.
- 458 (43) *Cold Frame* means an unheated outdoor structure consisting of a wooden or concrete  
459 frame, and a top of glass or clear plastic, used for protecting seedlings and plants from  
460 the cold.
- 461 (44) *Commercial Livestock* means the raising of domestic animals for profit.
- 462 (45) *Commercial Parking* means a facility to provide parking that is not accessory to a specific  
463 use. A fee may or may not be charged. A facility that provides both accessory parking for  
464 a specific use and regular fee parking for people not connected to the use is also classified  
465 as a commercial parking facility.
- 466 (46) *Commercial Services, General* is a use category that includes uses that provide for  
467 consumer or business services, and for the repair and maintenance of a wide variety of  
468 products. Personal services are not included in this use category.
- 469 (47) *Commercial Vehicles* means uses available for large trucks, mass transit vehicles, large  
470 construction or agricultural equipment, aircraft, or commercial boats that provide the  
471 following:
- 472 a. *Rental Services*: a facility limited to office space, along with the display of commercial  
473 vehicles, which for a fee, are rented or leased.
- 474 b. *Repair Services*: a facility that may provide and specialize in the repair of commercial  
475 vehicles.
- 476 c. *Sales*: a facility used primarily for the sale of commercial vehicles.
- 477 (48) *Community Center* means a meeting place used by members of the community for social,  
478 cultural or recreational purposes.
- 479 (49) *Community Garden* means an area managed and maintained by a group of individuals to  
480 grow and harvest food crops, or non-food crops, for personal or group consumption, for  
481 donation, or for sale that is incidental in nature.
- 482 (50) *Community Services* is a use category that includes public, quasi-public and private uses  
483 that provide unique services that are of benefit to the public at-large.
- 484 (51) *Congregate Living Facility and Senior Housing* means a non-institutional, independent  
485 group living environment, that integrates shelter and service needs of functionally  
486 impaired or socially isolated elders who do not need institutional supervision or intensive  
487 health care.
- 488 (52) *Construction Contractor* means the office, and indoor or outdoor storage facilities  
489 operated by, or on behalf of a contractor for storage of large equipment, vehicles, or other

- 490 materials commonly used in the individual contractor's type of business; storage of scrap  
491 materials used for repair and maintenance of contractor's own equipment; and buildings  
492 or structures for uses such as repair facilities.
- 493 (53) *Convenience Food Store* means a small food store whose primary function is the sale of  
494 convenience food items such as bread, milk, etc.
- 495 (54) *Crop Raising* means commercial agricultural production field and orchard uses, including  
496 the production of the following, primarily in the soil on the site and not in containers,  
497 other than for initial propagation prior to planting in the soil on the site: field crops,  
498 flowers and seeds, fruits, grains, melons, ornamental crops, tree nuts, trees, sod,  
499 vegetables, wine and table grapes. Also includes the following associated crop  
500 preparation services and harvesting activities: mechanical soil preparation; irrigation  
501 system construction; spraying. Does not include greenhouses.
- 502 (55) *Cultural Institutions* means buildings, structures, or facilities owned, operated, or  
503 occupied by a governmental entity or nonprofit organization to provide a service to the  
504 public, or preservation and exhibition of objects in one or more of the arts and sciences.  
505 This use includes libraries, museums, and art exhibitions.
- 506 (56) *Data Center* means a facility whose primary service is data processing, and is used to  
507 house computer systems and associated components, such as telecommunications and  
508 storage systems, including but not limited to web hosting organizations and internet  
509 service organizations. A server farm, telecom hotel, carrier hotel, telehouse co-location  
510 center, or any other term applicable to facilities which are used for these specified  
511 purposes shall be deemed to be a data center.
- 512 (57) *Day Care Facilities* is a use category that includes a building or structure wherein an  
513 agency, person, or persons regularly provides care for a child away from their own home  
514 for any part of the 24 hour day for compensation or otherwise. Child day care facilities  
515 include family day care homes, group day care homes, and child day care centers. They  
516 do not include preschools, nursery schools, facilities operated by a school system or in  
517 connection with a business establishment as a convenience for its customers, private or  
518 religious organization elementary or secondary schools, religious organization academic  
519 preschools or kindergartens for four- and five-year-old children, home schools, weekly  
520 Sunday or Sabbath schools, vacation bible schools or child care made available while the  
521 parents or guardians are attending worship services or other meetings and activities  
522 conducted or sponsored by a religious organization. Exempt activities:
- 523 (i) Babysitting services of a casual, nonrecurring nature or in a child's own home.
- 524 (ii) Cooperative, reciprocated child care by a group of parents in their respective  
525 residences.
- 526 (iii) Caring for four or fewer unrelated children in a home.
- 527 (58) *Destruction* means damage to an extent of more than 50 percent of the replacement cost  
528 at the time of destruction.

- 529 (59) *Digital Production* means uses focused on digital production such as software and  
530 internet content development and publishing; computer systems design and  
531 programming; and graphic and industrial design.
- 532 (60) *District* means any section of the city for which the regulations governing use of buildings  
533 and premises, and the height and area of buildings are uniform.
- 534 (61) *Drive Through (Thru)* means the use of land, buildings, or structures, or parts thereof, to  
535 provide or dispense products or services, either wholly or in part, through an attendant,  
536 window or automated machine, to persons remaining in motorized vehicles that are in a  
537 designated stacking lane. A drive through facility may be permitted only as an accessory  
538 use; i.e., in combination with other uses such as a bank or financial institution, restaurant,  
539 retail store, dry cleaners, laundry, or pharmacy. This definition does not include a vehicle  
540 washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or a  
541 service station.
- 542 (62) *Drugstore or Pharmacy* means a facility for preparing, preserving, compounding and  
543 dispensing drugs and medicines; and may include the display and sale of other  
544 merchandise such as cosmetics, lotions, fountain service and similar items.
- 545 (63) *Dry Cleaners* means a facility that cleans clothing and other fabrics with chemical solvents  
546 that use little to no water.
- 547 (64) *Dwelling* means any building or portion thereof, which is designed or used exclusively for  
548 residential purposes.
- 549 a. *Dwelling, Single-Family Detached* means a detached building used exclusively for  
550 residential purposes having suitable accommodations for only one family which may  
551 include, not to exceed, five lodgers or boarders.
- 552 b. *Dwelling, Single-Family Attached* means a portion of a residential building having  
553 accommodations for one family, and that is located on separate lot of record apart  
554 from the remaining portions of the building. Each such dwelling may be sold  
555 independent of other portions. Typical structures include duplex and townhouse.
- 556 c. *Dwelling, Single-Family, Duplex* means a detached building used exclusively for  
557 residential purposes and designed for, or occupied by, two families living  
558 independently of each other, each of which may include, not to exceed, five lodgers  
559 or boarders.
- 560 d. *Dwelling, Patio Home* means a single-family detached dwelling shifted to one side of  
561 the lot, i.e., placed on the lot so that one side setback is zero or nearly zero and the  
562 other side setback is larger than if both side setbacks were approximately equal.
- 563 e. *Dwelling, Multi-Family* means a building, or portion of a building, having suitable  
564 accommodations for three or more families, living independently of each other, who  
565 may or may not have joint uses of utilities, halls, yards, etc. This term includes  
566 premises occupied more or less permanently for residential purposes in which rooms

- 567 are occupied in apartments, suites or groups, such as apartments or dormitories. For  
568 purposes of this definition, hotels or motels shall not be considered dwellings.
- 569 f. *Dwelling, Live/Work* means a use that combines a commercial activity allowed in the  
570 zone with a residential living space for the owner of the commercial business, or the  
571 owner's employee, and that person's household where: (1) the resident owner or  
572 their employee is responsible for the commercial activity performed; and (2) the  
573 commercial activity conducted takes place subject to a valid business license  
574 associated with the premises.
- 575 g. *Dwelling, Loft* means a residential dwelling that is located above the ground floor of  
576 a multistory building.
- 577 (65) *Eating and Drinking* is a use category for businesses that prepare or serve food, or serve  
578 prepared beverages for consumption on or off the premises. Accessory uses may include  
579 food preparation areas, offices, and parking.
- 580 (66) *Education Facilities* is a use category for public, private, and parochial institutions at the  
581 primary, elementary, middle, high school, or post-secondary level, or trade or business  
582 schools that provide educational instruction to students. Accessory uses include play  
583 areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-  
584 school day care.
- 585 (67) *Electric Vehicle Charging Station* means a public or private parking space that is served by  
586 electric vehicle supply equipment whose primary purpose is the transfer of electric energy  
587 (by conductive or inductive means) to a battery in an electric vehicle.
- 588 (68) *Energy Production and Natural Resource Extraction* is a use category that includes energy  
589 produced from resources that are regenerative, and the extraction or quarrying of oil,  
590 gas, coal, ores, stone, minerals, top soil or aggregate resources from the ground.
- 591 (69) *Energy Production, Renewable* means energy produced from resources that are  
592 regenerative, or for all practical purposes, cannot be depleted.
- 593 a. *Cogeneration Facility*: A structure in which electricity or mechanical power and  
594 thermal energy (heating or cooling) are generated from a single fuel source.
- 595 b. *Solar Array*: A free-standing, ground-mounted solar collection system consisting of a  
596 linked series of photovoltaic modules with a rated capacity of up to 10 kilowatts, the  
597 primary purpose of which is to provide for the collection, inversion, storage, and  
598 distribution of solar energy for electricity generation, space heating, space cooling, or  
599 water heating on-site; however, the energy output may be delivered to a power grid  
600 to offset the cost of energy on-site.
- 601 c. *Wind Energy, Commercial*: A wind energy conversion system consisting of more than  
602 one wind turbine and tower that will be used primarily for off-site consumption of  
603 power, or a wind energy system that has a rated capacity in excess of 100 kW.



- 641 (81) *Fortune Telling* means and includes the telling of fortunes, forecasting of fortunes or  
642 futures, or furnishing of any information not otherwise obtainable by ordinary process of  
643 knowledge, by means of any occult, psychic power, clairvoyance, clairaudience,  
644 cartomancy, phrenology, spirits, tea leaves, or other such reading, mediumship, augury,  
645 astrology, palmistry, necromancy, mind reading, telepathy, or other craft, art, cards,  
646 talisman, charm, potion, magnetism, magnetized ordinance or substance, gypsy cunning  
647 or foresight, crystal gazing, oriental mysteries or magic, or other similar means, of any  
648 kind or nature. A fortune telling business shall not be considered a home occupation or  
649 classified as a religious assembly use.
- 650 (82) *Freight Terminal and Warehouse* means a business, service or industry involving the use  
651 of commercial vehicles in the loading, unloading and transportation of cargo. May also  
652 include the fueling, maintenance, servicing, storage or repair of commercial vehicles, or  
653 the storage of cargo.
- 654 (83) *Frontage* means the length of the property abutting one side of a street or place  
655 measured along the dividing line between the property and the street or place.
- 656 (84) *Funeral Home/Parlor* means a building or part thereof used for human funeral services.  
657 Such building may contain space and facilities for: (a) embalming and the performance of  
658 other services used in the preparation of the dead for burial; (b) the performance of  
659 autopsies and other surgical procedures; (c) the storage of caskets, funeral urns and other  
660 related funeral supplies; and (d) the storage of funeral vehicles, but shall not include  
661 facilities for cremation.
- 662 (85) *Garage/Yard/Estate Sale* means a sale of personal property that is conducted on premises  
663 within a residential district upon which a dwelling is located, or on any portion of a lot  
664 used for residential purposes.
- 665 (86) *Go-Cart Track* means a track used for racing go-carts.
- 666 (87) *Government Offices and Facilities* means a place for the regular transaction of  
667 governmental business that may include emergency services, and public services and  
668 utilities.
- 669 (88) *Grocery Store* means a marketplace or establishment where foods and associated items  
670 are kept and displayed for retail sales.
- 671 (89) *Group Day Care Home* means a child care program where care is given by a person  
672 licensed as a group day care home provider for 11, but not more than 20, children not  
673 related to the child care provider for any part of the 24-hour day.
- 674 (90) *Group Home* means any home in which eight or fewer unrelated mentally or physically  
675 handicapped persons reside, and may include two additional persons acting as  
676 houseparents or guardians who need not be related to each other, or to any of the  
677 mentally or physically handicapped persons residing in the home.
- 678 (91) *Group Living* is a use category is characterized by residential occupancy of a structure by  
679 a group of people who do not meet the definition of "Household Living." Generally, Group

- 680 Living structures have a common eating area for residents. The residents may receive  
681 care, training, or treatment, and caregivers may or may not also reside at the site.
- 682 (92) *Health Care Facilities* is a use category characterized by activities focusing on medical  
683 services, particularly licensed public or private institutions, that provide primary health  
684 services and medical or surgical care to persons suffering from illness, disease, injury or  
685 other physical or mental conditions. Accessory uses may include laboratories, outpatient,  
686 or training facilities, parking, or other amenities primarily for the use of employees in the  
687 firm or building.
- 688 (93) *Home Occupation* means a gainful activity, resulting in a product or service that is  
689 conducted in whole or in part on a property zoned or occupied as residential.
- 690 (94) *Home Supply and Lumberyard* means a facility for the retail sale of home, lawn and garden  
691 supplies, and construction materials such as brick, lumber and other similar materials.
- 692 (95) *Hoop House* means a structure made of PVC piping or other material, covered with a see-  
693 through material, and constructed in a half-round or “hoop” shape.
- 694 (96) *Hospital* means a facility or area for providing health services primarily for human in-  
695 patient medical or surgical care for the sick or injured, and including related facilities such  
696 as laboratories, out-patient departments, training facilities, central services facilities, and  
697 staff offices that are an integral part of the facilities.
- 698 (97) *Hotel* means a building which provides a common entrance, lobby, halls and stairways,  
699 and in which lodging is provided to **transient** guests.
- 700 (98) *Household Living* is a use category characterized by residential occupancy of a dwelling  
701 unit by one or more persons. Pursuant to State Statute, single family dwellings or  
702 residences also include “any home in which eight or fewer unrelated mentally or  
703 physically handicapped persons reside, and may include two additional persons acting as  
704 houseparents or guardians who need not be related to each other or to any of the  
705 mentally or physically handicapped persons residing in the home,” defined herein as a  
706 Group Home.
- 707 (99) *Housekeeping unit* means a building or portion of a building which is occupied or intended  
708 to be occupied as a dwelling, and which has the facility for cooking and serving meals and  
709 for sleeping quarters, and which may or may not include rooms or facilities.
- 710 (100) *Industrial Services* is a use category of firms that are engaged in the repair or servicing of  
711 agricultural, industrial, business, or consumer machinery, equipment, products, or by-  
712 products. Contractors and similar users perform services off-site. Few customers come  
713 to the site. Accessory activities may include sales, offices, parking, and storage.
- 714 (101) *Kennel* means any place, area, building, or structure where pets are boarded, housed,  
715 cared for, fed or trained by other than the owner.
- 716 (102) *Laundromat* means a coin, credit, or app-operated facility designed for use by the general  
717 population for the cleaning of domestic laundry items.

- 718 (103) *Laundry Service Station* means a facility for the collection and return of domestic laundry  
719 items. This use shall be totally enclosed.
- 720 (104) *Library* means an establishment for the loan or display of books which is sponsored by a  
721 public or quasi-public agency, and which institution is open and available to the general  
722 public.
- 723 (105) *Lockout Unit* means one or more rooms within a dwelling unit which is under single,  
724 undivided ownership, which are connected to the primary dwelling area by a lockable  
725 door, or doors, so as to be capable of occupancy as separate quarters. Such unit may  
726 include sleeping, sanitary and kitchenette facilities. A lockout unit shall not be considered  
727 a separate dwelling unit unless it is conveyed into separate ownership from the rest of  
728 the dwelling unit, or it exceeds 195 square feet in area, in either of which cases, it shall  
729 be considered a separate dwelling unit for purposes of calculation of dwelling unit  
730 densities. Dwelling units containing lockout units which have been conveyed into  
731 separate ownership shall be required to provide parking at the rate of one parking space  
732 for each separate dwelling unit containing one bedroom, and one and one-half parking  
733 spaces for each separate dwelling unit containing two or more bedrooms. In addition, a  
734 lockout unit which is conveyed into separate ownership shall be required to pay an  
735 additional sewer capacity fee as a separate dwelling unit.
- 736 (106) *Lodging Establishment* is a use category including any building, group of buildings,  
737 structure, facility, place, or places of business where five or more guestrooms are  
738 provided, which is owned, maintained or operated by any person, and which is kept, used,  
739 maintained, advertised or held out to the public for hire which can be construed to be a  
740 hotel, motel, apartment hotel, resort, cabin, tourist home, bunkhouse, dormitory, or  
741 other similar place by whatever name called, and includes all such accommodations  
742 operated for hire as lodging establishments for either transient guests, non-transient  
743 guests, or for both transient and non-transient guests.
- 744 (107) *Lot Width* means the average horizontal distance between side lot lines, measured at right  
745 angles to the lot depth line. The planning and development director may use reasonable  
746 modifications to this procedure when determining the width of an irregular lot.
- 747 (108) *Lumberyard* means a facility that sells and stores cut lumber and other associated or  
748 accessory building materials.
- 749 (109) *Manufactured Home* means any home factory-built in the United States to the HUD Title  
750 6 construction standards.
- 751 (110) *Manufactured Structure* means and includes any portable structure, vehicle, trailer,  
752 mobile home, modular structure, framework, container, platform or device, vehicular in  
753 design, which may be drawn, towed or transported from one location to another without  
754 basic change in structure or design, whether on wheels or not, and whether designed or  
755 used as living or sleeping quarters or not. The term "manufactured structure" includes  
756 any structure above-described used for a commercial or residential purpose.
- 757 (111) *Manufacturing and Assembly* is a use category including uses that produce goods from  
758 extracted and raw materials, or from recyclable or previously prepared materials,

759 including the design, storage and handling of these products and the materials from which  
760 they are produced.

761 (112) *Manufacturing, Artisan/Light* means light manufacturing businesses that operate in a  
762 fully-enclosed space and do not cause external disturbances or pollution. This category  
763 also includes spaces used by artists or craftspeople for the creation of art, craft, or similar  
764 endeavors.

765 (113) *Manufacturing, General* means establishments involved in the manufacturing,  
766 processing, fabrication, packaging, or assembly of goods. Natural, constructed, raw,  
767 secondary, or partially completed materials may be used. Products may be finished or  
768 semi-finished, and are generally made for the wholesale market, for transfer to other  
769 plants, or to order for firms or consumers. Goods are generally not displayed or sold on  
770 site, but if so, such activity is a subordinate part of sales. Relatively few customers come  
771 to the manufacturing site. Accessory activities may include retail sales, offices, cafeterias,  
772 parking, employee recreational facilities, warehouses, storage yards, repair facilities,  
773 truck fleets, and caretaker's quarters.

774 (114) *Manufacturing, Heavy* means a facility or area for generally mass producing goods usually  
775 for sale to wholesalers or other industrial or manufacturing uses. A heavy manufacturing  
776 use is one which employs the following or similar types of processes:

- 777 a. The milling of grain as retail sales and service.
- 778 b. Producing animal food and tanning animal hides.
- 779 c. Production of large durable goods such as, but not limited to, motorcycles, cars,  
780 manufactured homes, or airplanes.
- 781 d. Canning or bottling of food or beverages for human consumption using a mechanized  
782 assembly line.
- 783 e. Manufacturing of paint, oils, pharmaceuticals, cosmetics, solvents, and other  
784 chemical products; and use of a foundry for metals.
- 785 f. Production of items made from stone, clay, metal or concrete.
- 786 g. Tire recapping or retreading.
- 787 h. A facility or area for generally mass producing goods usually for sale to wholesalers  
788 or other industrial or manufacturing uses.

789 (115) *Marina* means a facility or area for storing, servicing, fueling, berthing, and security and  
790 launching of private pleasure craft that may include the sale of fuel and incidental supplies  
791 for the boat owners, crews, and guests.

792 (116) *Massage Establishment* means any establishment having a fixed place of business where  
793 any person, firm, association or corporation engages in or carries on or permits to be  
794 engaged in or carried on any therapeutic massage activities and licensed by the state.

- 795 (117) *Medical and Research Laboratory* means a facility or area for conducting medical or  
796 scientific research, investigation, testing, or experimentation, but not facilities for the  
797 manufacturing or sale of products, except as incidental to the main purpose of the  
798 laboratory. This definition also includes labs for the manufacturing of dentures and  
799 prostheses.
- 800 (118) *Medical and Dental Office and Clinic* means a facility for examining, consulting with and  
801 treating patients, including offices, laboratories and outpatient facilities, but not including  
802 hospital beds for overnight care or treatment.
- 803 (119) *Microbrewery* means an establishment where beer and malt beverages are made on the  
804 premises and then sold or distributed, and which produces less than 15,000 barrels (a  
805 barrel is approximately 31 gallons) of beer per year. Microbreweries sell to the public by  
806 one or more of the following methods: the traditional three-tier system (brewer to  
807 wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to  
808 retailer to consumer); and directly to the consumer.
- 809 (120) *Miniature Golf* means a novelty golf game played with a putter on a miniature course  
810 usually having tunnels, bridges, sharp corners and obstacles.
- 811 (121) *Mining and Quarrying* means any mine, surface mine, pit, or quarry operation.
- 812 (122) *Mobile Home* means a dwelling structure built on a steel chassis and fitted with wheels  
813 that is intended to be hauled to a usually permanent site.
- 814 (123) *Modular Housing* means a factory-fabricated, transportable building designed to be used,  
815 or to be incorporated with, similar units at the building site into a modular structure. The  
816 term is intended to apply to major assemblies and does not include prefabricated sub-  
817 elements such as panels, roof trusses, plumbing trees, or similar sub-elements.
- 818 (124) *Motel* means a group of attached or detached permanent structures containing five or  
819 more individual sleeping or separate living facilities designed and used for the  
820 accommodation of **transient** residents. The term "motel" does not include campgrounds,  
821 and vehicle parks as defined elsewhere in this chapter.
- 822 (125) *Museum* means an institution devoted to the procurement, care, study, and display of  
823 objects of lasting interest or value.
- 824 (126) *Nightly Rental* means a building or portion thereof, in which sleeping accommodation is  
825 available for five or fewer guestrooms, for legal consideration, for a term less than 30  
826 consecutive days.
- 827 (127) *Nonconforming Use* means a structure or premises legally occupied by a use that does  
828 not conform to the provisions of this Code in the zoning district in which it is situated as  
829 established in this chapter, or in previously applicable zoning regulations.
- 830 (128) *Nonconforming Structure* means a lawfully existing building or portion thereof that does  
831 not conform to the provisions of this Code in the zoning district in which it is situated as  
832 established in this chapter, or in previously applicable zoning regulations.

- 833 (129) *Nursing, Convalescent, and Rest Home* means an institution or agency licensed by the  
834 state for the reception, board, care or treatment of three or more unrelated individuals  
835 who by reason of illness or infirmity are unable to properly care for themselves, but not  
836 including facilities for the care and treatment of mental illness, alcoholism, or narcotics  
837 addiction.
- 838 (130) *Off-Premises Contact, Primary (OPC)* means a stand-alone building, booth, kiosk, stand or  
839 similar structure where offsite timeshare plans, timeshare units or vacation clubs are  
840 marketed. OPC, accessory is the location of this use within the structure of another  
841 primary use.
- 842 (131) *Office* is a use category for a facility that provides executive, management, administrative,  
843 or professional services not specifically listed elsewhere in this Code, but not involving  
844 the sale of merchandise except as incidental to a permitted use. Typical examples include  
845 real estate, insurance, property management, investment, employment, travel,  
846 advertising, law, architecture, design, engineering, accounting, call centers, and similar  
847 offices. Accessory uses may include cafeterias, health facilities, parking, or other  
848 amenities primarily for the use of employees in the firm or building.
- 849 (132) *Office, Business and Professional* means a place for the regular transaction of business,  
850 but not to include the occupation by retail sales, transfer of manufactured goods or the  
851 storage of commodities.
- 852 (133) *Oil and Gas Development* means the well site preparation, construction, drilling, re-  
853 drilling, hydraulic fracturing, or site restoration, reclamation and other activities  
854 associated with an oil or gas well of any depth; water and other fluid storage,  
855 impoundment and transportation used for such activities; the installation and use of all  
856 associated equipment, including tanks, meters and other equipment and structures,  
857 whether permanent or temporary; the site preparation, construction, installation,  
858 maintenance and repair of oil and gas pipelines and associated equipment; and other  
859 equipment and activities associated with the exploration for, production and  
860 transportation of oil and gas.
- 861 (134) *Outdoor Storage* shall mean the keeping of any goods, materials, merchandise, or  
862 equipment outside of an enclosed building for more than 24 hours.
- 863 (135) *Parcel* means a building site or plot of land occupied or intended to be occupied by a  
864 structure, and including such open spaces as are required under this title, and having its  
865 principal frontage upon a public street or officially approved place.
- 866 a. *Parcel, Corner*, means a parcel abutting two or more streets at their intersection.
- 867 b. *Parcel, Depth of*, means the mean horizontal distance between the front and rear  
868 parcel lines.
- 869 c. *Parcel, Frontage*. See Frontage.
- 870 d. *Parcel, Interior*, means a parcel other than a corner parcel or triangular parcel.

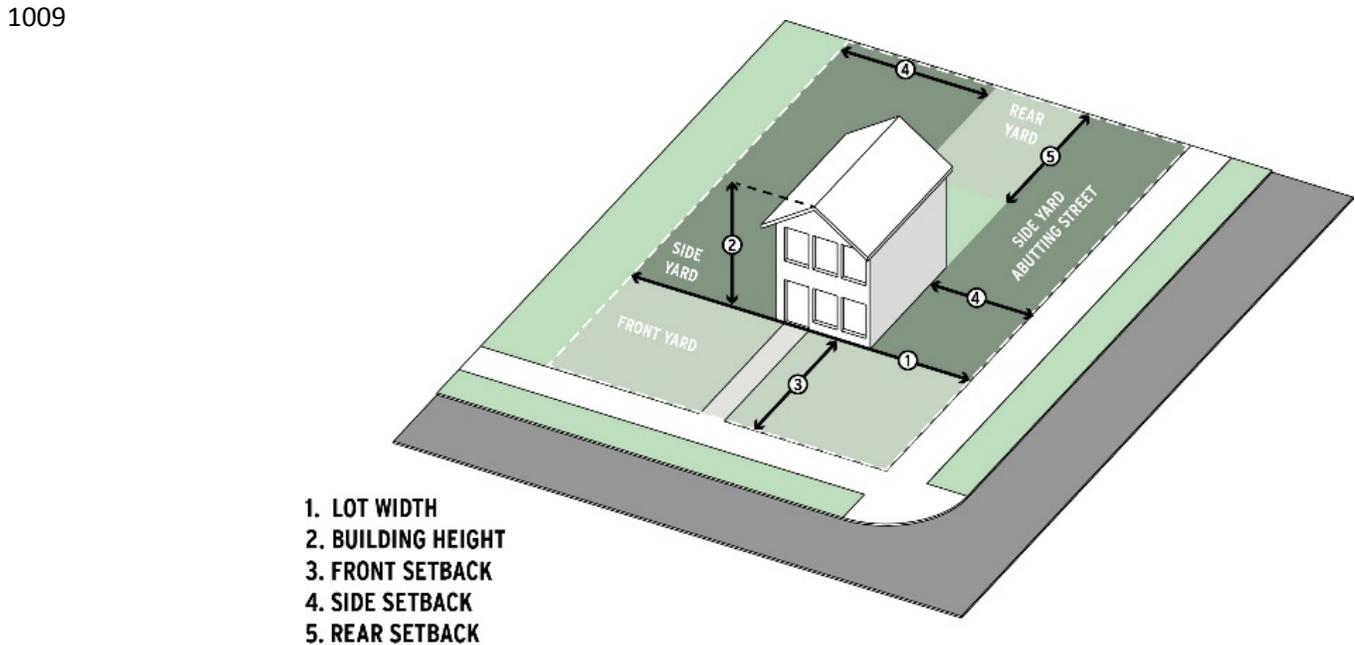
- 871 e. *Parcel Lines* means the lines bounding a parcel as defined herein.
- 872 f. *Parcel of Record* means a parcel or portions of one or more parcels which are part of  
873 a subdivision, the map of which has been recorded in the office of the recorder of  
874 deeds of the county, or a parcel described by metes and bounds, the description of  
875 which has been recorded in the office of the recorder of deeds of the county.
- 876 g. *Parcel, Through*, means an interior parcel having frontage on two streets.
- 877 h. *Parcel, Triangular*, means a parcel abutting on two or more streets at their junction,  
878 where the angle formed by the intersecting streets is less than 45 degrees.
- 879 (136) *Park and Playground* means a facility or area for recreational, cultural, or aesthetic use  
880 owned or operated by a public agency and available to the general public. This definition  
881 may include, but is not limited to, lawns, decorative plantings, walkways, passive  
882 recreation areas, pavilions, wooded areas, and water courses.
- 883 (137) *Park and Ride Lot* means an area or structure intended to accommodate parked vehicles  
884 during normal commuting hours, usually 5:00 AM to 8:00 PM, Monday through Friday,  
885 where commuters park their vehicles and continue travel to another destination via  
886 public transit, carpool, vanpool, or bicycle.
- 887 (138) *Parking Lot* means a parcel of land devoted to unenclosed parking space which may  
888 include partially enclosed structures.
- 889 (139) *Parking Space* means a suitably surfaced area, either within or outside of a building, which  
890 is sufficient in size to store one standard automobile.
- 891 (140) *Parks and Open Space* is a use category with uses that focus on natural areas, large areas  
892 consisting mostly of vegetative landscaping or outdoor recreation, community gardens,  
893 or public squares. These lands tend to have few structures. Accessory uses may include  
894 clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and  
895 parking.
- 896 (141) *Personal Vehicles* means uses available for automobiles, small trucks or vans,  
897 motorcycles, motor homes, recreational vehicles, and recreational boats that provide the  
898 following:
- 899 a. *Rental Services*: a facility limited to office space, along with the display of  
900 automobiles, which for a fee, are rented or leased.
- 901 b. *Repair Services*: a facility that may provide and specialize in the repair of certain auto  
902 parts such as brakes, mufflers, collision repair or transmissions.
- 903 c. *Sales*: a facility used primarily for the sale of automobiles and trucks.
- 904 (142) *Pet Grooming* means a facility for the grooming of pets where no outside runs are  
905 provided.

- 906 (143) *Pet Shop* means a facility for the display and sale of any fish, birds, dogs, cats and other  
907 small animals as pets without involving commercial boarding or the treating of any  
908 animal, fish or bird.
- 909 (144) *Place* means an open, unoccupied space dedicated to purposes of access for abutting  
910 property.
- 911 (145) *Planned Development* means land under unified control, planned and developed as a  
912 whole, in a single development operation or a definitely programmed series of  
913 development operations, including all lands, and buildings for principal and accessory  
914 uses substantially related to the character of the district, according to comprehensive and  
915 detailed plans which include not only streets, utilities, parcels or building sites and the  
916 like, but also site plans, floor plans, and elevations for all buildings intended to be located,  
917 constructed, used and related to each other (to the extent required for determinations to  
918 be made under these regulations), and detailed plans for other uses and improvements  
919 on the land as related to the buildings, and with a program for provision, operation and  
920 maintenance of such areas, improvements, facilities and services as will be for common  
921 use by some or all of the occupants of the district, but will not be provided, operated and  
922 maintained at general public expense.
- 923 (146) *Plant Nursery and Greenhouse* means a facility or area for the growing, displaying, and  
924 sale of plant stock, seeds, or other horticulture items. This may include raising plants  
925 outdoors or in greenhouses for sale either as food or for use in landscaping.
- 926 (147) *Porch* means a roofed structure projecting from a building, and separated from the  
927 building by the walls thereof, and having no enclosed features except roof supports,  
928 railing or screen wire.
- 929 (148) *Portable Storage Unit* means any container designed for the outdoor storage of personal  
930 property, including a "POD" or similar storage container, which is typically rented to  
931 owners or occupants of property for their temporary use, and which is delivered and  
932 removed by vehicle.
- 933 (149) *Portable Structure* means a prefabricated structure assembled off site and delivered to  
934 the site as a complete unit or a building purchased in kit form and assembled onsite, which  
935 can be moved without disassembly to another location, **similar to a kiosk**.
- 936 (150) *Principal Use* means a primary, principal, or dominant use established or proposed to be  
937 established on a parcel. In a mixed-use building there may be more than one principal  
938 use.
- 939 (151) *Public Events* means an event or activity open to the public or offered for general public  
940 enjoyment with or without an entrance fee, which is sponsored by a non-for-profit  
941 organization, or sponsored by a for-profit organization held within a convention type  
942 facility having no less than 10,000 square feet of meeting area. Public events held on  
943 private property may require a temporary use permit. Public events held on public  
944 property may require a special event permit.

- 945 (152) *Public Service Facilities* means an organization supplying a community with electricity,  
946 natural gas, water, or sewer and their accompanying services.
- 947 (153) *Publishing* means a facility engaged in creating and printing newspapers, magazines,  
948 periodicals, and brochures.
- 949 (154) *Recreation and Entertainment, Indoor* means any indoor establishment that is a primary  
950 use whose main purpose is to provide the general public with an amusing or entertaining  
951 activity, and where tickets are sold or fees are collected for the activity. This may include,  
952 but not be limited to, skating rinks, bowling alleys, billiard halls, and amusement parlors.
- 953 (155) *Recreation and Entertainment, Outdoor* means any outdoor establishment whose main  
954 purpose is to provide the general public with an amusing or entertaining activity, and  
955 where tickets are sold or fees are collected for the activity. This may include, but not be  
956 limited to, water slides, water parks, miniature golf courses, go-kart tracks, zip-lines, and  
957 zoos.
- 958 (156) *Recording Studio* means a facility for sound recording.
- 959 (157) *Recreation Areas and Facilities* means facilities or equipment that are used for public  
960 recreational or natural resource purposes that have a relatively low flood damage  
961 potential, and do not involve a structure. This includes, without limitation: bicycle,  
962 equestrian or pedestrian trails and paths, benches, ball fields, tennis and basketball  
963 courts, interpretive facilities, and golf courses.
- 964 (158) *Recreational Vehicle Park* means any property where one or more lots are rented to users  
965 of recreational vehicles, and which are occupied for temporary purposes.
- 966 (159) *Recycling Collection Facility* means a facility used for the collection and temporary storage  
967 of empty beverage containers, aluminum, glass, paper, or clothing for recycling purposes  
968 conducted totally within an enclosed structure or container. This definition does not  
969 include processing except for “can banks” that crush cans as they are deposited.
- 970 (160) *Religious Assembly* means a facility or area for people to gather together for public  
971 worship, religious training, or other religious activities including a church, temple,  
972 mosque, synagogue, convent, monastery, or other structure, together with its accessory  
973 structures, including a parsonage or rectory. This use does not include home meetings or  
974 other religious activities conducted in a privately occupied residence. Accessory uses may  
975 include meeting rooms and childcare provided for persons while they are attending  
976 assembly functions. Schools are not accessory uses and shall require approval as separate  
977 principal uses.
- 978 (161) *Rental Storage Operations* means a facility for individuals to rent a space for the purpose  
979 of storing their goods or belongings.
- 980 (162) *Restaurant* means an establishment where food and drinks are available to the general  
981 public primarily for consumption within a structure on the premises.

- 982 (163) *Retail* is a use category for firms involved in the sale, lease, or rental of new or used  
983 products to the general public. Accessory uses may include offices, parking, storage of  
984 goods, and assembly, repackaging or repair of goods for on-site sale.
- 985 (164) *Retail, General* means a facility or area for the retail sale of general merchandise or food  
986 to the general public for direct consumption, and not for wholesale.
- 987 (165) *Satellite antenna or dish* means a receiving or broadcasting antenna for television, circular  
988 in form and more than three feet in diameter, which may or may not be mounted on  
989 wheels for transportation, and, for the purpose of this chapter, shall be considered an  
990 accessory building and must meet all regulations concerning such structures.
- 991 (166) *Satellite earth station*. The term "satellite earth station" shall not include any antenna  
992 which is mounted to a self-supporting, guyed or monopole antenna support structure.
- 993 (167) *School, Primary or Secondary* means an institution of learning for minors, whether public  
994 or private, which satisfies compulsory education laws of the state, or which is maintained  
995 pursuant to standards set by the State Board of Education. This definition includes a  
996 kindergarten, elementary school, junior high school, and senior high school.
- 997 (168) *School, Vocational-Technical and Trade* means a facility or area for instruction and  
998 training in trades or crafts such as cosmetology, modeling academies, computer training  
999 facilities, vocational schools, administrative business training facilities, auto repair,  
1000 welding, bricklaying, machinery operation, or other similar trades or crafts.
- 1001 (169) *Seasonal Sales* means the sale of Christmas trees, fireworks, pumpkins, fruits, flowers or  
1002 vegetables, or other seasonal products, when sold on property other than on the site  
1003 where grown, constructed, or assembled.
- 1004 (170) *Searchlight* means a device, usually consisting of a light and a reflector, for throwing a  
1005 beam of light in any direction; may also include outdoor laser lights and floodlights.

1006 (171) *Setback Line* means the line that is the required minimum distance from the street right-  
 1007 of-way line or any other lot line that establishes the area within which the principal  
 1008 structure must be placed.



1010 a. *Front Setback* means the minimum distance required, or maximum distance allowed  
 1011 between a building, structure, or improvement and the front lot line.

1012 b. *Interior Side Setback* means the minimum distance required between a building,  
 1013 structure, or improvement and a lot line that is shared with another lot.

1014 c. *Side Setback* means the minimum distance required between a building, structure, or  
 1015 improvement and a street on either side of a lot.

1016 d. *Rear Setback* means the minimum distance required between a building, structure,  
 1017 or improvement and the rear lot line.

1018 (172) *Service Station* means a facility where gasoline, oil and other requirements for motor  
 1019 vehicles can be bought, and often where maintenance and minor repair work is also done.

1020 (173) *Shelter Care Facility* means a facility that provides temporary, overnight shelter and  
 1021 accommodations.

1022 (174) *Short-term rental* means any lodging rental for a period of 30 days or less.

1023 (175) *Sight distance triangle* means an area free of all obstructions that could interfere with the  
 1024 visibility of drivers approaching an intersection between an entrance or drive and a street.  
 1025 The area is a triangular-shaped piece of land, measuring 15 feet in distance along the  
 1026 street and 15 feet in distance along the entrance or drive, both distances being measured  
 1027 from and along the back of the curb.

- 1028 (176) *Special Event* means a preplanned, single gathering event or series of related consecutive  
 1029 daily gatherings or events, of an entertainment, cultural, recreational, educational,  
 1030 political, religious, sporting, or of any other nature, sponsored by an individual or entity,  
 1031 and proposed to be held at a public facility, and which could result in activity impeding or  
 1032 impairing the normal flow of vehicles and pedestrians on streets, sidewalks or other  
 1033 public facilities used primarily for travel; require the partial closing or obstruction of such;  
 1034 or requires the necessity of public safety or traffic control measures not already provided  
 1035 at the proposed site of the event.
- 1036 (177) *Special Use* means the use of land other than that permitted in a particular zoning district.  
 1037 Special use requires a permit from the Planning Commission as described in this chapter.
- 1038 (178) *Sponsor* means to conduct, stage, present or organize a special event. A sponsor under  
 1039 this definition shall be in charge of the event, or have primary control of its conduct,  
 1040 staging, presentation, or organizing.
- 1041 (179) *Stables* means a structure or land, in or on which equines are kept for sale or hire to the  
 1042 public. Breeding, boarding, or training of equines may also be conducted.
- 1043 (180) *Story* means that portion of a building, other than a basement, included between the  
 1044 surface of any floor and the surface of the floor above it, or if there is no floor above it,  
 1045 then the space between the floor and the ceiling next above it.
- 1046 (181) *Street Line* means the dividing line between a tract or parcel of land and a street.
- 1047 (182) *Structural Alterations* means any change in the supporting members of a building, such  
 1048 as bearing walls or partitions, columns, beams, floor joists, roof joists or girders, or any  
 1049 substantial change in the roof or exterior walls.
- 1050 (183) *Studio – Art, Fitness, Music, Dance* means a small-scale facility for the production of or  
 1051 education in a fine art, dance, or performance program. Examples of these facilities  
 1052 include: individual and group instruction and training in the arts and production rehearsal,  
 1053 photography and the processing of photographs produced only by users of the studio  
 1054 facilities, martial arts training studios, and gymnastics instruction and fitness centers. Also  
 1055 includes production studios for individual musicians, painters, sculptors, photographers,  
 1056 and other artists.
- 1057 (184) *Tattoo Parlor* means an establishment whose business activity, either in terms of  
 1058 operation or as held out to the public, is the practice of placing designs, letters, figures,  
 1059 symbols, or other marks upon or under the skin of any person, using ink or other  
 1060 substance that results in the permanent coloration of the skin, by means of the use of  
 1061 needles or other instruments designed to contact or puncture the skin.
- 1062 (185) *Temporary Use* means a use that is established for a fixed period of time with the intent  
 1063 to discontinue such use upon the expiration of such time, and does not involve the  
 1064 construction or alteration of any permanent structure.
- 1065 (186) *Temporary Office Facilities* means a temporary portable unit for office or real estate sales  
 1066 use.

- 1067 (187) Temporary Vehicle Washes means a car or vehicle wash conducted as a temporary activity  
1068 rather than as a permanent business, typically for fundraising.
- 1069 (188) *Terrace* means an artificial or natural embankment in the area between a building and a  
1070 parcel line.
- 1071 (189) *Theater* means a building, room, or other setting for showing movies, or for where plays,  
1072 dramatic presentations or other live entertainment is performed.
- 1073 (190) *Thrift Store* means a profit or nonprofit business or organization that engages in, or  
1074 specializes in, the sale or resale of previously owned or used goods and merchandise from  
1075 an area greater than 25% of the total floor area devoted to retail sales, and whose  
1076 merchandise is donated, or principally donated.
- 1077 (191) *Timeshare Periods* means all periods of time when a purchaser of a timeshare plan is  
1078 entitled to the possession and use of the accommodations or facilities, or both, of a  
1079 timeshare plan regardless of whether such periods are designated as one or more specific  
1080 days, weeks or months.
- 1081 (192) *Timeshare Plan* means any arrangement, plan, scheme or similar device, other than an  
1082 exchange program, whether by membership, agreement, tenancy in common, sale, lease,  
1083 deed, rental agreement, license, right-to-use agreement or any other means, whereby a  
1084 purchaser, in exchange for a consideration, receives one or more timeshare periods, or  
1085 any type of interval or joint ownership in, or a right-to-use, any accommodation or facility  
1086 for a period of time which is less than a full continuous and uninterrupted year during any  
1087 given year, and which extends for a period of time more than three years, as to each  
1088 individual timeshare development subject to purchase.
- 1089 (193) *Timeshare Unit* means an accommodation or facility of a timeshare plan which is divided  
1090 into timeshare periods, or is otherwise subject to interval or joint ownership, or use by  
1091 the purchaser of the timeshare plans.
- 1092 (194) *Transparent* means having the property of transmitting light through its substance so that  
1093 objects behind can be distinctly seen.
- 1094 (195) *Transportation* is a use category that includes uses involving public and private modes of  
1095 vehicular transportation.
- 1096 (196) *Truck Stop* means a development oriented to the service of trucks, including the sale of  
1097 fuel to truck drivers, and provision for support facilities for truck drivers. Truck stops are  
1098 designed to accommodate trucks and truck drivers, and may also be utilized by non-truck  
1099 traffic. This facility allows for the temporary, daily, or overnight parking (excluding for the  
1100 loading and unloading of cargo) of commercial motor vehicles which are en-route to, or  
1101 from a destination, along a highway or roadway for free or for a fee that may be  
1102 independent of any other use on the premises. The term "truck" shall mean a commercial  
1103 vehicle driven by a 'truck driver' who is required to have a Class "A" CDL (Commercial  
1104 Driver's License) license or equivalent.

- 1105 (197) *University or College* means an academic institution of higher learning beyond the level  
1106 of secondary school.
- 1107 (198) *Urgent Care Facility* means a facility licensed by the Missouri Department of Health and  
1108 Senior Services that provides emergency medical services with no provision for continuing  
1109 care on an inpatient basis.
- 1110 (199) *Utility* is a use category for the use of land for public or private lines and facilities related  
1111 to the provision, distribution, collection, transmission, or disposal of water, storm and  
1112 sanitary sewage, oil, gas, power, information, telecommunication and telephone cable,  
1113 and facilities for the generation of electricity.
- 1114 a. *Utilities, Major Facilities/Service Yard* means infrastructure services that have  
1115 substantial land use impacts on surrounding areas. Typical uses include, but are not  
1116 limited to, water and wastewater treatment facilities, major water storage facilities  
1117 and electric generation plants. This definition also includes service yards for utility  
1118 providers.
- 1119 b. *Utilities, Minor Facilities/Office* means infrastructure facilities and services that need  
1120 to be located in the area where the service is to be provided such as water and sewer  
1121 pump stations, electrical transforming substations, wind energy conversion systems,  
1122 solar collector systems, water conveyance systems or gas regulating stations.
- 1123 (200) *Vehicles and Equipment* is a use category for uses involving the sale, rental or repair of  
1124 personal and commercial vehicles.
- 1125 (201) *Vending cart* means a readily movable, non-motorized cart equipped to prepare, store,  
1126 serve, or sell food and beverages, and not exceed a size of eight feet in height, four feet  
1127 in width, and ten feet in length, excluding roof overhangs and wheels.
- 1128 (202) *Veterinary Services* means a facility for the diagnosis and treatment of pets and other  
1129 animals including, but not limited to, dogs, cats, birds, and horses. No outside boarding  
1130 of these animals shall be allowed overnight.
- 1131 (203) *Wares* means an article of merchandise that is being presented outside of the business  
1132 selling it.
- 1133 (204) *Warehouse* means:
- 1134 a. *Commercial*: The indoor storage of materials, equipment or products. Warehousing  
1135 does not include self-storage facilities.
- 1136 b. *Self-Storage/Personal Property*: a building or group of buildings of one or more levels  
1137 with, usually, but not limited to, the following characteristics: controlled access and  
1138 secured areas which contain varying sizes of individual compartmentalized and  
1139 controlled-access stalls or lockers for the dead storage of customer's goods or  
1140 possessions.

1141 (205) *Waste and Salvage* is a use category for uses that collect, store, process, or sell waste or  
1142 salvage materials, or collect and process recyclable material, for the purpose of marketing  
1143 or reusing the material in the manufacturing of new, reused, or reconstituted products.

1144 (206) *Welding and Automobile Body Shop* means a facility that provides substantial motor  
1145 vehicle body repair, painting or undercoating services, and collision repair services.

1146 (207) *Wholesale Sales and Distribution* is a use category for facilities used for the sale, lease, or  
1147 rent of products primarily intended for industrial, institutional, or commercial businesses.  
1148 The uses emphasize on-site sales or order taking, and often include display areas.  
1149 Businesses may or may not be open to the general public, but sales to the general public  
1150 are limited as a result of the way in which the firm operates. Products may be picked up  
1151 on site or delivered to the customer.

1152 (208) *Wireless Communication Facility*

1153 a. *Antenna* means a transmitting or receiving device used in telecommunications that  
1154 radiates or captures radio signals.

1155 b. *Antenna Support Structure* means any building or other structure which can be used  
1156 for location and support of telecommunication facilities.

1157 c. *Telecommunication Facility* means any cables, wires, lines, wave guides, antennas and  
1158 any other equipment or facilities associated with the transmission or reception of  
1159 telecommunications as authorized by the Federal Communications Commission (FCC)  
1160 located or proposed to be located or installed upon a telecommunications tower. The  
1161 term "telecommunication facility" does not include:

1162 (i) Any satellite earth station which is utilized for the reception of broadcast  
1163 television, video or radio signals, and which is on the same premises as and  
1164 ancillary to the primary use of a television or radio station.

1165 (ii) Any satellite earth station antenna two meters in diameter or less which is  
1166 located in an area zoned and used for industrial or commercial purposes.

1167 (iii) Any satellite earth station antenna one meter or less in diameter, regardless  
1168 of zoning district.

1169 (iv) Any telecommunications antenna located upon any city-owned structure  
1170 with the approval of the city administrator.

1171 d. *Telecommunication Tower* means a self-supporting lattice, guyed or monopole  
1172 support structure constructed from grade which supports telecommunication  
1173 facilities. This term shall not include:

1174 (i) *Amateur radio operator equipment* as licensed by the FCC.

1175 (ii) *Utility poles* which are utilized for the support of electrical, telephone, cable  
1176 television, or other similar cables and wires located in public rights-of-way or

1177 other public easements, and are part of a system of such poles throughout  
1178 the city.

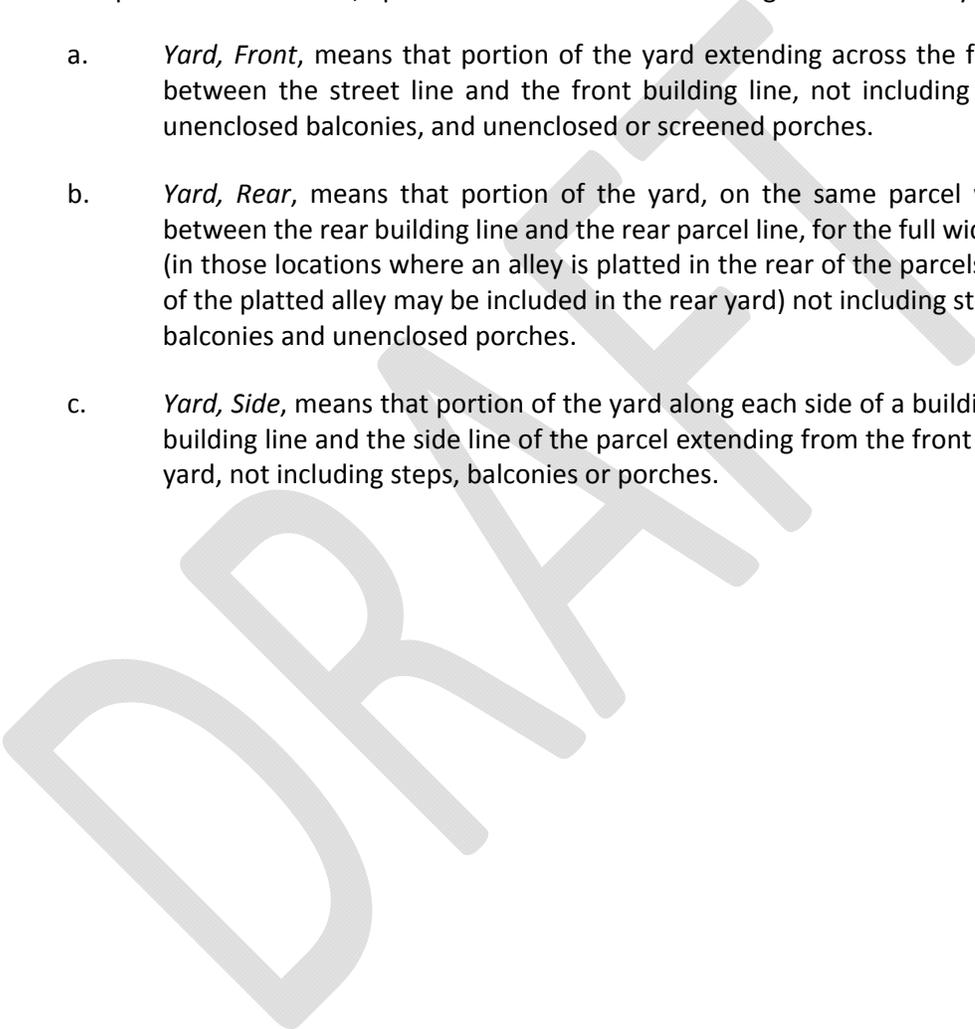
1179 (209) *Wrecker Service* means a facility or area in which two or more tow trucks are employed  
1180 in the hauling of motorized vehicles and for the storage of vehicles that have been towed,  
1181 repossessed, or otherwise in the care and custody of the operator of the lot, but not  
1182 disassembled or junked.

1183 (210) *Yard* means an open and unoccupied space on a building site, and except as otherwise  
1184 provided in this title, open and unobstructed from the ground to the sky.

1185 a. *Yard, Front*, means that portion of the yard extending across the front of a parcel  
1186 between the street line and the front building line, not including steps, terraces,  
1187 unenclosed balconies, and unenclosed or screened porches.

1188 b. *Yard, Rear*, means that portion of the yard, on the same parcel with a building,  
1189 between the rear building line and the rear parcel line, for the full width of the parcel  
1190 (in those locations where an alley is platted in the rear of the parcels, half the width  
1191 of the platted alley may be included in the rear yard) not including steps, unenclosed  
1192 balconies and unenclosed porches.

1193 c. *Yard, Side*, means that portion of the yard along each side of a building between the  
1194 building line and the side line of the parcel extending from the front yard to the rear  
1195 yard, not including steps, balconies or porches.



1196 **Article II. Rules and Regulations**

1197 **Sec. 94-5 Common Procedures**

1198 The following procedures are applicable to all applications submitted to the city pursuant to this chapter.

1199 **(a) Pre-Application Conference**

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1200 (1) A potential applicant may request a pre-application conference with the planning and  
1201 development director, and shall pay the required fees, if any. The planning and  
1202 development director shall determine what other city representatives will be necessary  
1203 to review the proposed application, and notify them of the meeting. With the request for  
1204 a pre-application conference, the applicant shall provide to the planning and  
1205 development director sufficiently detailed plans and descriptions of the proposal for staff  
1206 to make informal recommendations regarding the proposed project. The planning and  
1207 development director may determine that the information provided is insufficient and  
1208 request additional information. If the applicant fails to provide sufficient information for  
1209 a pre-application meeting and seeks to proceed with the application process, the planning  
1210 and development director shall notify the Planning Commission or the Board of the  
1211 applicant's lack of a sufficient submission for pre-application review.

1212 (2) The informal evaluation conducted by the planning and development director and staff  
1213 provided at the pre-application conference are not binding upon the applicant or the city.  
1214 A pre-application conference precedes the actual application, so some key issues relating  
1215 to a specific proposal may not be apparent at the pre-application conference and may  
1216 require additional review, submissions, or studies later in the application process.

1217 **(b) Application Requirements**

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1218 The applicant shall submit the application to the planning and development director. Application  
1219 submittal requirements for every application type shall be established by the planning and development  
1220 director on submittal forms available from the Planning and Development Department or on the city's  
1221 website. The planning and development director may waive submission requirements where appropriate  
1222 for specific applications.

1223 **(c) Reports and Studies**

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1224 (1) Reports or studies may be necessary to adequately evaluate the consequences of a  
1225 proposed development, and may be required as part of a specific application. These may  
1226 include, but are not limited to, studies of soils, geological hazards, fiscal impacts, market  
1227 analysis, traffic impacts, and environmental impacts.

1228 (2) The applicant shall furnish the reports or studies needed at the applicant's cost, or at the  
1229 city's discretion, pay appropriate cost of the study to the city so that the city may retain  
1230 a consultant to prepare the required study.

1231 (3) All required reports or studies shall be executed by professionals or other persons  
1232 qualified to provide the requested reports. Failure of the applicant to select a city-  
1233 approved professional or consulting firm may result in the city's refusal to consider the  
1234 report or study, or denial of the application.

1235 **(d) Fees**

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1236 (1) Fees for the review of an application shall be established from time-to-time by the Board.  
1237 Application fees are in the amount provided in the city fee schedule.

1238 (2) The city may also assess and collect such additional fees as it may deem appropriate;  
1239 provided that, when operating pursuant to the authority granted by this provision, the  
1240 city shall base such additional fees upon the actual cost, whether by city employees or  
1241 independent third parties, of performing related plan and document preparation and  
1242 review, inspection of construction of public and related improvements, and all related  
1243 services, including attorney and engineering fees. Such additional fees may be charged  
1244 on a per-unit basis, such as foot or mile, and the city may also include in such additional  
1245 fees a factor for overhead or other indirect expenses.

1246 (3) The following shall apply to actions taken on a complete application:

1247 a. Withdrawn Application: All fees are forfeited; the fee must be paid again in full if the  
1248 application is resubmitted.

1249 b. Continuance of Application: Payment of fees may be required to cover the cost of  
1250 additional notice.

1251 c. Reapplication, Resubmission: Payment of fees shall be required for a reapplication or  
1252 resubmission where a previous application has been denied.

1253 d. Modification or Revision of Approved Sketch or Preliminary Plan: Payment of the  
1254 application fee shall be required to cover costs of re-review, less the cost of notice.

1255 **(e) Complete and Sufficient Application**

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1256 (1) Applications shall not be processed until all materials have been submitted and are  
1257 deemed sufficient in form and content such that recommendations, as required, and a  
1258 decision may be made on the application by the city officer or body authorized to review  
1259 the application. The planning and development director shall determine application  
1260 sufficiency.

1261 (2) If an application is deemed insufficient, the planning and development director shall  
1262 inform the applicant within 15 working days of the specific submittal requirements that  
1263 have not been met. The planning and development director may provide notice in  
1264 writing, electronically, or in conversation with the applicant.

1265 (3) If an application is deemed insufficient, the applicant must resolve and resubmit the  
1266 materials required to complete the application within 30 days of the original submission  
1267 of the application. An insufficient application that has not been revised to meet the

1268 completeness requirements shall expire on the thirtieth day. An expired application shall  
1269 be returned to the applicant along with any original documents submitted in support of  
1270 the application. The city may retain the application fee paid. Once an application has  
1271 expired, the application must be resubmitted in full.

1272 **(f) Review and Approval Criteria**

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1273 To recommend or approve a development application, the review or decision-making body, as applicable,  
1274 shall find that the development application has satisfied and followed the applicable requirements of this  
1275 chapter, and meets all of the approval criteria required for the applicable development application as  
1276 established in the individual application types in this chapter.

1277 **(g) Conditions**

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1278 (1) The review or decision-making authority may recommend or impose such conditions  
1279 upon the subject development as is necessary to carry out the general purpose and intent  
1280 of this chapter. Conditions and additional information requirements shall be in written  
1281 form and attached to the approved plan, plat, or permit.

1282 (2) Conditions of approval shall be reasonably related to the anticipated impacts of the  
1283 proposed use or development, and shall be based upon adopted standards.

1284 (3) The decision-making authority may place specific time limits on the satisfaction of any  
1285 condition of approval.

1286 (4) The decision-making authority may require financial guarantees from the applicant where  
1287 it finds such guarantees are necessary to ensure compliance with conditions of approval,  
1288 and protect the public health, safety, or welfare. The city shall release such guarantees  
1289 when the planning and development director has determined that all conditions attached  
1290 to the approval have been, or will be satisfied.

1291 **(h) Continuation**

---

1292 The Planning Commission or Board may continue a hearing on its own initiative, or at the request of the  
1293 applicant.

1294 (1) Where the applicant requests continuation after provision of notice, the cost of re-  
1295 notification shall be borne by the applicant.

1296 (2) Applicants shall be limited to two requests for continuance. If the application is not heard  
1297 following the second request, it shall be considered withdrawn and the applicant will be  
1298 required to resubmit the application for further consideration.

1299 **(i) Lapse**

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1300 Except as otherwise specified in the specific procedure sections of this chapter, an approval granted under  
1301 this chapter shall lapse and shall become void two years following the date of final approval unless, prior

1302 to the expiration date, a building permit based upon such approval is issued and construction is  
1303 commenced and diligently pursued toward completion.

1304 **(j) Extension**

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1305 An approval may be extended by the body that issued the original approval for up to one year. Requests  
1306 for extensions of more than one year must show good cause for need for extension. The applicant shall  
1307 submit a request for an extension in writing to the planning and development director at least 60 days  
1308 prior to the date of approval termination. This section shall not be applicable to applications and  
1309 approvals that pre-date the adoption of this section.

1310 **Sec. 94-6 Changes in Zoning Districts**

1311 **(a) General Procedure**

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1312 (1) Changes in the zoning district of a tract or parcel of land located in the city shall be made  
1313 by ordinance by the Board upon recommendation by the Planning Commission after  
1314 notice and hearing as provided by law. Every such ordinance shall legally describe the  
1315 particular tract or parcel of land, and the change being made in its zoning district. Each  
1316 ordinance may contain more than one change of zoning.

1317 (2) Upon the adoption by the Board of an ordinance change of the district of any tract or  
1318 parcel of land, the Planning Commission shall cause the change to be made on the official  
1319 zoning map so that the map shall at all times reflect current zoning district of any tract or  
1320 parcel of land in the city.

1321 **(b) Changes by the Board**

---

1322 The Board may from time to time amend the district boundaries or regulations contained in this chapter;  
1323 provided such proposed change is first submitted to the Planning Commission for recommendation and  
1324 its report; and provided that no less than 15 days' notice of such proposed change shall first be published  
1325 in the newspaper in the city, and a hearing is granted to any person interested at a time and place specified  
1326 by such notice. If a protest against such amendment is presented, duly signed and acknowledged by the  
1327 owners of 30 percent or more, either of the areas of the land (exclusive of streets and alleys) included in  
1328 such proposed change or within an area determined by lines drawn parallel to and 185 feet distant from  
1329 the boundaries of the district proposed to be changed, such amendment shall not be passed, except by  
1330 at least two-thirds vote of the Board.

1331 **(c) Changes by Other Individuals or Groups**

---

1332 (1) Application for any change in district boundaries of any tract or parcel of land shall be  
1333 filed with the planning and development director and shall be accompanied by such data  
1334 and information as may be prescribed by the Planning Commission so as to ensure the  
1335 fullest practicable presentation of facts for the permanent record.

1336 (2) The application shall only be filed by the owner of the property seeking a change of  
1337 district, or by a person having a contract to buy such a property. In the event of a denial  
1338 of such application, re-application may be filed within 90 days following such denial.

1339 (3) To defray costs of proceedings prescribed herein, filing and publication fees shall be paid  
1340 upon the filing of each application for a change of districts.

1341 **Sec. 94-7 Site Plan Review**

1342 **(a) Purpose**

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1343 The purpose of the site plan review process is to ensure compliance with the development and design  
1344 standards and provisions of this chapter. It is designed to encourage quality development reflective of  
1345 the goals, strategies, and actions of the Community Plan 2030.

1346 **(b) Applicability**

---

1347 (1) Section 94-7(c) identifies the types of development and design activities that require site  
1348 plan approval. When site plan review is required, structures and uses may be established,  
1349 and building permits may be issued only after a site plan showing the proposed  
1350 development has been approved in accordance with the procedures and requirements of  
1351 this section.

1352 (2) Preliminary Planned Development (“PD”) review and approval serves as site plan review  
1353 for the purposes of this section.

1354 **(c) Site Plan Review Required**

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1355 The following applications and projects are subject to site plan approval:

1356 (1) All new uses and structures that are not part of a preliminary PD application or  
1357 preliminary subdivision plat;

1358 (2) All requests for temporary uses and structures;

1359 (3) Any proposed redevelopment that meets or exceeds 20 percent increase in gross square  
1360 footage, or 50 percent increase in assessed valuation, with either measurement  
1361 calculated over a five-year period.

1362 (4) Relocation of development pads, buildings, or dwelling units for some practical reasons  
1363 such as topography, road alignment or easements provided that the modification does  
1364 not significantly alter the site design in terms of parking layouts, vehicular circulation,  
1365 landscape design, and other similar components of the development plans;

1366 (5) An increase or decrease in a proposed setback, provided Code requirements are still met;

1367 (6) A modification to a recreation area or open space design, but not elimination or a  
1368 significant reduction;

1369 (7) A change in the parking lot layout or vehicular circulation;

1370 (8) A change in the landscape design or a change of more than 20 percent of plant types;

- 1371 (9) Any change that may affect an adjoining residential neighborhood;
- 1372 (10) Any request that would significantly alter the design of the site or building(s); or
- 1373 (11) A request to change or delete a condition of approval established by the Planning  
1374 Commission or the Board.

1375 **(d) Procedure for Site Plan Review**

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1376 **(1) Action by Planning and Development Director**

1377 The planning and development director shall review each site plan application and, as necessary,  
1378 distribute the application to other departments. Taking into account the results of those reviews,  
1379 the planning and development director shall take final action on the application and approve,  
1380 approve with conditions, deny, or defer decision on the application based on the applicable  
1381 approval criteria below.

1382 **(2) Approval Criteria**

1383 The planning and development director may approve a site plan upon a finding that the  
1384 application meets all of the following criteria, as applicable:

- 1385 a. The site plan is consistent with the Community Plan 2030;
- 1386 b. The site plan is consistent with any previously approved subdivision plat, planned  
1387 development, or any other precedent plan or land use approval as applicable;
- 1388 c. The site plan complies with all applicable development and design standards set forth  
1389 in this chapter;
- 1390 d. Any significant adverse impacts reasonably anticipated to result from the use will be  
1391 mitigated or offset to the maximum extent practicable;
- 1392 e. The development proposed in the plan and its general location is, or will be,  
1393 compatible with the character of surrounding land uses and structures; and
- 1394 f. The development can be adequately served by city services including, but not limited to,  
1395 roads, water, and wastewater.

1396 **(3) Referral to Planning Commission**

1397 The planning and development director may refer any application to the Planning Commission  
1398 that, in the planning and development director's opinion, presents issues that require Planning  
1399 Commission attention.

1400 **(e) Post-Approval**

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1401 **(1) Site-Specific and Binding**

1402 Approved site plan documents shall be binding upon the applicants and their successors and  
1403 assigns. No permit shall be issued for any building, structure or use that is not in accord with  
1404 the approved documents, or any approved modifications thereto. The construction, location,  
1405 use or operation of all land and structures within the site shall conform to all conditions and  
1406 limitations set forth in the documents. No structure, use, or other element of approved  
1407 design review documents shall be eliminated, altered or provided in another manner unless  
1408 an amended site plan is approved.

1409 **(2) Expiration**

1410 Approved site plan documents shall expire one year after approval if a building permit has not  
1411 been issued, or the approved use established. In the event that the documents expire due to  
1412 the passage of this time period, new site plan review documents must be submitted for  
1413 approval in the same manner as an original application for development review. **An extension**  
1414 **not to exceed one year may be granted by the Planning and Development Director.**

1415 **(3) Modifications to Site Plans**

1416 The holder of an approved site plan may request a modification to the document, or the  
1417 conditions of approval, by submitting amended documents to the planning and development  
1418 director. The amended documents shall be filed and processed in accordance with the  
1419 procedures for an initial site plan submittal.

1420 **Sec. 94-8 Conformance to Vicinity; Depreciation**

1421 (a) All structures in the residential, commercial and downtown districts shall, for the purposes of  
1422 design, architecture and building materials, conform to the area and immediate vicinity. When  
1423 plans and specifications of any structure or proposed development are such as would, in the  
1424 opinion and judgment of the planning and development director, cause a general depreciation in  
1425 the market value of property in the immediate vicinity, the planning and development director  
1426 shall refer the proposal to the Planning Commission for its decision.

1427 (b) When a new structure or development is proposed in a commercial zoning district that directly  
1428 abuts a residential district (LDR, MDR, HDR), the planning and development director shall provide  
1429 a recommendation to the Planning Commission. In rendering a decision, the Planning Commission  
1430 shall give careful consideration to the need for undisturbed natural vegetation buffering to  
1431 protect the integrity of the neighboring residential zoning district.

1432 (c) In all cases referred to the Planning Commission by the planning and development director, the  
1433 Planning Commission shall have full authority to approve, deny, approve with conditions, or  
1434 require any documentation deemed necessary and appropriate to provide an accurate  
1435 representation of the effects the proposed structure or development may have on the  
1436 neighboring properties. Prior to rendering a final decision, citizen input shall be considered  
1437 through the public hearing process with legal notification to all property owners within 185 feet  
1438 of the subject property.

1439 **Sec. 94-9 Special Use Permit**

1440 **(a) Permit Required**

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1441 A special use permit shall be required from the Planning Commission for any use listed as a special use in  
1442 any zoning district, and for any use not listed in any zoning district. A special use permit review is intended  
1443 to allow the establishment of uses that have a special impact, uniqueness, or effect on the neighborhood  
1444 surrounding the subject site.

1445 **(b) Review and Approval Criteria**

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1446 (1) In considering a special use, the Planning Commission shall consider the location and  
1447 design of the proposed use, configuration of improvements, potential impacts on the  
1448 surrounding neighborhood, and that development in each zoning district protects the  
1449 integrity of that district, and following a hearing, the commission shall record the decision  
1450 in writing and shall recite the findings upon which the decision is based.

1451 (2) The commission may approve or modify a special use permit application in whole, or in  
1452 part with conditions, only if all the following findings are made:

1453 a. The proposed use is conditionally permitted within, and would not impair the  
1454 integrity and character of the intended purpose of the subject zoning district, and  
1455 complies with all of the applicable provisions of this chapter;

1456 b. The proposed use is consistent with the Community Plan 2030;

1457 c. There will be no significant negative effects upon environmental quality and natural  
1458 resources that could not be properly mitigated and monitored;

1459 d. The design, location, size, and operating characteristics of the proposed use are  
1460 compatible with the existing and future land uses within the general area in which  
1461 the proposed use is to be located, and will not create significant noise, traffic, or other  
1462 conditions or situations that may be objectionable or detrimental to other permitted  
1463 uses in the vicinity, or adverse to the public interest, health, safety, convenience or  
1464 welfare of the city;

1465 e. The subject site is physically suitable for the type and density/intensity of use being  
1466 proposed; and

1467 f. There are adequate provisions for public access, water, sanitation, and public utilities  
1468 and services to ensure that the proposed use would not be detrimental to the public  
1469 health and safety.

1470 **(c) Special Use Permits Site Specific**

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1471 All special use permits shall be approved for a specific location, and shall be transferable to a new property  
1472 owner of that location for the same use barring any substantial changes or modifications of the operation.  
1473 Written notification of any transfer shall be provided to the planning and development director. **Any non-**

1474 active special use permit shall become null and void upon the approval of a different special use at that  
1475 location. Special use permits shall not be transferred to any other location by the applicant or successor  
1476 property owners.

1477 **(d) Timeframe for Validity; Expiration**

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1478 All special use permits shall be valid for an unlimited period of time unless a lesser period of time shall be  
1479 provided in a particular permit. Prior to the expiration of the time limit specified in a particular permit,  
1480 the property owner may request the special use permit be reviewed by the Planning Commission, which  
1481 may extend it for an unlimited period, or for a specified additional period of time.

1482 **Sec. 94-10 Temporary Use Permit**

1483 **(a) Purpose and Applicability**

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1484 The purpose of a temporary use permit is to allow uses of a temporary nature on private property to exist  
1485 for a specified length of time, in a manner that will not adversely impact the general welfare of persons  
1486 residing in the community. A temporary use permit is required prior to the construction or operation of  
1487 any facilities or uses associated with any activity that requires authorization of a temporary use permit.

1488 **(b) Review and Approval**

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1489 Temporary use permit applications shall be processed through the site plan review process in this chapter.  
1490 In addition to the process established in this chapter, the planning and development director shall also  
1491 review temporary use applications for the following:

- 1492 (1) Requirements for vehicular ingress/egress and corresponding traffic safety provisions,  
1493 parking requirements and facilities, and hours of operation;
- 1494 (2) Regulation of public nuisance factors (e.g., light glare, noise, vibration, smoke, dust, dirt,  
1495 odors, gases, and heat); and
- 1496 (3) Regulation of maintenance and site restoration during, and after termination of the  
1497 temporary use or expiration of the temporary use permit. A bond or other form of security  
1498 acceptable to the planning and development director may be required prior to the  
1499 initiation of the use to ensure cleanup after the use is finished.

1500 **Sec. 94-11 Planned Development (PD)**

1501 **(a) Purpose**

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1502 This section is intended to encourage flexible development patterns that are not specifically provided  
1503 for in this chapter. It is the purpose of this section:

- 1504 (1) To promote and permit flexibility that will encourage innovative and imaginative  
1505 approaches in land development and renewal that will result in a more efficient,  
1506 aesthetic, desirable, and economic use of land while maintaining density and intensity of  
1507 use consistent with the applicable adopted plans, regulations, and policies of the city;

- 1508 (2) To promote development within the city that can be conveniently, efficiently, and  
1509 economically served by existing local utilities and services or by their logical extension;
- 1510 (3) To promote design flexibility including placement of buildings, use of open space,  
1511 pedestrian and vehicular circulation systems to and through the site, and off-street  
1512 parking areas in a manner that will best utilize potential on-site characteristics such as,  
1513 topography, geology, geography, size, and proximity;
- 1514 (4) To provide for the preservation of historic or natural features where they are shown to  
1515 be in the public interest, including but not limited to such features as: drainage ways,  
1516 flood plains, existing topography or rock outcroppings, unique areas of vegetation,  
1517 historic landmarks, or structures;
- 1518 (5) To provide for compatibility with the area surrounding the project site;
- 1519 (6) To provide for usable and suitably located open space such as, but not limited to, bicycle  
1520 paths, playground areas, courtyards, tennis courts, swimming pools, planned gardens,  
1521 outdoor seating areas, outdoor picnic areas, and similar open space;
- 1522 (7) To minimize adverse environmental impacts of development;
- 1523 (8) To improve the design, quality and character of new development; and
- 1524 (9) To provide compensating community benefits to offset any impacts of the development,  
1525 and in recognition of design flexibility.

1526 **(b) Eligibility Criteria**

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1527 All of the following criteria must be met for a project to be eligible to apply for PD approval.

1528 **(1) Minimum Lot Size**

1529 a. Projects located outside of the Downtown and Entertainment districts must be a  
1530 minimum of 10 acres.

1531 b. Projects located within the Downtown or Entertainment districts may be less than 10  
1532 acres provided the PD combines two or more parcels of land.

1533 **(2) Consistency with Comprehensive Plan**

1534 The proposed development shall be consistent with the Community Plan 2030 and any  
1535 applicable geographic or specific plan including area, corridor, or neighborhood plans.

1536 **(3) Consistent with PD Intent**

1537 The proposed development shall be consistent with the intent and spirit of the PD purpose  
1538 statement.

1539 **(4) Economic Impact**

1540 The proposed development shall not impede the continued use, or development of,  
1541 surrounding properties for uses permitted in this chapter or planned for in the Community  
1542 Plan 2030.

1543 **(5) Unified Control**

1544 The entire area of the proposed development shall be under single ownership or unified  
1545 control, such that there is a single entity having responsibility for completing the entire  
1546 project. This provision shall not prohibit a transfer of ownership or control, provided that a  
1547 unified ownership remains.

1548 **(6) Public Benefit**

1549 A recognizable and material benefit will be realized by both the future residents and the city  
1550 as a whole through the establishment of a PD, where such benefit would otherwise be  
1551 infeasible or unlikely.

1552 **(7) Preservation of Site Features**

1553 Long-term conservation of natural, historical, architectural, or other significant features or  
1554 open space will be achieved, where such features would otherwise be destroyed or degraded  
1555 by development as permitted by the underlying zoning district.

1556 **(8) Sufficient Land Area for Proposed Uses**

1557 Sufficient land area has been provided to comply with all applicable regulations of this chapter  
1558 to adequately serve the needs of all permitted uses in the PD projects, and to ensure  
1559 compatibility between uses and the surrounding neighborhood.

1560 **(c) Dimensional and Development Standards**

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1561 The following dimensional and development standards shall apply to all PDs.

1562 **(1) Overlay District**

1563 A PD shall be an overlay district and shall be applied over an underlying zone district. When  
1564 a site contains land that is in more than one zoning district, the allowed residential and  
1565 conditional uses at the required minimum and maximum densities, if applicable, shall be  
1566 proportionate to the land within the development site devoted to each zoning district.

1567 **(2) Setbacks**

1568 Setbacks from the exterior boundary line of the PD shall be comparable to, or compatible  
1569 with, those of the existing development on adjacent properties. If adjacent properties are  
1570 undeveloped, setbacks shall match the underlying zoning or the projections of the Community  
1571 Plan 2030.

1572 **(3) Permitted Uses**

1573 PD uses shall be limited to those allowed either as permitted, accessory, or special use in the  
 1574 underlying zone district.

1575 **(4) Use Standards**

1576 Use Standards as described in this chapter shall be applicable to PD projects.

1577 **(5) Timeshare Standards**

1578 a. Maximum Density

1579 The maximum number of timeshare dwelling units within a planned development  
 1580 (PD) District shall not exceed the number calculated by multiplying the entire area of  
 1581 the property to be used for timeshare purposes by the maximum density shown by  
 1582 Table 94-79.1, except as set forth in the exceptions listed 94-79(b)(2-4). The number  
 1583 of timeshare units may be distributed in any manner over the timeshare portion of  
 1584 the PD consistent with the intent and provisions of this chapter. The development  
 1585 plan shall specify distribution of timeshare units for the PD as a whole or for subareas  
 1586 within the PD as appropriate. In making its determination regarding the distribution  
 1587 of timeshare units, the Board may consider compatibility of timeshare densities with  
 1588 other uses within the district as well as outside the district, the impact of timeshare  
 1589 densities on public facilities and services, and the consistency with the master plan  
 1590 and other adopted plans and policies.

**Table 94.79-1: Timeshare Density**

<b>Abutting Zoning District</b>	<b>Maximum Timeshare Density</b>	<b>Additional Standards</b>
LDR	6 DU/acre	94-78(c)(2)
MDR	12 DU/acre	94-78(c)(3)
HDR	24 DU/acre <sup>3</sup>	94-78(c)(4)
NC/CC/MU	32 DU/acre	--
D/ENT/BUS	32 DU/acre	--
I	32 DU/acre	--

1591 b. Timeshare Units Abutting LDR Districts

1592 The maximum density of timeshare dwelling units within 300 feet of an abutting LDR  
 1593 district may be increased to 12 DU/acre, but only under the following circumstances:

1594 (i) No building within 300 feet of an abutting LDR zoning district shall exceed two  
 1595 stories in height.

1596 (ii) All buildings must be set back from an LDR zoning district an additional 25  
 1597 feet for each two DU/acre in excess of six DU/acre to provide additional  
 1598 buffering. Such additional buffering shall be in excess of the 100 feet

1599 minimum buffering required by this Code and shall be provided along the  
1600 entire boundary common to the LDR zoning district.

1601 (iii) The maximum density of timeshare dwelling units located more than 300 feet  
1602 from an abutting LDR zoning district shall be 32 DU/acre.

1603 c. Timeshare Units Abutting MDR Districts

1604 The maximum density of timeshare dwelling units within 300 feet of an abutting MDR  
1605 district may be increased to 24 DU/acre, but only under the following circumstances:

1606 (i) No building within 300 feet of an abutting MDR zoning district shall exceed  
1607 two stories in height.

1608 (ii) All buildings must be set back from an MDR zoning district an additional 25  
1609 feet for each two DU/acre in excess of 12 DU/acre to provide additional  
1610 buffering. Such additional buffering shall be in excess of the 100 feet  
1611 minimum buffering required by this Code and shall be provided along the  
1612 entire boundary common to the MDR zoning district.

1613 (iii) The maximum density of timeshare dwelling units located more than 300 feet  
1614 from an abutting MDR zoning district shall be 32 DU/acre.

1615 d. Timeshare Units Abutting HDR Districts

1616 The maximum density of timeshare dwelling units within 200 feet of an abutting HDR  
1617 district may be increased to 32 DU/acre, but only under the following circumstances:

1618 (i) No building within 200 feet of an abutting HDR zoning district shall exceed  
1619 four stories in height.

1620 (ii) All buildings must be set back from an HDR zoning district an additional 25  
1621 feet for each four DU/acre in excess of 24 DU/acre to provide additional  
1622 buffering. Such additional buffering shall be in excess of the 100 feet  
1623 minimum buffering required by this Code and shall be provided along the  
1624 entire boundary common to the HDR zoning district.

1625 (iii) The maximum density of timeshare dwelling units located more than 200 feet  
1626 from an abutting HDR zoning district shall be 32 DU/acre.

1627 **(6) Sign Regulations**

1628 PD approval may not be used to change or vary any of the sign standards or sign requirements  
1629 of this Code.

1630 **(d) General Procedures**

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1631 All PDs are processed in two stages: 1) the preliminary PD, and 2) the final PD. The final PD can only be  
1632 filed with the city for review and processing after the preliminary PD has been approved or conditionally

1633 approved by the Board. The approval of a final PD plan shall not constitute the effective dedication of  
1634 easements, rights-of-way, or access control, nor shall the filed plan be neither the equivalent of, nor  
1635 substitute for the final platting of land. Specific procedures for conceptual review, preliminary PD, and  
1636 final PD are outlined below.

1637 **(1) Pre-Application Conference**

1638 A pre-application conference is required for a PD application.

1639 **(2) Coordination with Subdivision Review**

1640 Subdivision review, if applicable, may be carried out concurrently with the review of PD plans  
1641 under this section. If subdivision approval is required for the subject property, the PD plans  
1642 required under this section shall be submitted in a form that satisfies the requirements for  
1643 preliminary and final subdivision plat approvals.

1644 **(3) Application without Subdivision Review**

1645 a. Where subdivision review is not required, the preliminary development plan shall be  
1646 reviewed as a zoning change, and shall be processed in the same manner specified by  
1647 this chapter. The applicant shall submit a PD application that meets the requirements  
1648 of the PD application form, including but not limited to the following information:

1649 (i) A legal description of the site proposed for PD designation, including a  
1650 statement regarding present ownership and present zoning.

1651 (ii) A master conceptual plan that indicates tract or parcel locations and  
1652 dimensions; density per gross and per net acres in the development and in  
1653 each land use component, if appropriate; the intensity of land use in the  
1654 development and each land use component, if appropriate; the amount of  
1655 land in common area open space, recreation use or public use, if appropriate;  
1656 and the treatment of project boundaries.

1657 (iii) Written text which includes supporting graphics describing the overall  
1658 concept of the plan; the uses included and any limitations upon uses; building  
1659 types and prototypical site layouts, if appropriate; provisions for  
1660 maintenance of common areas; any proposed agreements, dedications or  
1661 easements; any proposed private covenants and restrictions; and any other  
1662 information required by this article or pertinent to a determination of  
1663 compliance with this article.

1664 (iv) A circulation plan that indicates roads adjoining the property; the location of  
1665 access from public roads into the project; and vehicular and pedestrian  
1666 circulation systems within the project.

1667 (v) An improvement plan that indicates water supply and distribution facilities as  
1668 well as the source of the water supply; sewage collection and disposal,  
1669 including method and location of sewage discharge; methods and facilities

1670 for the management of stormwater runoff; improvements to streets and  
1671 roads; and any other physical improvements required to support the project.

1672 (vi) A statistical summary that indicates the number of acres in the project; the  
1673 number of acres allocated to each land use within the project; the gross and  
1674 net residential density within the project and within each land use  
1675 component of the project; and floor area, floor area ratios, open space ratios,  
1676 and other data relating the intensity of development to the site size and  
1677 location.

1678 b. The following elements are optional at the request of the Planning Commission:

1679 (i) A sign plan that indicates the location, size, design, and other pertinent  
1680 provisions relating to signs within the project.

1681 (ii) A parking plan that shows the number of parking spaces as well as their  
1682 general location and design.

1683 (iii) An environmental impact statement indicating possible problem areas within  
1684 the site as well as solutions to these problems as intended by the developer.

1685 **(e) Review and Decision**

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1686 The Planning Commission may recommend approval of preliminary PD plans, and the Board may approve,  
1687 if the PD overlay district and the associated preliminary PD plan meets all of the following criteria:

1688 (1) The PD addresses a unique situation, confers a substantial benefit to the city, or  
1689 incorporates creative site design such that it achieves the purposes of this chapter and  
1690 represents an improvement in quality over what could have been accomplished through  
1691 strict application of the otherwise applicable district or development standards. Such  
1692 improvements in quality may include, but are not limited to: improvements in open space  
1693 provision and access; environmental protection; tree/vegetation preservation; efficient  
1694 provision of streets, roads, and other utilities and services; or increased choice of living  
1695 and housing environments.

1696 (2) The PD rezoning will promote the public health, safety, and general welfare;

1697 (3) The PD rezoning is consistent with the Community Plan 2030 and the purposes of this  
1698 chapter;

1699 (4) Facilities and services (including roads and transportation, water, gas, electric, police and  
1700 fire protection, and sewage and waste disposal, as applicable) will be available to serve  
1701 the subject property while maintaining adequate levels of service to existing  
1702 development;

1703 (5) The PD rezoning is not likely to result in significant adverse impacts upon the natural  
1704 environment, including air, water, noise, storm water management, wildlife, and  
1705 vegetation, or such impacts will be substantially mitigated;

1706 (6) The PD rezoning is not likely to result in significant adverse impacts upon other property  
1707 in the vicinity of the subject tract; and

1708 (7) Future uses on the subject tract will be compatible in scale with uses on other properties  
1709 in the vicinity of the subject tract.

1710 **(f) Preliminary Approval Lapse**

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1711 **(1) Submission Deadline for Final PD Plan**

1712 Within six months following approval of the preliminary PD plan, the applicant shall initiate  
1713 the second stage of their application process by filing with the planning and development  
1714 director a final PD plan, and subdivision plat if necessary, containing in final form all the  
1715 information required in the preliminary PD plan, along with such other documents as may be  
1716 necessary to implement the plan or to comply with all applicable requirements of this chapter.

1717 **(2) Time Extension**

1718 Upon written request by the applicant prior to the application lapsing, the Planning  
1719 Commission, for good cause, may extend the period for filing the final PD plan for a period  
1720 not to exceed six months.

1721 **(g) Final PD Plan**

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1722 **(1) Contents of Final PD Plan**

1723 The final PD plan shall contain all of the materials included in the preliminary PD plan, together  
1724 with revisions, if any, that may be approved by the Planning Commission without an  
1725 additional public hearing, as described in this section. In addition, the final PD plan shall  
1726 include the following:

1727 **(2) Phasing Program**

1728 A document describing any proposed phasing program of the development for all structures,  
1729 recreational and other common facilities, and open space improvements, including time  
1730 schedule for commencement and completion dates of construction of each phase.  
1731 Intermediate phases shall not exceed overall project density and a pro rata allocation of public  
1732 infrastructure and common open space shall be made as each phase is developed.

1733 **(3) Common Open Space Agreement**

1734 A copy of the formal agreement with a public agency or private association for the ownership  
1735 and maintenance of the common open space is required.

1736 **(4) Plats for Recording**

1737 A copy of any subdivision plat, plat of dedication, or plat of vacation that may be necessary  
1738 part of the PD rezoning is required.

1739 **(5) Covenant**

1740 A restrictive covenant in a form acceptable to the city attorney limiting development of  
1741 construction upon the tract as a whole to such development and construction as shall comply  
1742 with the final PD plan as approved by the Board, which document shall include a provision  
1743 granting the city a right to enforce the same.

1744 **(6) Permitted Minor Changes from a Preliminary PD Plan**

1745 Minor changes in the location, siting, and height of structures, streets, driveways, and open  
1746 spaces may be authorized by the Planning Commission to be included in the final PD plan in  
1747 accordance with the following procedures without additional public hearings if such changes  
1748 are required by engineering or other circumstances not foreseen at the time the preliminary  
1749 PD plan is approved. No change authorized by this subsection may cause any of the following:

- 1750 a. A change in the use or character of the development;
- 1751 b. An increase by more than one percent in the overall coverage of structures;
- 1752 c. An increase in the density or intensity of use;
- 1753 d. An increase in the problems of traffic circulation and public utilities;
- 1754 e. A reduction of not more than one percent in approved common open space;
- 1755 f. A reduction in off-street parking and loading spaces;
- 1756 g. A reduction in required pavement widths.

1757 **(h) Review and Decision**

---

1758 (1) The Planning Commission shall review the application and recommend approval, approval  
1759 with modifications or conditions, or denial, and transmit its findings of fact and  
1760 recommendation to the Board. If the proposed final PD plan does not include any changes  
1761 from the approved preliminary PD plan that exceed the criteria listed in this section, the  
1762 Planning Commission may review the final PD plan without conducting a public hearing.  
1763 If the proposed plan includes changes that exceed such criteria, the Planning Commission  
1764 shall conduct a new public hearing in order to review the proposed final PD plan.

1765 (2) The Planning Commission and the Board shall review the final PD plan and PD rezoning  
1766 according to the same approval criteria listed above for preliminary PD plans.

1767 **(i) Final Approval Lapse**

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1768 Development in the approved PD shall commence within 12 months from the approval of the rezoning.  
1769 If development has not commenced within 12 months, the planning and development director shall  
1770 initiate a public hearing process for the purpose of considering whether to rezone the property back to its  
1771 prior zoning classification, or in light of other conditions, to another zoning classification, and authorize  
1772 the revocation of all permits issued and action taken.

1773 **(j) Revocation**

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1774 Revocation of a PD may occur if:

- 1775 (1) The landowner or a majority of the owners of property within the subject PD, petition for  
1776 revocation of such PD plan in whole or in part;
- 1777 (2) The project falls more than three years behind the schedule filed with the final PD;
- 1778 (3) Construction or application for building permits have not commenced within one year of  
1779 approval of the final PD by the Board;
- 1780 (4) Applicants have failed to comply with the approved PD plan or any specific condition of  
1781 approval; or
- 1782 (5) The construction and provision of landscaping, buffers, open space, and public streets and  
1783 facilities that are shown on the final development plan are proceeding at a slower rate  
1784 than other project components as determined by the planning and development director.

1785 **(k) Action by Review and Decision-Making Bodies**

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1786 **(1) Planning Commission**

1787 The Planning Commission shall hold a public hearing and make a recommendation to revoke  
1788 the final PD, keep the final PD in force, require an application amendment, or postpone the  
1789 application. The Planning Commission may recommend the imposition of reasonable  
1790 conditions on such revocation in order to advance the health, safety, and welfare of the  
1791 citizens, such as vacation of the underlying final plat.

1792 **(2) Board Public Hearing**

1793 The Board shall hold a public hearing and determine whether to revoke, postpone, require  
1794 amendment, or keep the final PD in force. The Board may impose reasonable conditions on  
1795 such revocation in order to advance the health, safety, and welfare of the citizens, such as  
1796 vacation of the underlying final plat.

1797 **(3) Effect of Revocation**

1798 If the Board revokes a PD approval, the zoning on the parcel shall remain in the same base  
1799 district as it was when the PD overlay was applied.

1800 **Sec. 94-12 Certificates of Occupancy and Compliance**

1801 (a) The existing use and occupancy of a building shall not be changed, or any structure hereafter  
1802 erected or altered, until a building permit has been issued by the planning and development  
1803 department stating the proposed use of such structure, or structure and land in combination, is  
1804 consistent with the uses allowed in the zoning district.

1805 (b) A certificate of occupancy and compliance shall be applied for coincident with the application for  
1806 a building permit, and shall be issued within ten days after the erection or alteration of such  
1807 building in conformity with the provisions of these regulations. A record of all certificates shall be  
1808 kept on file in the office of the city clerk, and copies shall be furnished on request to any person  
1809 having proprietary or tenant interest in the building affected. No fee shall be charged for an  
1810 original certificate applied for coincident with the building permit; for all other certificates or  
1811 copies of an original certificate, there shall be a charge in the amount provided in the city fee  
1812 schedule.

1813 **Sec. 94-13 Authorization by Board Required**

1814 The following shall be approved by the Board by resolution:

1815 **(a) Public Building**

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1816 The authorization of the location of any public building (whether used by any department of the city,  
1817 county, state or federal government, or any publicly licensed utility) in any district within the city.

1818 **(b) Gravel from Streams**

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1819 The authorization of extraction of gravel and sand from a flowing stream within the city.

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1821

1822 **Sec. 94-14 Reserved**

1823 **Sec. 94-15 Reserved**

1824 **Sec. 94-16 Reserved**

1825 **Sec. 94-17 Reserve**

1826 **Sec. 94-18 Reserved**

1827 **Sec. 94-19 Reserved**

1828 **Article III Zone Districts**

1829 **Sec. 94-20 General Provisions**

1830 This section establishes the zoning districts, and contains basic information pertaining to the districts,  
1831 including statements of purpose and dimensional standards.

1832 **(a) Purposes, Residential Districts**

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1833 Residential districts are intended to:

1834 **(1) Generally**

- 1835 a. Provide appropriately located areas for residential development that are consistent  
1836 with the Community Plan 2030, and with the public health, safety and general welfare  
1837 of the community;
- 1838 b. Ensure adequate light, air and privacy for all dwelling units;
- 1839 c. Protect the scale and character of existing residential neighborhoods, and the  
1840 community;
- 1841 d. Discourage any use that would generate traffic or create congestion on neighborhood  
1842 streets other than the normal traffic that serves the residents of the district; and
- 1843 e. Discourage any use that, because of its character or size, would create additional  
1844 requirements and costs for public services that are in excess of such requirements  
1845 and costs if the district were developed solely for the intended type of residential  
1846 uses.

1847 **(2) Applicable Provisions of Community Plan 2030:**

- 1848 a. LU 2.2 Pace of Growth. Direct development and growth to occur at a pace that is  
1849 aligned with the city’s ability to provide essential services (fire, police, sewer, water).
- 1850 b. LU 3.1 Infill & Redevelopment. Encourage the development of vacant property,  
1851 redevelopment of underutilized properties and adaptive re-use of existing buildings  
1852 before annexing new land.
- 1853 c. LU 5.1 Zoning Regulations. Create zoning regulations that are flexible but require  
1854 enough specificity in development applications to achieve the desired outcome.
- 1855 d. CC 4.5 Character. Embrace a diversity of residential character and forms while  
1856 promoting cohesiveness and livability.
- 1857 e. CC 4.7 Public Spaces. Provide frequent, connected public spaces in a variety of forms  
1858 through Branson neighborhoods.

1859 **(b) Purposes, Mixed-Use Districts**

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1860 Mixed-use districts are intended to:

1861 **(1) Generally**

- 1862 a. Promote higher-density residential development near, and within, downtown  
1863 Branson;
- 1864 b. Concentrate higher-intensity commercial and office employment growth efficiently  
1865 in, and around, the downtown and other centers of community activity;
- 1866 c. Encourage mixed-use redevelopment, conversion, and reuse of aging and  
1867 underutilized areas, and increase the efficient use of available commercial land in the  
1868 city;
- 1869 d. Create pedestrian-oriented environments that encourage pedestrian access, bicycle  
1870 use and more sustainable land use patterns; and
- 1871 e. Ensure that the appearance and function of residential and non-residential uses are  
1872 of high and unique aesthetic character and quality, and are integrated with one  
1873 another and the character of the area in which they are located.

1874 **(2) Applicable Provisions of Community Plan 2030:**

- 1875 a. LU 3.1 Infill & Redevelopment. Encourage the development of vacant property,  
1876 redevelopment of underutilized properties and adaptive re-use of existing buildings  
1877 before annexing new land.
- 1878 b. LU 4.1.2 Provide mixed-use zoning, via a zoning amendment or an overlay district, in  
1879 the identified commercial centers to permit vertically mixed-use buildings, compact  
1880 development and reduced building setbacks.
- 1881 c. LU 7.2 Sustainable Development Practices. Encourage the use of sustainable design  
1882 and development practices for all new projects.
- 1883 d. LU 5.2 Mixed-Use Development. Create a regulatory framework to encourage mixed-  
1884 use development of compatible uses.
- 1885 e. H 1.2 Housing Variety. Encourage housing in a variety of forms for all demographics  
1886 and socioeconomics in Branson.
- 1887 f. H 1.3. Housing Attainability. Encourage the creation and expansion of attainable  
1888 housing opportunities within the city.
- 1889 g. CC 4.2. Pedestrian Experience. Promote a safe, efficient, and enjoyable pedestrian  
1890 experience through residential neighborhoods.

- 1891 h. CC 4.4 Compatibility. Promote the compatibility of uses near residential  
1892 neighborhoods.
- 1893 i. CC 4.5 Character. Embrace a diversity of residential character and forms while  
1894 promoting cohesiveness and livability.
- 1895 j. CC 4.7 Public Spaces. Provide frequent, connected public spaces in a variety of forms  
1896 through Branson neighborhoods.

1897 **(c) Purposes, Commercial and Industrial Districts**

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1898 The commercial and industrial districts are intended to:

1899 **(1) Generally**

- 1900 a. Help implement the Branson Community Plan 2030 by accommodating a full range of  
1901 office, retail, commercial, service and mixed-uses as needed by Branson’s residents,  
1902 businesses, visitors and workers;
- 1903 b. Encourage site planning, land use planning and architectural design that create an  
1904 interesting, pedestrian-friendly environment where appropriate;
- 1905 c. Maintain and enhance the city’s economic base by providing shopping, entertainment  
1906 and employment opportunities close to where people live and work;
- 1907 d. Preserve, protect and promote employment-generating uses;
- 1908 e. Create suitable environments for various types of commercial and industrial uses, and  
1909 protect them from the adverse effects of incompatible uses;
- 1910 f. Allow flexibility to encourage redevelopment and positive improvements to existing  
1911 businesses;
- 1912 g. Minimize potential negative impacts of intense non-residential development on  
1913 adjacent residential areas; and
- 1914 h. Provide suitable locations for public and semi-public uses needed to complement  
1915 non-residential development.

1916 **(2) Applicable Provisions of Community Plan 2030:**

- 1917 a. LU 3.1.3 Ensure the design of infill and redevelopment projects is appropriate with  
1918 surrounding and adjacent buildings in terms of intensity of use, relationship to the  
1919 street and scale. This should apply to residential and all non-residential buildings.
- 1920 b. LU 3.2.1 Incentivize reinvestment and building rehabilitation of existing commercial  
1921 properties public-private partnerships and flexibility on development regulations (i.e.  
1922 parking requirements).

- 1923 c. LU 5.1.3 Amend existing zoning code to provide a finer grain of detail in the
- 1924 commercial zoning category (i.e. tourist commercial, general business, neighborhood
- 1925 commercial, big box commercial, etc.) and to update the allowable and special uses
- 1926 within each new commercial zone.
  
- 1927 d. LU 6.1.1 Zone sufficient land for office to meet the projected demand.
  
- 1928 e. LU 6.1.2 Ensure future commercially zoned land is compatible with the surrounding
- 1929 land uses. Commercial buildings should positively contribute to the area and its
- 1930 building materials, massing and relationship to the street and sidewalks should
- 1931 reinforce the areas character.
  
- 1932 f. LU 6.2.1 Zone sufficient land for industrial and light industrial uses to meet the
- 1933 projected demand.
  
- 1934 g. LU 6.2.2 Ensure future industrial zoned land is compatible with the surrounding land
- 1935 uses. Industrial property should be easily accessible by multiple forms of
- 1936 transportation, utility infrastructure and not on environmentally sensitive land.

**1937 Sec. 94-21 Applicability**

- 1938 (a) This chapter shall not apply to the existing use of any building which shall have complied with all
- 1939 the laws and ordinances in effect prior to the effective date of the ordinance from which this
- 1940 chapter is derived.
  
- 1941 (b) All zoning district regulations shall apply to any establishment of a new use or alteration of a
- 1942 building which is intended to change its use, and to any enlarging of a building for a
- 1943 nonconforming use.

**1944 Sec. 94-22 Zoning Districts Established**

1945 In order to regulate and restrict the use and improvement of lands, and the location, type, construction

1946 and use of building improvements located within the city; to promote the general welfare, public safety

1947 and health; and to preserve personal and property rights; all parcels and tracts of land located within

1948 the city, together with any and all building improvements located thereon, shall be zoned into one of

1949 the following districts:

Table 94-22.1 Zoning Districts				
Classification	District		Abbreviation	
Base Districts	Current Code	New Code	Current Code	New Code
Residential Districts	One-Family Dwelling	Low Density Residential	R-1	LDR
	Two-Family Dwelling	Medium Density Residential	R-2	MDR

Table 94-22.1 Zoning Districts				
Classification	District		Abbreviation	
Base Districts	Current Code	New Code	Current Code	New Code
	Multiple-Family Dwelling	High Density Residential	R-3	HDR
	Mobile Home Community	(relocated to Sec. 94-48(e) use standards; permitted in HDR)	M-H	n/a
<b>Mixed-Use District</b>	Commercial	Neighborhood Commercial	C	NC
	--	Mixed-Use	--	MU
<b>Commercial Districts</b>	Commercial	Community Commercial	C	CC
	Downtown	Downtown	D	D
	Commercial	Entertainment	C	ENT
<b>Commercial/Industrial Districts</b>	--	Business	--	BUS
<b>Industrial Districts</b>	Light Industrial	Industrial	M	I
<b>Agriculture and Open Space Districts</b>	Agricultural	Agricultural	A	A
	Wilderness Area	Conservation	WA	CON
<b>Planned Development</b>	Planned Development	Planned Development	PD	PD

1950

1951 **Sec. 94-23 Zoning Map**

1952 **(a) Official Title**

1953 The location and boundaries of the zoning districts are established as shown on a map, prepared for that  
 1954 purpose, designated as the Zoning Map. The Zoning Map, along with all of the notations, references and  
 1955 information shown on the map, are incorporated in, and made part of this Code.

1956 **(b) Preparation and Maintenance**

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1957 The Planning Commission shall be responsible for the preparation and maintenance of the Zoning Map,  
1958 which responsibilities the Planning Commission may assign to city staff.

1959 **(c) Public Inspection**

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1960 The Zoning Map shall be available in the planning and development department for inspection and  
1961 examination by members of the public at all reasonable times.

1962 **(d) Interpretation**

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1963 The district boundaries shown on the Zoning Map are generally along streets, alleys, creeks, property lines  
1964 or extensions thereof. The following rules shall apply when determining the location of such boundaries.  
1965 Other questions concerning the exact location of boundaries shall be determined by the planning and  
1966 development director.

1967 **(1) Approximate Lines**

1968 Boundaries indicated as approximately following centerlines, creek lines, right-of-way lines,  
1969 property lines, platted lot lines, or the extension of such lines shall be construed to follow the  
1970 same, unless otherwise noted.

1971 **(2) Boundary Interpretation**

1972 Where uncertainty exists with respect to the boundaries of the various districts as shown on  
1973 the zoning map, the following rules shall apply:

1974 a. The district boundaries are either streets or alleys unless otherwise shown.

1975 b. Where the boundaries are not otherwise indicated, and where the property has been  
1976 or may hereafter be divided into blocks and parcels, the district boundaries shall be  
1977 construed to be parcel lines.

1978 **(3) Scaled Distance**

1979 Distances not specifically indicated shall be determined by using the scale of the map.

1980 **(4) Divided Lots**

1981 Where a district boundary divides a platted lot or a tract under single ownership, the entire  
1982 lot shall be construed to be within the least restrictive district.

1983 **(e) Vacation**

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1984 Whenever any street, alley or public way is vacated by official action of the Board, the zoning districts  
1985 adjoining each side of such street, alley or public way shall be automatically extended to the center of

1986 such vacation, and all areas included in this vacation shall then be subject to all regulations of the extended  
1987 district.

1988 **Sec. 94-24 Annexation**

1989 Any territory hereafter annexed to the city shall be zoned A until changed as provided in this chapter,  
1990 unless otherwise indicated in the annexation plan of intent.

1991 **Sec. 94-25 Conservation District (CON)**

1992 **(a) Purpose**

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1993 The conservation district seeks to protect and preserve natural resources, landscapes and  
1994 environmentally sensitive areas owned by public entities. Conservation districts may include forests,  
1995 wetlands, floodplains and unique habitats and landscapes. To preserve access to clean air, pure water,  
1996 natural recreation areas and scenic natural beauty, conservation districts restrict the subdivision and  
1997 development of land. Parks, fish, wildlife and nature preserves are permitted in conservation districts, as  
1998 well as limited forestry and agricultural uses. Conservation districts may also accommodate limited  
1999 structures and infrastructure to support the preservation and enjoyment of the natural areas within them.

2000 **(b) Uses**

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2001 All uses in the CON district shall conform to Table 94-45.1, Permitted Uses.

2002 **(c) Dimensions**

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2003 Development in the CON district shall conform to the site plan approved for the project.

2004 **Sec. 94-26 Agricultural District (A)**

2005 **(a) Purpose**

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2006 Agricultural districts maintain agricultural operations and preserve agricultural lands used for crop  
2007 production or the raising of livestock. In some cases agricultural districts may serve as a “holding zone”  
2008 for land where future urban development is possible, but not yet appropriate due to the unavailability of  
2009 urban level facilities and services. Exurban, large-lot residential subdivisions are not appropriate in  
2010 agricultural districts, and should instead be focused in residential districts where there is adequate  
2011 infrastructure and services to accommodate them.

2012 **(b) Uses**

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2013 (1) All uses in the A district shall conform to Table 94-45.1, Permitted Uses.

2014 (2) Livestock standards shall conform to this Code.

2015 **(c) Dimensions**

2016 (1) Development in the A district shall conform to the following dimensional standards:

**Table 94-26.1: A Dimensional Standards**

Structure Type	Lot Size. (min. sq. ft.)	Setbacks (min. ft.) [1]				Max. Height (ft.)
		Front	Side	Abutting Street	Rear	
Detached Residential	40,000	35	25	35	50	35
Civic	40,000	35	25	35	50	35
Accessory	--	Not permitted	Non-livestock: 5 Livestock: 35	Non-livestock: 5 Livestock: 35; All side street on a corner lot: 35	Non-livestock: 5 Livestock: 35	50

**Notes:**  
 [1] Measured between the parcel line and main building.  
 [2] Livestock must be 75 feet from main family dwelling

2017 **Sec. 94-27 Low Density Residential (LDR)**

2018 **(a) Purpose**

2019 The low density residential district is intended for neighborhoods in the city consisting primarily of single  
 2020 family homes on individual building lots. The low density residential district is the least intense of three  
 2021 residential zoning districts with restrictions on the density and intensity of use to protect and enhance the  
 2022 character of neighborhoods. The average density in this district should not exceed six dwelling units per  
 2023 acre.

2024 Development in low density residential districts should balance development needs with preservation of  
 2025 sensitive environmental features, and encourage clustering of development to preserve open space, take  
 2026 advantage of views, provide access to natural amenities, and minimize infrastructure costs. More  
 2027 compact development may be appropriate to minimize impacts to steep slopes, drainage areas,  
 2028 woodlands, and other valued natural features.

2029 While focused on detached single family homes, the low density residential district is intended to  
 2030 accommodate a variety of housing types, styles and sizes to provide diverse housing options and  
 2031 accommodate the range of age groups, lifestyles and economic levels within the community. The low  
 2032 density residential district also accommodates civic, open space and other limited non-residential uses  
 2033 which are designed to be integrated as part of a complete neighborhood. Low density residential districts  
 2034 should be located and coordinated closely with neighborhood commercial districts that provide  
 2035 convenient local access to shopping, services and amenities.

2036 **(b) Uses**

2037 All uses in the LDR district shall conform to Table 94-45.1, Permitted Uses.

2038 **(c) Dimensions**

2039 (1) Development in the LDR district shall conform to the following dimensional standards:

**Table 94-27.1 LDR Dimensional Standards**

Building Types	Lot		Setbacks (min. ft.) [1]				Development Coverage (max.)		Max. Height (ft.)
	Lot Area (min. sq. ft.)	Min. Lot Width (ft.)	Front	Side		Rear	Density (min/max) (du/ac)	FAR	
				Interior	Abutting Street				
<b>Detached Residential</b>	5,000	40	25	5	25	15	0.5-6	--	35
<b>Civic</b>	7,500	40	25	25	25	15	--	0.5	35
<b>Accessory</b>	--	--	Not permitted	5[2]	5[2]	5[2]	--	--	35

**Notes:**

[1] In all locations where building lines, setback lines or yard lines are shown on plats that have been recorded in the office of the recorder of deeds of the county, the minimum setback or front yard shall be as shown on the plat.  
 [2] 15 feet required between primary and accessory structures.

2040

**Sec. 94-28 Medium Density Residential (MDR)**

2042 **(a) Purpose**

2043 The medium density residential district incorporates housing units at a density of six to twelve dwelling  
 2044 units per acre, and includes both attached and detached housing structures. The medium density  
 2045 residential district is intended to accommodate a variety of housing types, styles and sizes at moderate  
 2046 densities to provide diverse housing options and accommodate the range of age groups, lifestyles and  
 2047 economic levels within the community. Medium density residential districts also accommodate civic,  
 2048 open space and other limited non-residential uses that are thoughtfully integrated as part of a complete  
 2049 neighborhood. Medium density residential districts permit smaller lots, smaller units and more varied  
 2050 housing configurations than low density residential districts, allowing for more flexible infill development,  
 2051 and more attainable housing costs for residents. Established neighborhoods around the downtown, and  
 2052 new neighborhoods adjacent to employment and activity centers, are ideal locations for medium density  
 2053 residential districts.

2054 **(b) Uses**

2055 All uses in the MDR district shall conform to Table 94-45.1, Permitted Uses.

2056 **(c) Dimensions**

2057 (1) Development in the MDR district shall conform to the following dimensional standards:

**Table 94-28.1 MDR Dimensional Standards**

Building Types	Lot		Setbacks (min. ft.) [1]				Development Coverage (max.)		Max. Height (ft.)
	Lot Area (min. sq. ft.)	Min. Lot Width (ft.)	Front	Side		Rear [2]	Density (min/max)	FAR	
				Interior	Abutting Street				
<b>Detached Residential</b>	5,000	30	15	5	15	15	6/12	--	35
<b>Two Unit</b>	6,000; 3,000/ unit	36	15	5	15	15	6/12	--	35
<b>Attached</b>	2,200	21/unit	15	5	15	15	6/12; 3 unit min.	--	35
<b>Civic</b>	7,500	--	15	15	15	15	--	0.5	35
<b>Accessory</b>	--	--	Not permitted	5[3]	5[3]	5[3]	--	--	35

**Notes:**

- [1] In all locations where building lines, setback lines or yard lines are shown on plats that have been recorded in the office of the recorder of deeds of the county, the minimum setback or front yard shall be as shown on the plat.
- [2] If more than one building is constructed on a corner parcel, there shall not be less than 20 feet between the front and rear building.
- [3] 15 feet required between primary and accessory structures.

2058

2059 **Sec. 94-29 High Density Residential (HDR)**

2060 **(a) Purpose**

2061 The high density residential district is the most dense and intense of the city’s residential zoning districts,  
 2062 generally consisting of densities of greater than twelve units per acre. High density districts feature a  
 2063 carefully integrated mixture of housing of various styles, sizes and densities, but are oriented more toward  
 2064 attached multifamily development than detached single-family units. Limited commercial, service and  
 2065 community uses are also permitted. High density residential districts should be located in close proximity  
 2066 to commercial or employment zoning districts, and connected with a street network, transit, pedestrian  
 2067 and bicycle facilities that link residents to employment and activity centers. New high density residential  
 2068 development projects should include design review to ensure that these projects adequately serve  
 2069 resident needs, provide desired amenities and support the city’s high quality of life.

2070 **(b) Uses**

2071 All uses in the HDR district shall conform to Table 94-45.1, Permitted Uses.

2072 (c) **Dimensions**

2073 (1) Development in the HDR district shall conform to the following dimensional standards:

**Table 94-29.1 HDR Dimensional Standards**

Building Types	Lot		Setbacks (min. ft.) [1]				Development Coverage (max.)		Max. Height (ft.)
	Lot Area (min. sq. ft.)	Min. Lot Width (ft.)	Front	Side		Rear [2]	Density (min/max)	FAR	
				Interior	Abutting Street				
<b>Detached Residential</b>	3,000	30	15	5	15	10	8/16	--	35
<b>Two Unit</b>	5,000; 2,5000/ unit	36	15	5	15	10	12/24	--	35; 50 if stacked
<b>Attached</b>	2,200	21/unit	15	5	15	10	12/24; 3 unit min.	--	35; 50 if stacked
<b>Multi-Unit</b>	4,000	--	15	5	15	10	12/24	--	50
<b>Civic</b>	7,500	--	15	15	15	15	--	0.5	50
<b>Accessory</b>	--	--	Not permitted	5[3]	5[3]	5[3]	--	--	35

**Notes:**

- [1] In all locations where building lines, setback lines or yard lines are shown on plats that have been recorded in the office of the recorder of deeds of the county, the minimum setback or front yard shall be as shown on the plat.
- [2] If more than one building is constructed on a corner parcel, there shall not be less than 20 feet between the front and rear building.
- [3] 15 feet required between primary and accessory structures.

2074

2075 **Sec. 94-30 Neighborhood Commercial (NC)**

2076 (a) **Purpose**

2077 Neighborhood commercial districts provide needed services, amenities and community spaces to  
 2078 surrounding neighborhoods. Neighborhood commercial districts are characterized by small scale retail  
 2079 and service uses that may include mixed-use or attached housing development. They are compact,  
 2080 pedestrian-friendly developments that have good connections to the surrounding neighborhoods. Geared  
 2081 toward the convenience needs of immediately surrounding residents, neighborhood commercial districts  
 2082 should be located within a five to ten minute walk of residential neighborhoods. Neighborhood  
 2083 commercial districts are sometimes anchored by a small grocery store, specialty market or pharmacy.  
 2084 Other supporting uses should match the scale and intensity of the neighborhood setting, and may include  
 2085 small offices, restaurants or other convenience-oriented retail and services.

2086 Neighborhood commercial districts may be developed as a discrete commercial center, or function as infill  
 2087 development within, or adjacent to, neighborhoods. Neighborhood commercial development should

2088 focus on pedestrian-friendly design that connects the business and amenities to their residential  
 2089 neighborhoods. Neighborhood commercial districts are often located near, or centered on, a civic space  
 2090 that defines the area, and provides a focal point for community gathering.

2091 **(b) Uses**

- 2092 (1) All uses in the NC district shall conform to Table 94-45.1, Permitted Uses.
- 2093 (2) Residential uses are encouraged in the development, but are not permitted on the ground  
 2094 floor of a vertical mixed-use structure.

2095 **(c) Dimensions**

- 2096 (1) Development in the NC district shall conform to the following dimensional standards:

**Table 94-30.1 NC Dimensional Standards**

Building Types	Lot		Setbacks (ft.) [1]				Development Coverage (max.)		Max. Height (ft.)
	Lot Area (min. sq. ft.)	Max Lot Coverage (%)	Front (max.)	Side (min.)		Rear (min.)	Density (min/max)	FAR	
				Interior	Abutting Street				
Attached House	2,200	70	15	0	15	10	8/16	--	35
Multi-Unit Dwelling	4,000	70	15	0	15	10	12/24	--	50
Live-Work [2]	5,000	70	15	0	15	10	--	1.0	50
Commercial (up to 7,000 sq. ft. total)	[3]	70	0	0	15	10	--	1.0	50
Mixed-Use	[3]	70	0	0	15	10	--	1.0	50
Office	[3]	70	0	0	15	10	--	1.0	50
Civic	[3]	70	0	0	15	10	--	1.0	50
Accessory, Residential and Civic Only	--	--	Not permitted	5[3]	5[3]	5[3]	--	--	35

**Notes:**  
 [1] NC abutting residential shall match the side yard setbacks of the residential district and provide a 20-foot rear yard setback.  
 [2] Standards for new construction, the city may permit conversion of existing structures that do not meet these dimensional standards.  
 [3] Must meet structure size and setbacks.

- 2097 (2) Floor-to-Ceiling Heights and Floor Area of Ground Floor Space
- 2098 a. All commercial floor space provided on a ground floor of a mixed-use building must  
 2099 have a minimum floor-to-ceiling height of 11 feet.
- 2100 b. All commercial floor space provided on the ground floor of a mixed-use building must  
 2101 contain the following minimum floor area:

- 2102 (i) At least 800 sq. ft. or 25% of the buildable lot area, whichever is greater, on  
 2103 lots with street frontage of less than 50 feet; or
- 2104 (ii) At least 20% of the buildable lot area on lots with 50 feet or more of street  
 2105 frontage.
- 2106 (3) Parking for mixed-use and non-residential structures shall be located within either side or  
 2107 rear yard.

2108

2109 **Sec. 94-31 Mixed-Use (MU)**

2110 **(a) Purpose**

---

2111 Mixed use districts are intended as dense, diverse, walkable areas that facilitate residential, commercial,  
 2112 employment and recreation uses in a single location. Mixed use districts should incorporate a variety of  
 2113 complementary uses that are mutually supportive and integrated into the community. The density and  
 2114 precise mix of uses in the mixed use district may vary, but these districts should always be located in, or  
 2115 adjacent to key centers of activity. Successful mixed use districts require an active and inviting public  
 2116 realm, and safe and inviting pedestrian amenities. Design of public and private components is critical in  
 2117 mixed use districts to ensure that the concentrated mix of uses and activities functions efficiently and  
 2118 creates an active, inviting environment. Common mixed use development configurations include active  
 2119 uses such as retail, restaurants and services at the street level, with residential or office space above.

2120 **(b) Uses**

---

- 2121 (1) All uses in the MU district shall conform to Table 94-45.1, Permitted Uses.
- 2122 (2) In the mixed-use district, a mix of uses – either within a single building or on a  
 2123 development site – shall be provided unless it can be demonstrated that adjacent  
 2124 properties provide, or will provide a complementary diversity of uses. The uses of  
 2125 adjacent properties can be established through one of the following: (1) existing uses, (2)  
 2126 approved site plan for development, or (3) approved area or neighborhood plan.

2127 **(c) Dimensions**

---

- 2128 (1) Development in the MU district shall conform to the following dimensional standards:

**Table 94-31.1 MU Dimensional Standards**

Building Types	Lot		Setbacks (min. ft.) [1]				Development Coverage (max.)		Max. Height (ft.)
	Lot Area (min, sq. ft.)	Max Lot Coverage (%)	Front	Side		Rear	Density (min/max)	FAR	
				Interior	Abutting Street				
Multi-Unit Dwelling	4,000	70	15	0	0	10	12/24	--	50
Live-Work [2]	5,000	70	15	0	15	10	--	1.0	50
Mixed-Use (up to 60,000 sq. ft.)	[3]	70	0	0	0	10	--	1.0	[4]
Office	[3]	70	0	0	0	10	--	1.0	[4]
Civic	[3]	70	0	0	0	10	--	1.0	[4]

**Notes:**  
 [1] MU abutting residential shall match the side yard setbacks of the residential district and provide a 20-foot rear yard setback.  
 [2] Standards for new construction, the city may permit conversion of existing structures that do not meet these dimensional standards.  
 [3] Must meet structure size and setbacks.  
 [4] Maximum heights: (a) fronting arterial street: 75 ft, (b) fronting local or collector street: 50 ft, (c) fronting or adjacent to residential: 35 ft.

- 2129 (2) Floor-to-Ceiling Heights and Floor Area of Ground Floor Space
- 2130 a. All commercial floor space provided on a ground floor of a mixed-use building must
- 2131 have a minimum floor-to-ceiling height of 11 feet.
- 2132 b. All commercial floor space provided on the ground floor of a mixed-use building must
- 2133 contain the following minimum floor area:
- 2134 (i) At least 800 sq. ft. or 25% of the buildable lot area, whichever is greater, on
- 2135 lots with street frontage of less than 50 feet; or
- 2136 (ii) At least 20% of the buildable lot area on lots with 50 feet or more of street
- 2137 frontage.
- 2138 (3) Parking for mixed-use and non-residential structures shall be located within either the
- 2139 side or rear yard.

**Sec. 94-32 Community Commercial (CC)**

**(a) Purpose**

Community commercial districts provide a diversity of retail, service, office, finance and related business uses to serve the needs of community residents and the larger region. In the community commercial district, the size of buildings are larger, and the intensity and density of uses are greater than in neighborhood commercial districts. Community commercial districts should be concentrated at major activity centers, along high traffic transportation corridors and are ideally served by transit.

2147 Because community commercial districts support multiple neighborhoods, they may include larger-scale  
 2148 tenants, including hardware stores, apparel, sporting goods and other larger-format retailers. Community  
 2149 commercial districts also accommodate a wide range of commercial uses, including auto-oriented uses.  
 2150 However, the community commercial district enables commercial activity centers and corridors to  
 2151 transform over time into more dense, diverse, and walkable places that incorporate other types of uses.

2152 Community commercial districts should be supported and surrounded by adjacent multifamily and mixed  
 2153 use development that capitalize on the proximity to services, and provide a transition to lower density  
 2154 residential neighborhoods.

2155 **(b) Uses**

2156 All uses in the CC district shall conform to Table 94-45.1, Permitted Uses.

2157 **(c) Dimensions**

2158 (1) Development in the CC district shall conform to the following dimensional standards:

**Table 94-32.1 CC Dimensional Standards**

Building Types	Lot Area (min. sq. ft.)	Setbacks (min. ft.)				FAR/Max. Building Size	Max. Height (ft.)
		Front	Interior	Abutting Street	Rear		
Multi-Unit Dwelling	4,000	0	0	0	10	Min/Max Density: 12-24 du/ac	50
Comm.	7,500	25	5	20	10	2.0:1	100 [1]
Office	7,500	25	5	20	10	2.0:1	100 [1]
Civic	7,500	25	5	20	10	2.0:1	100 [1]

Notes: [1] Every building in excess of 50 feet high shall provide an additional one foot of side, rear and front setback for each additional two feet in height above 50 feet.

2159

2160 **Sec. 94-33 Downtown (D)**

2161 **(a) Purpose**

2162 The Downtown district is intended to maintain and enhance the city’s downtown as a thriving and  
 2163 charming mixed-use activity center. In the Downtown district, the historic character should be protected  
 2164 and celebrated while providing flexibility for new investment and development that complements the  
 2165 character of the downtown and adjacent neighborhoods. In the Downtown district, pedestrian-oriented  
 2166 streets support the vitality of ground level retail, and enhance the quality of life for downtown residents,  
 2167 visitors and workers. Specially adapted standards for building facades, ground floor uses, infill  
 2168 construction, parking and other conditions unique to the Downtown area ensure the district remains  
 2169 active, inviting, and functional.

2170 **(b) Uses**

2171 All uses in the D district shall conform to Table 94-45.1, Permitted Uses.

2172 (c) **Dimensions**

2173 (1) Development in the D district shall conform to the following dimensional standards:

**Table 94-33.1 D Dimensional Standards**

Building Types	Lot		Setbacks (min. ft.) [1]				Development Coverage (max.)		Max. Height (ft.)
	Lot Area (min. sq. ft.)	Max Lot Coverage (%)	Front	Interior	Abutting Street	Rear [2]	Density (min du/ac)	FAR	
<b>Live-Work [3]</b>	5,000	70	15	0	15	10 [6]	--	2.0	50
<b>Commercial</b>	[5]	70	0	0	0	10 [6]	--	2.0	75
<b>Office</b>	[5]	70	0	0	0	10 [6]	--	2.0	75
<b>Civic [4]</b>	[5]	70	0	0	0	10 [6]	--	2.0	75

**Notes:**

[1] D abutting residential shall match the side yard setbacks of the residential district and provide a 20-foot rear yard setback.

[2] If more than one building is constructed on a corner parcel, there shall not be less than 20 feet between the front and rear building and the rear yard of the rear building shall not be less than 20 feet.

[3] Standards for new construction; the city may permit conversion of existing structures that do not meet these dimensional standards.

[4] Special use/civic use side yard setback is 25 feet. The side yard of a commercial parcel adjoining a residential district shall be no less than five feet. If a side road is provided for a commercial building, it shall be no less than ten feet wide.

[5] Must meet structure size and setbacks.

[6] Rear yard adjoining residential shall be 10 feet. If an alley is provided for a non-residential building, the rear yard setback shall be no less than ten feet from the alley.

2174

2175 **Sec. 94-34 Entertainment (ENT)**

2176 (a) **Purpose**

2177 The entertainment district is intended to protect and enhance the city’s primary entertainment corridor  
 2178 as a major visitor destination, key economic driver and important gateway into the community. The  
 2179 entertainment district encompasses a wide range of entertainment uses including theaters, museums,  
 2180 rides and other attractions. Lodging and retail uses are also major components of the entertainment  
 2181 district. Standards in the entertainment district are focused on enhancing the visitor experience and  
 2182 function of the corridor. The entertainment district supports high quality development and public realm  
 2183 improvements that enhance the visitor experience and function of the corridor. The entertainment district  
 2184 is also specially tailored to support the eclectic character and dynamic creativity that is the hallmark of  
 2185 Branson’s entertainment.

2186 (b) **Uses**

2187 All uses in the ENT district shall conform to Table 94-45.1, Permitted Uses.

2188 (c) **Dimensions**

2189 Development in the ENT district shall conform to the following dimensional standards:

**Table 94-34.1 ENT Dimensional Standards**

Building Types	Lot		Setbacks (min. ft.) [1a + 1b]				Development Coverage (max.)	Max. Height (ft.)
	Lot Area (min. sq. ft.)	Max Lot Coverage (%)	Front	Interior	Abutting Street	Rear [2]	FAR	
Commercial	[5]	70	0	0	0	10 [6]	2.0	75
Civic [4]	[5]	70	0	0	0	10 [6]	2.0	75
Theater	[5]	70	0	0	0	10 [6]	As approved by site plan, not to exceed	100
Amusement	[5]	70	0	0	0	10 [6]		100 [7]
Lodging	[5]	70	0	0	0	10 [6]	5.0	100

**Notes:**

- [1a] ENT abutting residential shall match the side yard setbacks of the residential district and provide a 20-foot rear yard setback.
- [1b] Properties adjacent to the 76 Promenade shall comply with the requirements of the Joint Use Easement Agreement.
- [2] If more than one building is constructed on a corner parcel, there shall not be less than 20 feet between the front and rear building and the rear yard of the rear building shall not be less than 20 feet.
- [3] Standards for new construction; the city may permit conversion of existing structures that do not meet these dimensional standards.
- [4] Special use/civic use side yard setback is 25 feet. The side yard of a commercial parcel adjoining a residential district shall be no less than five feet. If a side road is provided for a commercial building, it shall be no less than ten feet wide.
- [5] Must meet structure size and setbacks.
- [6] Rear yard adjoining residential shall be 10 feet. If an alley is provided for a non-residential building, the rear yard setback shall be no less than ten feet from the alley.
- [7] Height limit may be increased to 200 feet for entertainment structures and features that are at least 50% transparent with Planning Commission approval of site plan.

2190

2191 **Sec. 94-35 Business (BUS)**

2192 (a) **Purpose**

2193 Business districts accommodate a variety of office and light industrial uses that are not ideally located in  
 2194 retail-focused commercial districts. Business districts include free standing office buildings, office parks,  
 2195 medical facilities and multi-tenant professional offices. Business districts may also include research or  
 2196 other light industrial uses where these uses are compatible with, or accessory to, office and professional  
 2197 uses in the area. Light assembly or manufacturing may be appropriate where high-quality planned  
 2198 developments integrate a mix of office and light industrial uses. In business districts, complementary retail  
 2199 and services should be limited in scale and carefully integrated with surrounding business uses.

2200 **(b) Uses**

2201 All uses in the BUS district shall conform to Table 94-45.1, Permitted Uses.

2202 **(c) Dimensions**

2203 Development in the BUS district shall conform to the following dimensional standards:

**Table 94-35.1 BUS Dimensional Standards**

Building Types	Building Size (max. sq. ft.)	Lot Area (min. sq. ft.)	Setbacks (min. ft.)				Lot Coverage (max, %)	Max Height (ft.)
			Front [1]	Interior [2]	Abutting Street	Rear		
Office Flex	n/a	n/a	25	5	20	10	60	40
	Notes:	[1] Where all the frontage on one side of the street between two intersecting streets is located in the BUS District, no front yard shall be required. Where the frontage on one side of the street between two intersections is located partly in the BUS district and partly in any residential district, the front yard requirements shall be the same as those in the residential district. [2] BUS adjoining residential shall provide a 10-foot side yard setback.						

2204

**Sec. 94-36 Industrial (I)**

2206 **(a) Purpose**

2207 Industrial districts are intended for more intensive industrial uses including manufacturing, assembly and  
 2208 large-scale distribution. Research, warehousing and other light industrial uses are also appropriate in  
 2209 industrial districts. In industrial districts, complementary retail and service uses should be limited in scale  
 2210 and carefully integrated with surrounding industrial uses.

2211 **(b) Uses**

2212 All uses in the I district shall conform to Table 94-45.1, Permitted Uses.

2213 **(c) Dimensions**

2214 Development in the I district shall conform to the following dimensional standards:

**Table 94-36.1 I Dimensional Standards**

Building Types	Building Size (max, sq. ft.)	Lot Area (min. sq. ft.)	Setbacks (min. ft.)				Lot Coverage (max, %)	Max Height (ft.)
			Front [1]	Interior [2]	Abutting Street	Rear		
Industrial	n/a	n/a	25	5	20	10	60	40
	Notes:	[1] Where all the frontage on one side of the street between two intersecting streets is located in the I District, no front yard shall be required. Where the frontage on one side of the street between two intersections is located partly in the I district and partly in any						

**Table 94-36.1 | Dimensional Standards**

Building Types	Building Size (max, sq. ft.)	Lot Area (min. sq. ft.)	Setbacks (min. ft.)				Lot Coverage (max, %)	Max Height (ft.)
			Front [1]	Interior [2]	Abutting Street	Rear		
			residential district, the front yard requirements shall be the same as those in the residential district.					
			[2] I adjoining residential shall provide a 10-foot side yard setback.					

2215

**2216 Sec. 94-37 Building Types**

2217 This section describes the building types regulated by this Code. Graphics are illustrative only.

**2218 (a) Applicability**

2219 The following building types are appropriate in the following districts:

**Table 94-37.1: Building Types by Zone District**

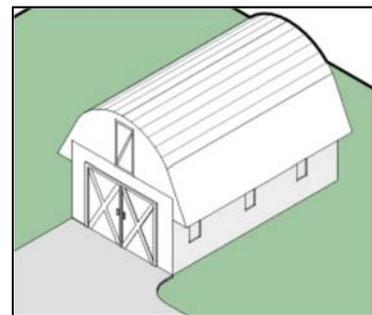
	CON	A	LDR	MDR	HDR	NC	CC	MU	D	ENT	BUS	I
Agricultural		●										
Detached House		●	●	●								
Two Unit House				●	●							
Attached House				●	●	●						
Multi-Unit					●	●	●	●				
Live/Work						●	●	●	●	●		
Commercial						●	●	●	●	●		
Mixed-Use						●	●	●				
Office and Flex						●	●	●	●	●	●	
Industrial												●
Civic		●	●	●	●	●	●	●	●	●		

2220

**2221 (b) Building Type Descriptions**

**2222 (1) Agricultural Structure**

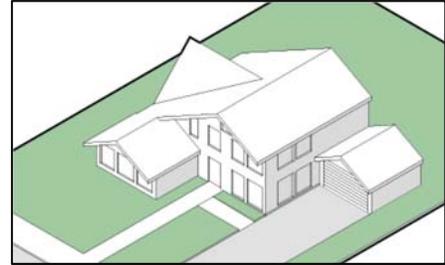
2223 A structure used solely for agricultural purposes in which the  
 2224 use is exclusively in connection with the production,  
 2225 harvesting, storage, drying or raising of agricultural  
 2226 commodities, including the raising of livestock.



2227

2228 **(2) Detached Residential**

2229 A building, other than a manufactured home or mobile  
2230 home, designed for residential purposes having  
2231 suitable accommodations for only one family.

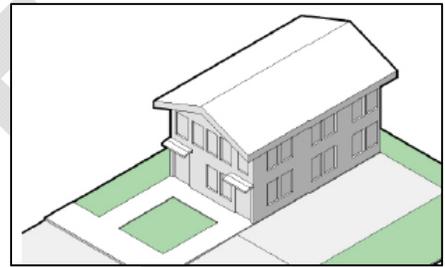


2232

2233

2234 **(3) Two Unit House or Duplex**

2235 A building that contains two primary dwelling units  
2236 with separate external entrances.

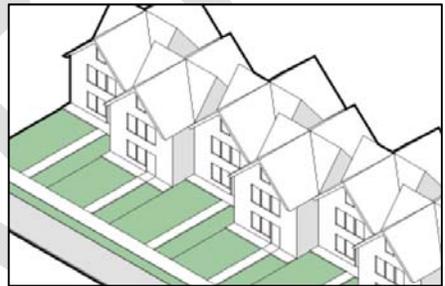


2237

2238

2239 **(4) Attached House or Townhouse**

2240 A building that contains a dwelling unit located on its  
2241 own lot that shares a wall on one or both sides with a  
2242 neighboring dwelling.



2243

2244

2245 **(5) Multi-Unit Building**

2246 A building that contains three or more dwelling units that  
2247 share common walls or floor/ceilings with one or more  
2248 units, and where the lot is held in a single ownership.

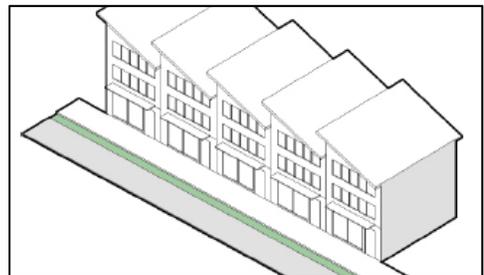


2249

2250

2251 **(6) Live/Work Building**

2252 A building that contains a single unit (e.g., studio,  
2253 loft, or one bedroom) consisting of both a  
2254 commercial/office and a residential component.

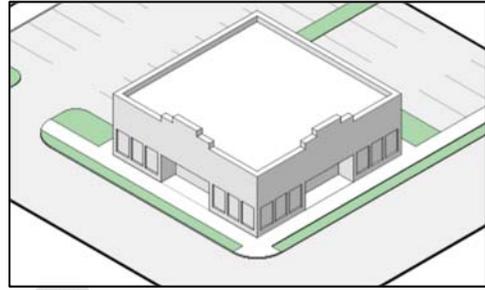


2255

2256

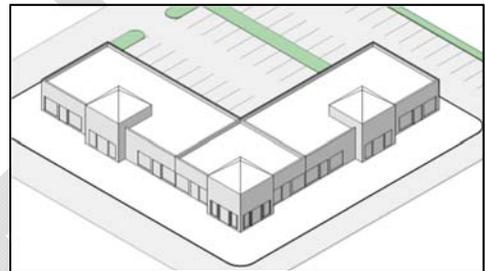
2257 **(7) Commercial Building**

2258 A building designed for a single tenant with a  
2259 commercial use. Depending on the zone district,  
2260 the scale of the structure can vary from a few  
2261 thousand square feet (e.g., a coffee shop) to  
2262 several hundred thousand square feet (e.g., a  
2263 department store). A single tenant commercial  
2264 building may be developed as a stand-alone  
2265 structure, or be incorporated into a larger  
2266 commercial center.



2267 **(8) Neighborhood Commercial Center**

2268 A multi-tenant building, or buildings, designed to  
2269 accommodate a mix of convenience-oriented  
2270 retail uses and services. Intended to support and  
2271 integrate with neighborhoods, neighborhood  
2272 commercial centers have a modest, pedestrian-  
2273 oriented scale, and typically do not exceed 150,000  
2274 square feet in total. Neighborhood commercial  
2275 centers may contain a small anchor such as a  
2276 pharmacy or small grocery.



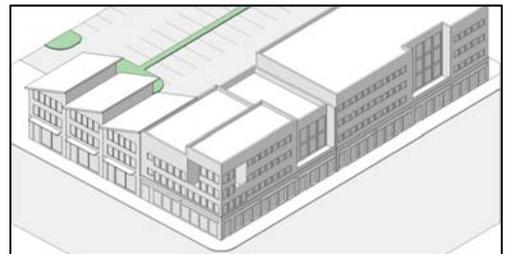
2277 **(9) Community Commercial Center**

2278 A building, or buildings, designed to provide a  
2279 vertical or horizontal mix of uses with ground floor  
2280 commercial, service or retail, and upper-floor  
2281 commercial or service. Depending on the zone  
2282 district, total square footage ranges from 100,000  
2283 square feet to 300,000 square feet.



2284  
2285 **(10) Mixed-Use Center**

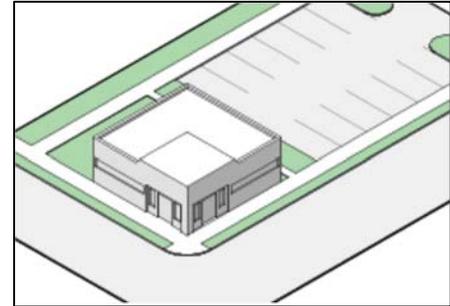
2286 A building designed to provide a vertical mix of  
2287 uses with ground floor commercial, service or  
2288 retail, and upper-floor commercial, service or  
2289 residential.



2290

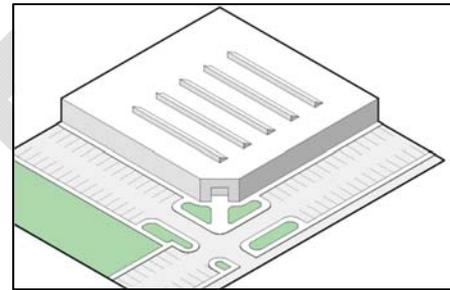
2291 **(11) Office and Flex Office**

2292 A building designed for office use that may be  
2293 occupied by one or more tenants for business uses  
2294 which may include accessory retail uses. May also  
2295 include flex office that is a building designed to  
2296 provide a vertical or horizontal mix of uses with  
2297 ground-floor office or retail.



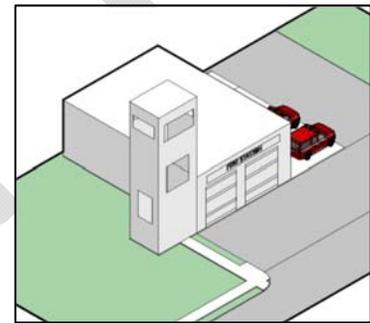
2298  
2299 **(12) Industrial**

2300 A building designed for industrial use including  
2301 manufacturing, warehousing and office.



2302  
2303  
2304  
2305 **(13) Civic**

2306 A building designed to house public, civic or institutional  
2307 uses.



2310 **Sec. 94-38 Use Specific Dimensional Standards**

2311 **(a) Patio Homes**

2312 Patio homes shall meet the following dimensional standards:

2313 **(1) Front Yard**

- 2314 a. The minimum front yard setback shall be 25 feet.
- 2315 b. No accessory buildings shall be located in front yards.

2316 **(2) Side Yard**

- 2317 a. There shall be a side yard on each side of the structures of no less than five feet in  
2318 width.
- 2319 b. For corner parcels, there shall be a setback of 15 feet along street frontage.

2320 c. No accessory buildings shall be located in the side yards.

2321 **(3) Rear Yard**

2322 a. There shall be a rear yard having a depth of not less than 25 feet.

2323 b. Accessory buildings shall not be less than five feet from any rear parcel line, and there  
2324 shall be a minimum of 15 feet between structures.

2325 **(4) Lot Area**

2326 The parcel area for a zero parcel line patio home shall be no less than 4,000 square feet.

2327 **(b) Use-Specific Height Exceptions**

---

2328 The height standards established in the zone districts do not apply to the following:

2329 (1) Spires, towers, and belfries;

2330 (2) Flagpoles; and

2331 (3) Flues.

2332

2333

2334

2335 **Sec. 94-39 Reserved**

2336 **Sec. 94-40 Reserved**

2337 **Sec. 94-41 Reserved**

2338 **Sec. 94-42 Reserved**

2339 **Sec. 94-43 Reserved**

2340 **Sec. 94-44 Reserved**

2341 **Article IV Uses**

2342 **Sec. 94-45 Table of Permitted Uses**

2343 **(a) Purpose**

---

2344 Table 94-45.1 lists the uses allowed within all base zoning districts. All uses are defined in this chapter as  
2345 well as additional standards for specific uses. Approval of a use listed in Table 94-45.1 and compliance  
2346 with the applicable use-specific standards for that use authorizes that use only. Development or use of a  
2347 property for any other use not specifically allowed as a permitted or as a special use in Table 94-45.1 is  
2348 prohibited unless the use is classified by the planning and development director pursuant to Section 94-  
2349 45(e), below.

2350 **(b) Explanation of Table Abbreviations**

---

2351 **(1) Permitted By-Right Uses**

2352 /P/ in a cell indicates that the use is permitted by right in the zone district. Permitted uses  
2353 are subject to all other applicable regulations of this Code, including the use-specific standards  
2354 in this chapter.

2355 **(2) Special Uses**

2356 /S/ in a cell indicates that the use is allowed in the zone district only if reviewed and approved  
2357 as a special use in accordance with the procedures of this chapter. Special uses are subject  
2358 to all other applicable regulations of this Code, including the use-specific standards in this  
2359 chapter.

2360 **(3) Prohibited Uses**

2361 A blank cell indicates that the use is prohibited in the zone district.

2362 **(c) Use-Specific Standards**

---

2363 Regardless of whether a use is allowed by right, or as a special use, there may be additional standards that  
2364 are applicable to the use. The existence of these use-specific standards is noted through a cross-reference  
2365 in the last column of the Table 94-45.1. Cross-references refer to the Use-Specific Standards in this  
2366 chapter and they apply in all districts unless otherwise specified.

2367 **(d) Table Organization**

---

2368 In Table 94-45.1, land uses and activities are classified into general “use categories” and specific “use  
2369 types” based on common functional, product or physical characteristics such as the type and amount of  
2370 activity, the type of customers or residents, how goods or services are sold or delivered, and site  
2371 conditions. This classification provides a systematic basis for assigning present and future land uses into  
2372 appropriate zoning districts. This classification does not list every use or activity that may appropriately  
2373 exist within each category, and specific uses may be listed in one category when they may reasonably

2374 have been listed in one or more other categories. The use categories are intended merely as an indexing  
2375 tool, and are not regulatory.

2376 **(e) Classification of New and Unlisted Uses**

---

2377 The city recognizes that new types of land use will develop, and forms of land use not anticipated in this  
2378 Code may seek to locate in the city. When application is made for a use category, or use type that is not  
2379 specifically listed in Table 94-45.1, the planning and development director shall make a determination as  
2380 to the appropriate classification of any new or unlisted form of land use in the following manner:

2381 (1) The planning and development director is authorized to classify uses on the basis of the  
2382 use category, subcategory and specific use type descriptions of this chapter.

2383 (2) When a use cannot be reasonably classified into a use category, subcategory or specific  
2384 use type, or appears to fit into multiple categories, subcategories or specific use types,  
2385 the planning and development director is authorized to determine the most similar, and  
2386 thus most appropriate use category, subcategory or specific use type based on the actual  
2387 or projected characteristics of the principal use or activity in relationship to the use  
2388 category, subcategory and specific use type descriptions provided in this section. In  
2389 making such determinations, the planning and development director must consider:

- 2390 a. The types of activities that will occur in conjunction with the use;
- 2391 b. The types of equipment and processes to be used;
- 2392 c. The existence, number and frequency of residents, customers or employees;
- 2393 d. Parking demands associated with the use; and
- 2394 e. Other factors deemed relevant to a use determination.

2395 (3) If a use can reasonably be classified in multiple categories, subcategories or specific use  
2396 types, the planning and development director must categorize the use in the category,  
2397 subcategory or specific use type that provides the most exact, narrowest and appropriate  
2398 fit.

2399 (4) If the planning and development director is unable to determine the appropriate use  
2400 category for a proposed use, the planning and development director is authorized to  
2401 submit the request to the Planning Commission for review and determination. The  
2402 planning and development director shall hold permits and certificates for occupancy of  
2403 the proposed use pending Planning Commission determination.

**Table 94-45.1 Permitted Uses**

Use Category	Ag/Residential					Mixed-Use   Non-Residential							Supplemental Use Standards
	CON	A	LDR	MDR	HDR	NC	CC	MU	D	ENT	BUS	I	
<b>Subcategory</b>													Note: This reference is to use-specific standards only, other code requirements may apply
Specific Use Type													
<b>Residential</b>													
<b>Household Living</b>													
<b>Dwelling</b>													
Single-Family, Detached		P	P	P	P	P							
Single-Family, Attached (3 or more units)				P	P	P		P					
Single-Family, Duplex			P	P	P	P							
Single-Family, Patio Home				P	P	P							94-38(a)
Multi-Family					P	P	P	P	P				
Home Occupation		P	P	P	P	P							94-46(b)(1), 94-47(a)(1)
Live/Work						P	P	P	P	P			94-46(b)(2)
Loft						P		P	P				
Manufactured Homes			P	P	P								94-47(a)(2)
Modular Housing		S	S	S	S								
Mobile Home Community					S								94-47(a)(3)
<b>Group Living</b>													
Congregate Living Facility/Senior Housing					P	P	P	P					94-46(b)(3)
Group Home			P										94-46(b)(4)
Nursing, Convalescent, and Rest Home					P	P	P	P					
Shelter Care Facility						S	P						94-46(b)(5)
<b>Civic and Institutional</b>													
<b>Community Services</b>													
Cemetery and Mausoleum		S	S	S	S	S	S		S				
Funeral Home/Parlor							P						
Civic, Social, and Fraternal Organizations						P	P	P					
Community Center	S					P	P	P	P				
Cultural Institutions						P	P	P	P	P			94-46(c)(1)

**Table 94-45.1 Permitted Uses**

Use Category	Ag/Residential					Mixed-Use   Non-Residential							Supplemental Use Standards
	CON	A	LDR	MDR	HDR	NC	CC	MU	D	ENT	BUS	I	
Subcategory	Note: This reference is to use-specific standards only, other code requirements may apply												
Specific Use Type													
Government Offices and Facilities						P	P	P	P	P	P	P	94-13(a)
Public Service Facilities						P	P	P			P	P	94-46(c)(2)
Religious Assembly			S	S	S	P	P	P	P	P			94-46(c)(3)
<b>Day Care Facilities</b>													
Family Day Care Home			S	S	S	P		P					94-46(c)(4)
Group Day Care Home						P	P	P			P		94-46(c)(5)
Child Care Center						P	P	P			P		94-46(c)(5)
<b>Educational Facilities</b>													
School, Primary or Secondary, Public or Private			S	S	S	P	P	P					94-46(c)(6)
School, Vocational-Technical and Trade		S					P	P			P		94-46(c)(6)
University or College		S					P	P			P		94-46(c)(6)
<b>Health Care Facilities</b>													
Alcohol and Drug Abuse Treatment Facility						S	S						
Hospital							P	P					94-46(c)(7)
Medical and Dental Offices and Clinics						P	P	P	P		P		
Urgent Care Facility							P	P					
<b>Parks and Open Space</b>													
Athletic Area			S	S	S	S	P	P		P			
Community Garden		P	P	P	P	P		P		P			94-46(c)(8), 94-48(e)(2)
Park and Playground	S	S	S	S	S	S	S	S	S	S	S	S	
Recreation Areas and Facilities	S	S	S	S	S	S	S	S	S	S	S	S	
<b>Transportation</b>													
Airport and Passenger Terminal		S					S				S	P	
Park and Ride Lot					S	S	S	S	S	S	P	P	
Bus Garage and Equipment Maintenance											P	P	
Bus Terminal							P	P	P	P	P	P	

**Table 94-45.1 Permitted Uses**

Use Category	Ag/Residential					Mixed-Use   Non-Residential							Supplemental Use Standards
	CON	A	LDR	MDR	HDR	NC	CC	MU	D	ENT	BUS	I	
<b>Subcategory</b>													Note: This reference is to use-specific standards only, other code requirements may apply
Specific Use Type													
<b>Utility</b>													
Utility													
Major Facilities/Service Yard		S					S				S	P	
Minor Facilities/Office		S	S	S	S	S	P	P	P		P	P	
<b>Wireless Communication Facility</b>													
Antenna and Antenna Support Structure		S					S	S	S	S	P	P	
Telecommunications Tower and Facility		S					S				S	S	
<b>Commercial</b>													
<b>Animal Sales and Service</b>													
Pet Grooming						P	P	P	P				
Pet Shop						P	P	P	P	P			
Kennel		P					P						94-46(d)(1)
Shelter		S					S						94-46(d)(1)
Stables	S	S											94-46(d)(1)
<b>Veterinary Services</b>													
Indoor Only						P	P	P					
With Outdoor Facilities		P											94-46(d)(1)
<b>Office</b>													
Business and Professional Office						P	P	P	P		P	P	
<b>Recreation and Entertainment, Outdoor</b>													
Amusement Park or Theme Park							S		S	P			
Recreation and Entertainment, Outdoor							S	S	S	P			
Marina													
Private	S	S					S	S	S				
Public	S	S					S	S	S				
<b>Recreation and Entertainment, Indoor</b>													

**Table 94-45.1 Permitted Uses**

Use Category	Ag/Residential					Mixed-Use   Non-Residential							Supplemental Use Standards
	CON	A	LDR	MDR	HDR	NC	CC	MU	D	ENT	BUS	I	
Subcategory	Note: This reference is to use-specific standards only, other code requirements may apply												
Specific Use Type													
Amusement Parlor/Arcade							P	P	P	P			94-46(d)(2), 94-48(e)(1)
Fortune Telling									P	P			
Recreation and Entertainment, Indoor Theater							P	P	P	P			94-46(d)(3)
<b>Commercial Services</b>													
Commercial Services, General						P	P	P	P	P	P		
<b>Eating and Drinking</b>													
Brewery, Distillery or Winery							P	P	P	P	P	P	94-48(e)(3)
Food Truck Court							S	S	S	S	S		94-47(b)(1)
Microbrewery							P	P	P	P	P	P	94-48(e)(3)
Restaurant						P	P	P	P	P	P	P	94-48(e)(3)
With Drive-Thru							P	P	P	P	P		94-54(j)
<b>Financial Services</b>													
Alternative Financial Services							P						94-46(d)(4)
Automated Teller Machine						P	P	P	P	P	P		94-46(d)(5), 94-54(j)
Financial Institution						P	P	P	P	P	P		94-46(d)(6)
With drive-thru							P	P			P		94-54(j)
Off-Premises Contacts (OPC)							P	P	P	P			94-46(d)(7), 94-48(e)(4)
Adult Entertainment									S				94-47(b)(2)
<b>Retail Sales</b>													
Retail, General						P	P	P	P	P	P		94-46 (d)(8)
With drive-thru							P	P	P	P	P		94-46 (d)(8), 94-54(j)
Drug-store or Pharmacy						P	P	P	P	P	P		94-46 (d)(8)
With drive-thru							P	P	P	P	P		94-46 (d)(8), 94-54(j)
Home Supply and Lumberyard							P				P	P	94-46 (d)(8), 94-47(c)(1)
Plant Nursery and Greenhouse		P				P	P				P	P	94-46 (d)(8), 94-47(c)(1)
Thrift Store						P	P	P	P				94-46 (d)(8), 94-46(d)(9)
<b>Personal Services</b>													

**Table 94-45.1 Permitted Uses**

Use Category		Ag/Residential					Mixed-Use   Non-Residential							Supplemental Use Standards
Subcategory		CON	A	LDR	MDR	HDR	NC	CC	MU	D	ENT	BUS	I	Note: This reference is to use-specific standards only, other code requirements may apply
Specific Use Type														
	Barber[shop], Beauty Shop, Spa						P	P	P	P	P	P		
	Dry Cleaner/Laundromat/ Laundry Service Station						P	P	P	P		P	P	
	With drive-thru							P	P			P	P	94-54(j)
	Massage Establishment						P	P	P	P	P			
	Studio – Art, Fitness, Music, Dance						P	P	P	P	P	P		
	Tattoo Parlor							P	P		P			
<b>Lodging Establishment</b>														
	Bed and Breakfast Inn					P	P	P	P	P	P			
	Campground & Vehicle Park	S	S					S		S	S			
	Hotel and Motel							P	P	P	P	P		94-46(d)(10)
	Timeshare Unit							P	P		P			94-46(d)(10)
<b>Vehicles and Equipment</b>														
	Car Wash							P				P	P	94-46(e)(1)
<b>Commercial Vehicles</b>														
	Rental Services							P				P	P	94-46(e)(2)
	Repair Services							P				P	P	94-46(e)(3)
	Sales							P				P	P	94-46(e)(2)
<b>Personal Vehicles</b>														
	Rental Services							P				P	P	94-46(e)(2)
	Repair Services							P				P	P	94-46(e)(3)
	Sales							P				P	P	94-46(e)(2)
	Commercial Parking							P	P	P	P	P		
	Service Stations							P	P		P	P	P	94-46(e)(4)
	Accessory Car Wash							P	P		P	P	P	94-46(e)(5)
	Electric Vehicle Charging Station	P	P	P	P	P	P	P	P	P	P	P	P	94-46(e)(6)

**Table 94-45.1 Permitted Uses**

Use Category	Ag/Residential					Mixed-Use   Non-Residential							Supplemental Use Standards		
	CON	A	LDR	MDR	HDR	NC	CC	MU	D	ENT	BUS	I			
Subcategory													Note: This reference is to use-specific standards only, other code requirements may apply		
Specific Use Type															
Truck Stop													P	94-46(e)(7)	
<b>Industrial</b>															
<b>Industrial Services</b>															
Building Maintenance, Sales and Service													P	P	94-46(f)(1)
Construction Contractor													P	P	94-46(f)(1), 94-47(c)(1)
Data Center													P	P	94-46(f)(1)
Digital Production													P	P	94-46(f)(1)
Medical and Research Laboratory													P	P	94-46(f)(1)
Wrecker Service													P		94-46(f)(1), 94-46(f)(2)
<b>Energy Production and Natural Resource Extraction</b>															
Energy Production, Renewable															94-46(f)(1)
Cogeneration Facility														S	94-46(f)(1)
Solar Array		S											S	S	94-46(f)(1)
Wind Energy Commercial		S											S	S	94-46(f)(1)
Wind Energy Small		S											S	S	94-46(f)(1)
Mining and Quarrying		S												S	94-46(f)(1)
Oil, Gas, and Mineral Exploration and Production		S												S	94-46(f)(1)
<b>Manufacturing and Assembly</b>															
Artisan/Light													P	P	94-46(f)(1)
<b>General</b>															
General Manufacturing														P	94-46(f)(1)
Publishing													P	P	94-46(f)(1)
Welding and Automobile Body Shop														P	94-46(f)(1),94-46(f)(3)
<b>Heavy</b>															

**Table 94-45.1 Permitted Uses**

Use Category	Ag/Residential					Mixed-Use   Non-Residential							Supplemental Use Standards
	CON	A	LDR	MDR	HDR	NC	CC	MU	D	ENT	BUS	I	
<b>Subcategory</b>	Note: This reference is to use-specific standards only, other code requirements may apply												
Specific Use Type													
Heavy Manufacturing												P	94-46(f)(1),94-46(f)(4)
<b>Wholesale, Storage, and Distribution</b>													
Freight Terminal and Warehouse												P	94-46(f)(1),94-46(f)(5)
<b>Warehouse</b>													
Commercial (Non-hazardous)											P	P	94-46(f)(1)
Self-Storage/Personal Property							P				P	P	94-46(f)(1),94-46(f)(6)
Wholesale Sales and Distribution											P	P	94-46(f)(1)
<b>Waste and Salvage</b>													
Automobile Parts Recycling												P	94-46(f)(1)
<b>Agricultural</b>													
Agritainment		P											94-46(g)(1)
Animal Raising, Farm or Domestic Use		P											94-46(g)(2)
Crop Raising		P											94-46(g)(3)
Commercial Livestock		P										P	94-46(g)(4)
Farm Products Warehouse and Storage		P										P	

2404

2405 **Sec. 94-46 Use and Structure Standards**

2406 **(a) Generally Applicable Standards**

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2407 The following standards are applicable to all uses and structures:

- 2408 (1) No structure shall be erected or structurally altered for use, nor shall any structure or land  
2409 be used, or changed in use, which does not comply with all of the district regulations  
2410 established by the title for the district in which the structure or land is located.
- 2411 (2) No building, or any addition thereto, shall be erected over or under any public sewer or  
2412 public utility lines, nor upon any platted or recorded easement, unless permission is  
2413 granted, in writing, by the city or the public utility whose lines are involved.
- 2414 (3) Unless otherwise approved as a special event or a temporary use pursuant to this Code,  
2415 no portable platforms, tables, stands or other such temporary structures or fabrications  
2416 shall be erected in any district for the purpose of establishing a business, and no vehicles  
2417 shall be used for a like purpose unless classified as a food truck.

2418 **(b) Residential Uses**

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2419 **(1) Home Occupations**

2420 The intent of this section is to allow low-intensity home occupations that are clearly incidental  
2421 and secondary to the primary residential use of the property, and that are conducted in a limited  
2422 manner which creates little exterior indication of the activity, and which does not create a  
2423 nuisance or otherwise adversely impact adjacent properties or the residential character of the  
2424 neighborhood.

2425 **a. Exemptions**

2426 Yard/garage sales and a home day care shall not be classified as home occupations when  
2427 operating in compliance with all ordinances and regulations in connection with such use.

2428 **b. Registration or Special Use Permit Required**

2429 (i) All home occupations shall be required to register upon forms prepared by  
2430 the planning and development director for the purpose, and shall include a  
2431 description of the nature and extent of the activity. The applicant shall sign  
2432 the form verifying that the activity will be conducted in compliance with the  
2433 standards of operation set out below.

2434 (ii) Home occupations that are not identified as permitted home occupation uses  
2435 in this section may be allowed subject to the issuance of a special use permit.  
2436 The conditions approval and use of special use home occupations are  
2437 identified in the special use section of this chapter.

2438 (iii) Approval of a home occupation, whether by registration or by special use  
2439 permit, shall be limited to one year, provided that such approval shall  
2440 automatically be extended in one year increments, based on the anniversary  
2441 date of the approval, unless a request for review is received prior to the  
2442 anniversary date. A written request for review may be submitted by any  
2443 person affected by the home occupation; by the planning and development  
2444 director, the Board or Planning Commission.

2445 (iv) Whenever there are questions, or there is uncertainty regarding  
2446 conformance with the intent or requirements of all regulations regarding  
2447 home occupations, the planning and development director may forward the  
2448 home occupation to the Planning Commission for review.

2449 **c. Application/Inspection**

2450 A request for registration or for approval of a special use permit for a home occupation shall  
2451 constitute the applicant's agreement to allow, upon reasonable request, the inspection of the  
2452 premises to the extent necessary to determine compliance and compatibility with these  
2453 regulations. The planning and development director may inspect a premises suspected of  
2454 violations for the purpose of determining compliance with these regulations. The refusal to  
2455 allow inspection upon reasonable request shall be an indication of a failure to comply with  
2456 the terms of this section. A presumption shall therefore exist that there are violations and  
2457 appropriate enforcement action to terminate the activity may be taken.

2458 **d. Permitted Home Occupations**

2459 The following uses shall require registration, but shall not require approval as a special use  
2460 permit, provided that full compliance with all standards of operation stated above is required,  
2461 except as modified herein:

2462 (i) Home Office: An office for the clerical and administrative purposes of  
2463 receiving mail and telephone calls, maintaining records, and similar functions.

2464 (ii) Off-Site Sales Offices: An office for direct sales distribution (Amway, Avon,  
2465 Tupperware, etc.), for manufacturer's representatives, and other similar  
2466 activities provided that all sales are conducted off-site, and that storage and  
2467 deliveries do not exceed the limitations within this section.

2468 (iii) Off-Site Services Offices: An office for services provided off-site, including but  
2469 not limited to such activities as house cleaning service, yard/garden service,  
2470 locksmiths, appliance repair, contractors, and similar activities, provided that  
2471 all services are provided off-site, that storage does not exceed the limitations  
2472 within this section, that no other employees regularly visit the premises, and  
2473 that no more than one commercial vehicle is parked at the residence on a  
2474 regular basis.

2475 (iv) Professional Services: An office/studio for engineers, drafting and similar  
2476 services provided that client consultation is conducted off-site.

2477 (v) Home Instruction: Individual tutoring or lessons in art, dance, music,  
2478 swimming or similar activities are permitted, provided that a maximum of six  
2479 students per day shall be permitted at the premises.

2480 (vi) Home Arts/Crafts: The preparation of small arts/crafts items for off-site  
2481 display and sale, including ceramics with a maximum kiln size of six cubic feet  
2482 and including dressmaking/sewing with a maximum of three machines, shall  
2483 be permitted, provided that all ordering, fittings, and deliveries are  
2484 conducted off-site. The preparation or creation of larger items requiring  
2485 frequent delivery of materials, movement by vehicles other than passenger  
2486 vehicles, larger or noisier equipment, or storage does not exceed the  
2487 limitations within this section.

2488 **e. Standards of Operation**

2489 All home occupations, including those approved by special use permit, shall comply with the  
2490 following performance standards and limitations, except as specifically modified herein.

2491 (i) Employees: No person other than an occupant of the residence shall be  
2492 engaged in the home occupation at the residence, or shall visit the residence  
2493 on a regular basis. No more than three occupants at a residence shall be  
2494 engaged in home occupations.

2495 (ii) Space and Location: The maximum area used for the home occupation shall  
2496 not be greater than 25 percent of the living area of the residence; 500 square  
2497 feet, including storage areas; or two rooms.

2498 (iii) Storage: The total area used exclusively for storage shall be no larger than  
2499 150 cubic feet. Outside storage in conjunction with a home occupation shall  
2500 be prohibited.

2501 (iv) Alterations: No alterations of the residential appearance of the property for  
2502 business purposes, such as the creation of a separate entrance, shall be  
2503 permitted.

2504 (v) Equipment: The installation, storage or use of any equipment or machinery  
2505 not normally found in a household or general office shall be prohibited.

2506 (vi) Sales and Display: Direct, on site sales, retail or wholesale, and the display of  
2507 goods or products on the premises shall be prohibited.

2508 (vii) Nuisances: The creation of noise, odors, vibrations, glare, fumes or electrical  
2509 interference which is detectable to normal sensory perception outside the  
2510 structure shall be prohibited.

2511 (viii) Deliveries: No deliveries related to the conduct of the home occupation shall  
2512 be permitted by vehicles of more than two axles.

- 2513 (ix) Traffic: Home occupations shall not involve the regular visits of clients, other
- 2514 employees, or any other persons to the residence due to the conduct of the
- 2515 home occupation.
  
- 2516 (x) Advertising/Signs: Home occupations are permitted one on premise wall sign
- 2517 for each side of the home that faces a public street. The sign shall be no more
- 2518 than three square feet, and shall not be illuminated.
  
- 2519 (xi) Vehicles: Vehicles supporting the home business must be parked in the
- 2520 driveway and not on the street. This includes vehicles such as taxi cabs, day
- 2521 care vans, catering trucks or lock smith trucks.

2522 **(2) Dwelling, Live/Work**

- 2523 a. The business owner, and the resident’s occupant in the residential portion of the live-
- 2524 work unit, must be the same person.
  
- 2525 b. In the Downtown district, the residential living portion of the live/work unit is not
- 2526 permitted on the first floor.
  
- 2527 c. The non-residential portion of a live-work unit may be only a commercial retail, office,
- 2528 personal services or professional services and counseling activity as defined in these
- 2529 regulations.
  
- 2530 d. Scale of Non-residential Use. The floor area of the non-residential portion of the use
- 2531 shall not exceed 2,500 square feet.
  
- 2532 e. Hours of Operation for Non-residential Use. The non-residential portion of the use
- 2533 shall not operate between the hours of 11:00 PM and 6:00 AM.
  
- 2534 f. Multiple Units. Multiple live-work units may be located on a block face only if
- 2535 developed as a contiguous group with one unit located on a corner lot, and with no
- 2536 more than five units in the group.
  
- 2537 g. No Drive-Through Activity. The use shall not include a drive-through component.

2538 **(3) Congregate Care/Senior Living**

- 2539 a. The maximum number of dwelling units shall comply with the zone district in which
- 2540 the facility is located.
  
- 2541 b. Private open space shall be provided as follows:
  
- 2542 (i) Ground level units shall be provided a minimum of 100 sq. ft. of private yard
- 2543 with a minimum interior dimension of 10 feet.
  
- 2544 (ii) Upper level units shall be provided a minimum of 70 sq. ft. balcony, with a
- 2545 minimum dimension on at least one side of eight feet.

2546 **(4) Group Homes**

2547 a. Group homes shall comply with the requirements found in the Missouri Statutes and  
2548 regulations for group homes.

2549 b. Group homes shall not be located closer than 1,320 feet from another group home,  
2550 shall be used exclusively for no more than eight persons, and shall be in compliance  
2551 with all city, state and federal building, health, safety and fire code provisions.

2552 c. Reasonable Accommodation by City Administrator

2553 In consideration of the requirement of the Federal Fair Housing Act (“FHA”) (42 U.S.C.  
2554 § 3601 et seq.) that local governments make reasonable accommodations in order to  
2555 permit housing for persons with disabilities, the city administrator, in consultation  
2556 with the city attorney, is authorized to approve minor modifications of building  
2557 setbacks, height, lot coverage or occupancy limits in order to provide reasonable  
2558 accommodation for group homes without the need for an additional hearing. The  
2559 city administrator may approve a reasonable accommodation other than that  
2560 requested by the applicant if the city administrator concludes that an alternative  
2561 accommodation would have fewer impacts on adjacent neighborhoods. The decision  
2562 of the city administrator regarding a FHA application for a reasonable accommodation  
2563 shall contain written findings of fact as to the need for the accommodation and the  
2564 authority to approve the requested accommodation.

2565 **(5) Shelter Care Facility**

2566 a. **Physical Characteristics**

2567 All shelter facilities shall meet the following requirements:

2568 (i) Compliance with applicable state and local housing, building and fire code  
2569 requirements.

2570 (ii) The facility shall have on-site security during all hours when the shelter is  
2571 open.

2572 (iii) Facilities shall provide exterior lighting on pedestrian pathways and parking  
2573 lot areas on the property. Lighting shall reflect away from residential areas  
2574 and public streets.

2575 (iv) Facilities shall provide secure areas for personal property.

2576 (v) If the emergency shelter is proposed in conjunction with a religious facility,  
2577 the area utilized for emergency shelter facilities may not exceed fifty percent  
2578 of the total floor area used for the religious facility.

2579 (vi) Where a day care facility, elementary school or middle school is operated on  
2580 the same site as an emergency shelter, the day care and school facilities must

2581 be separated from the emergency shelter facilities by means to prevent  
2582 access from one facility to the other.

2583 **b. Limited Number of Beds per Facility**

2584 (i) Shelter facilities accessory to a religious facility shall not exceed twenty beds.

2585 (ii) All other shelter facilities shall not exceed forty beds.

2586 **c. Limited Terms of Stay**

2587 The maximum term of staying at an emergency shelter is six months in a consecutive  
2588 twelve-month period.

2589 **d. Parking**

2590 The shelter facility shall provide on-site parking at a rate of two spaces per facility for  
2591 staff, plus one space per four beds allowed at the maximum capacity. The planning  
2592 and development director may reduce or waive this requirement where on-street  
2593 parking is reasonably available.

2594 **e. Shelter Facility Management**

2595 A management plan is required for all shelters to address management experience,  
2596 good neighbor issues, transportation, client supervision, client services and food  
2597 services. Such plan shall be submitted to, and approved by, the planning and  
2598 development director prior to operation of the shelter. The plan shall include a floor  
2599 plan that demonstrates compliance with the physical standards of this Code. The  
2600 operator of each shelter shall annually submit the management plan to the planning  
2601 and development director with updated information for review and approval.

2602 **(c) Civic and Institutional Uses**

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2603 **(1) Cultural Institutions**

2604 In all residential zone districts, the use shall abut an arterial street. Cultural institutions are  
2605 permitted to have gift and coffee shops as accessory uses.

2606 **(2) Public Service Facilities**

2607 In all residential zone districts, the use shall abut an arterial street.

2608 **(3) Religious Assembly**

2609 **a. Accessory Uses**

2610 (i) Uses accessory to the religious assembly shall meet the standards applicable  
2611 to the use as if the use is a principal use.

2612 (ii) Uses accessory to a religious assembly use in a residential district, other than  
2613 shelter facilities, may only operate between 7:00 AM and 10:00 PM by right;  
2614 and between 10:00 PM and 7:00 AM subject to a special use permit.

2615 **b. Parking and Access**

2616 (i) Parking for the religious assembly use, and any accessory use, shall be for the  
2617 use that has the greatest parking requirement.

2618 (ii) Access shall be provided as follows: 1-200 seats shall have access from local  
2619 or residential streets; 201-1000 seats shall have access from a collector street  
2620 or higher; 1001 seats and over shall have access from an arterial street.

2621 **(4) Family Day Care Home**

2622 A family day care home may be allowed as follows:

2623 a. State and local licensing requirements are met, including those pertaining to building,  
2624 fire safety and health codes.

2625 b. Parcel size, building size, setbacks and parcel coverage conform to those applicable  
2626 to the zoning district.

2627 c. One off-street parking space is provided for each nonresident or non-family member  
2628 employee in addition to the two spaces per single-family or duplex unit required. The  
2629 residential driveway is acceptable for this purpose.

2630 d. If located on a major arterial street, an off-street drop-off/pickup area, approved by  
2631 the city engineer, must be provided.

2632 e. Signage, if any, conforms to the requirements of the zoning district.

2633 f. No structural or decorative alteration that will alter the single-family character of an  
2634 existing residential structure, or be incompatible with surrounding residences, is  
2635 permitted.

2636 g. A family day care home may provide care for no more than ten children.

2637 **(5) Group Day Care Home and Child Care Center**

2638 A group day care home and child care center may be allowed as follows:

2639 a. Limitation in use of family residence. No group day care home and child care center  
2640 shall be located in a private family residence unless the portion of the residence  
2641 where the children have access is used exclusively for children during the hours the  
2642 center is in operation, or is separate from the usual living quarters of the family.

2643 b. A group day care home and child care center is permitted subject to the following  
2644 restrictions:

- 2645 (i) State and local licensing standards and requirements are met.
- 2646 (ii) Parcel size, building size, setbacks, screening and landscaping shall conform  
2647 to the zoning district.
- 2648 (iii) Structure shall meet building, sanitation, health, traffic safety and fire safety  
2649 code requirements.
- 2650 (iv) A minimum of one off-street parking space shall be provided for each  
2651 employee, plus an off-street drop-off/pickup area, as approved by the city  
2652 engineer. An on-site vehicle turnaround, or separate entrance and exit  
2653 points, and passenger loading area must be provided and approved by the  
2654 city engineer.
- 2655 (v) Signage, if any, conforms to the requirements of the zoning district.
- 2656 (vi) A solid fence at least six feet high must be installed along each side yard and  
2657 rear yard parcel line.
- 2658 (vii) No structured area for active play or play structures may be located in a front  
2659 yard, or within ten feet of a side or rear parcel line.
- 2660 (viii) The site must be landscaped in a manner compatible with adjacent  
2661 residences, as approved by the planning and development director.
- 2662 (ix) No structural or decorative alteration that will alter the residential character  
2663 of an existing residential structure used for a group day care home or a child  
2664 care center is permitted. Any new or remodeled structure must be  
2665 designated to be compatible with the residential character of the surrounding  
2666 neighborhood.
- 2667 (x) A group day care home or a child care center shall not be located within 300  
2668 feet of another group day care home or a child care center, excluding any day  
2669 care that is an accessory use in a license-exempt facility.

2670 **(6) Schools**

2671 All uses under the educational facilities category in Table 94-45.1 shall have their principal  
2672 vehicular entrance and exit on an arterial or collector street; vehicular ingress and egress to  
2673 local streets is prohibited.

2674 **(7) Hospital**

- 2675 a. The application shall be accompanied by written proof that the proposal meets all  
2676 federal, state and county regulations.
- 2677 b. A minimum of 25 percent of the net lot area shall be provided in open space.

- 2678 c. A minimum of three-fourths of the total open space requirement shall be provided as  
 2679 frontage open space to provide a setting for the building, visual continuity within the  
 2680 community, and a variety of spaces in the streetscape. The frontage open space shall  
 2681 not be required to exceed 50 square feet per one foot of public street frontage and  
 2682 shall not be less than 30 square feet per one foot of public street frontage.
- 2683 d. The remainder of the required open space shall be provided in common open space.
- 2684 e. When the height of the building exceeds 50 feet, the following yard requirements  
 2685 shall apply:
- 2686 (i) A side or rear yard of not less than 100 feet shall be maintained where the  
 2687 side or rear of the lot abuts a low density residential district, or abuts an alley  
 2688 that is adjacent to a low density residential district. The 100 feet may include  
 2689 the width of the alley.
- 2690 (ii) A side or rear yard of not less than 75 feet shall be maintained where the side  
 2691 or rear of the lot abuts a high density residential district, or abuts an alley that  
 2692 is adjacent to a high density residential district. The 75 feet may include the  
 2693 width of the alley.
- 2694 f. Pedestrian entrances shall:
- 2695 (i) Be clearly distinctive from the remainder of the building, and be readily visible  
 2696 from the public street; and
- 2697 (ii) Include an extended foundation base to provide a patient drop-off area of a  
 2698 minimum 900 sq. ft., extending a minimum 20-feet measured perpendicular  
 2699 from the patient entrance door.
- 2700 g. Heliports shall be located in a manner to minimize the noise impacts on abutting  
 2701 residential uses, according to the following preferences:
- 2702 (i) First Preference: Ground on side of building opposite any abutting residential  
 2703 areas.
- 2704 (ii) Second Preference: Roof level of building less than the highest point on side  
 2705 of building away from residential areas.
- 2706 (iii) Third Preference: Roof at top of building.
- 2707 h. Liquid oxygen and other similar materials stored outdoors and in bulk shall be  
 2708 screened from ground-level view by the building, screen wall or screen walls in  
 2709 combination with landscape materials.

2710 **(8) Community Gardens**

2711 **a. Location**

2712 (i) Community gardens shall not be located on designated or dedicated park or  
2713 open space land without approval from the Planning Commission. Exceptions  
2714 may be granted for park or open space land that does not contain sensitive  
2715 habitat and is not contiguous to open space land with sensitive habitat.

2716 (ii) Community gardens shall be located in areas that receive adequate sunlight  
2717 for the intended purpose without the removal or excessive trimming of trees.

2718 **b. Use Standards**

2719 (i) The site shall be designed and maintained so that water and fertilizer will not  
2720 drain to adjacent property.

2721 (ii) A minimum three foot wide, clearly marked entrance path shall be provided  
2722 from the public right-of-way to the garden.

2723 (iii) Community gardens shall be located on land that is level enough to support  
2724 the intended use and meet all Americans with Disabilities Act requirements  
2725 without the use of retaining walls that exceed three feet in height.

2726 (iv) Unless permitted by the underlying zoning district, or approved as a special  
2727 use, on-site sale of community garden products is prohibited except when  
2728 permitted as an approved temporary use.

2729 (v) Lawn and garden equipment of the type customarily used by consumers for  
2730 household lawn and garden care is the only type of motorized equipment  
2731 allowed. The use of motorized equipment is restricted to hours beginning at  
2732 7:00 AM and ending at 9:00 PM.

2733 (vi) An on-site trash storage container must be provided and located as close as  
2734 practicable to the rear lot line. Compost bins or piles must also be located as  
2735 close as practicable to the rear lot line. Trash must be removed from the site  
2736 at least once a week.

2737 (vii) The keeping of animals is prohibited.

2738 (viii) The property must be maintained free of tall weeds and debris. Dead garden  
2739 plants must be regularly removed and, in any instance, no later than  
2740 November 15 of each year.

2741 (ix) Within a residential zoning district, operating hours for community garden  
2742 activities are restricted to between 5:00 AM and 11:00 PM daily.

2743 (x) Customary accessory uses are regulated in the accessory use section.

2744 **c. Signs**

2745 Community gardens in residential zones shall be restricted to one, non-illuminated  
2746 identification sign not exceeding eight square feet and eight feet in height, and set

2747 back a minimum of five feet from the front and side property lines. In all other zoning  
2748 districts, signs shall comply with the permanent sign standards the applicable zoning  
2749 district

2750 **(d) Commercial Uses**

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2751 **(1) Animal Sales and Services with Outdoor Facilities**

2752 Any outdoor activity areas such as kennels, runs or exercise areas shall be subject to the  
2753 following:

2754 **a. General Requirements**

2755 The facilities shall:

- 2756 (i) Only be used between the hours of 7:00 AM and 10:00 PM;
- 2757 (ii) Be supervised by qualified personnel;
- 2758 (iii) Be located at least 300 feet from any residential zone;
- 2759 (iv) Not cause loud and incessant noise or fouling of the air by odor thereby  
2760 creating annoyance or discomfort to the neighbors or others in close  
2761 proximity;
- 2762 (v) Not foster an excessive number of flies or other insects; and
- 2763 (vi) Not otherwise cause any unsanitary conditions in the enclosure(s) or the  
2764 surroundings where the animals are kept.

2765 **b. Kennel**

- 2766 (i) All facilities, including pens, kennels, cages and exercise runs, in the CC district  
2767 shall be maintained within a completely enclosed, soundproof building so  
2768 that, to the maximum extent feasible, noise and odor are not detectable off-  
2769 premises.
- 2770 (ii) Facilities in the A district may have outdoor facilities, including runs and  
2771 exercise areas, but such facilities must not be located within 1,000 feet of any  
2772 residential district.

2773 **c. Veterinary Services (with outdoor facilities)**

- 2774 (i) Facilities in the A district may have outdoor facilities, including runs and  
2775 exercise areas, but such facilities must not be located within 1,000 feet of any  
2776 residential district.

2777 **(2) Amusement Parlor/Arcade**

2778 a. **Primary or Accessory Use**  
2779 This shall be a primary use when no other primary use exists on a premise, or an accessory  
2780 use when a primary use does exist on a premise. Standards for amusement parlors/arcades  
2781 as accessory uses are provided in the accessory use regulations section.

2782 b. **Standards for Primary Use**

2783 (i) There shall be permitted one video/amusement machine for each 15 square  
2784 feet of public floor space, including the space occupied by the machine.

2785 (ii) No noise or vibration that is detectable without the aid of any mechanical  
2786 device or instrument shall be allowed beyond the outer perimeter of the  
2787 building.

2788 (iii) No arcade shall be located within a 1,000 foot radius to any public or private  
2789 grade school (Grades K-12).

2790 (3) **Theater**

2791 Shall take access from an arterial or higher street classification.

2792 (4) **Alternative Financial Establishment**

2793 In addition to requiring a special use permit, an Alternative Financial Establishment shall  
2794 comply with the following regulations:

2795 a. A lot containing an alternative financial establishment shall be located at least 2,000  
2796 feet from any lot containing another alternative financial establishment, as measured  
2797 in a straight line between the nearest points of one lot to the other lot.

2798 b. A lot containing an alternative financial establishment shall be located at least 500  
2799 feet from any lot zoned or used for residential purposes, as measured in a straight  
2800 line between the nearest points of one lot to the other lot

2801 (5) **Automated Teller Machines (ATMs)**

2802 a. An ATM located away from a bank shall be provided a minimum of two off-street  
2803 parking spaces, except where the planning and development director determines that  
2804 no parking is necessary because the ATM is to be located in a primarily pedestrian-  
2805 oriented area.

2806 b. Trash disposal. Each outdoor ATM shall be provided with a receptacle sufficient in size  
2807 to accommodate trash and any smoking materials discarded by ATM users.

2808 (6) **Financial Institution**

2809 a. Banks and financial institutions may be permitted as an accessory to a retail sales  
2810 establishment in the NC, MU, CC, D or ENT Districts provided that the bank or financial  
2811 institution is not in a separate, free-standing building.

2812 b. Banks or financial institutions that are located within 100-feet of a residential zoning  
2813 district shall comply with the following requirements:

2814 (i) The use shall be compatible with the neighborhood and shall not be  
2815 detrimental to the same due to increased automobile traffic, noise generated  
2816 from within the site, or character of proposed building.

2817 (ii) The maximum gross floor area of the building shall be 4,000 square feet.

2818 **(7) Off-Premise Contacts (OPC)**

2819 a. Shall be located inside a building.

2820 b. No OPC establishment may be opened or relocated within 1,000 feet of an existing  
2821 OPC establishment as measured lineally between the front door of the two  
2822 establishments.

2823 **(8) Retail Sales Establishment**

2824 a. Shall not maintain exterior storage except as provided in this chapter.

2825 b. Retail sales establishments that sell large items (e.g., furniture, appliances, lumber,  
2826 etc.) are not permitted in the Downtown or Entertainment districts.

2827 **(9) Thrift Store**

2828 All new thrift stores shall observe all development standards of the underlying zoning district,  
2829 except that they shall also comply with the following additional standards:

2830 a. Enclosed Activities. All activities shall be completely enclosed within the building for  
2831 the use.

2832 b. Collection/Receiving Area. The collection area shall be located on the side or rear of  
2833 the building. Adequate directional signage shall be provided from the main entrance  
2834 to direct individuals to the collection area. The collection area shall be noticed to  
2835 prohibit depositing goods when the store is closed unless an enclosed structure such  
2836 as a charitable drop box is provided.

2837 **(10) Lodging**

2838 a. **Hotels**

2839 (i) Access to guest rooms shall be restricted exclusively to interior corridors,  
2840 which shall be accessed via the main lobby of the building or public entryways  
2841 individually equipped with some form of security controlled access system.

2842 (ii) The hotel shall install and maintain, in proper operating order, surveillance  
2843 cameras in the lobby/lounge area and at each exterior door. The cameras  
2844 shall be placed so as to provide visibility to the front and rear exteriors of the  
2845 building. Monitors shall be provided for security and other hotel personnel so  
2846 that on-site activities may be viewed at all times. Surveillance cameras shall  
2847 be in operation 24 hours a day and records of images recorded shall be kept  
2848 a minimum of 14 days.

2849 (iii) The hotel shall provide daily housekeeping service and on-site personnel 24  
2850 hours a day to provide check-in/check-out services, custodial and  
2851 maintenance response, or other guest services.

2852 **b. Timeshare, Interval Ownership, or Fractional Fee (“Timeshare”)**

2853 (i) All units to be converted to timesharing shall comply with the city’s adopted  
2854 fire, health, and building codes.

2855 (ii) All units to be converted to timesharing shall comply with the requirements  
2856 of the zone district in which they are located, and all other applicable  
2857 standards of the code.

2858 (iii) The marketing and sales practices for a timeshare development shall not  
2859 include solicitation of prospective purchasers of timeshare units on any  
2860 street, walking mall, courtyard, or other public property or facility.

2861 (iv) The parking requirement for a timeshare development shall be calculated by  
2862 applying the parking standard for the underlying zone district for lodge uses.  
2863 The parking requirement shall be calculated based on the maximum number  
2864 of proposed lock-out units in the development, unless an appropriate level of  
2865 guest transportation services, such as vans, carshare or shuttle vehicles are  
2866 offered as an alternative to having owners and guests using their own  
2867 vehicles in the city.

2868 (v) The owner of a timeshare shall be prohibited from storing a vehicle in a  
2869 parking space on-site when not using the timeshare.

2870 **(e) Vehicles and Equipment**

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2871 **(1) Car Wash, Full or Self-Service**

2872 a. Vacuums, carpet/steam cleaning machines and blowers shall not be located within a  
2873 required setback.

2874 b. Such use shall be set back no less than 100 feet from any residential zoning district.

2875 **(2) Vehicle Rental/Sales/Leasing**

2876 **a. Location**

2877 Such use shall be located on a street classified as a collector or arterial.

2878 **b. Outdoor Storage and Display Areas**

2879 Outdoor storage and display areas for the sale, rental or lease of vehicles, watercraft or  
2880 trailers shall comply with the following standards:

2881 (i) Outdoor storage areas shall be screened from residential and mixed-use  
2882 districts by an opaque wall or fence at least six feet in height, and shall be  
2883 constructed of one of the following materials: brick, stone, masonry units,  
2884 wood or solid vinyl. Wood fences shall provide masonry columns not more  
2885 than 30 feet on-center.

2886 (ii) Paved areas reserved for the storage of vehicles, watercraft or trailers for  
2887 sale, rent or lease are not required to be striped for individual spaces.

2888 (iii) Outdoor display areas for vehicles, watercraft or trailers shall conform to the  
2889 design standards of this chapter. No vehicle, watercraft or trailer for sale, rent  
2890 or lease shall occupy a required parking space.

2891 (iv) Not more than one vehicle, watercraft or trailer display pad within the front  
2892 yard setback shall be permitted per 150 linear feet of road frontage. The size  
2893 of the pad shall accommodate not more than one vehicle, watercraft or  
2894 trailer. Such pad may be elevated, but no more than three feet in height as  
2895 measured from grade to the highest point.

2896 **(3) Vehicle Repair**

2897 a. Outside storage or repair work is not allowed.

2898 b. Body work and spray painting must be confined to properly ventilated indoor bays  
2899 that shall be closed from the outdoors during use.

2900 c. Sales of new and used motor vehicle parts are allowed as an incidental use to the  
2901 repair shop however, no outside storage of product is allowed.

2902 d. Service bay doors shall be located only on a side or rear facade.

2903 e. All storage for impounded vehicles, and the storage of vehicles that are inoperable or  
2904 disabled vehicles for periods greater than one week, shall be located within a  
2905 permanent storage area that complies with this chapter.

2906 f. Parking for vehicles to be serviced, and that have been serviced, shall occur on the  
2907 site.

2908 g. There shall be no on-site dismantling of vehicles for salvage.

2909 h. Major vehicle service shall be set back no less than 150 feet from any residential  
2910 zoning district.

2911 **(4) Service Stations**

- 2912 a. The minimum public street frontage shall be 135 feet on each public street for all new  
2913 fueling stations.
- 2914 b. The minimum width for driveways shall be 35 feet. The width shall be expanded to 45  
2915 feet whenever the driveway accesses a street with a width of, or with a planned  
2916 ultimate width of, 84 feet or greater. Driveways shall be no closer than 150 feet from  
2917 the nearest intersecting point of street right-of-way lines, or as otherwise determined  
2918 by the city Engineer.
- 2919 c. Structures shall observe the height limits of the underlying zoning district, except that  
2920 canopies constructed over pump islands located outside the buildable area of the lot  
2921 shall not exceed a maximum height of 17 feet.
- 2922 d. A fuel pump canopy shall utilize the same architectural design and materials as the  
2923 principal building(s) on the lot.
- 2924 e. Light fixtures mounted under canopies shall be cut-off and shielded so that there is  
2925 no glare or light spillage at the property line. Lights and fixtures shall not extend below  
2926 the surface of the ceiling of the canopy.
- 2927 f. Lights shall not be mounted on the top or sides (fascias) of the canopy, and shall not  
2928 be externally illuminated except as part of an internally illuminated sign that meets  
2929 the standards of this Code.

2930 **(5) Accessory Automatic Car Wash**

2931 An automatic car wash shall be subject to the following:

- 2932 a. The structure shall be completely enclosed except for vehicle ingress and egress.
- 2933 b. The structure shall not exceed a height of 20 feet, or exceed an overall building  
2934 dimension of 25 feet in width and 50 feet in length.
- 2935 c. The structure shall be constructed of building materials consistent with that of the  
2936 principal building, including the roof.
- 2937 d. The hours of operation shall be limited to between 7:00 AM and 10:00 PM when  
2938 located adjacent to any residential zoning district.

2939 **(6) Electric Vehicle Charging Stations**

2940 **a. Classifications**

2941 An electric vehicle charging station is a public or private parking space(s) that is (are) served  
2942 by battery charging equipment with the purpose of transferring electric energy to a battery  
2943 or other energy storage device in an electric vehicle, and is classified based on the following  
2944 levels:

2945 (i) Level 1 is considered slow charging, and operates on a fifteen to twenty amp  
2946 breaker on a one hundred twenty volt AC circuit.

2947 (ii) Level 2 is considered medium charging, and operated on a forty to one  
2948 hundred amp breaker on a two hundred forty volt AC circuit.

2949 (iii) Level 3 is considered fast or rapid charging, and operated on a sixty amp or  
2950 higher breaker on a four hundred eighty volt or higher three phase circuit  
2951 with special grounding equipment. Level 3 stations can also be referred to as  
2952 rapid charging stations that are typically characterized by industrial grade  
2953 electrical outlets that allow for faster recharging of electric vehicles.

2954 **b. Where Permitted**

2955 (i) Level 1 and 2 electric vehicle charging stations are a permitted use in all  
2956 zoning districts.

2957 (ii) Level 3 electric vehicle charging stations are a permitted use in the CC, BUS,  
2958 and I zoning districts, but require a special use permit in NC, MU, D, and ENT  
2959 zoning districts.

2960 (iii) Battery exchange stations are permitted in the CC and I zoning districts.

2961 **c. Standards**

2962 (i) Electric vehicle charging stations utilizing parking stalls located in a parking  
2963 lot, parking garage or in on-street parking spaces shall comply with the  
2964 following standards. Due to the fact the technology associated with electric  
2965 vehicles, batteries and electric vehicle charging stations is relatively new and  
2966 is anticipated to change, and that there is a lack of municipal experience on  
2967 consumer and community preferences and attitudes with regard to electric  
2968 vehicles, the planning and development director may authorize variations  
2969 from these standards, so long as the intent and goal of the standards and this  
2970 section are addressed.

2971 (ii) Except when located in conjunction with single-family residences, electric  
2972 vehicle charging stations shall be reserved for parking and charging of electric  
2973 vehicles only.

2974 (iii) Signage. Each electric vehicle charging station shall be posted with signage  
2975 indicating the space is only for electric vehicle charging purposes. Way finding  
2976 signs conveniently located to guide motorists to the charging stations are  
2977 permitted with approval of the planning and development director.

2978 (iv) Accessible charging stations shall be located in proximity to the buildings or  
2979 facility entrances, and shall be connected to a barrier-free accessible route of  
2980 travel.

2981 (v) Equipment mounted on pedestals, lighting posts, bollards, or other devices  
2982 for on-street charging station shall be designed and located as to not impede  
2983 pedestrian travel or create trip hazards within the right-of-way.

2984 (vi) Charging station outlets and connectors shall be no less than thirty-six inches  
2985 or no higher than forty-eight inches from the top of the surface where  
2986 mounted, and shall contain a retraction device or a place to hang cords and  
2987 connectors above the ground surface.

2988 (vii) Equipment shall be protected by wheel stops or concrete-filled bollards.

2989 **d. Notification**

2990 The following information shall be posted at all electric vehicle charging stations:

2991 (i) Hour of operations if time limits or tow-away provisions are to be enforced  
2992 by the property owner;

2993 (ii) Usage fees, if applicable; and

2994 (iii) Contact information for reporting when the equipment is not operating or  
2995 other problems.

2996 **e. Minimum Parking Requirements**

2997 Electric vehicle charging stations located within parking lots or garages may be included in the  
2998 calculation of the minimum required parking spaces required.

2999 **(7) Truck Stop/Travel Plaza**

3000 a. Minimum parcel size shall be 10 acres subject to the following requirements:

3001 (i) The primary parcel of the truck stop shall be not more than 500 feet from the  
3002 right-of-way limits surrounding a freeway or expressway intersection, with at  
3003 least 200 feet of direct frontage along the arterial to the property boundary  
3004 of the primary parcel;

3005 (ii) No more than one truck stop shall have primary access from any freeway or  
3006 expressway intersection; and,

3007 (iii) The minimum distance between truck stops shall be 7,000 feet, measured  
3008 from property line to property line.

3009 b. Fuel

3010 (i) Any fuel dispenser, perimeter of underground storage tanks or pumps shall  
3011 be a minimum of 100 feet from any residential zoning district, and at least 40  
3012 feet from any property line or public right of way line.

3013 (ii) Fueling areas for automobiles and fueling areas for trucks must be separated.  
3014 Pump island canopies shall not exceed 22 feet in height.

3015 c. Site Design

3016 (i) A 15-foot wide landscaped buffer area shall be provided along all property  
3017 lines. There shall be no parking permitted within this landscaped buffer area.

3018 (ii) A masonry sound attenuation wall at least six feet tall shall be installed along  
3019 all property lines that abut or are adjacent to a residential zoning district or  
3020 use.

3021 (iii) Subsidiary business activities may include scales, truck wash, tire repair and  
3022 sales, barber shop, bar, restaurant, showers, convenience store, truckers  
3023 lounge, mini-theater, laundry and gasoline and propane dispensing.  
3024 Subsidiary business uses at truck stops shall comply with the following  
3025 standards:

3026 (a) All activities and operations shall be conducted entirely within an  
3027 enclosed structure, except the dispensing of petroleum products, water  
3028 and air from pump islands and the provision of emergency service of a  
3029 minor nature.

3030 (b) A truck wash shall be designed with a water collection and  
3031 recycling system;

3032 (c) Vehicle service areas shall be completely enclosed;

3033 (d) Service bays shall not open toward public rights-of-way; and

3034 (e) A minimum of four showers shall be provided at truck stops with  
3035 more than 100 truck parking spaces.

3036 d. Overnight parking is not allowed unless Electrified Parking Spaces (EPS), also known  
3037 as truck stop electrification, is installed for each overnight space to allow truck drivers  
3038 to provide power to necessary systems such as heating, air conditioning, or  
3039 appliances, without idling the engine.

3040 e. A plan must be submitted showing how the truck stop/travel plaza is designed to  
3041 prevent any spill from the facility, or from vehicles utilizing the facility, from  
3042 contaminating soil or migrating off-site. The facility shall fully comply with all federal  
3043 and state regulations regarding the reporting and containment of spills and releases  
3044 of petroleum and hazardous substances.

3045 **(f) Industrial Uses**

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3046 **(1) General**

3047 All industrial uses shall be subject to the following standards:

3048 a. All traffic hazards shall be minimized;

- 3049            b.        Lights shall be directed away from adjoining residential areas;
- 3050            c.        Off-street loading areas shall be available as needed; and,
- 3051            d.        No dust, smoke, fumes, gas, noxious odor, excessive noise or other atmospheric
- 3052                        effluent shall exceed in intensity at the boundary of the lot of conditions normally
- 3053                        found in a residential neighborhood.

3054            **(2)        Wrecker Service**

- 3055            a.        The use shall be located at least 250 feet from any residential district, school or child
- 3056                        care center.
- 3057            b.        Vehicles shall not be stored on-site for more than 90 days.
- 3058            c.        Vehicles shall be stored to the rear of the principal structure, and screened in
- 3059                        accordance with this chapter.
- 3060            d.        The storage area shall be located totally within an enclosed building, or shall be
- 3061                        enclosed by an architecturally designed solid fence of at least six feet in height.
- 3062            e.        There shall be no dismantling of vehicles on the premises to obtain parts for use or
- 3063                        sale.

3064            **(3)        Welding and Automobile Body Shop**

3065            Welding and automobile body shop uses shall comply with the following standards:

- 3066            a.        The use shall be located at least 250 feet from any residential district, school (except
- 3067                        vocational schools) or child care center.
- 3068            b.        Vehicles shall not be parked or stored as a source of parts, or for the purpose of sale
- 3069                        or lease/rent.
- 3070            c.        Repair and storage of all vehicles shall occur within an enclosed building. Temporary
- 3071                        outdoor vehicle storage may be allowed in an outdoor storage area that is no larger
- 3072                        than 25 percent of the buildable area of the lot, located behind, or to the side of the
- 3073                        principal structure, and screened in accordance with this chapter.
- 3074            d.        Vehicles that are repaired, and are awaiting removal, shall not be stored or parked
- 3075                        for more than 30 consecutive days. In cases where a vehicle is abandoned by its lawful
- 3076                        owner before or during the repair process, the vehicle may remain on site as long as
- 3077                        is necessary after the 30 day period, provided the owner or operator of the
- 3078                        establishment demonstrates steps have been taken to remove the vehicle from the
- 3079                        premises using the appropriate legal means.

3080            **(4)        Heavy Manufacturing**

3081 a. Heavy manufacturing uses shall be located at least 1,000 feet from any residential  
3082 district.

3083 b. A perimeter buffer of at least 25 feet in depth shall be provided along any boundary  
3084 with another property not zoned for heavy industry.

3085 **(5) Freight Terminal and Warehouse**

3086 a. The use shall be located at least 500 feet from any residential district, school or child  
3087 care center.

3088 b. The use shall not locate storage areas within a required setback or perimeter buffer.

3089 c. The use shall have direct access onto a major arterial or collector street.

3090 **(6) Self-Storage**

3091 **a. Site Layout**

3092 (i) The minimum lot area shall be three acres.

3093 (ii) If separate buildings are constructed, there shall be a minimum separation of  
3094 ten feet between buildings.

3095 **b. Operation**

3096 (i) The only commercial uses permitted on-site shall be the rental of storage  
3097 bays and the pickup and deposit of goods or property in dead storage.  
3098 Storage bays shall not be used to manufacture, fabricate or process goods, to  
3099 service or repair vehicles, small engines or electrical equipment, or conduct  
3100 similar repair activities, to conduct garage sales or retail sales of any kind, or  
3101 to conduct any other commercial or industrial activity on the site.

3102 (ii) Individual storage bays or private postal boxes within a self-service storage  
3103 facility use shall not be considered premises for the purpose of assigning a  
3104 legal address.

3105 (iii) No more than one security or caretaker quarters may be developed on the  
3106 site, and shall be integrated into the building's design. Except as otherwise  
3107 authorized in this subsection, all property stored on the site shall be enclosed  
3108 entirely within enclosed buildings.

3109 (iv) Hours of public access to a self-storage use abutting a residential zoning  
3110 district or existing residential use shall be restricted to the hours between  
3111 6:00 AM and 10:00 PM.

3112 **c. Parking and Circulation**

3113 (i) Interior parking shall be provided in the form of aiseways adjacent to the  
3114 storage bays. Aiseways shall be used both for circulation and temporary  
3115 customer parking while using storage bays. The minimum width of aiseways  
3116 shall be 21 feet if only one-way traffic is permitted, and 30 feet if two-way  
3117 traffic is permitted.

3118 (ii) The one- or two-way traffic flow patterns in aiseways shall be clearly marked.  
3119 Marking shall consist, at a minimum, of standard directional signage and  
3120 painted lane markings with arrows.

3121 (iii) Appropriate access and circulation by vehicles and emergency equipment  
3122 shall be ensured through the design of internal turning radii of aiseways.

3123 (iv) All access ways shall be paved with asphalt, concrete, or comparable paving  
3124 materials.

3125 **d. Building Appearance**

3126 (i) Garage doors serving individual storage units shall be perpendicular to a  
3127 public or private street so as to not be visible from adjacent streets.

3128 (ii) With the exception of a structure used as a security guard or caretaker  
3129 quarters, or the redevelopment of an existing structure, the maximum height  
3130 of a self-service storage facility shall be 20 feet.

3131 (iii) Windows may not exceed 20 percent of any street-facing façade, and shall  
3132 not be reflective.

3133 **e. Open Storage**

3134 Open storage of recreational vehicles, travel trailers and dry storage of pleasure boats of the  
3135 type customarily maintained by persons for their personal use shall be permitted within a self-  
3136 service storage facility use, provided that the following standards are met:

3137 (i) The storage shall occur only within a designated area, which shall be clearly  
3138 delineated;

3139 (ii) The size of the storage area shall not exceed 25 percent of the buildable area  
3140 of the site;

3141 (iii) Outdoor storage areas shall be located to the rear of the principal structure;

3142 (iv) Storage shall not occur within the areas set aside for minimum building  
3143 setbacks; and

3144 (v) No dry stacking of boats shall be permitted on-site.

3145 **(g) Agricultural Uses**

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3146 **(1) Agritainment**

3147 a. Shall be operated and maintained by the owner, operator, or occupant of the farm  
3148 on which it is located. Multiple properties in common ownership are acceptable for  
3149 agritainment as long as they are considered a single farm entity.

3150 b. Shall only be permitted in conjunction with agriculture support and services directly  
3151 associated with on-going agricultural activity on-site.

3152 **(2) Animal Raising**

3153 a. The minimum tract or parcel size shall be five acres.

3154 **(3) Crop Raising**

3155 a. Shall not occur within the front yard area.

3156 **(4) Commercial Livestock**

3157 a. The minimum tract or parcel size shall be twenty acres.

3158 **Sec. 94-47 Special Use Standards**

3159 **(a) Residential Uses**

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3160 **(1) Home Occupation Requiring a Special Use Permit**

3161 a. A special use permit for a home occupation that is not permitted through the use  
3162 registration process identified in the use and structure standards section may be  
3163 approved only the applicant can show that the activity will be incidental and  
3164 subordinate to the residential purpose of the property, will comply with the spirit and  
3165 intent of these regulations, will not create adverse impacts on adjacent properties,  
3166 and will be compatible with the residential character of the area.

3167 b. The approval of a special use permit may authorize minor modifications, alternative  
3168 limitations, or special conditions that are applicable to the home occupation  
3169 standards of operation identified in the use and structure standards section where it  
3170 is determined that the home occupation can be accommodated in accordance with  
3171 the spirit and intent of this section.

3172 c. The following types of uses will not be approved as home occupations unless unusual  
3173 or special circumstances exist as determined through the special use permit review  
3174 process:

3175 (i) Uses involving regular client visits, such as photographic studios, small  
3176 appliance repair shops, barber/beauty shops, medical offices, etc.;

- 3177 (ii) Uses involving large goods or materials, such as upholstery or furniture  
3178 repair, arts/crafts other than small items, etc.;
- 3179 (iii) Uses involving nuisances (noise, dust, etc.) or which cannot be conducted  
3180 within a totally enclosed structure, such as automobile, lawn mower, or other  
3181 engine repair, welding or machine shops, etc.;
- 3182 (iv) Uses where other employees visit the site, such as operating/dispatch offices  
3183 for contractors, offices for businesses having employees who are not  
3184 occupants, etc.;
- 3185 (v) Uses involving handling or storage of quantities of goods or materials, such  
3186 as retail/wholesale operations or manufacturing/assembly;
- 3187 (vi) Uses involving the training, grooming, breeding, or boarding of animals.

3188 **(2) Manufactured Homes**

- 3189 a. New manufactured homes may be placed on any individual lot within a residential  
3190 zoning district with the following restrictions and regulations:
- 3191 (i) Manufactured homes shall not be placed or occupied on an individual lot  
3192 without a building permit issued under these regulations.
- 3193 (ii) Each manufactured home placed on an individual lot shall:
  - 3194 (i) Be occupied only as a single-family dwelling or business unit.
  - 3195 (ii) Be placed in conformance with all zoning and setback requirements  
3196 established for the district in which located.
  - 3197 (iii) Accessory structures shall be placed in conformance with the setback  
3198 and dimensional requirements established for the district in which  
3199 located. The exterior covering and roofing material of the accessory  
3200 structure must be the same as that of the dwelling unit.
  - 3201 (iv) Have a minimum width of not less than 24 foundation feet as  
3202 measured at all points perpendicular to the length of the  
3203 manufactured home which shall be not less than 42 foundation feet.  
3204 This standard is intended to restrict units to the type which are  
3205 brought to the site in parts, typically two halves and at least 1,008  
3206 square feet minimum.
  - 3207 (v) Roof must be a gable, hip or shed roof of at least three in twelve or  
3208 greater, and covered with material that is residential in appearance  
3209 including, but not limited to, approved wood, asphalt composition or  
3210 fiberglass shingles, but excluding corrugated aluminum, corrugated  
3211 fiberglass or metal roofs; except for permitted deck areas, all roof  
3212 structures shall provide an eave projection of no less than six inches  
3213 and no greater than 30 inches.

- 3214 (vi) Have the main entry door facing the street on which the  
 3215 manufactured home is located. A sidewalk shall be installed from the  
 3216 street, driveway or sidewalk adjoining neighboring lots to the front  
 3217 door. The unit must be oriented on the lot so that its long axis is  
 3218 parallel with the street. A perpendicular or diagonal placement may  
 3219 be permitted if there is a building addition or substantial landscaping  
 3220 so the narrow dimension of the unit, as so modified and facing the  
 3221 street, is no less than 50% of the unit's long dimension.
- 3222 (vii) Have exterior surface and window treatments that are architecturally  
 3223 compatible with those of neighboring properties, excluding smooth,  
 3224 ribbed or corrugated metal or plastic panels.
- 3225 (viii) Meet applicable off-street parking requirements.
- 3226 (ix) Be placed on a parcel according to approved, pre-submitted building  
 3227 permit, and have a manufacturer's installation manual and an  
 3228 illustration of the finished appearance of the unit.
- 3229 (x) Units shall be attached to a continuous permanent foundation, which  
 3230 manner of placement shall be as stated on the building permit, and  
 3231 meet all manufacturer's specifications for support.
- 3232 (xi) The exterior foundation material shall consist of continuous concrete  
 3233 or masonry suitable for the outer portion of a finished residence.
- 3234 (xii) Have the tongue and running gear, including axles, removed.
- 3235 (xiii) Maintain a minimum of 18 inches of crawl space under the entire  
 3236 manufactured home.
- 3237 (xiv) Have permanent steps set at all exits.
- 3238 (xv) Be served by a water supply and sewage disposal system meeting the  
 3239 established city requirements.
- 3240 (xvi) Underground public utilities shall be required.
- 3241 b. Pre-owned Manufactured Homes. Pre-owned manufactured homes may not be  
 3242 moved onto an individual lot within the city.

3243 **(3) Mobile Home Community**

- 3244 a. Purpose and Intent
- 3245 The intent of the mobile home community standards is to provide for the orderly and  
 3246 unified planning and development of mobile home communities, to ensure the  
 3247 provision of facilities and amenities appropriate to the needs of residents of mobile  
 3248 home communities, and to ensure a harmonious relationship between mobile home  
 3249 communities and adjoining land uses.
- 3250 b. Special Use Permit

3251 Mobile home communities may be permitted in the HDR district through the approval  
3252 of a special use permit.

3253 c. Permitted Uses

3254 No building, structure or land shall be used, and no building or structure shall be  
3255 hereafter erected or structurally altered, unless otherwise provided for in this section,  
3256 except for one or more of the following uses:

- 3257 (i) Single-family mobile and manufactured homes.
- 3258 (ii) Recreation areas and facilities.
- 3259 (iii) Accessory buildings typically found with above permitted uses.
- 3260 (iv) Public utility facilities, excluding repair, storage and business facilities.

3261 d. Prohibited Uses

3262 The following uses are expressly prohibited in any mobile home community:

- 3263 (i) Timeshare operation
- 3264 (ii) Nightly or weekly rentals of any nature
- 3265 (iii) Commercial uses

3266 e. Design Standards

3267 The following standards shall be incorporated in the design of the mobile home  
3268 community:

- 3269 (i) The gross density shall not exceed seven units per acre, unless part of an  
3270 approved plan which includes other land uses.
- 3271 (ii) The minimum parcel size shall be 3,200 square feet.
- 3272 (iii) The minimum parcel width shall be 40 feet.
- 3273 (iv) The minimum separation between mobile homes shall be ten feet.
- 3274 (v) There shall be no private streets. All streets in the mobile home community  
3275 shall be public streets dedicated to the city.
- 3276 (vi) The minimum setback from a mobile home unit to a boundary that is not a  
3277 street shall be 20 feet. The minimum setback from a mobile home unit to a  
3278 boundary that is adjacent to a public street shall be 25 feet.
- 3279 (vii) A minimum of two off-street parking spaces per mobile home site, plus one  
3280 guest space for each five sites, all in conformance with the parking

3281 requirements of this chapter, shall be provided in the mobile home  
3282 community. Uses other than mobile home sites shall be subject to the parking  
3283 regulations included in this chapter.

3284 (viii) A minimum street width of 28 feet paved from back of curb to back of curb  
3285 shall be required on all streets within the mobile home community. All street  
3286 construction shall be in strict conformance with the city standards and  
3287 specifications for residential streets, with the exception that the minimum  
3288 right-of-way width may be reduced from 50 feet to 40 feet when a five-foot  
3289 utility easement is provided along each side of the right-of-way.

3290 (ix) A minimum of two accesses to a dedicated street shall be provided per mobile  
3291 home community.

3292 (x) A minimum of 0.3 footcandle lighting shall be provided on all driveways and  
3293 walks.

3294 (xi) Sidewalks shall be provided adjacent to all streets, on both sides of the street,  
3295 shall be a minimum width of four feet, and shall be constructed in  
3296 conformance with city standards and specifications for sidewalk  
3297 construction.

3298 (xii) A minimum of 15 percent of the gross area of the mobile home community  
3299 shall be provided as park area.

3300 (xiii) A minimum of 30 percent of the gross area of each mobile home parcel shall  
3301 be provided as usable livability open space.

3302 (xiv) A clubhouse and/or other common recreation facilities shall be provided in  
3303 accordance with plans submitted for review and recommendation by the  
3304 Planning Commission and review and approval by the Board.

3305 (xv) All mobile homes shall have tie-downs in accordance with applicable  
3306 provisions of this Code and the state.

3307 (xvi) Plans and specifications shall be submitted and permits issued in accordance  
3308 with all city building or HUD regulations depending upon the date of  
3309 construction of the unit(s).

3310 (xvii) A landscaping plan shall be submitted for review and approval by the planning  
3311 and development director with a formal report attached to the submittal for  
3312 mobile home community.

3313 (xviii) No building or structure hereafter erected or structurally altered in a mobile  
3314 home community shall exceed 35 feet in height, or two stories above the  
3315 foundation or basement ceiling level.

3316 (xix) When adjacent to, or across the street from a residential use other than a  
3317 mobile home park, or when required by the Board due to location, a

- 3318 decorative fence, wall, landscaping or earth mounds of six feet in height shall  
3319 be provided around the perimeter of the site to screen the mobile home  
3320 community from view.
- 3321 (xx) Storage units shall be designed as an integral part of the site and shall be  
3322 screened. Setback requirements specified in this chapter shall apply to  
3323 storage units.
- 3324 (xxi) All electrical, gas and telephone utilities shall be placed underground in  
3325 accordance with city standards. Provisions shall be made to provide sewer  
3326 and water service to each mobile home in a manner which shall conform to  
3327 all governing regulations, including the city technical specifications. Adequate  
3328 fire protection shall be provided by installing fire hydrants which conform to  
3329 all governing regulations, including the city technical specifications.
- 3330 (xxii) Trash and recycle collection receptacles shall be provided and properly  
3331 screened from view.
- 3332 (xxiii) Provisions shall be made for off-street camper and boat storage either  
3333 adjacent to the mobile homes or in a central location or locations. One  
3334 hundred square feet shall be provided for each mobile home site. Covenants  
3335 or other binding restrictions prohibiting said storage may be provided in lieu  
3336 of said storage space.
- 3337 (xxiv) Provisions to maintain and manage all common facilities shall be submitted  
3338 for approval by the Planning Commission and Board.
- 3339 (xxv) Adequate stormwater control is required per city technical specifications.
- 3340 f. Additional Requirements
- 3341 (i) The overnight housing and occupancy of travel trailers, motor homes, truck  
3342 campers, recreation vehicles, tents and houseboats within a mobile home  
3343 community is prohibited.
- 3344 (ii) Bonding, or some guarantee in a form acceptable to the city attorney may be  
3345 required to guarantee performance for the construction of the site  
3346 improvements.
- 3347 (iii) If, in the process of reviewing the application for the mobile home  
3348 community, the Planning Commission or the Board deem it necessary to  
3349 apply other conditions of approval more restrictive than those outlined  
3350 herein, such conditions may be required to make the use more compatible  
3351 with either the existing or proposed environment.
- 3352 (iv) Unless specifically approved elsewhere in this Code, the parking of a mobile  
3353 home on a parcel not located within a mobile home community is prohibited.

3354 (v) Application procedures shall conform to the procedures defined in the  
3355 subdivision regulations of the city.

3356 (vi) Any communal swimming pool, clubhouse, bathhouse, or other public place  
3357 within the mobile home community district boundaries shall meet the city  
3358 and state health codes, rules and regulations.

3359 **(b) Commercial Uses**

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3360 **(1) Food Truck Court**

3361 a. Administrative site plan approval is required for the establishment of a food truck  
3362 court. In addition to the standard site plan requirements, the application shall also  
3363 identify: the location and orientation of each food truck; the location of any seating  
3364 areas, restrooms, parking, landscaping, trash enclosures, and utilities; the circulation  
3365 of all pedestrian and vehicular traffic on the site; and the location and type of water  
3366 supply and electrical outlets provided to each food truck site.

3367 b. Shall contain a minimum of four and a maximum of eight food trucks.

3368 c. All components shall comply with the underlying zoning district setbacks.

3369 d. Food trucks shall be parked so as to require patrons to walk up to the vending  
3370 window. Vendors shall not position the food truck to act as a drive-thru business nor  
3371 solicit business from pedestrians or persons in vehicles or sell to persons in vehicles.

3372 e. **The sale of alcoholic beverages is prohibited.**

3373 f. Seating shall be provided at a rate of six seats per food truck.

3374 g. Permanent restroom facilities shall be provided and shall be required based on the  
3375 requirements of this Code.

3376 h. A minimum of two tie-down anchors with concrete footings shall be provided for each  
3377 food truck.

3378 i. Trucks requiring kitchen exhaust hoods shall be equipped with automatic fire  
3379 suppression.

3380 j. A 1000-gallon grease interceptor shall be provided for each four food trucks in  
3381 compliance with City's Fats, Oils and Grease Management Program.

3382 k. Proper waste, water and power connections based on the requirements of this Code  
3383 for each food truck shall be provided in precast concrete vaults, with traffic worthy  
3384 lids.

3385 l. Shall provide one trash receptacle and one recycling receptacle for each food truck in  
3386 a convenient location which does not impede pedestrian or vehicular traffic.  
3387 Additionally, a trash enclosure shall be provided as required per this Code.

3388 m. Signage located on or inside a food truck shall be allowed. All signs must be secured  
3389 and mounted against the food truck, and may not project more than six inches from  
3390 the exterior of the food truck. One temporary A-frame sign, as regulated in this Code,  
3391 shall be permitted per food truck, to be displayed within ten feet of the truck.

3392 **(2) Adult Entertainment**

3393 a. The following uses of property are considered adult entertainment activities, and may  
3394 be located only in districts zoned D as a special use: adult bookstore, adult  
3395 entertainment facility, bathhouse, massage establishment, modeling studio.

3396 b. No adult bookstore, adult entertainment facility, bathhouse, massage establishment  
3397 or modeling studio shall be permitted within 600 feet of any religious institution,  
3398 school, or public park, or any property zoned for residential use. Such distance shall  
3399 be measured in a straight line without regard to intervening properties from the  
3400 closest exterior structural wall of the adult entertainment establishment to the  
3401 closest property line of the religious institution, school, or public park, or the property  
3402 zoned for residential use.

3403 c. No adult entertainment establishment shall be allowed to locate or expand within  
3404 600 feet of any other adult entertainment use or of any business licensed to sell or  
3405 serve alcoholic beverages whether or not such business is also an adult entertainment  
3406 establishment as defined in this article. The distance between any two adult  
3407 entertainment establishments or between an adult entertainment establishment and  
3408 a business selling or serving alcoholic beverages shall be measured in a straight line  
3409 without regard to intervening structures from the closest exterior structural wall of  
3410 each business.

3411 d. All access to and from the adult entertainment establishment shall be provided from  
3412 a street classified as a thoroughfare.

3413 e. The property on which such use is located shall have a minimum of 100 feet of street  
3414 frontage.

3415 f. The property on which the use is located shall be screened by solid masonry wall, at  
3416 least six feet in height along all interior property lines.

3417 g. The facility on which the use is located, and the parking for such facility, shall have a  
3418 front yard setback of 20 feet, a side yard setback of ten feet, and a rear yard setback  
3419 of ten feet.

3420 h. The facility in which the use is located shall be designed in such a fashion that all  
3421 openings, entries and windows prevent view into such facilities from any pedestrian  
3422 sidewalk, walkway, street or other public area. No adult entertainment activity shall  
3423 take place partially or totally outside the adult entertainment establishment.

3424 i. The facility in which such a use is located shall be limited to one wall-mounted sign  
3425 no greater than one square foot of sign per linear foot of wall length, not to exceed a  
3426 total of 50 square feet; said signs shall not flash, blink or move by mechanical means

3427 and shall not extend above the roofline of the building. Further, no merchandise or  
3428 pictures of products or entertainment on the premises shall be displayed in window  
3429 areas or any area where such merchandise or pictures can be viewed from the  
3430 sidewalk in front of the building. No flashing lights and/or lighting which leaves the  
3431 impression of motion or movement shall be permitted.

3432 j. Lighting in the parking area must provide a minimum light level of 0.25 footcandle  
3433 over the entire parking area, but in no point shall the light level exceed 3.0  
3434 footcandles, nor shall any increase in light levels or visible glare be permitted at the  
3435 parcel line.

3436 k. The hours of operation will not exceed 8:00 AM to 12:00 midnight on Sunday through  
3437 Thursday; and 8:00 AM to 1:00 AM on Friday and Saturday.

3438 **(c) Industrial Uses**

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3439 **(1) Outdoor Storage**

3440 Any such goods kept outside which are not within the definition or limitations for  
3441 incidental outdoor display, or outdoor display lots, shall be regarded as outdoor storage.  
3442 Outdoor storage shall include the parking/storage of vehicles to be serviced at a collision  
3443 service or towing/wrecker service use and all parking/storage of vehicular equipment,  
3444 such as farm or construction machinery or equipment and commercial delivery vehicles.  
3445 The placement of storage vaults or shipping containers shall be regarded as outside  
3446 storage, except as may be otherwise permitted herein.

3447 a. Primary Outdoor Storage Yard

3448 Primary outdoor storage yards shall be permitted with a special use permit in the CC,  
3449 B, and I districts. A primary outdoor storage yard shall mean storage that: (1)  
3450 constitutes a principal use on the premises or is conducted without a permanent  
3451 building on the premises, (2) utilizes more than 33 percent of the premises, or (3)  
3452 otherwise exceeds the limitation of an accessory storage area. Modification of the  
3453 conditions set out below may be specified as part of the approval of a special use  
3454 permit, if noted on the application and required notification, when it is determined  
3455 that the storage can be accommodated in a modified manner without adverse  
3456 impacts on adjacent properties and that such storage will still meet the general intent  
3457 of the limitations.

3458 b. Commercial/Utility Vehicles

3459 Regular parking for commercial and utility vehicles shall be located in service areas  
3460 that are designed as follows and screened as necessary to meet these standards:

- 3461 (i) All service areas shall be placed at the rear, on the side of, or inside buildings.
- 3462 (ii) No service area shall be visible from a public right-of-way or from adjacent  
3463 residential areas.

3464 (iii) Service areas and access drives shall be located so they do not interfere with  
3465 the normal activities of building occupants or visitors on driveways,  
3466 walkways, in parking areas or at entries.

3467 c. Required Conditions

3468 All outdoor storage, including outdoor storage as an accessory use, shall comply with  
3469 the following conditions.

3470 (i) Type of Materials: storage shall be limited to goods and materials customarily  
3471 stored outside and resistant to damage and deterioration from exposure to  
3472 the elements.

3473 (ii) Location: Outdoor storage shall not be located in any required front or  
3474 exterior side yard; shall not obstruct or eliminate any required parking or  
3475 loading space, access drive or fire lane; or occupy any street right-of-way.

3476 (iii) Height: Storage of stacked materials shall not exceed the height of the  
3477 screening fence or eight feet, whichever is less. Individual items of greater  
3478 height may be stored, but may not exceed one-half the height of the principal  
3479 building.

3480 (iv) Screening: All outdoor storage shall be screened by a permanently  
3481 maintained solid fence at least six feet in height along any side facing a front  
3482 or exterior side property line, any side facing a rear or interior side property  
3483 line which is adjacent to a district which does not allow outdoor storage as a  
3484 permitted use, or any other side generally open to public view. Fencing for  
3485 this purpose shall be designed of wood or masonry, provided that chain link  
3486 with slat inserts may be used if all openings are blocked by slats having a  
3487 width which is no less than 1/4-inch smaller than the width of the opening.

3488 (v) Surfacing: Storage areas shall be surfaced as follows:

3489 (i) Storage of goods and materials shall be conducted only on a paved  
3490 surface or an approved all-weather surface of crushed rock which is  
3491 maintained in a dust-free condition.

3492 (ii) The storage of vehicles, trailers, and equipment which is normally  
3493 intended to be mobile, whether self-propelled or towed, shall be  
3494 conducted only on an approved asphalt or concrete surface which is  
3495 provided in accordance with the requirements for parking areas.

3496

3497 **Sec. 94-48 Accessory Use Standards**

3498 **(a) Purpose**

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3499 This section authorizes the establishment of accessory uses that are incidental and customarily  
3500 subordinate to principal uses, provided that the accessory use complies with all applicable standards in  
3501 this section.

3502 **(b) Approval of Accessory Uses and Structures**

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3503 All principal uses allowed in a zoning district shall be deemed to include those accessory uses, structures  
3504 and activities typically associated with the use, unless specifically prohibited in this Code. No accessory  
3505 use may be established prior to establishment of the principal use with which such accessory use is  
3506 associated. All accessory uses shall be subject to the standards in this section, as well as any use-specific  
3507 standards applicable to the associated principal use as set forth in this chapter.

3508 **(c) Interpretation of Unidentified Accessory Uses and Structures**

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3509 The planning and development director shall evaluate applications for accessory uses that are not  
3510 identified in this section on a case-by-case basis, based on the following standards:

- 3511 (1) The definition of "accessory use" in this chapter, and the general accessory use standards  
3512 and limitations established in this section;
- 3513 (2) The purpose and intent of the district in which the accessory use is located;
- 3514 (3) Potential adverse impacts the accessory use or structure may have on other lots,  
3515 compared with other accessory uses permitted in the district; and
- 3516 (4) The compatibility of the accessory use with other principal and accessory uses permitted  
3517 in the district.

3518 **(d) General Standards**

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3519 All accessory uses and structures shall comply with the following general standards:

3520 **(1) Compliance with this Code**

- 3521 a. All accessory uses and structures shall be subject to the dimensional requirements of  
3522 the zone district in which they are located. In the case of any conflict between the  
3523 accessory use/structure standards of this section and any other requirement of this  
3524 Code, the more restrictive standards shall control.
- 3525 b. Accessory uses shall comply with all standards of this Code applicable to the principal  
3526 use with which they are associated. Parking requirements shall be met for both the  
3527 principal use and any accessory use.

3528 **(2) Location**

3529 The accessory use or structure shall be conducted or located on the same lot(s) as the principal  
3530 use, and to the rear of the primary structure, unless otherwise approved by the planning and  
3531 development director. No accessory structure shall be located within ten feet of the site's  
3532 principal structure unless otherwise specified in this section. When located to the rear of the  
3533 primary structure, accessory buildings need not comply with the side or rear setback lines  
3534 applicable to the primary structure, provided that the accessory building is not located closer than  
3535 ten feet from any alley and not closer than five feet from any property line.

3536 **(3) Size and Quantity**

3537 The maximum total size of accessory buildings shall be 800 square feet unless approved by special  
3538 use permit. No accessory building shall exceed the height of the site's principal structure unless  
3539 otherwise specified in this chapter.

3540 **(4) Same Utility Meter Required**

3541 The principal use and the accessory use shall utilize the same utility meter, with the exception of  
3542 approved on-site employee housing.

3543 **(5) Non-Residential Uses in Residential Districts**

3544 Accessory buildings in residential districts shall not be used to conduct a retail business,  
3545 commercial business or repair business.

3546 **(e) Standards Applicable to Specific Accessory Uses**

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3547 Note: the standards in this section are listed alphabetically by use; they do not follow the  
3548 organization of the use table.

3549 **(1) Amusement Parlor/Arcade**

- 3550 a. There shall be no outdoor advertising or signing of the accessory use.
- 3551 b. The floor area devoted to the accessory use shall not impinge or obstruct normal  
3552 pedestrian traffic within the building, and shall not exceed 20 percent of the public  
3553 floor area of the primary business.
- 3554 c. No noise or vibration that is detectable without the aid of any mechanical device or  
3555 instrument will be allowed beyond the outer perimeter of the location.
- 3556 d. No additional parking shall be required.

3557 **(2) Community Garden**

3558 Hoop houses, cold frames or other accessory structures used solely for growing plants are  
3559 permitted, and are exempt from the maximum floor area of all accessory structures, provided  
3560 that the total size of such temporary structures does not exceed one thousand (1,000) square  
3561 feet or 15 percent of the lot area, or whichever is greater, and that it is a temporary structure.  
3562 A temporary use permit is not needed for accessory community garden structures.

3563           **(3)     Eating and Drinking**

3564           **a.       Outdoor Seating, on-site**

3565           Eating and drinking establishments allowed under this Code may provide outdoor  
3566           seating areas, including rooftop seating, for customers following design review and  
3567           issuance of a liquor license where applicable. The approval of outdoor seating shall  
3568           be reviewed against the following criteria:

3569           (i)       Outdoor customer seating areas are subject to all applicable building setback  
3570           requirements, and must abut the building wall or roof area of the principal  
3571           building;

3572           (ii)      Outdoor seating areas may not occupy required parking spaces or parking  
3573           area access aisles;

3574           (iii)     An outdoor seating area exceeding 10% of the indoor building floor area is  
3575           counted as floor area for purposes of determining off-street parking and  
3576           loading requirements; and

3577           (iv)     When outdoor seating is located on a lot abutting a residential district, noise  
3578           emanating from any outdoor seating areas may not exceed 65 db(A), as  
3579           measured long the common lot line at the top of the required screening wall  
3580           or fence

3581           (v)       In approving outdoor seating, the planning and development director or  
3582           Planning Commission may impose reasonable conditions relating to location,  
3583           configuration, lighting and other operational features of the use to ensure  
3584           compatibility with surrounding uses, maintenance, sound and compliance  
3585           with other applicable city codes.

3586           **b.       Sidewalk Cafe**

3587           May be permitted under the following conditions:

3588           (i)       The area of occupancy must be abutting and contiguous to the restaurant in  
3589           which food preparation, sanitation and related services for the sidewalk cafe  
3590           will be performed.

3591           (ii)      A sidewalk cafe may not be enclosed by fixed walls, unless such walls are  
3592           necessary to comply with requirements to serve alcohol, and shall be open to  
3593           the air, except that it may have a canopy.

3594           (iii)     There shall be unimpeded sidewalk remaining for pedestrian flow from the  
3595           face of the curb and the area of temporary occupancy.

3596           (iv)     The sidewalk cafe shall be located a minimum of five feet from driveway and  
3597           alleys, and ten feet from intersections.

3598 (v) All curbs, alleys, sidewalks and public rights-of-way adjacent to such  
3599 occupation shall be kept in a clean and orderly condition.

3600 **(4) Off-Premise Contacts (OPC)**

3601 a. Shall be located inside a building of the principal use, and no larger than 100 square  
3602 feet of floor area.

3603 b. No OPC establishment may be opened or relocated within 1,000 feet of an existing  
3604 OPC establishment as measured lineally between the front door of the two  
3605 establishments.

3606 **(5) On-site employee housing**

3607 An on-site employee housing unit for a commercial or industrial business is an accessory use  
3608 located on the same property as the commercial or industrial business, which is used to house  
3609 persons employed by the owner of that business. On-site employee housing units for  
3610 commercial and industrial businesses are permitted in the CC, ENT and B districts. These on-  
3611 site employee housing units can either be incorporated into a commercial or industrial  
3612 building, or located in a separate, freestanding structure on the same property as the primary  
3613 structure.

3614 **(6) Outdoor Storage**

3615 Accessory outdoor storage may be permitted with a special use permit in the CC, B and I  
3616 districts. Accessory outdoor storage shall mean storage that is accessory to a lawful business  
3617 in a permanent building on the premises that is conducted in accordance with the limitations  
3618 and conditions set out in the special use standards for outdoor storage, and which covers a  
3619 maximum of 33 percent of a premises. All other outdoor storage shall be classified as a  
3620 primary outdoor storage yard.

3621 **(7) Sidewalk Display**

3622 The accessory outdoor display of goods shall be subject to administrative site plan review,  
3623 and shall meet all of the following requirements:

- 3624 a. Shall be located within the property limits of the business from which it is being sold;
- 3625 b. Shall not extend beyond the front of that business's building frontage;
- 3626 c. Shall not extend more than ten feet outward from the front of the business's building;
- 3627 d. Shall not be placed within, or interfere with any parking area or space(s);
- 3628 e. Shall not block any sight triangle or the view of on-coming traffic;
- 3629 f. Shall not block any pedestrian way and a minimum clearance width of three feet shall  
3630 be provided;

3631 g. Shall not be hung resulting in a clearance less than eight feet above a pedestrian way;  
 3632 and

3633 h. Any display with moving parts shall not come into contact with pedestrians if there is  
 3634 any potential to cause harm, including movement driven by the movement of air or  
 3635 by mechanical or electrical means.

3636

**Sec. 94-49 Temporary Use Standards**

**(a) Purpose**

3639 This section allows for the establishment of certain temporary uses and structures of limited duration,  
 3640 provided that such uses comply with the standards in this subsection, and are discontinued upon the  
 3641 expiration of a set time period. Temporary uses shall not involve the construction or alteration of any  
 3642 permanent building or structure.

**(b) Use Table for Temporary Uses and Special Events**

3644 Temporary uses may be approved in the following districts:

**Table 94-49.1: Temporary Uses**  
*T = Temporary Use Permit*

Use Type	LDR, CON, A	MDR	HDR	NC	MU	CC	Downtown	ENT	Business	Industrial	Occurrence per Parcel per Year	Days per Occurrence	Use Stand.
Charitable Drop Box				T	T	T	T				One year permit, renewable		94-49(d)(1)
Construction Field Office/Storage Yard	T	T	T	T	T	T	T	T	T	T	Up to 3 year permit		94-49(d)(2)
Farmer’s Market				T	T	T	T	T			52	1 consecutive	94-49(d)(3)
Food Truck				T	T	T	T	T	T	T	52	1 consecutive	94-49(d)(4)
Garage/Yard/Estate Sale	T	T	T	T	T						3, not more than once every 60 days	4 consecutive	94-49(d)(5)
Outdoor Sales/Promotional Event					T	T	T	T			7	5 consecutive	94-49(d)(6)
Portable Storage Unit	T	T	T		T	T	T	T	T	T	2 per address	Up to 30, unless a	94-49(d)(7)

**Table 94-49.1: Temporary Uses**

*T = Temporary Use Permit*

Use Type	LDR, CON, A	MDR	HDR	NC	MU	CC	Downtown	ENT	Business	Industrial	Occurrence per Parcel per Year	Days per Occurrence	Use Stand.
												valid building permit exists	
Public Event on Private Property	T	T	T	T	T	T	T	T	T	T	5	3 consecutive	94-49(d)(8)
Recycling Drop-Off Center				T	T	T	T		T	T	One year permit, renewable		94-49(d)(9)
Searchlight							T	T			10	1 consecutive	94-49(d)(10)
Seasonal Sale					T	T	T	T			2	Up to 30	94-49(d)(11)
Temporary Office Facility					T	T	T	T	T	T	Up to 3 year permit		94-84(d)(12)
Temporary Vehicle Wash			T	T	T	T			T		4	1 consecutive	94-84(d)(13)

**3645 (c) General Standards for all Temporary Uses and Structures**

3646 All temporary uses shall be subject to the issuance of a temporary use permit, and shall meet the following  
 3647 general requirements, unless otherwise specified in this Code:

**3648 (1) Impact on Subject Property and Surrounding Properties and Uses**

3649 a. The temporary use shall not be detrimental to property or improvements in the  
 3650 surrounding area, or to the public health, safety or general welfare.

3651 b. Permanent alterations to the site are prohibited.

3652 c. If the property is undeveloped, it shall contain sufficient land area to allow the  
 3653 temporary use to occur, as well as any parking and traffic circulation as required that  
 3654 may be associated with the temporary use, without disturbing sensitive or protected  
 3655 resources including required buffers, 100-year floodplains, river protection setbacks,  
 3656 and required landscaping. At the conclusion of the temporary use, or at expiration of  
 3657 the permit, whichever occurs first, all disturbed areas of the site shall be restored or  
 3658 improved to the condition that existed prior to the use.

3659 d. If the property is developed, the temporary use shall be located in an area that is not  
 3660 actively used by an existing approved principal use, and that would support the  
 3661 proposed temporary use without encroaching or creating a negative impact on

- 3662 existing buffers, open space, landscaping, traffic movements, pedestrian circulation,  
3663 or parking space availability.
- 3664 e. Off-street parking shall be adequate to accommodate the proposed temporary use.
- 3665 f. Trash containers shall be provided on site for debris, and all waste from the permitted  
3666 use shall be properly disposed of.
- 3667 g. The size, nature or location of the temporary use is not reasonably likely to cause a  
3668 clear and present danger of injury to persons and property.

3669 **(2) Compliance with Applicable Regulations**

- 3670 a. The temporary use shall comply with all applicable general and specific regulations of  
3671 this section, and this Code, unless otherwise expressly stated.
- 3672 b. Temporary uses are only permitted on private property with the written permission  
3673 of the property owner.
- 3674 c. All temporary signs associated with the temporary use shall be properly permitted  
3675 and removed when the activity ends or the permit expires, whichever occurs first.
- 3676 d. The temporary use shall not violate any applicable conditions of approval that apply  
3677 to a principal use on the site.
- 3678 e. The applicant or operator must obtain any other required permits, such as health or  
3679 building permits prior to the commencement of the temporary use.
- 3680 f. Tents and other temporary structures shall be located so as not to interfere with the  
3681 normal operations of any permanent use located on the property, shall be anchored,  
3682 and meet all requirements of the Code.

3683 **(d) Supplemental Temporary Use Standards**

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3684 **(1) Charitable Drop Box**

- 3685 a. Permitted on property zoned NC, MU, CC or D only.
- 3686 b. Shall be separated by a distance of at least 500 feet.
- 3687 c. Shall not obstruct pedestrian or vehicular circulation, nor be located in required  
3688 building setbacks, landscape areas, drive aisles, required parking spaces, fire lanes,  
3689 loading zones, buffers or any other location that may cause hazardous conditions,  
3690 constitute a threat to the public safety, or create a condition detrimental to  
3691 surrounding land uses.
- 3692 d. Shall be constructed of painted metal, rubber, wood or plastic, and shall be properly  
3693 maintained in a safe and good condition. Each drop box shall have a firmly closing lid,

3694 and shall have a capacity no greater than six cubic yards. No drop box shall exceed  
3695 seven feet in height.

3696 e. Shall be clearly marked to identify the specific items and materials requested to be  
3697 left for donation, the name of the operator or owners of the donation container, the  
3698 entity responsible for maintenance of the drop-off box and removal of materials and  
3699 trash from the immediate area, and a telephone number where the owner, operator  
3700 or agent of the owner or operator may be reached at any time. The box shall display  
3701 a notice stating that no items or materials shall be left outside of the donation drop-  
3702 off box as well as a notice that shall read "Not for refuse disposal. Liquids are  
3703 prohibited. Do not use for garbage, candy wrappers, soft drink bottles, etc."

3704 f. Occupation of parking spaces by drop boxes shall not reduce the number of available  
3705 parking spaces below the minimum number required for the site.

3706 g. All donated items must be collected and stored in the drop box. Donated items or  
3707 materials shall not be left outside of drop box, and the area around each box shall be  
3708 maintained by the owner or operator, or the property owner, free of litter and any  
3709 other undesirable materials.

3710 **(2) Construction Field Office, Construction Storage Yard**

3711 a. In the residential districts, and for residential construction in a mixed-use district:

3712 (i) This use is limited to on-premise construction purposes associated with the  
3713 properties within the same platted subdivision.

3714 (ii) The planning and development director may order the use to be discontinued  
3715 and in no event shall such temporary use continue after subdivision  
3716 construction is 90 percent complete.

3717 b. In the commercial and industrial districts and for commercial construction in a mixed-  
3718 use district:

3719 (i) This use is limited to on-premise construction purposes associated with the  
3720 properties within the same platted subdivision.

3721 (ii) The planning and development director may order the use to be discontinued  
3722 and in no event shall such temporary use continue after construction is  
3723 substantially complete.

3724 (iii) Sheds, warehouses and open air storage used by contractors in connection  
3725 with the building of a principal building or the development of an area may  
3726 be erected and used provided they shall be removed from the premises  
3727 within ten days after substantial completion of the project or unusual  
3728 suspension of work.

3729 c. The authorization of extended use of construction trailers except to facilitate ongoing  
3730 construction upon the premises may be granted by the planning and development  
3731 director subject to the following conditions:

3732 (i) Adequate utilities are connected to construction trailers.

3733 (ii) No construction trailer shall be closer to any public road than 150 feet.  
3734 However, if, for safety reasons, topography or size of the property prohibits  
3735 the required 150 feet from any public road, a reduction of the distance may  
3736 be approved by the planning and development director, but in no case shall  
3737 the construction trailer be closer than 25 feet from any public road.

3738 (iii) Temporary use permits shall be issued for not to exceed six months. One  
3739 extension of the temporary use permit may be approved by the planning and  
3740 development director upon written request from the applicant, not to exceed  
3741 an additional six months.

3742 (iv) Any extension of the construction trailer after the first year must be approved  
3743 by the Planning Commission. The Planning Commission may extend the use  
3744 of the construction trailer for one year. After the first year, the Planning  
3745 Commission may continue to allow for the continued use of the construction  
3746 trailer at one-year intervals.

3747 **(3) Farmer's Market**

3748 a. Number of Vendors - limited to a maximum of 25 agricultural vendors, and up to five  
3749 non-agricultural vendors; only one non-agricultural vendor is allowed for every five  
3750 vendors of agricultural products.

3751 b. Operating Hours - shall only operate, including any setup or breakdown activities, a  
3752 total of 12 hours per day between the hours of 7:00 AM and 10:00 PM.

3753 c. Maximum Area - shall not occupy an area larger than 20,000 square feet, and shall  
3754 meet the zone district required setbacks and off-street parking.

3755 d. Operating Rules - Each farmer's market shall have an established set of operating  
3756 rules addressing the governance structure of the market, hours of operation,  
3757 maintenance, insurance, security requirements and responsibilities, and  
3758 appointment of a market manager who directs the operation of all vendors.

3759 **(4) Food Truck**

3760 **a. Site Standards**

3761 (i) Shall not conduct business or operate in the public right-of-way.

3762 (ii) Shall be limited to one per parcel unless approved as part of a special event.

- 3763 (iii) Shall be located at least 100 feet from any restaurant, outdoor dining area,  
 3764 and other establishment which sells or offers food (such as a grocery store,  
 3765 amusement park, lodging establishment, concession stand, etc.) unless  
 3766 permission has been given by the property owner.
- 3767 (iv) Shall not operate within 500 feet of the parcel boundary of any primary or  
 3768 secondary school on days when the school is in session.
- 3769 (v) Shall be located at least 20 feet from fire hydrants, utility boxes, mailboxes  
 3770 and traffic control boxes.
- 3771 (vi) All measurements shall be made by the city from the closest point on a food  
 3772 truck to the closest point on the relative building, object or parcel boundary.
- 3773 (vii) Within a parcel containing an active use, food trucks shall be located within  
 3774 approved off-street parking spaces, not including required handicap parking  
 3775 spaces, or parking spaces required to fulfill the minimum requirements of the  
 3776 principal use, unless the hours of operation of the principal use do not  
 3777 coincide with those of the food truck. A minimum of two parking spaces shall  
 3778 be provided adjacent to the food truck.
- 3779 (viii) Vending carts shall not operate within a vehicular use area or impede the safe  
 3780 movement of vehicular and pedestrian traffic.
- 3781 **b. Operation Standards**
- 3782 (i) Shall not exceed 52 days per calendar year, and not more than 1 consecutive  
 3783 day per parcel. Vending carts may operate up to 365 days per calendar year.
- 3784 (ii) Shall only operate between 7:00 AM and 11:00 PM, Sunday through  
 3785 Thursday, and 7:00 AM and midnight, Friday through Saturday.
- 3786 (iii) Shall not solicit business from pedestrians or persons in vehicles, or sell to  
 3787 persons in vehicles.
- 3788 (iv) **The sale of alcoholic beverages is prohibited.**
- 3789 (v) Shall provide one trash receptacle and one recycling receptacle in a  
 3790 convenient location a maximum of three feet of the mobile food truck which  
 3791 does not impede pedestrian or vehicular traffic. All liter or debris generated  
 3792 within a minimum 25 foot radius of the food truck shall be collected and  
 3793 removed by the operator.
- 3794 (vi) No outdoor seating shall be allowed except on properties containing a  
 3795 restroom made available to the public with permission from the property  
 3796 owner. A maximum of 12 seats shall be allowed and shall be located within  
 3797 50 feet of the truck. All seating shall be removed when the food truck is not  
 3798 in operation.

3799 (vii) Exterior lighting shall be provided to ensure the safety of patrons, and shall  
3800 be so arranged so as to minimize illumination onto adjoining residential  
3801 property and so as to prevent glare directed at vehicles on streets and alleys.

3802 (viii) One A frame sign, as regulated within this Code, shall be allowed within five  
3803 feet of the food truck. No additional signage shall be allowed other than  
3804 exhibited on, or inside the food truck. Such signs must be secured and  
3805 mounted against the food truck, and may not project more than six inches  
3806 from the exterior of the food truck.

3807 (ix) Shall comply with the city's fats, oils and grease management program,  
3808 including the location where the fats, oils and grease will be disposed of per  
3809 this Code.

3810 **c. Private Catering**

3811 Food trucks may operate as a private caterer in any non-residential district in  
3812 accordance with the following:

3813 (i) Service shall be limited to private guests of the catering event only. No walk-  
3814 up customers shall be permitted.

3815 (ii) Payment shall occur directly between the catering event host and the food  
3816 truck operator. No payment transactions shall occur for individual orders.

3817 **(5) Garage, Yard or Estate Sale**

3818 a. No person shall advertise, conduct, hold, carry on or permit any outdoor display or  
3819 outdoor sale of used merchandise or other items of used personal property in any  
3820 commercial district, unless such display or sale is as follows:

3821 (i) Antiques, used merchandise or other personal property which is part of the  
3822 business's normal stock of inventory; or

3823 (ii) On the grounds of a dwelling used for residential purposes, permitted  
3824 pursuant to subsection (b) of this section.

3825 b. No person shall advertise, conduct, hold, carry on or permit any home, garage, patio,  
3826 yard or rummage sale on the grounds of, or within any dwelling within the city  
3827 without a temporary use permit.

3828 c. No temporary use permit shall be issued by the planning and development director  
3829 to any person or premises more often than once every 60 days, and the permit shall  
3830 be subject to the limitations provided in this division; provided, however, that  
3831 schools, churches and bona fide nonprofit organizations may carry on rummage sales  
3832 with no restrictions as to number of or duration of the sales if the sale is held on  
3833 school or church property.

3834 **(6) Outdoor Sale/Promotional Event**

3835 Displaying of wares, including for temporary parking lot sales, shall only be permitted in the MU,  
3836 CC, ENT, and D districts within the front or side parking area by temporary use permit provided  
3837 the following conditions are met:

- 3838 a. Shall be located within the confines of the retailer’s owned or leased property;
- 3839 b. A sub-lessee may not occupy a parking lot for the purpose of conducting independent  
3840 sales activity;
- 3841 c. Shall be located at least 25 feet from all property lines;
- 3842 d. Shall not block any sight triangle or the view of on-coming traffic;
- 3843 e. No merchandise shall block any public pedestrian way, and a minimum clearance  
3844 width of three feet from any public sidewalk shall be provided;
- 3845 f. No merchandise may be placed on landscaping, or within three feet of either side of  
3846 a working doorway, or within 10 feet directly in front of a working doorway;
- 3847 g. Minimum off-street parking requirements shall be maintained;
- 3848 h. Merchandise shall not be hung resulting in a clearance less than eight feet above a  
3849 pedestrian way. Additionally, any display with moving parts shall not come into  
3850 contact with pedestrians if there is any potential to cause harm, including movement  
3851 driven by the movement of air or by mechanical or electrical means.
- 3852 i. This section shall not apply to the sale of motor vehicles, trailers or boats; and
- 3853 j. Hours of operation shall coincide with the hours of operation for the principal use.
- 3854 k. All merchandise shall be secured during non-operational hours.

3855 **(7) Portable Storage Unit**

- 3856 a. A portable storage unit may be permitted on a residential premises subject to the  
3857 following:
  - 3858 (i) A portable storage unit is intended to be used only for temporary storage. It  
3859 is not intended to be used for long-term, on-site storage, and any such use in  
3860 any zoning district is expressly prohibited.
  - 3861 (ii) The outside dimensions shall not exceed 16 feet in length, eight feet in width  
3862 and nine feet in height.
  - 3863 (iii) The unit must be placed on a paved surface. Portable storage units are  
3864 prohibited on city streets or within any street right-of-way.
- 3865 b. A portable storage unit may be placed on a non-residential zoned premises provided:

3866 (i) The unit is located in a manner which does not hinder pedestrian or vehicular  
3867 access to the premises, and does not obstruct intersection sight distance.

3868 (ii) In emergency situations, the planning and development director may extend  
3869 the length of time a portable storage unit can be located on a site.

3870 **(8) Public Event on Private Property**

3871 a. These categories of temporary use may not be applied when any other temporary use  
3872 standards are applicable. Event uses that include the use of public property are  
3873 regulated as special events.

3874 b. A temporary use permit is required when the public event on private property is  
3875 anticipated to displace more than 10 percent of the required parking for an existing  
3876 residential use, or 25 percent of the required parking for an existing non-residential  
3877 use on the site.

3878 **(9) Recycling Drop-Off Center**

3879 a. The area used for recycling activities shall be limited to 500 square feet.

3880 b. Recyclables may be deposited in refuse-type containers, storage igloos, kiosks or  
3881 other containers.

3882 c. No processing of the recyclables shall take place except for the depositing of materials  
3883 and the collection of materials for transport to a different recycling center or other  
3884 location for sorting and processing.

3885 d. No household hazardous waste shall be accepted at a recycling center.

3886 e. The proposed recycling center cannot remove the required parking for the existing  
3887 use.

3888 **(10) Searchlight**

3889 a. A searchlight display is limited to two searchlights.

3890 b. No searchlight shall be illuminated at any time when the angle between its beam and  
3891 the ground surface is less than sixty degrees, or illuminate any structure without  
3892 permission from the owner.

3893 c. May not be located within 150 feet of a residential district.

3894 d. Shall only be operated between 5:00 PM and midnight.

3895 e. Shall not interfere with normal airport operations, and evidence shall be provided of  
3896 FAA approval.

3897 f. There shall be no advertising located on any part of the searchlight or its supporting  
3898 structure.

3899 g. Shall not pose a safety problem as determined by the planning and development  
3900 director.

3901 **(11) Seasonal Sale**

3902 a. The use may only be located on a vacant lot, or on a lot occupied by a non-residential  
3903 use. The use shall not operate as an accessory to a principal residential use on a lot.  
3904 In addition, the use shall not be located on a lot which adjoins a residential use unless  
3905 the lot is located on a major thoroughfare.

3906 b. The use shall be located on an arterial street classification or higher.

3907 c. The use shall not involve or require the construction of a permanent building. A  
3908 portable building may be permitted on site, and shall be removed within 48 hours of  
3909 the expiration of the temporary use permit. Where required for security purposes as  
3910 identified by the city, a recreational vehicle may be parked on the site for the duration  
3911 of the use; the recreational vehicle used for security purposes may not be used as a  
3912 residence.

3913 d. Goods or merchandise displayed in conjunction with a seasonal sale shall not exceed  
3914 nine feet in height.

3915 e. Any signage which identifies the use shall be in accordance with the temporary sign  
3916 standards.

3917 f. Five off-street parking spaces shall be provided for the use.

3918 g. The use, including all sale items, parking and maneuvering shall observe a setback of  
3919 25 feet from all property lines, and sale items shall not be located in the sight distance  
3920 triangle.

3921 h. The operator is responsible for the removal of any vestige upon cessation of the  
3922 seasonal sale, including signage.

3923 i. Seasonal retail fireworks sales shall additionally comply with the regulations of this  
3924 Code.

3925 **(12) Temporary Office**

3926 The authorization of a manufactured structure to be utilized in any district for commercial  
3927 activities is subject to the following conditions:

3928 **a. Generally**

3929 A valid and active building permit shall be in place for the construction of a permanent  
3930 business structure or residential development. Temporary office space may be approved by  
3931 the planning and development director for a period of one year or less, and may be extended  
3932 while a valid and active building permit remains in place.

- 3933                   **b.       Real Estate Sales Office**
- 3934                   (i)       This use may be located in a "Model Home" or a portable building within the  
3935                   subdivision.
- 3936                   (ii)      The planning and development director may order the use discontinued and  
3937                   in no event shall such temporary use continue after subdivision sales are 90  
3938                   percent complete.
- 3939                   (iii)     The permit shall identify specifically what is to be sold (i.e., the lots,  
3940                   condominium, apartment units, or dwelling units), the total number to be  
3941                   sold by unit type, and the specific lots and block of the development.

3942                   **(13)   Temporary Vehicle Wash**

- 3943                   a.       Silt socks shall be placed as necessary to prevent the runoff of undesirable waste.
- 3944                   b.       Biodegradable detergents shall be used.

3945                   **Sec. 94-50   Special Events**

3946                   **(a)   Permit Required**

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3947                   It shall be unlawful for any person to sponsor or knowingly participate in any special event without a  
3948                   special event permit issued by the planning and development director to the special event sponsor.

3949                   **(b)   Application for Permit**

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- 3950                   (1)      The application for a special event permit shall be available in the planning and  
3951                   development department.
- 3952                   (2)      The application for a special event permit shall be submitted to the planning and  
3953                   development director a minimum of 15 days prior to the event for review by staff.  
3954                   Exceptions to the 15-day requirement may be granted at the discretion of the planning  
3955                   and development director.
- 3956                   (3)      The application for a special event permit shall include:
- 3957                   a.       The name and contact information of the applicant, and for any persons acting as  
3958                   sponsors of the special event who will be responsible for its conduct, staging,  
3959                   presentation or organizing. If the applicant is a company, corporation or civic  
3960                   organization, then the name of the company, corporation or civic organization, and  
3961                   the names of its directors and officers and their contact information shall be included.
- 3962                   b.       The purpose or description of the event, and the estimated number of participants or  
3963                   those attending.
- 3964                   c.       The dates the event is to be held, and the time it is to commence and terminate,  
3965                   including setup and shutdown times.

- 3966 d. The location of the event, including a drawing or plan showing the entire location to  
3967 be utilized by the event in relation to existing buildings, location within the parcel,  
3968 drive areas, layout of parking areas, and the amount of space available for off-street  
3969 parking.
- 3970 e. The specific streets, or portions thereof, to be closed, if any, for the event.
- 3971 f. A plan for, and description of the use of temporary signage.
- 3972 g. A public notification plan which shall notify members of the public who might  
3973 reasonably be affected by the special event. The plan may consist of notification by  
3974 postcard, signage, e-mail notification, published notification or a combination  
3975 thereof.
- 3976 h. Whether alcoholic beverages will be allowed, provided or sold by vendors during the  
3977 event, and the plan or description for such allowance or provision for the purpose of  
3978 assessing city police, finance department, and county health department responses.
- 3979 i. A plan or description for the use of lighting, music, loudspeakers, a live band, or sound  
3980 system, if any, during the event, and the type and location of speakers and other  
3981 audio, and lighting equipment.
- 3982 j. The name and address of the security company, if any, engaged for the event, and a  
3983 description of the duties to be performed.
- 3984 k. A plan or description for fire protection for the event, including a map specifying the  
3985 location of 18-foot fire lanes, water supply for fire control and the use of tents.
- 3986 l. A plan or description for emergency medical services for the special event.
- 3987 m. A plan or description for the handling of food.
- 3988 n. A plan or description for the compliance with the city's fats, oils and grease  
3989 management program, including the location where the fats, oils and grease will be  
3990 disposed of per this Code.
- 3991 o. A plan for the disposal of sanitary waste and sewage for the event, including toilet  
3992 facilities, and the disposal of garbage, trash, and refuse.
- 3993 p. A plan or description for the use or allowance of animals during, or as a part of the  
3994 event.
- 3995 q. A plan or description for compliance with the city's horse-drawn carriages for hire  
3996 requirements per this Code, including the proposed route.
- 3997 r. Compliance with this Code relating to business licenses for the event.
- 3998 s. For events to be located upon, or require the closing or blocking of any street, alley,  
3999 or road, or the use of any city-owned property or right-of-way areas, submission of

4000 an insurance policy in accordance with this Code. The policy shall not be canceled  
4001 without 30 days' written notice to the city. The city shall be the named additional  
4002 insured, and the event sponsor shall execute a hold harmless agreement  
4003 indemnifying the city.

4004 t. Any additional information which the planning and development director shall find  
4005 reasonably necessary to make a fair determination as to whether a permit should be  
4006 issued.

4007 **(c) Application for Permit Involving Closure of Streets**

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4008 In addition to other provisions of this chapter:

4009 (1) Any special event requiring the closure of streets or roadways within the city shall require  
4010 approval given by the Board. Application for such an event must be submitted to the  
4011 planning and development director a minimum of 90 days prior to the event for review  
4012 by staff. Exceptions to the 90-day requirement may be granted at the discretion of the  
4013 city administrator.

4014 (2) Once staff has completed the review of the application, it shall be submitted to the Board.  
4015 Approval given by the Board shall be in the form of a resolution, stating any specific  
4016 requirements or restrictions to be followed.

4017 **(d) Issuance of Permit; Conditions; Transfer; Expiration**

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4018 (1) Special event permits shall be granted or denied by the planning and development  
4019 director, unless approval is required from the Board under this section, and shall contain  
4020 terms and conditions as may be deemed necessary to ensure a neat, safe and orderly  
4021 event in accordance with the terms of this section. Such terms may include specific  
4022 locations in which possession and consumption of alcoholic beverages will be confined,  
4023 and regulations concerning prohibited noises.

4024 (2) Special event permits are not transferable, and shall expire at the close of the last date of  
4025 the event for which the permit has been issued. Failure of the sponsors of the event to  
4026 comply with the terms and conditions of a special event permit and the applicable  
4027 ordinances and laws of the state shall immediately void the permit.

4028 (3) The planning and development director shall issue a special event permit as provided for  
4029 in this section when, from a consideration of the application, upon the approval of the  
4030 applicable city departments, including, without limitation, fire, police, and finance, and  
4031 approval of the county health department, and from such other information as may  
4032 otherwise be obtained, he finds that:

4033 a. The conduct of the event will not substantially interrupt the safe and orderly  
4034 movement of other traffic contiguous to its location unless approved by the police  
4035 chief;

- 4036 b. The conduct of the event will not require the diversion of so great a number of police  
4037 officers of the city to properly police the event and the areas contiguous thereto as  
4038 to prevent police protection to the city unless approved by the police chief;
- 4039 c. The conduct of such event will not require the diversion of so great a number of  
4040 ambulances or emergency medical services not otherwise provided for by the event  
4041 sponsor as to prevent normal ambulance and emergency medical service to portions  
4042 of the city other than that to be occupied by the proposed event and areas contiguous  
4043 thereto;
- 4044 d. The concentration of persons, animals and vehicles at the location of the event will  
4045 not unduly interfere with proper fire and police protection or ambulance and  
4046 emergency medical services to the area of the event and the areas contiguous thereto  
4047 unless approved by the fire chief and police chief;
- 4048 e. The conduct of such event will not interfere with the movement of firefighting  
4049 equipment en route to a fire unless approved by the fire chief;
- 4050 f. The conduct of the event, as provided for by the submitted application and plans, is  
4051 not reasonably likely to cause or create any significant public health risks unless  
4052 approved by the county health department;
- 4053 g. The conduct of the event is not reasonably likely to cause injury to persons or  
4054 property, to provoke disorderly conduct or to create a disturbance beyond the  
4055 capacity of the police department to protect the general public or those participating  
4056 in the event; and
- 4057 h. Verification that the information contained in the permit application by the event  
4058 sponsor is true and does not omit any material detail for the consideration of the  
4059 factors listed in this section.

4060 **(e) Notice of Denial of Permit; Appeal Procedure**

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- 4061 (1) The planning and development director shall act upon the application for a special event  
4062 permit within ten business days after the date filed. If the planning and development  
4063 director disapproves the application, the denial shall be mailed to the applicant, within  
4064 ten business days after the date upon which the application was filed, a notice of the  
4065 action, stating the reasons for the denial of the permit.
- 4066 (2) Any disapproval of a special event permit application must first be reviewed by the city  
4067 administrator.
- 4068 (3) Any person aggrieved by the decision of the planning and development director shall have  
4069 the right to appeal the denial of a special event permit to the Board. The appeal shall be  
4070 filed with the city clerk no later than 30 days after the date of the notice issued by the  
4071 planning and development director. The Board shall hear the appeal of the applicant as  
4072 an agenda item at a Board meeting, not to exceed 30 days after its receipt by the city  
4073 clerk.

4074 **(f) Alternative Permit**

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4075 The planning and development director, in denying an application for a special event permit, may issue  
4076 an alternative event permit for the conduct of the event on a date, at a time, at a place or in a manner  
4077 different from that named by the applicant. Any applicant desiring to accept an alternate permit shall,  
4078 within five business days after notice of the action of the planning and development director, file a written  
4079 notice of acceptance with the planning and development director. An alternative special event permit  
4080 shall conform to the requirements of, and shall have the effect of, a special event permit under this  
4081 chapter.

4082 **(g) Modification or Rescission of Permit**

---

4083 (1) The planning and development director may modify or rescind any special event permit  
4084 for good cause, including, but not limited to:

4085 a. A determination that any representation or statements by the event sponsor  
4086 contained in the event permit application are false or misleading in any material  
4087 detail.

4088 b. A determination of noncompliance by the event sponsor of any terms or conditions  
4089 of the permit.

4090 c. A determination that the event as applied for and described upon the submitted plans  
4091 may pose an immediate threat to public health, welfare or safety due to reasons  
4092 including, but not limited to, weather conditions, overcrowding, traffic  
4093 considerations, or violations of this Code or the laws of the state by the event sponsor.

4094 d. A determination that the event sponsor is in violation of any ordinance.

4095 (2) The appeal from the decision to modify or rescind a special event permit by the planning  
4096 and development director shall proceed in accordance with this section, relating to the  
4097 issuance of notifications, times and procedures to be followed.

4098 **(h) Responsibility for Expenses Incurred by City**

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4099 The special event sponsors, and any other individuals or organizations named in the permit, may be  
4100 responsible for any expenses incurred by the city as a result of their event. The city may require a deposit  
4101 or bond prior to the issuance of a special event permit.

4102 **(i) Period of Operation; Duration**

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4103 (1) Events shall take place only between the hours of 7:00 AM and 11:00 PM, Sunday through  
4104 Thursday, and 7:00 AM and 11:59 PM, Friday through Saturday **unless otherwise**  
4105 **extended by the director of planning and development for good cause.**

4106 (2) Permits shall be valid for a maximum of five days within a consecutive 14-day period. A  
4107 repeat special event shall not occur more frequently than once every 60 days. **Exceptions**

4108 may be granted at the discretion of the planning and development director or the Board  
4109 for good cause.

4110 **(j) Duty to Restore Event Location**

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4111 (1) Special event sponsors shall be responsible for the cleaning and restoration of the  
4112 location the event occupies, or causes debris or litter upon, within 48 hours of the  
4113 conclusion of the event, or at such other time as may be set forth in the permit, to the  
4114 condition which existed prior to the event, and shall provide waste disposal receptacles  
4115 and toilet facilities for use of those attending the event.

4116 (2) Special event sponsors may be required to submit to the planning and development  
4117 director a deposit for the cleaning and restoration of areas adjacent to the special event  
4118 location by the public works department.

4119 **(k) Exempt Events**

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4120 Any event sponsored by the city, as well as any emergency services program, military exercise simulation,  
4121 funeral process, picketing, training drill, activities held inside a building or facility intended for such  
4122 activities, or any governmental agency acting within the scope of its functions, shall be exempt from  
4123 complying with the requirements of this chapter.

4124 **(l) Temporary Events**

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4125 Any activity or event defined as a temporary event, or regulated in this chapter, shall not be considered  
4126 a special event.

4127 **(m) Event Advertising**

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4128 (1) Event signage shall comply with this Code.

4129 (2) Generally

4130 a. Temporary signage shall not be installed without an approved temporary sign sticker  
4131 from the planning and development department.

4132 b. Weathered or torn temporary signs shall not be permitted, and the planning and  
4133 development director may remove any temporary sign in violation of this subsection.

4134 c. Temporary signage shall not block any line of sight, and shall not be located within a  
4135 right-of-way.

4136 d. Depending on the location of the temporary signage, special restrictions may apply,  
4137 including, but not limited to, restricted distance from the right-of-way or pavement,  
4138 and restricted angle of the temporary signage facing the road.

4139 e. Temporary signage shall be installed for a maximum of seven days, in addition to the  
4140 days of the special event, and a maximum of two days after the special event. Each

4141 special event may have a maximum of ten off-premises yard signs and five off-  
4142 premises banner signs.

## 4143 **Sec. 94-51 Nonconformities**

### 4144 **(a) Nonconforming Uses**

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4145 Where at the time of passage of this chapter lawful use of land exists which would not be permitted by  
4146 the regulations imposed by this chapter or amendments to this chapter, the use may be continued so long  
4147 as it remains otherwise lawful, provided:

4148 (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a  
4149 greater area of land than was occupied at the effective date of adoption or amendment  
4150 of the ordinance from which this chapter is derived.

4151 (2) No such nonconforming use shall be moved, in whole or in part, to any portion of the  
4152 parcel other than that occupied by such use at the effective date of adoption or  
4153 amendment of the ordinance from which this chapter is derived.

4154 (3) If any such nonconforming use of land ceases for any reason for a period of more than 12  
4155 months, any subsequent use of such land shall conform to the regulations specified by  
4156 this chapter for the district in which such land is located.

4157 (4) No additional structure not conforming to the requirements of this chapter shall be  
4158 erected in connection with such nonconforming use of land.

### 4159 **(b) Nonconforming Structures**

---

4160 Where a lawful structure exists at the effective date of adoption, or amendment of the ordinance from  
4161 which this chapter is derived that could not be built under the terms of this chapter by reason of  
4162 restrictions on area, parcel coverage, height, yard, site location on the parcel, or other requirements  
4163 concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject  
4164 to the following provisions:

4165 (1) No such nonconforming structure may be enlarged or altered in a way which increases its  
4166 nonconformity, but any structure or portion thereof may be altered to decrease its  
4167 nonconformity.

4168 (2) Should such nonconforming structure or nonconforming portion of structure be  
4169 destroyed by any means to any extent of more than 50 percent of its replacement cost at  
4170 the time of destruction, it shall not be reconstructed except in conformity with the  
4171 provisions of this chapter.

4172 (3) Should such structure be moved for any reason for any distance whatever, it shall  
4173 thereafter conform to the regulations for the district in which it is located after it is  
4174 moved.

4175 **(c) Nonconforming Uses of Structures and Land in Combination**

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4176 If lawful use of structure and land in combination exists at the effective date of adoption or amendment  
4177 of the ordinance from which this chapter is derived that would not be allowed in the district under the  
4178 terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to  
4179 the following:

4180 (1) No existing structure devoted to a use not permitted by this chapter in the district in  
4181 which it is located shall be enlarged, extended, constructed, reconstructed, moved or  
4182 structurally altered except in changing the use of the structure to a use permitted in the  
4183 district in which it is located.

4184 (2) Any nonconforming use may be extended throughout any parts of a building which were  
4185 manifestly arranged or designed for such use at the time of adoption or amendment of  
4186 the ordinance from which this chapter is derived, but no such use shall be extended to  
4187 occupy any land outside such a building.

4188 (3) If no structural alterations are made, any nonconforming use of a structure and land may  
4189 as a special exception be changed to another nonconforming use provided that the Board  
4190 of Adjustment, either by general rule or by making finding in the specific case, shall find  
4191 that the proposed use is equally appropriate, or more appropriate to the district than the  
4192 existing nonconforming use. In permitting such change, the Board of Adjustment may  
4193 require appropriate conditions and safeguards in accordance with the provisions of this  
4194 chapter.

4195 (4) Any structure and land in combination, in which a nonconforming use is superseded by a  
4196 permitted use, shall thereafter conform to the regulations for the district, and the  
4197 nonconforming use may not thereafter be resumed.

4198 (5) When a nonconforming use of a structure and land in combination is discontinued or  
4199 abandoned for six consecutive months, or for 18 months during any three-year period  
4200 (except when government action impedes access to the premises), they shall not  
4201 thereafter be used except in conformity with the regulations of the district in which it is  
4202 located.

4203 (6) Where nonconforming use status applies to a structure and land in combination, removal  
4204 or destruction of the structure shall eliminate the nonconforming status of the land.

4205 **(d) Repairs and Maintenance**

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4206 (1) On any nonconforming structure, or portion of a structure containing a nonconforming  
4207 use, work may be done in any period of 12 consecutive months on ordinary repair or  
4208 replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding  
4209 ten percent of the current replacement cost of the nonconforming structure or portion  
4210 of the structure as the case may be, provided that the cubic content existing when it  
4211 became nonconforming shall not be increased.

4212 (2) If a nonconforming structure or portion of a structure containing a nonconforming use  
4213 becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is  
4214 declared by any duly authorized official to be unsafe or unlawful by reason of physical  
4215 condition, it shall not thereafter be restored or rebuilt except in conformity with the  
4216 regulations of the district in which it is located.

4217 (3) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a  
4218 safe condition of any building or part thereof declared to be unsafe by any official charged  
4219 with protecting the public safety, upon order of such official.

4220 **(e) Special Use Provisions Not Nonconforming Uses**

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4221 Any use which is permitted as a special use in a district under the terms of this chapter (other than a  
4222 change through Board of Adjustment action from a nonconforming use to another use not generally  
4223 permitted in the district) shall not be deemed a nonconforming use in such district, but shall without  
4224 further action be considered a conforming use.

4225 **(f) Annexed Property**

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4226 When territory, which is the subject of a current Division I, Division II or Division III permit previously  
4227 issued by the county, is annexed into the city, such territory shall be deemed zoned within the city in  
4228 accordance with the land use authorized under such Division I, Division II or Division III permit. Following  
4229 annexation, such territory shall be developed in accordance with all applicable zoning regulations of the  
4230 city.

4231

4232 **Article V Off-Street Parking**

4233 **Sec. 94-52 Purpose**

4234 The purpose of this section is to promote safe access, and to regulate the amount and location of vehicle  
4235 parking and maneuvering areas in order to promote a more efficient use of land, enhance urban form,  
4236 encourage the use of alternative modes of transportation, provide for better pedestrian movement, and  
4237 protect air and water quality. The provisions of this section are intended to:

- 4238 (a) Prevent and alleviate the congestion of public streets;
- 4239 (b) Encourage the incorporation of alternative modes of transportation by emphasizing pedestrian  
4240 circulation, and establishing requirements for bicycle parking;
- 4241 (c) Minimize the detrimental effects of vehicular use areas on adjacent properties;
- 4242 (d) Promote the health, safety and public welfare by establishing minimum requirements for off-  
4243 street parking and loading areas; and
- 4244 (e) Limit parking to encourage more compact, walkable developments.

4245 **Sec. 94-53 Applicability and Location**

4246 **(a) Scope of Regulations**

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- 4247 (1) Off-street parking space shall be provided for all new buildings and structures, for changes  
4248 in use which increase the capacity, available gross floor area, intensity of use, or other  
4249 unit of measurement specified herein, and for additions to existing structures.
- 4250 (2) The term "addition" as used in this subsection shall include any alteration intended to  
4251 enlarge or increase capacity by adding or creating dwelling units, guestrooms, floor area  
4252 or seats.
- 4253 (3) Any building completed, and in use at the time of passage of the ordinance from which  
4254 this article is derived, shall not be required to furnish any additional parking spaces that  
4255 may be required by this chapter. When the intensity of use of a structure is in any way  
4256 increased, all restrictions of this article shall pertain.
- 4257 (4) Accessory off-street parking and loading facilities in existence on the effective date of this  
4258 Code, and located on the same lot as the building or use served, shall not hereafter be  
4259 reduced below the requirements of this section for a similar new building or use. If such  
4260 existing facilities are already below the required amount, they shall not be hereafter  
4261 further reduced.

4262 **(b) Location of Parking**

---

4263 **(1) Generally**

- 4264 a. Parking spaces required for dwellings shall be located on the same parcel, or site, as  
4265 the main dwelling, and located either in a garage or on a paved driveway or parking  
4266 area.
- 4267 b. New parking spaces created in residential districts after the effective date of these  
4268 regulations shall not occupy any part of any required front yard except for the  
4269 driveway. Parking on a non-paved surface in the front yard shall be prohibited.
- 4270 c. Parking in commercial and mixed-use districts shall be located to the side or rear of  
4271 the primary structure. One double-loaded row of surface parking may be allowed  
4272 between the front of a commercial structure and the front setback provided 50%  
4273 additional landscaping is provided pursuant to this chapter.
- 4274 d. Parking spaces shall be reserved for the sole use of the occupants and employees of  
4275 the building and their visitors. However, churches, theaters, stadiums, auditoriums  
4276 and other similar places of assembly may make arrangements for joint use of parking  
4277 space with other uses herein specified.

4278 **(2) Structured Parking**

4279 The off-street parking required by this article may be located in a parking structure, whether on  
4280 the same or on a different lot than the uses which it serves. Such structure shall be subject to the  
4281 following:

- 4282 a. Ground floor parking provided in a parking structure shall be landscaped and  
4283 screened, insofar as practicable, from surrounding uses and from public view. In  
4284 addition, for uses located on the same lot as the structure, the conditions required  
4285 for shared parking shall apply. For uses located on a different lot as the structure, the  
4286 conditions required for off-site parking shall apply.
- 4287 b. Parking structures with ground floors that are not completely wrapped with  
4288 commercial, office, institutional, public uses or civic uses on the side facing an  
4289 intersection (except sides abutting alleys) shall not:
  - 4290 (i) Abut street intersections or public/civic use areas, or
  - 4291 (ii) Occupy sites that are the terminus of a street vista.

4292 **(c) Off-Site Parking**

---

4293 All off-street parking areas for any use shall be provided on the same lot as the use it serves. However,  
4294 parking may be allowed on another lot where there are practical difficulties in the location of the parking  
4295 area or if public safety or public convenience, or both, are better served by a remote location. Off-site  
4296 parking shall be approved by the planning and development director, and shall comply with the following  
4297 standards:

4298 **(1) Same Ownership**

4299 The parking area is located on land under the same ownership as the use it serves, or a recorded  
4300 easement in perpetuity that has been established for the use of an off-site location for parking  
4301 and filed with city clerk and county recorder.

4302 **(2) Distance Between Off-Site Parking Area and the Proposed Use**

4303 a. Off-site parking for multiple-family dwellings shall not be located more than 200 feet  
4304 from any normally used entrance of the principal use served.

4305 b. Off-site parking for non-residential or mixed uses shall not be located more than 300  
4306 feet from any normally used entrance of the principal use served.

4307 c. The above distances shall be measured along the shortest legal, practical walking  
4308 route. This route may include crossing a right-of-way provided it uses a legal  
4309 crosswalk.

4310 **(3) No Undue Hazard**

4311 The off-site parking area shall be convenient to use without causing unreasonable:

4312 a. Hazard to pedestrians,

4313 b. Hazard to vehicular traffic,

4314 c. Traffic congestion,

4315 d. Interference with commercial activity or convenient access to other parking areas in  
4316 the vicinity,

4317 e. Detriment to the appropriate use of business lands in the vicinity, or

4318 f. Detriment to any abutting residential neighborhood.

4319 **Sec. 94-54 Off-Street Parking Standards**

4320 **(a) Computation of Required Off-Street Parking Spaces**

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4321 **(1) Fractions**

4322 When measurements of the number of required parking spaces result in fractions, the space  
4323 standard shall be rounded upward to the next highest whole number.

4324 **(2) Different Use Areas**

4325 Except as provided for in this section, parking shall be calculated separately for each different use  
4326 area in a building or on a site, including all accessory uses.

4327 **(3) Combinations of Uses**

4328 If the planning and development director determines that a proposed use represents a  
4329 combination of uses listed in Table 94-54.1, Off-Street Parking Standards, the parking space  
4330 standards shall be those that would apply if the two (or more) uses were developed separately,  
4331 unless the planning and development director determines that a lower standard would be  
4332 adequate because of differences in peak operating hours pursuant to this chapter.

4333 **(4) On-Street Parking**

4334 Except as permitted as part of an approved Alternative Parking Plan, on-street parking on streets,  
4335 shall not be used to satisfy the off-street parking standards of this article.

4336 **(5) Parking Based on Seating**

4337 When the standards use seating as a unit of measurement, all calculations shall be based on the  
4338 occupant load of the areas used for seating.

4339 **(6) Parking Based on Floor Area**

4340 Except as provided for in this section, when the standards use amount of square footage in  
4341 buildings as a unit of measurement, all calculations shall be based on gross floor area minus 10  
4342 percent except as may hereinafter be modified.

4343 **(7) Parking Based on Occupants**

4344 Except as provided for in this section, when the standards use the number of occupants as a unit  
4345 of measurement, all calculations shall be based on the maximum fire-rated capacity.

4346 **(8) Fleet Parking**

4347 For the purpose of calculating parking requirements, fleet vehicle parking spaces shall not count  
4348 against either the minimum or maximum requirements.

4349 **(b) Determination by Planning and Development Director**

---

4350 (1) Parking standards for uses not specifically listed in Table 94-54.1, Off-Street Parking  
4351 Standards, shall be determined by the planning and development director based on the  
4352 standards for the closest comparable use, or by reference to standard parking resources  
4353 published by the National Parking Association, the American Planning Association or  
4354 similar organization.

4355 (2) The planning and development director may alternately require the submittal of a parking  
4356 demand study that justifies estimates of parking demand based on the recommendations  
4357 of the Institute of Traffic Engineers (ITE), and includes relevant data collected from uses  
4358 or combinations of uses that are the same or comparable to the proposed use in terms of  
4359 density, scale, bulk, area, type of activity and location.

4360 (c) **Off-Street Parking Spaces Required**

4361 Off-street parking spaces shall be provided in accordance with Table 94-54.1, Off-Street Parking  
 4362 Standards. Where this table does not specify a parking requirement, the standards of Section 94-54(d)  
 4363 apply.

**Table 94-54.1: Off-Street Parking Standards**  
 Dwelling Unit = du Gross Floor Area = GFA

Use	Parking Requirements
<b>Household Living</b>	
<b>Dwelling</b>	
Single-Family, Detached	None
Single-Family, Attached (3 or more units)	None
Single-Family, Duplex	None
Single-Family, Patio Home	None
Multi-Family	1 per studio; 1.5 per 1 br; 2.0 per 2 br; 2.5 per 3 br; 2.5 + .5 for each br more than 3
Home-Based Occupation	As required for dwelling type and Sec. 94-47(b)(1)
Live/Work	1 plus parking for work use
Loft	1 per du
Manufactured Home	2 per du
Modular Housing	2 per du
Mobile Home Community	Per 94-47(a)(3)
<b>Group Living</b>	
Congregate Living Facility/Senior Housing	1 per 2 beds plus 1 per 100 sf of assembly area
Group Home	1 per 4 beds plus 1 per 100 sf of assembly area
Nursing, Convalescent, and Rest Home	1 per 2 beds plus 1 per 100 sf of assembly area
Shelter Care Facility	1 per 4 beds
<b>Civic and Institutional</b>	
<b>Community Services</b>	
Cemetery and Mausoleum	94-54(e)
Civic, Social, and Fraternal Organizations	1 per 300 sf GFA
Community Center	1 per 250 sf GFA
Cultural Institutions, Public	1 per 400 sf GFA
Government Offices and Facilities	1 per 300 sf GFA of space used by the public + 1 per 600 sf GFA of space not used by the public
Public Service Facilities	94-54(e)
Religious Assembly	1 space per 5 seats, plus 1 space per 50 sf of GFA of assembly area without seats, plus additional spaces as required for accessory uses based on parking standards for such use. If no fixed seating, then based on maximum capacity under the provisions of the International Building Code.
<b>Day Care</b>	
Family Day Care Home	94-46(c)(4)
Group Day Care Home	94-46(c)(5)

**Table 94-54.1: Off-Street Parking Standards**

Dwelling Unit = du    Gross Floor Area = GFA

Use	Parking Requirements
Child Care Center	1 per 400 sf GFA, plus 1 additional per 800 sf GFA for pickup/delivery
<b>Educational Facilities</b>	
School, Primary or Secondary, Public or Private	Elementary Schools: 2 per classroom; Middle Schools: 2 per classroom; High Schools: 6 per classroom and 1 per 300 sf of administrative office space
School, Vocational-Technical and Trade	1 per 300 sf of enclosed floor space
University or College	1 per 300 sf of enclosed floor space
<b>Health Care Facilities</b>	
Alcohol and Drug Abuse Treatment Facility	1 per 1,000 sf GFA
Hospital	1 per 2 beds based on maximum capacity, plus 1 per 350 sf of office and administrative area, plus parking as required for accessory uses
Medical and Dental Offices and Clinics	1 per 250 sf GFA
Urgent Care Facility	1 per 200 sf GFA treatment plus 1 per 300 sf GFA remaining area
<b>Parks and Open Space</b>	
Athletic Area	94-96(d); Playfields (soccer, baseball, etc.) shall have minimum of 20 spaces per field
Park and Playground	94-54(e)
Recreation Areas and Facilities	94-96(d); Playfields (soccer, baseball, etc.) shall have minimum of 20 spaces per field
<b>Transportation</b>	
Airport and Passenger Terminal	1.0 per 400 sf GFA passenger terminal area
Bus Garaging and Equipment Maintenance	1.0 per 2,000 sf GFA for indoor and outdoor storage areas plus 1 per 300 sf GFA interior office
Bus Terminal	1.0 per 200 sf GFA
<b>Utility</b>	
Utility	
Major Facilities/Service Yard	94-54(e)
Minor Facilities/Office	94-54(e)
<b>Wireless Communication Facility</b>	
Antenna and Antenna Support Structure	None
Telecommunications Tower and Facility	1 per location
<b>Commercial</b>	
<b>Animal Sales and Service</b>	
Pet Grooming	1 per 300 sf GFA
Pet Shop	1 per 300 sf GFA
Kennels	1 per 1,000 sf GFA
Shelter	1 per 1,000 sf GFA
Stables (commercial)	1 per 5 stalls
<b>Veterinary Services</b>	
Indoor Only	4 per 1,000 sf GFA
With Outdoor Facilities	Indoor plus 1 per 1,000 sf outdoor GFA
<b>Office</b>	
Business and Professional Office	3 per 1,000 sf GFA

**Table 94-54.1: Off-Street Parking Standards**

Dwelling Unit = du    Gross Floor Area = GFA

Use	Parking Requirements
<b>Recreation and Entertainment, Outdoor</b>	
Amusement Park or Theme Park	1 per 1,000 sf GFA
Golf Course	4 per hole plus 2.5 per 1,000 sf GFA in clubhouse
Recreation and Entertainment, Outdoor	1 per 1,000 sf GFA
Marina	.75 spaces per boat slip plus parking as required for other uses
<b>Recreation and Entertainment, Indoor</b>	
Amusement Parlor/Arcade	9 per 1,000 sf GFA
Fortune Telling	1 per 250 sf GFA
Recreation and Entertainment, Indoor	1 per 250 sf GFA
Theater	.25 per seat
<b>Commercial Services</b>	
Commercial Services, General	1 per 500 sf GFA
<b>Eating and Drinking</b>	
Brewery, Distillery or Winery	1 per 100 square feet of floor area accessible to customers
Microbrewery	1 per 250 sq. ft. of floor including outside dining/drinking areas.
Restaurant	1 per 200 sq. ft. of floor including outside dining/drinking areas.
With Drive-Thru	Restaurant plus stacking spaces, see Section 94-54(j)
<b>Financial Services</b>	
All Financial Services	1 per 400 sq. ft. of floor area plus stacking as necessary, see Section 94-54(j)
Off-Premises Contacts (OPC)	1 per 250 sf GFA
Adult Entertainment	1 per 250 sf GFA
<b>Retail Sales and Personal Services</b>	
<b>Retail</b>	
General Retail, no drive-thru, up to 100,000 sf GFA	5 per 1,000 sf GFA
100,00-399,999 sf GFA	3.8 per 1,000 sf GFA
400,000 sf and greater	3.6 per 1,000 sf GFA
with drive-thru	Stacking requirements 94-54(j)
Home Supply and Lumberyard	1.5 per 1,000 sf GFA
Plant Nursery and Greenhouse	1.5 per 1,000 sf GFA
<b>Personal Services</b>	
Personal services	1 per 250 sf GFA
Dry Cleaner/Laundromat/ Laundry	1 per 250 sf GFA plus stacking as necessary, see Section 94-54(j)
<b>Lodging Establishment</b>	
Bed and Breakfast Inn	1 per guest room in addition to those required for principal residence
Campground & Vehicle Park	RV: 1 per RV parking space plus 1 per each 10 RV parking spaces Campground: 1 per 350 sf within campground area plus 1 per 10 campground spaces

**Table 94-54.1: Off-Street Parking Standards**

Dwelling Unit = du Gross Floor Area = GFA

Use	Parking Requirements
Hotel and Motel	1 per guest room or residence unit up to 100 units, then .75 per unit over 100; 50% of spaces may be counted to satisfy parking requirements of accessory uses
Timeshare Unit	Unit with 2 or fewer bedrooms, not lock-off: 1 per unit Unit with 2 or fewer bedrooms with lock-off: 1.5 per unit Unit with three or more bedrooms: 2 per unit
<b>Vehicles and Equipment</b>	
Car Wash	Stacking requirements 94-54(j)
<b>Vehicles</b>	
Rental Services	1.5 per 1,000 sf GFA
Repair Services	1.5 per 1,000 sf GFA
Sales	1.5 per 1,000 sf GFA plus 0.7 per 1,000 sf open air display up to 4,500 sf plus 0.2 per each additional 1,000 sf open display or storage area
Commercial Parking	None
Gasoline Service Stations	1.8 per 1,000 sf GFA, minimum 5 spaces including spaces located in front of fuel pumps
Accessory Car Wash	Stacking requirements 94-54(j)
Electric Vehicle Charging Station	none
Truck Stop	1 per 200 sf of building area (excluding car wash area) and required stacking spaces per 94-54(j)
<b>Industrial</b>	
<b>Industrial Service and Manufacturing Assembly</b>	
All uses	94-54(d)
<b>Energy Production and Natural Resource Extraction</b>	
All uses	94-54(d)
<b>Wholesale, Storage, and Distribution</b>	
All uses	94-54(d)
<b>Waste and Salvage</b>	
Automobile Parts Recycling Business	94-54(d)
Recycling Collection Facility	94-54(e), minimum 2 spaces
<b>Agricultural</b>	
All uses	94-54(e)

4364 **(d) Off-Street Parking Standards for Selected Service and Industrial Uses**

4365 Uses that reference this subsection in Table 94-54.1, Off-Street Parking Standards, shall provide the  
 4366 minimum number of spaces identified in Table 94-54.2, Off-Street Parking Standards for Selected Service  
 4367 and Industrial Uses:

**Table 94-54.2: Off-Street Parking Standards for Selected Service and Industrial Uses**

Use or Activity	Required Number of Spaces
Office or administrative area	1.0 space per 300 square feet
Indoor sales area	1.0 space per 200 square feet

**Table 94-54.2: Off-Street Parking Standards for Selected Service and Industrial Uses**

Use or Activity		Required Number of Spaces
Indoor storage, warehousing, assembly, vehicular service, or manufacturing area:	1-3,000 square feet of floor area	1.0 space per 250 square feet
	3,001-5,000 square feet of floor area	1.0 space per 500 square feet
	5,001-10,000 square feet of floor area	1.0 space per 750 square feet
	10,001 or more square feet of floor area	1.0 space per 1,250 square feet
Outdoor sales, display, or storage area (3,000 square feet or less)		1.0 space per 750 square feet
Outdoor sales, display, or storage area (more than 3,000 square feet)		1.0 space per 1,000 square feet

NOTE: The total number of required spaces is cumulative based on the variety of different functions present in a single use.

4368 **(e) Uses with Variable Parking Demand**

4369 Uses that reference this subsection in Table 94-54.1, Off-Street Parking Standards, have widely varying  
4370 parking demand characteristics making it difficult to establish a single off-street parking standard. Upon  
4371 receiving a development application for a use subject to this subsection, the planning and development  
4372 director shall apply the off-street parking standard specified for the listed use that is deemed most similar  
4373 to the proposed use, or establish minimum off-street parking standards on the basis of a parking study  
4374 prepared by the applicant. Such a study shall include estimates of parking demand based on  
4375 recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by  
4376 the planning and development director, and should include other reliable data collected from uses or  
4377 combinations of uses that are the same as, or comparable with, the proposed use. Comparability will be  
4378 determined by density, scale, bulk, area, type of activity and location. The study shall document the  
4379 source of data used to develop the recommendations.

4380 **(f) Maximum Parking Spaces Allowed**

4381 **(1) Applicability**

4382 Off-street vehicle parking spaces shall not be provided in an amount that is more than the amount  
4383 specified in Table 94-54.1 unless the maximum parking requirement is waived or mitigated as  
4384 provided in this section.

4385 **(2) Maximum Parking Calculation Exceptions**

4386 For the purpose of calculating parking requirements, the following types of parking spaces shall  
4387 not count against the maximum parking requirement:

- 4388 a. Accessible parking;
- 4389 b. Vanpool and carpool parking;
- 4390 c. Spaces with electrical vehicle charging stations, up to a maximum of two per 50  
4391 parking spaces;
- 4392 d. On-street parking adjacent to the lot or lots on which the parking located; and

4393 e. Structured parking, underground parking, and parking within, above or beneath the  
4394 building(s) it serves.

4395 **(3) Maximum Parking Waiver**

4396 **a. Parking Demand Study**

4397 Requests to exceed the maximum parking requirement shall be accompanied by a parking  
4398 demand study demonstrating how the maximum number of parking spaces specified in Table  
4399 94-54.1 is insufficient for the proposed development.

4400 **b. Review Criteria**

4401 A waiver to the maximum parking requirement may be allowed by the planning and  
4402 development director in situations that meet the following criteria:

4403 (i) The proposed development has unique or unusual characteristics such as  
4404 high sales volume per floor area or low turnover, that create a parking  
4405 demand that exceeds the maximum ratio and that typically does not apply to  
4406 comparable uses;

4407 (ii) The parking demand cannot be accommodated by on-street parking, shared  
4408 parking with nearby uses, or by increasing the supply of spaces that are  
4409 exempt from the maximum ratio;

4410 (iii) The request is the minimum necessary variation from the standards; or

4411 (iv) If application of the maximum parking standard would result in fewer than  
4412 six parking spaces, the development shall be allowed six parking spaces.

4413 **(4) Design Requirements for Excess Parking**

4414 Parking that is provided in excess of the maximum parking requirement shall be required to  
4415 include increased internal landscaping and incorporate pervious pavement as described below.

4416 **a. Pervious Surfaces**

4417 Where parking spaces in excess of the maximum specified in Table 94-54.1 are constructed,  
4418 an area equal to the total area required for the number of spaces that exceed the maximum  
4419 parking requirement shall be constructed of pervious surfaces as approved by the city  
4420 Engineer.

4421 **b. Additional Trees and Landscaping**

4422 (i) Applicants that request parking that exceeds the number of spaces required  
4423 by Table 94-54.1 shall provide additional parking lot trees and landscaping as  
4424 follows:

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**Table 94-54.3: Additional Landscaping Requirement for Overparking**

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Amount of Excess Parking Requested Over Maximum (percent)	Additional Landscaping (percent)
5	5
6-10	10
11-15	15
16-20	20

4425

4426 a. Any required additional landscaping shall be distributed throughout the site as  
 4427 determined by the planning and development director, and in accordance with Table  
 4428 94-54.3. The additional landscaping shall be integrated with the parking lot and site  
 4429 design.

4430 b. Where the provision of additional landscaping is restricted for infill and  
 4431 redevelopment projects due to site constraints, the applicant may provide sidewalk  
 4432 amenities or streetscape features as determined by the planning and development  
 4433 director. Acceptable amenities shall have a value equal to or greater than the price  
 4434 of the additional landscaping features required in Table 94-54.3, and may include but  
 4435 are not limited to:

4436 (i) Sidewalk planters between the parking area and building, or the parking area  
 4437 and the street;

4438 (ii) Public art including, but not limited to, sculptures, fountains, clocks or murals;  
 4439 or

4440 (iii) Decorative fencing (such as wrought iron) around the perimeter of the  
 4441 parking area provided with seasonal plantings.

4442 **(g) Exceptions and Adjustments**

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4443 **(1) Change in Permitted Uses**

4444 A permitted use that does not meet the parking requirements of this section may be converted  
 4445 to another permitted use without full compliance with the required number of parking spaces  
 4446 provided:

4447 a. The applicant provides the maximum amount of parking spaces possible without  
 4448 being required to remove, or partially remove a structure.

4449 b. If a structure or a portion of a structure is voluntarily removed, the resulting area shall  
 4450 be used to provide the additional parking spaces necessary towards fulfilling the  
 4451 requirements of Table 94-54.1.

4452 **(2) Small Use Exception**

4453 Any individual use in a space that is 2,000 square feet or smaller shall be exempt from the parking  
 4454 requirement of Table 94-54.1 except for uses in the Eating and Drinking use category.

4455 **(3) Shared Parking**

4456 a. Where two land uses listed in separate use categories in Table 94-45.1 share a parking  
 4457 lot, parking lots or structure, the total off-site parking required for those uses may be  
 4458 reduced by the factors shown in Table 94-96.4, Shared Parking. Total off-street  
 4459 parking required shall be the sum of the two parking requirements for the two uses  
 4460 divided by the factors in Table 94-96.4. For example, where a development includes  
 4461 both (a) civic and (b) retail sales uses, the amount of parking required is the sum of  
 4462 the parking required for the two uses divided by 1.3. The minimum parking  
 4463 requirements listed in Table 94-54.1 may be adjusted as follows:

**Table 94-54.4: Shared Parking**

(Add the two parking requirements and divide by these factors)					
Property Use	Multi-Family or Group Living	Civic, and Institution	Eating & Drinking, Entertainment, or Visitor Accom.	Retail Sales	Office
Multi-family or Group living	-	1.1	1.1	1.2	1.3
Civic	1.1	-	1.2	1.3	1.3
Eating and Drinking, Entertainment, or Visitor Accommodation	1.1	1.2	-	1.3	1.7
Retail Sales	1.2	1.3	1.3	-	1.2
Office	1.3	1.5	1.7	1.2	-

4464

4465 b. Shared parking spaces shall be located within 500 linear feet of the primary entrance  
 4466 of all uses served as measured along the shortest legal, practical walking route. This  
 4467 route may include crossing a right-of-way provided it uses a legal crosswalk. Such  
 4468 distance shall not apply if a remote parking shuttle bus service is provided. Shared  
 4469 parking spaces shall not be separated from the use they serve by an arterial or  
 4470 collector street. In addition, adequate and safe pedestrian access must be provided  
 4471 from, and to the shared parking areas.

4472 **(4) Reduced Need Populations**

4473 a. The required number of off-street parking spaces may be reduced by 33 percent for  
 4474 any group living use or multi-family use in which occupancy of at least 80 percent of  
 4475 the units is restricted for use by those 60 years of age or older.

4476 b. The required number of off-street parking spaces may be reduced by 50 percent for  
 4477 any group living use or multi-family use in which occupancy of more than 80 percent  
 4478 of the units is restricted for use by those meeting the definition of “handicapped”  
 4479 individuals under the federal Fair Housing Act Amendments.

4480 **(5) Bus Transportation**

4481 When a commercial establishment can document, to the satisfaction of the planning and  
 4482 development director, that a notable percentage of their customers will be transported to and  
 4483 from their premises in buses, the planning and development director may approve the  
 4484 substitution of bus spaces for required parking spaces. Bus spaces must be a minimum of ten feet  
 4485 in width and 36 feet in length, shall be unobstructed from the surface up to a height of at least 15  
 4486 feet, shall be so located to ensure the furthest possible distance from any adjacent residential  
 4487 area, and shall be clearly marked. When approved by the planning and development director, one  
 4488 bus parking space may be substituted for 11 required parking spaces to a maximum of ten total  
 4489 bus spaces in lieu of a maximum of 110 total required parking spaces. No substitution of required  
 4490 parking spaces shall be approved for any bus spaces in excess of ten.

4491 **(6) Tandem Parking with Valet**

4492 An off-street parking program utilizing limited tandem parking for commercial uses shall comply  
 4493 with the following standards:

- 4494 a. The development served shall provide 75 or more parking spaces;
- 4495 b. No more than 30 percent of the total number of spaces shall be designated as  
 4496 tandem; and
- 4497 c. A valet parking attendant must be on duty during hours of operation.

4498 **(h) Bicycle Parking**

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4499 **(1) Required Number of Spaces**

4500 Bicycle parking shall be provided as follows unless otherwise approved by the planning and  
 4501 development director due to safe accessibility:

**Table 94-54.5: Required Bicycle Parking**

Use	Bicycle Parking Spaces [1]
Multiple-family	2 or 1 per 20 units
Group home	1 per 4 bedrooms
Office	2 or 1 per 40,000 sq. ft. (net area)
Commercial sales and service	2 or 1 per 5,000 sq. ft. (net area)
Community use (non-utility)	2 or 1 per 10,000 sq. ft. (net area)
Schools	2 per classroom
Notes: [1] Whichever measurement results in the higher number of spaces.	

4502 **(2) Design and Location**

4503 Bicycle parking facilities shall include a rack or storage facility (e.g., locker) that enables bicycles  
4504 to be secured. Where racks are used, they shall meet the following standards:

- 4505 a. The bicycle frame and one wheel can be locked to the rack with a high-security, U-  
4506 shaped shackle lock if both wheels are left on the bicycle;
- 4507 b. A bicycle six feet long can be securely held with its frame supported so that the bicycle  
4508 cannot be pushed or fall in a manner that will damage the wheels or components;
- 4509 c. The rack must be securely anchored;
- 4510 d. Bicycle racks and storage facilities shall be accessible without moving another bicycle;
- 4511 e. Bicycle racks and storage facilities shall be located in convenient, visible, well-lit areas  
4512 with easy access and near main entrances of all commercial, residential and  
4513 institutional buildings. Such locations shall be clearly noted with signage;
- 4514 f. The racks and storage facilities shall be located so they do not interfere with  
4515 pedestrian traffic, and shall be protected from potential damage by motor vehicles;  
4516 and,
- 4517 g. Bicycle parking shall not be within any required landscape area, nor interfere with any  
4518 pedestrian pathway.

4519 **(i) Loading Areas**

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4520 A permanently maintained usable off-street loading space shall be provided on the same parcel when  
4521 structures for the following uses are erected, established or altered:

- 4522 (1) Hospitals or similar institutions with a gross floor area (GFA) of 10,000 square feet or more  
4523 shall provide one space, exclusive of ambulance space.
- 4524 (2) Hotels and office buildings with a GFA of 10,000 square feet or more shall provide one  
4525 space.
- 4526 (3) Undertakers and funeral parlors shall provide one space for each 5,000 square feet of  
4527 GFA.
- 4528 (4) All commercial and industrial uses with a GFA of 5,000 square feet or more shall provide  
4529 one space for the first 25,000 square feet, and one additional space for each 50,000  
4530 square feet GFA thereafter, or any portion thereof.

4531 **(j) Vehicle Stacking Areas**

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4532 The following standards shall apply to businesses that contain a drive-through establishment (e.g.,  
4533 restaurant or financial institution), and are a stand-alone use (e.g., automatic teller machine).

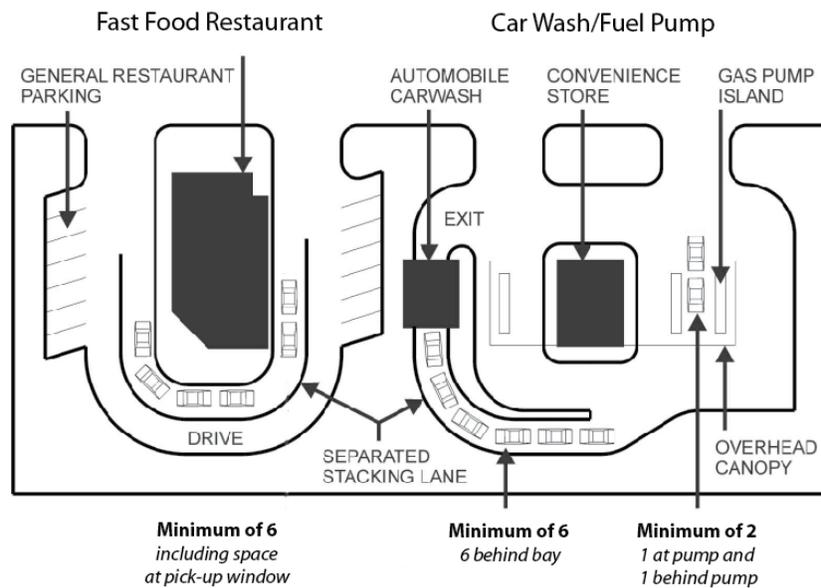
- 4534           **(1)    General Standards**
- 4535           a.       Audible electronic devices such as loudspeakers, automobile service order devices  
4536           and similar instruments shall not be located within 250 feet of any residential dwelling  
4537           unit.
- 4538           b.       No service shall be rendered, deliveries made or sales conducted within the required  
4539           front yard or abutting street side yard; customers served in vehicles shall be parked  
4540           to the sides or rear of the principal building.
- 4541           c.       All drive-through areas, including but not limited to, menu boards, stacking lanes,  
4542           trash receptacles, loudspeakers, drive up windows and other objects associated with  
4543           the drive-through area shall be located in the side or rear yard of a property to the  
4544           maximum extent feasible, and shall not cross, interfere with or impede any public  
4545           right-of-way.
- 4546           **(2)    Stacking Space and Lane Requirements**
- 4547           Stacking lanes shall comply with the following design standards:
- 4548           a.       Drive-through stacking lanes shall have a minimum width of eight feet, and length of  
4549           20 feet.
- 4550           b.       The first position in a drive through station, located at the window, is counted as a  
4551           stacking space. No stacking spaces may be counted as parking spaces unless specified  
4552           in Table 94-54.1.
- 4553           c.       When stacking lanes are separated from other stacking lanes, bypass lanes or from  
4554           other site areas, the separation shall be by means of a raised concrete median,  
4555           concrete curb, or landscaping.
- 4556           d.       Stacking lanes shall be set back 25 feet from right-of-ways.
- 4557           e.       All stacking lanes must be clearly identified, through the use of means such as striping,  
4558           landscaping and signs.
- 4559           f.       The number of required stacking spaces shall be as provided for in Table 94-96.6,  
4560           Stacking Space Requirements. See Figure 94-54.A for an illustration of stacking lanes:

**Table 94-54.6: Stacking Space Requirements**

Activity	Minimum Stacking Spaces (per lane)	Measured From:
Retail Sales, Bank, Financial Institution, or Automated Teller Machine (ATM)	3	Teller or Window
Restaurant	6	Pick-Up Window
Full Service Vehicle Washing Establishment	6	Outside of Washing Bay

**Table 94-54.6: Stacking Space Requirements**

Activity	Minimum Stacking Spaces (per lane)	Measured From:
Self-Service or Automated Vehicle Washing Establishment	2	Outside of Washing Bay
Fuel or Gasoline Pump Island	2	Pump Island
Other	As determined by the planning and development director	



**Fig. 94-54.A: Stacking Lanes**

**(k) Access**

- 4564 (1) All driveway entrances, including stacking lane entrances, must be at least 50 feet from  
4565 an intersection. The distance is measured along the property line from the junction of the  
4566 two street lot lines to the nearest edge of the entrance. The city engineer may determine  
4567 that a right in, right out entrance is permitted closer than fifty feet from an intersection.
- 4568 (2) The entrance to a stacking lane shall be located so as to avoid conflicting with the street  
4569 access.
- 4570 (3) Access driveways on a corner site shall be located as far as possible from the abutting  
4571 street intersection.
- 4572 (4) Pedestrian/barrier-free access to building entrances shall provide direct pedestrian links  
4573 to main parking areas and public sidewalks that do not pass through a stacking lane.

4574 **Sec. 94-55 Off-Street Parking Design Standards**

4575 **(a) Stall Size and Driveways**

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4576 The required minimum area for off-street parking spaces and the required minimum area for driveways  
4577 or other access serving off-street parking spaces shall be as follows:

- 4578 (1) The first ten spaces and 80 percent of the spaces over and above the first ten must be  
4579 nine-foot by 19-foot "full-size" spaces.
- 4580 (2) Twenty percent of the required off-street parking spaces over and above the first ten  
4581 required spaces may be provided in eight-foot by 16-foot "compact" spaces.
- 4582 (3) All compact spaces must be permanently marked for "compacts only."
- 4583 (4) The required minimum area for compact and full-size off-street parking spaces, and the  
4584 required minimum area for driveways and other access serving off-street parking spaces  
4585 are shown in the charts which are included in this chapter.

4586 **(b) Design and Materials**

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4587 **(1) Mixed-Use and Non-Residential Development**

- 4588 a. Except as provided in this Code, off-street parking spaces shall be surfaced with  
4589 either:
  - 4590 (i) A minimum of two inches of asphalt over a four-inch gravel base;
  - 4591 (ii) Five inches of concrete; or
  - 4592 (iii) Interlocking concrete paver stones of strength equal to five inches of  
4593 concrete.
- 4594 b. All parking areas shall provide concrete curb and gutter that meets the city  
4595 engineering specifications.
- 4596 c. All surfacing shall be over an approved compacted subgrade and shall be graded so  
4597 as to eliminate drainage problems.
- 4598 d. Parking or storage areas used exclusively for heavy construction equipment, such as  
4599 track-loaders, cranes, bulldozers, road graders, track-hoes and other similar large  
4600 heavy construction machinery or machinery with steel-track propulsion, may be  
4601 surfaced with a compacted granular material or gravel of sufficient depth to prevent  
4602 mud or silt from leaving the site. These parking areas shall be enclosed with a solid  
4603 fence, no less than six feet in height.
- 4604 e. Each space shall be equipped with wheel guards when necessary to prevent vehicles  
4605 from extending beyond the boundary of the space, and from coming in contact with  
4606 other vehicles, walls, fences or plantings. In addition to wheel guards, any abrupt

4607 change in elevation, at a height of 18 inches or greater, shall require the provision and  
 4608 installation of guard rails in compliance with this Code.

4609 **(2) Residential Development**

4610 Parking areas as required for dwellings shall be surfaced with either:

- 4611 a. A minimum of two inches of asphalt; or
- 4612 b. Four inches of concrete.
- 4613 c. All surfacing shall be over an approved compacted subgrade and shall be graded so  
 4614 as to eliminate drainage problems.

4615 **(c) Off-Street Parking Design and Dimensional Tables**

4616 Internal stall and driveway layout shall conform to the following standards:

4617 **(1) Full-Size Cars**

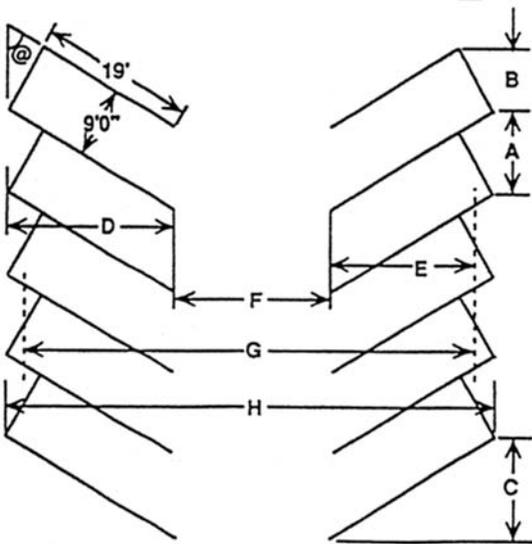


Fig. 94-55.A: Layout and Dimensions for Full-Size Car

4618

4619

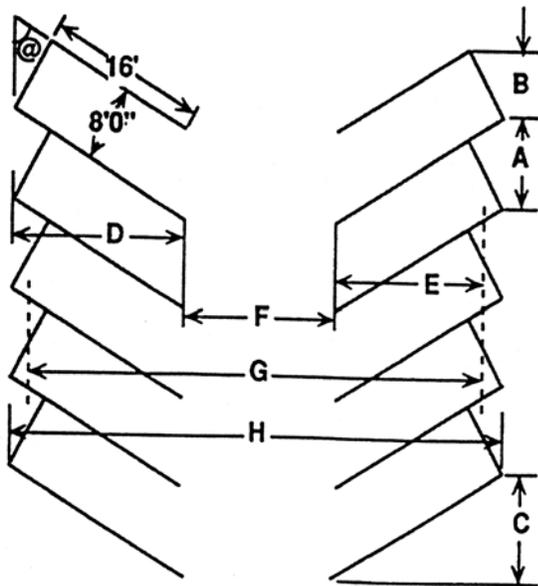
Table 94-55.1: Full-Size Car, 9 feet by 19 feet								
	A	B	C	D	E	F	G	H
At Parking Angle (degrees)	Curb Length per Car (feet)	Curb Length Short Dimension (feet)	Curb Length Long Dimension (feet)	Stall to Back Rows (feet)	Stall to Curb (feet)	Aisle Width (feet)	Back to Back Rows (feet)	Total Width (feet)
0	23.0'	0.0'	23.0'	9.0'	9.0'	12.0'	30.0'	30.0'

**Table 94-55.1: Full-Size Car, 9 feet by 19 feet**

	A	B	C	D	E	F	G	H
At Parking Angle (degrees)	Curb Length per Car (feet)	Curb Length Short Dimension (feet)	Curb Length Long Dimension (feet)	Stall to Back Rows (feet)	Stall to Curb (feet)	Aisle Width (feet)	Back to Back Rows (feet)	Total Width (feet)
20 [1]	26.3'	3.1'	17.9'	15.0'	10.8'	11.0'	32.5'	41.0'
30 [1]	13.0'	4.5'	16.5'	17.3'	13.4'	11.0'	37.8'	45.6'
40 [1]	14.0'	5.8'	14.6'	19.1'	15.7'	12.0'	43.3'	50.2'
45	12.7'	6.4'	13.4'	19.8'	16.6'	13.0'	46.2'	52.6'
50	11.7'	6.9'	12.2'	20.4'	17.5'	12.0'	47.0'	52.8'
60	10.4'	7.8'	9.5'	21.0'	18.8'	18.0'	55.5'	60.0'
70	9.6'	8.5'	6.5'	21.0'	19.5'	19.0'	57.9'	61.0'
90	9.0'	9.0'	0.0'	19.0'	19.0'	23.0'	61.0'	61.0'
Notes:	[1] Must be approved by City Engineer							

4620

**(2) Compact Cars**



**Fig. 94-55.B: Layout and Dimensions for Compact Car**

4621

**Table 94-55.2: Compact Car, (8 feet by 16 feet)**

	A	B	C	D	E	F	G	H
At Parking Angle (degrees)	Curb Length per Car (feet)	Curb Length Short Dimension (feet)	Curb Length Long Dimension (feet)	Stall to Back Rows (feet)	Stall to Curb (feet)	Aisle Width (feet)	Back to Back Rows (feet)	Total Width (feet)
0	21.0'	21.0'	21.0'	8.0'	8.0'	11.0'	27.0'	27.0'
20 [1]	24.0'	3.0'	37.0'	13.0'	9.4'	10.0'	28.8'	36.0'
30 [1]	16.0'	4.8'	26.0'	15.0'	11.5'	10.0'	33.0'	40.0'
40 [1]	12.5'	5.1'	18.8'	16.4'	12.2'	11.0'	37.6'	43.8'
45	11.5'	5.8'	11.5'	17.0'	14.0'	12.0'	40.0'	46.0'
50	10.3'	6.1'	14.8'	17.6'	14.8'	13.0'	40.6'	46.2'
60	9.5'	7.0'	10.0'	18.0'	16.0'	17.0'	49.0'	52.0'
70	9.0'	8.0'	6.6'	18.0'	16.5'	18.0'	51.0'	54.0'
90	8.0'	8.0'	0.0'	16.0'	16.0'	21.0'	53.0'	53.0'
Notes:	[1] Must be approved by City Engineer							

**4622 (d) Loading Area Dimensions, Design, and Materials**

- 4623 (1) Each off-street loading space shall be at least 53 feet in length and ten feet in width, and  
 4624 shall be unobstructed from the surface up to a height of at least 15 feet.
- 4625 (2) Off-street loading spaces shall be surfaced with either:
- 4626 a. A minimum of two inches of asphalt over a four-inch gravel base; or
- 4627 b. Six inches of concrete.
- 4628 (3) All surfacing shall be over an approved compacted subgrade, and shall be graded so as to  
 4629 eliminate drainage problems. Each space shall be equipped with wheel guards when, in  
 4630 the opinion of the city engineer, they are necessary to prevent vehicles from extending  
 4631 beyond the boundary of this space and from coming into contact with other vehicles,  
 4632 walls, fences or plantings. In addition to wheel guards, any abrupt change in elevation, at  
 4633 a height of 18 inches or greater, shall require the provision and installation of guard rails  
 4634 in compliance with this Code.
- 4635 (4) Lighting provided for off-street loading spaces shall be so arranged so as to minimize  
 4636 illumination onto adjoining residential property, and so as to prevent glare directed at  
 4637 vehicles on streets and alleys.

4638 (5) Off-street loading spaces shall be located in such a way that no part of the vehicle will  
4639 occupy an adjacent street or sidewalk, when the spaces are being used to load or unload  
4640 a vehicle.

4641 **(e) Completion**

---

4642 (1) All parking lot surfacing and striping shall be completed in accordance with this section  
4643 prior to issuance of the certificate of occupancy. If seasonal limitations prevent  
4644 completion and, if security as described in this subsection is provided, a temporary  
4645 certificate of occupancy may be issued by the planning and development director.

4646 (2) Security in the form of cash, a performance bond, cashier's check or irrevocable letter of  
4647 credit acceptable to the city equal to the cost of the parking lot surfacing and striping shall  
4648 be provided by the permittee prior to issuance of the certificate of occupancy. Upon  
4649 completion of the parking lot surfacing and striping, and with final approval by the  
4650 planning and development director, the security will be returned to the permittee. In  
4651 addition, the permittee shall be required to provide a construction easement, in a form  
4652 acceptable to the city engineer, prior to issuance of certificate of occupancy. Should the  
4653 permittee fail to complete, by the date required upon the temporary certificate of  
4654 occupancy, the parking lot surfacing and striping as required by the plan submitted and  
4655 approved, the city may use said security to complete the parking lot surfacing and striping  
4656 as required by the plan or revoke the temporary certificate of occupancy, or both. Any  
4657 excess funds from the security not used to complete the parking lot surfacing and striping  
4658 shall be returned to the permittee.

4659 **(f) Failure to Comply**

---

4660 It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove,  
4661 demolish, resurface or restripe any off-street parking lot or facility regulated by this Code, or cause same  
4662 to be done in a manner that is in conflict with, or in violation of any of the provisions of this Code, or  
4663 without first obtaining a permit from the planning and development department.

4664 **Sec. 94-56 Parking Lot Landscaping and Lighting**

4665 **(a) Lighting**

---

4666 Lighting provided for off-street parking spaces shall be so arranged so as to minimize illumination onto  
4667 adjoining residential property, and so as to prevent glare directed at vehicles on streets and alleys.

4668 **(b) Parking Lot Landscaping**

---

4669 The following landscaping requirements shall be met for all off-street surface parking lots, except those  
4670 in the D and ENT districts as provided below.

4671 **(1) Perimeter Landscaping**

4672 a. Perimeter parking lot landscaping a minimum width of ten feet shall be required for  
4673 all parking lots having more than three spaces where the parking lot is adjacent to a

4674 public street, or a non-retail or industrial use such as a residential area, institutional  
4675 use (e.g., hospital) or office.

4676 b. The parking lot perimeter landscaping shall include one canopy tree per 50 lineal feet  
4677 of landscape area. Where the calculation of the number of trees results in a fraction,  
4678 the number shall be rounded up to the nearest whole number. The remainder of the  
4679 landscape area shall be grass, ground cover, or shrubs. No more than 20% of the  
4680 landscape area shall be mulch, decorative rocks, or other non-living materials. The  
4681 use of concrete is not permitted in the landscape area.

4682 c. Where lots are being developed in a mixed-use district, the parking lot perimeter  
4683 landscaping requirement may be reduced along an interior lot line, at the discretion  
4684 of the planning and development director, provided that interior parking lot  
4685 landscaping applies to both parking lots.

4686 **(2) Curbs**

4687 Landscaped areas within parking lots, or along the perimeter of the property, must be protected  
4688 from vehicular traffic through the use of permanent barriers. Barriers can be made of concrete  
4689 curbs, large stones, bollards, or other rigid, permanent systems, not including asphalt curbs. If  
4690 the barriers are continuous, adequate breaks, as determined by the city engineer, shall be  
4691 designed to allow runoff inflows to enter the landscape area while still providing adequate  
4692 protection from traffic.

4693 **(3) Internal Landscaping Design**

4694 Landscape islands shall be installed for every row exceeding 15 parking spaces, either within the  
4695 parking row or at the end of the parking row, and shall be designed as follows:

- 4696 a. Be a minimum of eight feet in width.
- 4697 b. Be at least 200 square feet.
- 4698 c. Allow for runoff capture using curb cuts and approved bioswale designs.
- 4699 d. Have a minimum of four, five-gallon deciduous shrubs and one canopy tree that is a  
4700 minimum of two and one-half inch caliper per 200 square feet.
- 4701 e. Incorporate perennials and grasses for seasonal color.
- 4702 f. Contain a minimum of 50 percent living landscaping material, with a maximum of 50  
4703 percent nonliving landscaping material. Approved sidewalks are not counted toward  
4704 the non-living landscape material percentage.
- 4705 g. Internal landscape strips shall be installed between the parking rows of every other  
4706 double row of parking when parking rows exceed 50 parking spaces, and shall meet  
4707 the following standards:

- 4708 (i) Be a minimum of 10 feet in width, and shall extend the length of the parking
- 4709 row.
- 4710 (ii) Include a four-foot wide sidewalk, and a six-foot wide planting strip.
- 4711 (iii) Meet planting requirements for interior landscape islands, as outlined above.
- 4712 (iv) Allow for runoff capture using curb cuts and approved bioswale designs.

4713 **(4) Sight Distance Triangle**

4714 A site distance triangle within the off-street parking area must be established at street  
 4715 intersections by maintaining a maximum height for shrubs and ground cover of 30 inches. No  
 4716 obstructions are permitted in the site distance triangle including tree branches that must be  
 4717 trimmed within eight feet of the ground. All applicable sight distance requirements must be met  
 4718 for parking lot internal circulation and access points to the public right of way.

4719 **(c) Parking Lot Landscaping in the D and ENT Districts**

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4720 Any boundary of a surface parking lot in the D and ENT districts that abuts a public street, the 76  
 4721 Promenade, public alley, or lot used for detached residential dwellings, shall be landscaped according to  
 4722 this subsection.

4723 (1) Corner-lot buildings with side-yard parking, the boundary between the parking lot and  
 4724 the street-facing side property line shall be landscaped or screened adjacent to the right-  
 4725 of-way according to one of the following options:

4726 a. A minimum four-foot-wide planting strip containing a low, continuous hedge a  
 4727 minimum of 30 inches tall at installation consisting of a double row of evergreen  
 4728 shrubs planted a minimum of three feet on-center in a triangular pattern; or

4729 b. A minimum two-foot-wide planting strip containing an ornamental metal fence or  
 4730 masonry wall, with a minimum height of three and one-half feet and a maximum  
 4731 height of four feet, combined with a single row of evergreen shrubs planted a  
 4732 minimum of three feet on-center.

4733 (2) For all other parking lot boundaries, the boundary shall be landscaped or screened  
 4734 according to one of the following options:

4735 a. A minimum two-foot-wide planting strip containing a single row of shrubs planted a  
 4736 minimum of three feet on-center combined with a minimum three-foot high  
 4737 ornamental metal fence or masonry wall of materials compatible with the primary  
 4738 structure. In the place of shrubs, trees may be planted a minimum of 10 feet on-  
 4739 center along the common boundary line; or

4740 b. A minimum four-foot-wide planting strip containing a low, continuous hedge a  
 4741 minimum of 30 inches tall at installation consisting of a double row of evergreen  
 4742 shrubs planted a minimum of three feet on-center in a triangular pattern.

- 4743 (3) As applicable, landscaping materials shall be planted on the side of the fence/wall closest  
4744 to the street, alley, or residential property.
- 4745 (4) The interior landscaping requirements of Section 94-98(b)(3) shall apply to all parking  
4746 areas that meet the applicability standards of that section.

DRAFT

4747 **Sec. 94-57 City Planning Commission**

4748 **(a) Appointment of Planning Commission and Adoption of Plan**

---

4749 The Board shall adopt, amend and carry out the city plan, and appoint a Planning Commission with the  
4750 powers and duties as described in this article.

4751 **(b) Members of Planning Commission**

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4752 The Planning Commission shall consist of 11 members, including the mayor, if the mayor chooses to be a  
4753 member, one member of the board appointed by the mayor and approved by the board annually during  
4754 its first organizational meeting, and nine citizen members who are residents in the city, appointed by the  
4755 mayor and approved by the Board. All citizen members shall serve without compensation. The term of  
4756 each citizen member shall be four years, except that the terms of the citizen members first appointed  
4757 shall be for varying periods so that succeeding terms will be staggered. Any vacancy in the membership  
4758 shall be filled by appointment as described above for the remainder of the expiring term. It shall be  
4759 necessary for at least six members of the Planning Commission to be present at any meeting for the  
4760 conduct of business, and a majority of those six members shall make a quorum to enact any business or  
4761 pass upon recommendations.

4762 **(c) Elected Officers of Planning Commission and Meetings**

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4763 The Planning Commission shall elect a chairperson, vice-chairperson and secretary from among its citizen  
4764 members. Their terms shall be for one year with eligibility for reelection. The Planning Commission shall  
4765 hold regular meetings and special meetings as they provide by rules, and shall adopt rules for the  
4766 transaction of business, and keep a record of its proceedings. These records shall be public records. The  
4767 Planning Commission shall appoint employees and staff as necessary for its work, and may contract with  
4768 city planners and other professional persons for the services that it requires. The expenditures of the  
4769 Planning Commission, exclusive of grants and gifts, shall be within the amounts appropriated for the  
4770 purpose by the Board.

4771 **(d) Planning Commission, Powers and Duties**

---

4772 The Planning Commission shall be guided by, and set under the applicable laws of the state. The  
4773 commission shall report on any and all proposed changes in the zoning code when adopted; shall review  
4774 all proposed subdivisions of land; and may recommend plans and physical improvement programs for the  
4775 city to the Board.

4776 **Sec. 94-58 Board of Adjustment**

4777 **(a) Establishment and Membership of Board of Adjustment**

---

4778 A Board of Adjustment is hereby established, which shall consist of five members appointed by the Board  
4779 who are residents in the city. The membership of the first Board of Adjustment appointed shall serve  
4780 respectively, one for one year, one for two years, one for three years, one for four years, and one for five  
4781 years. Thereafter members shall be appointed for a term of five years. Members of the Board of

4782 Adjustment may be removed from office by the Board for cause upon written charges and after public  
4783 hearing. Vacancies shall be filled by resolution of the Board for the length of the unexpired term.

4784 **(b) Meetings**

---

4785 (1) The Board of Adjustment shall adopt rules necessary to the conduct of its affairs. The  
4786 Board of Adjustment shall elect its own chairman who shall serve for one year. Meetings  
4787 shall be held at the call of the chairperson, and at such other times as the Board of  
4788 Adjustment may determine. The chairperson, or in his absence the acting chairperson,  
4789 may administer oaths and compel the attendance of witnesses. All meetings shall be open  
4790 to the public.

4791 (2) The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each  
4792 member on each question, or if absent or failing to vote indicating such fact, and shall  
4793 keep records of its examination and other official actions, all of which shall be public  
4794 record. All testimony, objections thereto and rulings thereon, shall be taken down by a  
4795 reporter employed by the Board of Adjustment for that purpose.

4796 **(c) Appeals to the Board of Adjustment**

---

4797 (1) Appeals to the Board of Adjustment concerning interpretation or administration of this  
4798 title may be taken by any person aggrieved, or by any officer or bureau of the governing  
4799 body of the city, affected by any decision of the planning and development director or  
4800 Planning Commission. Such appeals shall be taken within a reasonable length of time, not  
4801 to exceed 30 days, or such lesser period as may be provided by the rules of the Board of  
4802 Adjustment, by filing with the planning and development director a notice of appeal  
4803 specifying the grounds thereof. The planning and development director shall forthwith  
4804 transmit to the Board of Adjustment a copy of the record of the action being appealed.

4805 (2) The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give seven  
4806 days' public notice thereof as due notice to the interested parties, and decide the same  
4807 within a reasonable time. At the hearing, any party may appear in person, by agent or  
4808 attorney.

4809 (3) An appeal stays all proceedings in furtherance of the action appealed from, unless the  
4810 planning and development director certifies to the Board of Adjustment after the notice  
4811 of appeal is filed with him, that by reason of facts stated in the certificate, a stay would,  
4812 in his opinion, cause immediate peril to life or property. In such case, proceedings shall  
4813 not be stayed otherwise than by a restraining order which may be granted by the Board  
4814 of Adjustment or by a court of record on application, or notice to the planning and  
4815 development director from whom the appeal is taken and on due cause shown.

4816 **(d) Powers and Duties**

---

4817 The Board of Adjustment shall have the following powers and duties:

4818 (1) Administrative review. To hear and decide appeals where it is alleged there is error in any  
4819 order, requirement, decision, interpretation or determination made by the planning and  
4820 development director in the enforcement of this chapter.

4821 (2) Variances—conditions governing applications, procedures. To authorize upon appeal in  
4822 specific cases such variance from the bulk or area regulations of this chapter, as will not  
4823 be contrary to the public interest where, owing to special conditions, a literal  
4824 enforcement of the provisions of this chapter would result in unnecessary hardship. A  
4825 variance from the terms of this chapter shall not be granted by the Board of Adjustment  
4826 unless and until:

4827 a. A written application for a variance is submitted demonstrating:

4828 (i) That special conditions and circumstances exist which are peculiar to the land  
4829 or structure involved and which are not applicable to other land or structures  
4830 in the same district;

4831 (ii) That literal interpretation of the provisions of this chapter would deprive the  
4832 applicant of rights commonly enjoyed by other properties in the same district  
4833 under the terms of this chapter;

4834 (iii) That the special conditions and circumstances do not result from the actions  
4835 of the applicant;

4836 (iv) That granting the variance requested will not confer on the applicant any  
4837 special privilege that is denied by this chapter to other lands or structures in  
4838 the same district.

4839 No nonconforming use of neighboring lands or structures in the same district, and no  
4840 permitted or nonconforming use of land or structures in other districts, shall be  
4841 considered grounds for the issuance of a variance.

4842 b. Notice of public hearing shall be given as is outlined in the proceedings of the Board  
4843 of Adjustment.

4844 c. The public hearing shall be held. Any party may appear in person, by agent or by  
4845 attorney.

4846 d. The Board of Adjustment shall make findings that the requirements of subsection  
4847 (2)(a) of this section have been met by the applicant for the variance.

4848 e. The Board of Adjustment shall further make a finding that the granting of the variance  
4849 is the minimum variance that will make possible the reasonable use of the land or  
4850 structure.

4851 In granting any variance, the Board of Adjustment may prescribe appropriate conditions and  
4852 safeguards in conformity with this chapter. Violation of such conditions and safeguards, when  
4853 made a part of the terms under which the variance is granted, shall be deemed a violation of  
4854 this chapter and punishable under this Code.

- 4855 (3) The Board of Adjustment has powers of administrative officials on appeals—reversing of  
4856 administrative official. In exercising the above-mentioned powers, the Board of  
4857 Adjustment may, so long as such action is in conformity with the terms of this title, reverse  
4858 or affirm, wholly or partially, or may modify the order, requirement, decision or  
4859 determination appealed from, and may make such order, requirement, decision or  
4860 determination as ought to be made, and to that end shall have powers of the  
4861 administrative official from whom the appeal is taken.
- 4862 (4) The concurring vote of four members of the Board of Adjustment shall be necessary to  
4863 reverse any order, requirement, decisions or determination of the administrative official,  
4864 or to decide in favor of the applicant on any matter upon which it is required to pass under  
4865 this chapter, or to effect any variation in the application of this chapter.

4866 **(e) Appeals from the Board of Adjustment**

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4867 Any person or persons, or any board, taxpayer, department, or bureau of the city, aggrieved by any  
4868 decision of the Board of Adjustment may seek review of such decision by a court of record, in the manner  
4869 provided by the laws of the state.

4870 **(f) Appeals and Variance Processing and Costs**

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4871 (1) It is the intent of this chapter that all questions of interpretation and enforcement shall  
4872 be first presented to the administrative official, and that such questions shall be  
4873 presented to the Board of Adjustment only on appeal from the decision of the  
4874 administrative official, and that recourse from the decisions of the Board of Adjustment  
4875 shall be to the courts as provided by state law.

4876 (2) It is further the intent of this chapter that the duties of the Board in connection with this  
4877 chapter shall not include hearing and deciding questions of interpretation and  
4878 enforcement that arise. The procedure for deciding such questions shall be as stated in  
4879 this section and this chapter. Under this chapter, the Board shall have only the following  
4880 duties:

4881 a. Considering the adopting or rejecting of proposed amendments, or the repeal of this  
4882 chapter, as provided by law; and

4883 b. Establishing a schedule of fees and charges as stated below:

4884 (i) Appeal fee. Application for an administrative appeal to the Board of  
4885 Adjustment shall be made in writing to the planning and development  
4886 department. Such application shall be accompanied by a fee in the amount  
4887 provided in the city fee schedule to cover the cost of mailing and posting  
4888 notices. An appeal shall be construed as having been perfected once the  
4889 application and fee has been received.

4890 (ii) Variance fee. Application for a variance to a piece of property from the zoning  
4891 code shall be made in writing to the planning and development department  
4892 by the owner of the property or with the written permission of the property

4893 owner. Such application shall be accompanied by a fee in the amount  
4894 provided in the city fee schedule.

4895 (iii) Other fees. To defray costs of proceedings prescribed in this article, fees shall  
4896 be paid upon the filing of each application for posting and publishing all  
4897 notices before the Board of Adjustment as required by law.

4898

4899 **Sec. 94-59 Enforcement, Violation and Penalty**

4900 **(a) Violations; Penalties**

---

4901 (1) In case any building or structure is erected, constructed, reconstructed, altered,  
4902 converted or maintained, or any building, structure or land is used in violation of state  
4903 statute, or of any ordinance or other regulation made under authority conferred hereby,  
4904 the proper local authorities of the city, in addition to other remedies, may institute any  
4905 appropriate action or proceedings to prevent such unlawful erection, construction,  
4906 reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate  
4907 such violation, to prevent the occupancy of such building, structure, or land, or to prevent  
4908 any illegal act, conduct, business, or use in or about such premises. Such regulations shall  
4909 be enforced by an officer empowered to cause any building, structure, place or premises  
4910 to be inspected and examined and to order in writing the remedying of any condition  
4911 found to exist therein or thereat in violation of any provision of the regulations made  
4912 under authority of the state statute.

4913 (2) The owner or general agent of a building or premises where a violation of any provision  
4914 of this chapter has been committed or shall exist, or the lessee or tenant of an entire  
4915 building or entire premises where such violation has been committed or shall exist, or the  
4916 owner, general agent, lessee or tenant of any part of the building or premises in which  
4917 such violation has been committed or shall exist, or the general agent, architect, builder,  
4918 contractor or any other person who commits, takes part or assists in any such violation or  
4919 who maintains any building or premises in which any such violation shall, upon conviction,  
4920 be punishable by section 1-13.

4921 (3) Any such person who having been served with an order to remove any such violation shall  
4922 fail to comply with such order within ten days after such service or shall continue to  
4923 violate any provision of the regulations made under authority of the state statute, in the  
4924 respect named in such order shall also be subject to a civil penalty of \$250.00.

4925

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4927



# BRANSON ZONING CODE

## Temporary Signs

3 Article IV. Temporary Signs (Replaces Existing Ch.70, Art. IV)

4

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17 (a) General..... **Error! Bookmark not defined.**

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19

20 **Sec. 70-230 Generally**

21 **(a) Purposes**

---

22 The purposes of these temporary sign regulations are as follows:

- 23 (1) Enhance opportunities for visual communication, including promoting the legibility of  
24 such communications;
- 25 (2) Create a more attractive economic and business climate within the city;
- 26 (3) Enhance and protect the physical appearance of all areas of the city; and
- 27 (4) Reduce the distractions, obstructions and hazards to pedestrian and automobile traffic  
28 caused by the excessive number, excessive size or height, inappropriate means of  
29 illumination or movement, indiscriminate placement, overconcentration, or unsafe  
30 construction of signs.

31 **(b) Allowed on Private Property Restrictions**

---

32 Temporary signs, including, but not limited to, those specified within this article are allowed on  
33 private property provided they meet the following requirements:

- 34 (1) The sign conforms to all requirements of this chapter,
- 35 (2) The sign does not interfere with automobile traffic or pedestrians,
- 36 (3) The sign is not placed in the public right-of-way,
- 37 (4) When a sign placed on private property, is done with the express permission of the  
38 property owner, and
- 39 (5) The sign is not a public danger or nuisance during high winds or inclement weather.

40 **(c) Permits and Standards**

---

- 41 (1) Required. A temporary sign permit is required unless otherwise specified within this  
42 article.
- 43 (2) Display duration
  - 44 a. Unless otherwise defined within this article, the display of temporary signs shall  
45 be limited to a maximum of 30 days per address, cumulative total per calendar  
46 year.
  - 47 b. The 30-day per address cumulative total per calendar year requirement shall be  
48 restarted when a business at a specific address changes ownership within any  
49 given year.

- 50 (3) Number of signs. Unless otherwise specified in this section, a maximum of one temporary  
51 sign shall be allowed per premises at any time.
- 52 (4) Printing and placement. Signs may be printed on both sides or two-single sided banners  
53 may be placed back-to-back. V-type configurations are not allowed.
- 54 (5) Permit sticker. A permit sticker will be provided, and shall be placed on the sign where  
55 visible.
- 56 (6) Temporary signs shall not be used as a method to circumvent the regulations that apply  
57 to permanent signs, or to add a permanent sign to a parcel in addition to the permanent  
58 signage permitted on that parcel.
- 59 (7) Temporary signs shall not be illuminated.
- 60 (8) Temporary signs shall not contain any digital components, or a changeable message  
61 component or mechanism.

62 **(d) Location**

---

63 Unless otherwise specified within this article, temporary signs may only be placed on the parcel  
64 for which the temporary sign permit is issued.

- 65 (1) Except in the D district, all temporary signs shall be located on private property, and  
66 setback from the edge of the street pavement a minimum of five feet.
- 67 (2) A-Frame signs shall be located within ten feet of a pedestrian entrance, and shall be  
68 removed when the business is closed and during severe weather events.

69 **(e) Removal**

---

70 Temporary signs shall be subject to removal as provided in this chapter.

71

72 **Sec. 70-231 Permitted Temporary Signage**

73 **(a) Sign Types**

74 **(1) A-Frame Sign**

75 A sign consisting of two sign faces placed together at an angle of 90  
76 degrees or less to form an "A" shaped structure that tapers from a  
77 wide base to a narrow top. See Fig. 70-231.A.



Fig.70-231.A: A-Frame sign

82 **(2) Banner Sign**

83 A sign constructed of plastic or fabric of any  
84 kind that is attached to supports, a frame or  
85 a flat surface. See Fig. 70-231.B.



Fig. 70-231.B: Banner sign

88 **(3) Yard Sign**

89 A temporary sign placed upon, or supported by the ground independently  
90 of any other structure, but not including an A-Frame sign. See Fig. 70-231.C.



Fig. 70-231.C: Yard sign

91  
92  
93  
94  
95  
96

97 **(b) Temporary Signage Permitted by District**

98 The following temporary signage is permitted by lot, by district, and by use:

**Table 70-231.1: Temporary Signs by District: Maximum Sign Number and Area**

Zone District	Land Use	Sign Type			Duration
		Yard	Banner	A-Frame	
<b>Residential</b>					
LDR MDR	Single-Family, Two-Family, Rowhouse	Max. No.: 2 Max. Area: 6 sq. ft. per sign Max. Height: 6 feet	Not permitted	Not permitted	30 days
HDR	Multi-Family	Max. No.: 2 Max. Area: 6 sq. ft. per sign Max. Height: 6 feet	Max. No.: 1 per street frontage Max. Area: 16 sq. ft. Max. Height: 8 feet	Not permitted	30 days
<b>Commercial</b>					
NC MU	All	Max. No.: 1 per public street frontage. Max. Area: 6 sq. ft. per sign Max. Height 6 feet	Max. No.: 1 per public street frontage Max. Area: 32 sq. ft. per sign Max. Height 10 feet	Max. No.: 1 per licensed business <b>Max. Area: 8 sq. ft. per sign</b> Max. Height 4 feet	30 days
CC	All	Max. No.: 1 per licensed business Max. Area: 6 sq. ft. per sign Max. Height 6 feet	Max. No.: 1 per public street frontage Max. Area: 32 sq. ft. per sign Max. Height 10 feet	Max. No.: 1 per licensed business <b>Max. Area: 8 sq. ft. per sign</b> Max. Height 4 feet	30 days
D	Commercial	Max. No.: 1 per public street frontage. Max. Area: 6 sq. ft. per sign Max. Height 6 feet	Max. No.: 1 per lot Max. Area: 16 sq. ft. total Max. Height 8 feet	Max. No.: 1 per licensed business <b>Max. Area: 8 sq. ft. per sign</b> Max. Height 4 feet	30 days
	Residential	Max. No.: 1 per public street frontage. Max. Area: 6 sq. ft. per sign	Max. No.: 1 per lot Max. Area: 6 sq. ft. total Max. Height 6 feet	Not permitted	30 days

**Table 70-231.1: Temporary Signs by District: Maximum Sign Number and Area**

Zone District	Land Use	Sign Type			Duration
		Yard	Banner	A-Frame	
		Max. Height 6 feet			
ENT	All	Max. No.: 1 per public street frontage. Max. Area: 6 sq. ft. per sign Max. Height 6 feet	Max. No.: 1 per public street frontage Max. Area: 32 sq. ft. per sign Max. Height 10 feet	Max. No.: 1 per licensed business <b>Max. Area: 8 sq. ft. per sign</b> Max. Height 4 feet	30 days
<b>Office and Industrial</b>					
BUS, I	All	Max. No.: 1 per public street frontage Max. Area: 6 sq. ft. per sign Max. Height 6 feet	Max. No.: 1 per public street frontage Max. Area: 32 sq. ft. per sign Max. Height 10 feet	Not permitted	30 days

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100 **(c) Exceptions and Additions to Table 70-231.1**

101 **(1) Downtown and Entertainment Districts**

102 The following standards shall apply to temporary signs in the Downtown and  
103 Entertainment Districts:

- 104 a. A-Frame signs may be placed on the public sidewalk Downtown, but shall be  
105 placed so they do not interfere with or impede the flow of pedestrian movement.

106 **(2) Active Real Estate Listing or Building Permit Event Signs**

107 One additional temporary sign is permitted on a property that is subject to: (a) an active real  
108 estate sale or rental listing, or (b) active building permit. The sign may remain posted on the  
109 site for the duration of the listing period or while the building permit is valid and active. The  
110 dimensional standards of Table 70-231.1 shall apply by district. **No permit shall be required.**

111 **(d) Temporary Signage Permitted by Special Event or Temporary Use**

112 **(1) General**

113 Temporary signs may be allowed as part of a special event or temporary use permit pursuant  
114 to this section.

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116 **a. Maximum Sign Calculation**

117 Temporary signs permitted through a special event or temporary use permit may be  
118 off-premise with the permission of the property owner, and may be allowed on a  
119 parcel in addition to the maximum amount of temporary signage permitted on that  
120 parcel.

121 **b. Temporary Sign Types**

122 Temporary signs permitted as part of a special event or temporary use permit are  
123 restricted to the types, sizes and heights identified in Table 70-231.1 unless otherwise  
124 specified in this section.

**Table 70-321.2: Temporary Signage by Event**

Event	Number and Type of Signs Permitted		Duration
Election	See Election Event Signs, below.		
Garage/Yard Sale	4	Yard	Placed and removed same day as event
Open House	4	Yard	Placed and removed same day as event
Public Event	10	Yard	Placed no more than 7 days before; Removed no more than 2 days after
	5	Banner	
Special Event	10	Yard	Placed no more than 7 days before; Removed no more than 2 days after
	5	Banner	

125 **(2) Election Event**

126 One temporary sign may be located per premise for a period of **sixty (60) days** prior to an  
127 election involving candidates for a federal, state or local office which represents the voting  
128 district in which the property is located, or involves an issue on the ballot of an election within  
129 the voting district where the property is located, per issue and per candidate. The dimensional  
130 standards of Table 70-321.1 shall apply by district. **No permit shall be required.**

131 **(3) Garage/Yard Sale Event**

132 Temporary signs may be permitted in conjunction with a permitted garage/yard sale as  
133 follows:

- 134 a. Signs shall be located within a **5,000-foot** radius of the garage/yard sale.
- 135 b. Signs may only be displayed on the same day as the garage/yard sale.

136 **(4) Open House Event**

137 Temporary signs may be permitted in conjunction with a staffed real estate open house as  
138 follows:

- 139 a. Signs shall be located within a 5,000-foot radius of the open house.  
140 b. Signs may only be displayed on the same day as the open house event.

141 **(5) Public Event**

- 142 a. A maximum of five banner signs and ten yard signs may be issued in conjunction  
143 with a temporary use permit.
- 144 b. The temporary use permit shall specify the installation and removal dates of the  
145 temporary signs allowed in conjunction with the permit.
- 146 c. Banner signs shall not exceed 32 square feet of sign area, per side. Yard signs  
147 shall not exceed six square feet in area, per side. A-Frame signs are not permitted.

148 **(6) Special Event**

- 149 a. A maximum of five banner signs and ten yard signs may be issued in conjunction  
150 with a special event permit.
- 151 b. The special event permit shall specify the installation and removal dates of the  
152 temporary signs allowed in conjunction with the permit.
- 153 c. Banner signs shall not exceed 32 square feet of sign area, per side. Yard signs  
154 shall not exceed six square feet in area per side. A-Frame signs are not permitted.

155 **(e) Temporary Substitute Signage for Damaged Permanent Signs**

156 In the event that a permanent sign is substantially damaged through fire, natural disaster or  
157 similar emergency, or in the case of major construction projects, where existing permanent  
158 signage is removed for construction purposes, a temporary sign may be allowed for display for a  
159 period of time not exceeding 60 days. Temporary signage is limited to a maximum of 32 square  
160 feet per address, unless the temporary signage is affixed to any wall face of the main structure.  
161 When temporary signage is affixed to any wall face of the main structure, the maximum size of  
162 temporary signage may be increased to allow for a maximum coverage of 20 percent of the area  
163 of the wall face to which it is affixed. In no case shall any temporary signage exceed a maximum  
164 size of 250 square feet.

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**CHAPTER 22**  
**BUSINESSES**  
**ARTICLE II. LICENSES**

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**Sec. 22-36. - Lodging establishments in ~~[R-1]~~Low Density Residential.**

A business license may not be granted to a business that provides lodging for legal consideration for a term less than 30 consecutive days in a district zoned ~~[R-1]~~Low Density Residential.

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**ARTICLE III. PEDDLERS AND SOLICITORS**  
**DIVISION 1. GENERALLY**

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**Sec. 22-80. - Special event permit required to solicit.**

- (a) It shall be unlawful for any person, firm or corporation to solicit on public property within the city without issuance of a special event permit from the ~~[planning and development director or]~~the board. In addition to the general application requirements for a special event permit, the solicitor shall provide the following information to the planning and development director:

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**ARTICLE IV. SECONDHAND GOODS**  
**DIVISION 1. GENERALLY**

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**Secs. 22-132—22-~~[160]~~195. - Reserved.**

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~~**[DIVISION 2. YARD, RUMMAGE AND SIMILAR SALES]**~~

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~~**[Sec. 22-161. - Generally; permit.**~~

- (a) ~~No person shall advertise, conduct, hold, carry on or permit any outdoor display or outdoor sale of used merchandise or other items of used personal property in any commercial district, unless such display or sale is as follows:~~
- ~~(1) Antiques or used merchandise or other personal property which is part of the business's normal stock of inventory;~~
  - ~~(2) On the grounds of a dwelling used for residential purposes, permitted pursuant to subsection (b) of this section; or~~
  - ~~(3) Approved as part of a special event permit pursuant to chapter 94, the zoning regulations.~~
- (b) ~~No person shall advertise, conduct, hold, carry on or permit any home, garage, patio, yard or rummage sale on the grounds of or within any dwelling within the city without a permit.~~
- (c) ~~Such permit issued by the finance director shall set forth, in writing, the name of the person holding or conducting such sale, the location of the sale, and the date such sale is to be held.~~
- (d) ~~No permit shall be issued by the city to any person or premises more often than once every 60 days and the permit shall be subject to the limitations provided in this division; provided, however, that schools, churches and bona fide nonprofit organizations may carry on rummage sales with no restrictions as to number of or duration of the sales if the sale is held on school or church property.]~~

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~~**[Sec. 22-162. - Number and duration limited.**~~

- (a) ~~No person shall advertise, conduct, hold, carry on or permit any home, garage, patio, yard or rummage sale on the grounds of or within any dwelling within the city more than three times in any one calendar year nor shall a permit be issued to a person or premises more than three times each calendar year.~~
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(b) ~~No person shall advertise, conduct, hold, carry on or permit any home, garage, patio, yard or rummage sale which lasts more than four consecutive days.~~

~~[Sec. 22-163. -- Administrative fee.~~

~~The finance director shall issue a permit to applicants who are in compliance with this division upon payment of an administrative fee in the amount provided in the city fee schedule.]~~

~~[Sees. 22-164 -- 22-195. -- Reserved.]~~

## DIVISION [3]2. PAWNSHOPS AND PAWNBROKERS

### ARTICLE V. VEHICLES FOR HIRE DIVISION 6. HORSE-DRAWN CARRIAGES FOR HIRE

#### Sec. 22-420. -- Designated route map.

Except when approved as a Special Event, the Board shall designate a horse-drawn carriage route(s) to be used by all horse-drawn carriages licensed in the city. The route(s) shall only be located in the [~~D~~ ~~downtown commercial district~~]**Downtown District**, as defined by the official zoning map. The route(s) shall be designated in writing and by a map, which may include a designation for exclusive use carriage stand. The route(s) shall be designated by passage of a resolution by the Board.

## CHAPTER 42

### FIRE PREVENTION AND PROTECTION ARTICLE III. FIRE PREVENTION CODE

#### Sec. 42-56. - Fireworks.

No person shall sell, discharge, dispense, or store fireworks except in conformity with the following provisions:

- (1) Fireworks sales shall be limited to the period beginning at 7:00 a.m. on June 20 and going through 6:00 p.m. on July 10, except for retail sales to buyers from outside the state.
- (2) Discharge of fireworks shall be limited to the periods of 7:00 a.m. to 12:00 midnight on July 3 and 7:00 a.m. to 12:00 midnight on July 4, unless otherwise approved as a special event[~~pursuant to chapter 78~~].

## CHAPTER 58

### OFFENSES AND NUISANCES ARTICLE I. IN GENERAL

#### Sec. 58-1. - Definitions.

*Residential property* means any property or portion thereof which is designated or used exclusively for residential purposes [~~zoned in the city as R-1, R-2, R-3 or any residentially designated area in a planned development (PD) or in a commercial district where the only use of the property is for one or two family dwellings~~].

#### Sec. 58-97. - Firearms prohibitions; possession and use of weapons.

- (a) No person shall discharge any firearm or projectile weapon within the corporate limits of this city. The provisions of this subsection shall not apply to the discharge of a firearm within an indoor shooting range, which is established and maintained for such purposes[~~, under conditions approved and authorized by a special use permit~~].

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## ARTICLE VII. NOISE

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### Sec. 58-262. - Prohibited acts.

- (b) Except as otherwise permitted by special event permit[ ~~pursuant to article II of chapter 78~~], or other action of the board, or as otherwise provided in this Code, it shall be unlawful for any person to play, use or otherwise allow the playing or use of any sound-producing device or allow any other noise source from private property in which the sound emission can be heard beyond the property lines between the hours of 11:00 p.m. and 7:00 a.m. or at any other time in which the sound is of a volume, intensity or duration as to be detrimental to the reasonable comfort of another.
- (h) Except as otherwise permitted by special event permit[ ~~pursuant to article II of chapter 78~~], or other action of the board, or as otherwise provided in this Code, it shall be unlawful for any person to play, use or otherwise allow the playing, or use of any sound-producing device or allow any other noise source from private property [~~in D~~] zoned[~~;~~] downtown ~~commercial~~, in which the sound emission can be heard beyond the property lines or at any time in which the sound is of a volume, intensity or duration as to be detrimental to the reasonable comfort of another. The provisions of this subsection shall not apply to sound emissions from trains or church bells.

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## ARTICLE VIII. NUISANCES; GENERAL DIVISION 1. GENERALLY

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### [~~Sec. 58-294. - Nuisances; general.~~]

- (~~g~~) ~~Portable storage units.~~ Any portable storage unit located on residential property is declared a nuisance, except:
- (1) ~~When the portable storage unit is present for less than 30 consecutive calendar days in a 12-month period.~~
  - (2) ~~When a valid building permit exists for the property.~~
- [~~h~~](~~g~~) *Open storage.* The following conditions shall constitute nuisances for purposes of this section:

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## DIVISION 2. SMOKE-FREE

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### Sec. 58-334. - Prohibition of smoking in outdoor public places.

Smoking shall be prohibited in the following outdoor public places within the city:

- (1) Within six feet of outside entrances, operable windows and ventilation systems of enclosed areas where smoking is prohibited, and public transportation stops.
- Exception: In the [~~D-Downtown-Commercial-District~~]**Downtown District**, within four feet of outside entrances, operable windows and ventilation systems of enclosed areas where smoking is prohibited, and public transportation stops.

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## CHAPTER 62

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## PARKS, RECREATION AND OTHER CITY FACILITIES ARTICLE II. CITY PARKS, PLAYGROUNDS AND CAMPGROUNDS DIVISION 3. USE AND OPERATION

139 **Sec. 62-74. - Excessive noise.**

140 No loud or excessive noises shall be permitted at any time in any city park, playground, or campground. Events or activities  
141 sponsored by the city or for which a special event permit has been issued pursuant to this code[~~article II of chapter 78~~] shall  
142 be exempted from this section.

143 **Sec. 62-75. - Fundraising.**

144 No public or private gathering of groups for the purpose of fundraising shall be permitted in the city parks unless otherwise  
145 approved as a special event pursuant to this code[~~article II of chapter 78~~].

146  
147 **CHAPTER 66**

148 **PLANNING AND SUBDIVISIONS**

149 **ARTICLE IV. LANDSCAPING, BUFFERING AND CLEARING**

150 ~~[Sec. 66-208. - Minimum requirements for off-street parking lots and vehicular use areas.~~

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154 ~~The interior and perimeter of parking lots and vehicular use areas, for uses requiring site plans, shall be landscaped in~~  
155 ~~accordance with the following criteria. Areas used for parking or vehicular storage which are under, on, or within buildings~~  
156 ~~are exempt from these standards.~~

157 ~~(1) *Interior landscaping.* For sites containing parking and vehicular use areas totaling 15 or more parking spaces or~~  
158 ~~where the gross area is 6,000 or more square feet, a minimum of ten percent of the parking or vehicular use area~~  
159 ~~shall be devoted to living landscaping which includes grass, ground cover, plants, shrubs and trees. Gross parking~~  
160 ~~area shall be determined by calculating the total area used for parking, including circulation aisles. Five percent of~~  
161 ~~the landscaped interior shall be located at the street wall (any building facing a street) to the street wall line (street~~  
162 ~~line). These plantings may be grouped in such a way as to provide visual relief to those building elevations the~~  
163 ~~public views of the project. Additional criteria shall apply to the interior of parking and vehicular use areas:~~

- 164 ~~a. Interior landscape areas shall be protected from vehicular encroachment or overhang through appropriate~~  
165 ~~wheel stops or curbs.~~  
166 ~~b. There shall be a minimum of one canopy tree or two understory, ornamental or evergreen trees planted for~~  
167 ~~each 15 parking spaces or 6,000 square feet of parking or vehicular use area, or fraction thereof. For every~~  
168 ~~tree planted in the required ten percent area, four shrubs shall be planted. The planted areas may be sodded~~  
169 ~~or mulched.~~  
170 ~~c. Interior areas of parking and vehicular use areas shall contain planting islands located so as to best relieve~~  
171 ~~the expanse of paving. Interior planting areas shall be a minimum of 100 square feet for each understory~~  
172 ~~tree and 200 square feet for each canopy tree dimensioned in such a way as to provide a suitable area for~~  
173 ~~planting.~~

174 ~~(2) *Perimeter landscaping.*~~

- 175 ~~a. Perimeter landscaping shall be provided where a parking lot or vehicular use area is within 50 feet of a~~  
176 ~~right of way and there is not an intervening building.~~  
177 ~~b. Perimeter landscape areas shall contain one canopy tree, one understory, ornamental or evergreen tree and~~  
178 ~~four shrubs per 100 linear feet. Where utility lines, easements, the width of the landscape area or other~~  
179 ~~conditions not under the control of the developer would not allow canopy trees, each required canopy tree~~  
180 ~~may be replaced by two understory, ornamental or evergreen trees, or in this area, in lieu of one tree, eight~~  
181 ~~shrubs (measured at 18 inches after planting) or eight perennial bed plantings (measured at one gallon size~~  
182 ~~at planting) will meet the landscape requirements. Where a perimeter landscape area is less than 100 linear~~  
183 ~~feet only one canopy tree or two understory, ornamental or evergreen trees are required in addition to four~~  
184 ~~shrubs. Required trees and shrubs may be clustered to allow for the most effective use of landscaping. The~~  
185 ~~remaining area shall be landscaped with grass or other ground cover.~~

- 186 ~~1. Whenever an off-street parking or vehicular use area abuts a right of way, a perimeter landscape~~  
187 ~~area at least five feet in depth shall be maintained between the abutting right of way and the off-~~  
188 ~~street parking or vehicular use area.~~  
189 ~~2. Necessary accessways from the right of way shall be permitted through all landscaping.~~

190 (3) ~~Residential landscape areas. Residential landscape areas shall contain two canopy trees, two understory,~~  
191 ~~ornamental or evergreen trees and eight shrubs per 100 linear feet, or portion thereof, of front yard street frontage.~~  
192 ~~Where this street frontage is less than 100 linear feet only one canopy tree or two understory, ornamental or~~  
193 ~~evergreen trees and four shrubs are required.]~~

194  
195 **[Sec. 66-209. -- Exemption for property in downtown zoning district. Modified**

196 ~~Due to the unique nature of those properties located in the D downtown zoning district, the planning and development~~  
197 ~~director may allow a buy-out of the perimeter and interior landscape requirements as set forth in this article. This buy-out~~  
198 ~~shall be at the rate as provided in the city fee schedule.]~~

199 **Sec. 66-2[10]08. - Requirements for areas outside city receiving city services and voluntarily annexed areas.**

200  
201 **Sec. 66-2[11]09. - Buffering and screening requirements. Modified**

202 (a) *Applicability.* All plans submitted in support of a final development plan, building permit or special use permit shall  
203 include a detailed drawing of applicable screening methods. Such drawing may be included as part of the landscape  
204 plan. No buffer or screening requirement located on an adjacent property may be utilized as a portion of a required  
205 buffer or screen, or allowed to be used in a trade-off or modification of a standard.

206 (b) *Buffering requirements by zoning classification.*

207 (1) At the time of development of property [~~zoned C-commercial~~]**within commercial districts**, a minimum of  
208 a 100-foot buffer shall be provided along all rear and side property lines which are common to property  
209 [~~zoned R-1, R-2, and R-3~~]**within residential districts**. When a new structure [~~and~~/or development is  
210 proposed in a [~~C~~] commercial [~~zoning~~]district which directly abuts a [~~one family, two family, or multiple~~  
211 ~~family dwelling~~]**residential** district, the proposal shall be submitted to the planning commission for its  
212 decision in accordance with city zoning regulations. All required buffers shall include planted screening  
213 pursuant to subsection (e) of this section.

214 (2) At the time of development of property zoned [~~R-3~~]**High Density Residential**, a minimum of a 25-foot  
215 buffer shall be provided along all rear and side property lines which are common to property zoned [~~R-2~~  
216 ~~and R-1~~]**Medium Density Residential and Low Density Residential**. All required buffers shall include  
217 planted screening pursuant to subsection (e) of this section.

218 (3) At the time of development of property zoned [~~R-2~~]**Medium Density Residential**, a minimum of a 20-foot  
219 buffer shall be provided along all rear and side property lines which are common to property zoned [~~R-~~  
220 ~~1~~]**Low Density Residential**. All required buffers shall include planted screening pursuant to subsection (e)  
221 of this section.

222 **Sec. 66-2[12]10. - Preservation of trees and natural forest; replacement of trees removed.**

223 **Sec. 66-2[13]11. - Permit; security; maintenance; open burning.**

224 **Sec. 66-2[14]12. - Credit for improvements in subdivisions; exemption of rights-of-way and utility easements.**

225 **Sec. 66-2[15]13. - Existing developed areas.**

226 (7) The thresholds in subsection (3) of this section shall also apply to the landscaping requirements in [~~the C~~]  
227 **commercial** districts.

228  
229 **CHAPTER 70**

230  
231 **SIGNS**

232 **ARTICLE I. IN GENERAL**

233

234 **Sec. 70-2. - Definitions.**

235 [~~Banner means a strip of fabric, or any other non-rigid material, that is used as a sign and is stretched across~~  
236 ~~two points, has no framework and is used as a temporary signage.~~]

237  
238 [~~Sign, construction, means a temporary sign identifying an architect, contractor, subcontractor, and/or~~  
239 ~~material supplier participating in construction on the property on which the sign is located.~~]

240 [~~Sign, convention event, means any off-premises sign or banner advertising or announcing an event~~  
241 ~~open to the public, and which does not require preregistration to attend, which is held within a convention type~~  
242 ~~facility having no less than 10,000 square feet of meeting area. A theater shall not be considered a convention~~  
243 ~~type facility.~~]

244 [~~Sign, convention event directional, means any off-premises sign or banner whose content is limited~~  
245 ~~exclusively to the identification of a convention event, and which displays the location of or route to such~~  
246 ~~convention event.~~]

247 [~~Sign, employment, means any temporary sign that advertises open job positions, now hiring, help~~  
248 ~~wanted, etc.~~]

249 [~~Sign, event directional, means any off-premises sign or banner whose content is limited exclusively to~~  
250 ~~the identification of a permitted special event, and which displays the location of or route to such special~~  
251 ~~event.~~]

252 [~~Sign, garage sale, yard sale, auction, means a temporary sign advertising a private sale or auction.~~]

253 [~~Sign, home occupation, means a sign advertising an approved home occupation, as defined in section~~  
254 ~~94-4.~~]

255 [~~Sign, real estate, means a sign indicating the availability for sale, rent or lease of the specific building~~  
256 ~~or property upon which the sign is erected or displayed.~~]

257 [~~Sign, sandwich board, means a moveable sign that is composed of two boards or surfaces that are~~  
258 ~~typically attached with a hinge at the top, is configured in a triangular A-frame shape, and is used to display a~~  
259 ~~message or other form of advertising.~~]

260 [~~Sign, special event, means any sign or banner advertising or announcing a permitted special event.~~]

261 *Sign, temporary, means a sign [or banner to be displayed for a limited period of time, for the purpose of*  
262 *advertising a special event or sale] **that is: (1) constructed of cloth, canvas, vinyl, paper, plywood, fabric or***  
263 ***other lightweight material not well suited to provide a durable substrate or, (2) if made of some other***  
264 ***material, is neither permanently installed in the ground nor permanently affixed to a building or structure***  
265 ***that is permanently installed.***

266  
267 [~~Sign, yard, means any sign that is temporarily placed in the ground without the use of tools, can be easily~~  
268 ~~removed and or repositioned, and is used to advertise an event, political or ideological information, or to convey~~  
269 ~~some form of information.~~]

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271 **ARTICLE II. DESIGN AND CONSTRUCTION SPECIFICATIONS**

272  
273 **Sec. 70-38. - Illumination.**

274 [(d) *Lighting that requires permit.*

- 275 (1) ~~The use of any light that projects a beam beyond the property line, including, but not limited to outdoor~~  
276 ~~laser lights, searchlights and floodlights is prohibited without written approval from the board. Such~~  
277 ~~approval shall be in the form of a resolution designating approval as temporary signage for a period not~~

to exceed 14 consecutive days. The applicant under this section shall provide evidence of FAA and FDA approval prior to review by the board.

(2) Any amusement parlor, commercial recreation or theater, that has a valid special use permit for such business operation, and that applies for and is issued a valid sign permit, is exempt from this section.

(3) Conditions for approval of the sign permit under this section include evidence of FAA and FDA approval, evidence that the sign is not classified as hazardous in accordance with this section, and evidence that the lights will not project in a manner that creates a danger to the public or neighboring businesses.]

### ARTICLE III. SPECIAL DISTRICT REGULATIONS DIVISION 3. COMMERCIAL DISTRICTS

#### ~~Sec. 70-142. Sandwich boards.~~

~~(a) Generally. A business owner is entitled to one sandwich board no greater than four feet in height and two feet in width, placed on the ground within ten feet of the entrance to the business advertised on the sign and more than 50 feet from a public roadway and the sign must be taken down at the close of the business day.~~

~~(b) Downtown business district. A business in the downtown business district is entitled to one sandwich board no greater than four feet in height and two feet in width, placed on the ground no greater than five feet from the entrance to the business advertised on the sign and not placed on public property or right of way, and the sign must be taken down at the close of the business day.]~~

#### ~~Sec. 70-143. Church signs.~~

~~All sign regulations applicable to business establishments shall also apply to churches; provided, however, that when religious services, including praise and worship services, for which no admission fees are charged are held at live theater locations, approved as special uses within one of the sign overlay zone areas, temporary signs are permitted as follows:~~

~~(1) A maximum of two temporary signs, each a maximum of 12 square feet in area, may be installed adjacent to each major street on which the theater has frontage and entrances.~~

~~(2) All signs shall be located on private property and shall be for the purpose of informing visitors of the church service times and details.~~

~~(3) Such temporary signs shall be installed only on the property on which the services will be held.~~

~~(4) Such temporary signs shall be installed no sooner than the Friday before the service is to be held, and they must be removed on the Sunday after the completion of the service.~~

~~(5) Such temporary signs shall be installed so as to prevent collapse or movement in high winds.]~~

#### ~~Sec. 70-14[4]2. - Copy area changes.~~

#### ~~Secs. 70-14[5]3—70-169. - Reserved.~~

### DIVISION 5. ZONING OVERLAY DISTRICTS

#### ~~Sec. 70-198. - Zoning overlay zones established.~~

~~Sign overlay zones have been established in the city as follows:~~

~~(4) Sign overlay zone 4. Sign overlay zone 4 shall include all commercially used parcels within the [Downtown zoning district of the city] Downtown District.~~

### ARTICLE IV. TEMPORARY SIGNS DIVISION 1. GENERALLY

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326 **[Sec. 70-230. -- Allowed on private property in all districts; restrictions.**

327 Temporary signs, including, but not limited to, those specified in this article, are allowed in any zone district on private  
328 property, provided they conform to all requirements of this chapter, provided they do not interfere with motor traffic or  
329 pedestrians, and provided they are not a public danger or nuisance during high winds or inclement weather.]

330 **[Sec. 70-231. -- Permits.**

331 (a) *Required.* A temporary sign permit is required unless otherwise specified.

332 (b) *Display duration.*

333 (1) Unless otherwise defined within this article, the display of temporary signs shall be limited to a  
334 maximum of 30 days per address, cumulative total per calendar year.

335 (2) The 30 day per address cumulative total per calendar year requirement shall be restarted when a  
336 business at a specific address changes ownership within any given year.

337 (c) *Number of signs.* A maximum of one temporary sign shall be allowed per premises at any time.

338 (d) *Printing and placement.* Signs may be printed on both sides or two single sided banners may be placed back-  
339 to back. V type configurations are not allowed.

340 (e) *Permit sticker.* A permit sticker will be provided and shall be placed on the sign where visible.]

341 **[Sec. 70-232. -- Removal.**

342 Temporary signs shall be subject to removal as provided in section 70-387.]

344 **[Secs. 70-233 -- 70-257. -- Reserved.]**

345  
346 **DIVISION 2. SPECIFIC SIGN TYPES**

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348 **[Sec. 70-258. -- Construction signs.**

349 Signs advertising a construction service or company or an operation shall be located only on the premises where the work  
350 is being performed. Up to a maximum of 32 square feet for commercial properties and six square feet for residential  
351 properties shall be allowed. There shall be a limit of one sign per property, per business and may be erected upon issuance  
352 of a building permit. The sign shall be removed within 30 days after the issuance of a certificate of occupancy. If  
353 construction has not been completed, nor has the building been occupied within one year after issuance of the building  
354 permit, then the sign must be removed. No permit shall be required.]

355 **[Sec. 70-259. -- Real estate signs.**

356 Signs advertising the sale, lease or rental of residential property may be six square feet, and may be 32 square feet for  
357 nonresidential property. All real estate signs shall be located on the premises for sale, lease or rent. Real estate signs shall  
358 advertise that the property on which the sign is located is for sale, lease or rent, shall include only information related to  
359 the relevant details about the property on which the sign is located, and shall not contain any off-premises advertising  
360 matter, except for the name and/or logo of the agency listing the property and the name and telephone number of the  
361 broker and agent handling the property, provided all such additional information shall be incidental and subordinate to  
362 the for sale, lease or rent announcement. Such signs shall be removed within 30 days of the sale, rental, or lease.]

363 **[Sec. 70-260. -- Special event signs.**

364 Special event signs may be allowed on private property, provided that they shall not be displayed more than 14 days  
365 before nor more than two days after the permitted special event. Special event signs shall not exceed 32 square feet of  
366 sign area per side. Up to four special event signs may be posted per permitted special event.]

367 **[Sec. 70-261. -- Event directional signs.**

368 Event directional signs may be allowed on private property, provided that they shall not be displayed more than two days  
369 before nor more than two days after the permitted special event. Large event directional signs shall not exceed eight  
370 square feet of sign area per side, and small event directional signs shall not exceed three square feet of sign area per side.  
371 Up to six large event directional signs, or up to 12 small event directional signs, may be posted per permitted special

372 event. Each large event directional sign may be replaced by two small event directional signs if a combination of event  
373 directional signs is requested.]

374 ~~[Sec. 70-262. -- Garage sale, yard sale, or auction signs.~~

375 Signs commonly regarded as garage sale or yard sale signs and auction signs shall be allowed on private property only  
376 and shall be restricted to a maximum area of six square feet. The sign must be removed by owner no later than 24 hours  
377 after the event.]

378 ~~[Sec. 70-263. -- "Coming soon" signs or banners.~~

379 When new facilities are constructed, which, upon completion, will be occupied by a pre-identified establishment, a  
380 temporary sign or banner, not to exceed 32 square feet, may be used to announce the "NAME OF ESTABLISHMENT—  
381 COMING SOON." Such temporary sign shall be removed immediately upon installation of a permanent sign, or upon  
382 issuance of a certificate of occupancy for the pre-identified establishment.]

383 ~~[Sec. 70-264. -- Temporary substitute signage for damaged permanent signs.~~

384 In the event that a permanent sign is substantially damaged through fire, natural disaster, or similar emergency, or in the  
385 case of major construction projects, where existing permanent signage is removed for construction purposes, a temporary  
386 sign may be allowed for display for a period of time not exceeding 60 days. Temporary signage is limited to a maximum  
387 of 50 square feet of total temporary signage per address, unless the temporary signage is affixed to any wall face of the  
388 main structure. When temporary signage is affixed to any wall face of the main structure, the maximum size of temporary  
389 signage may be increased to allow for a maximum coverage of 20 percent of the area of the wall face to which it is  
390 affixed. In no case shall any temporary signage exceed a maximum size of 250 square feet.]

391 ~~[Sec. 70-265. -- Other temporary signs.~~

392 Signs and banners not specifically enumerated in this chapter but which are temporary in nature, including, but not limited  
393 to, grand opening sales and dinner specials, shall be classified by the planning and development director within the  
394 standards of signs most similar to the signs requested by the applicant. Temporary signs shall not exceed 32 square feet  
395 and their display is limited to a maximum of 30 days per address, cumulative total, per calendar year. A temporary sign  
396 permit is required.]

397 ~~[Sec. 70-266. -- Convention event signs.~~

398 Convention event signs may be allowed on private property provided they shall not be displayed more than seven days  
399 before nor more than two days after a convention event. Convention event signs shall not exceed 32 square feet of sign  
400 area per side. Up to four convention event signs may be posted per convention event. A temporary sign permit is required.]

401 ~~[Sec. 70-267. -- Convention event directional signs.~~

402 Convention event directional signs may be allowed on private property provided they shall not be displayed more than  
403 two days before nor more than two days after a convention event. Large convention event directional signs shall not  
404 exceed eight square feet of sign area per side and small convention event directional signs shall not exceed three square  
405 feet of sign area per side. Up to four large convention event directional signs may be posted per convention event, or up  
406 to eight small convention event directional signs may be posted per convention event. Each large convention event  
407 directional sign may be replaced by two small convention event directional signs if a combination of convention event  
408 directional signs is requested. A temporary sign permit is required.]

409 ~~[Secs. 70-268 — 70-291. -- Reserved.]~~

411 **CHAPTER 78**

413 **STREETS, SIDEWALKS AND OTHER PUBLIC PLACES**

414 **ARTICLE I. – IN GENERAL**

415  
416 **Secs. 78-[4]—78-[24]85. - Reserved.**

417

**[ARTICLE II. SPECIAL EVENTS]**  
**[DIVISION 1. IN GENERAL]**

**[Sec. 78-25. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. For general definitions and rules of construction applicable throughout this Code, see section 1-2.]

[*Commercial tent* means any owned or commercially rented tent that is larger than 100 square feet or larger than ten by ten feet.]

[*Event advertising* means a banner or sign, on or off premises, to be displayed for a limited period of time for the purpose of advertising an event that requires a special event permit.]

[*Parade* means a group of more than five persons or group of more than five vehicles or units assembled for the purpose of marching, walking, or motoring over and along the city streets.]

[*Special event* means any event, including parades, involving the extraordinary use of public property, such property including, without limitation, the public right of way, public parks, public buildings or other city facilities; or events or acts on public or private property as otherwise provided or required by the Branson Municipal Code as requiring a special event permit. Extraordinary use of public property includes amplified sound, closing of streets, electrical or plumbing hookups to city utility connections, fireworks, firearm salutes by military guards, the display of off premises banners and signs, the use of off premises vendors, and noise generating events that continue past 11:00 p.m.]

[*Sponsor* means to conduct, stage, present or organize a special event. A sponsor under this definition must be in charge of the event, or have primary control of its conduct, staging, presentation or organizing.]

**[Sec. 78-26. Responsibility for expenses incurred by city.**

The special event sponsors, and any other individuals or organizations named in the permit, may be responsible for any expenses incurred by the city as a result of their event. The city may require a deposit or bond prior to the issuance of a special event permit.]

**[Sec. 78-27. Period of operation; duration.**

(a) *Generally.* Events shall take place only between the hours of 8:00 a.m. and 11:00 p.m., Sunday through Thursday, and 8:00 a.m. and 11:59 p.m., Friday through Saturday.

(b) *Special events.* Permits shall be valid for a maximum of five days within a consecutive 14 day period. A repeat special event shall not occur more frequently than once every 60 days.]

**[Sec. 78-28. Duty to restore event location.**

(a) Special event sponsors shall be responsible for the cleaning and restoration of the location the event occupies, and/or causes debris or litter upon, within 48 hours of the conclusion of the event, or at such other time as may be set forth in the permit, to the condition which existed prior to the event, and shall provide waste disposal receptacles and toilet facilities for use of those attending the event.

(b) Special event sponsors may be required to submit to the planning and development director a deposit for the cleaning and restoration of areas adjacent to the special event location by the public works department.]

**[Sec. 78-29. Exempt events.**

Any event sponsored by the city, as well as any emergency services program, military exercise simulation, or training drill, or any governmental agency acting within the scope of its functions, shall be exempt from complying with the requirements of this chapter.]

**[Sec. 78-30. Prohibited events.**

462 Any events including retail sales located within parking lots, sale of other merchandise not sold within the business at  
463 that location, or amusements, or events held on undeveloped property, are prohibited.]

464 ~~[Sec. 78-31. -- Event advertising.~~

465 ~~(a) Generally. For special events:~~

466 ~~(1) Advertising shall not be installed without an approved event banner sticker from the planning and  
467 development department.~~

468 ~~(2) Weathered or torn advertisements shall not be permitted, and staff of the planning and development  
469 department may remove any event advertising in violation of this subsection.~~

470 ~~(3) The total sign area shall not exceed 32 square feet.~~

471 ~~(4) The advertising shall not block any line of sight and must not be located within a right of way.~~

472 ~~(5) Depending on the location of the advertising, special restrictions may apply, including, but not limited  
473 to, restricted distance from the right of way or pavement and restricted angle of the advertisement  
474 facing the road.~~

475 ~~(b) Special events. Special event advertising shall be installed for a maximum of seven days, in addition to the  
476 days of the event, and a maximum of two days after the event. Each event may have a maximum of three off-  
477 premises and one on premises event advertisements.]~~

478 ~~[Secs. 78-32 -- 78-50. -- Reserved.]~~

480 **[DIVISION 2. PERMITS]**

481 ~~[Sec. 78-51. -- Permit required.~~

482 It shall be unlawful for any person to sponsor or knowingly participate in any special event without a special  
483 event permit issued by the planning and development director to the special event sponsor.]

484 ~~[Sec. 78-52. -- Application for permit.~~

485 ~~(a) Forms. The application form for a special event permit shall be available in the planning and development  
486 department.~~

487 ~~(b) Special events application procedure. Applications for special events shall be submitted to the planning and  
488 development department a minimum of 15 days prior to the event for review by staff. Exceptions to the 15-  
489 day requirement may be granted at the discretion of the planning and development director.~~

490 ~~(c) Information included in applications. The application for an event permit shall include:~~

491 ~~(1) The name and contact information of the applicant, and for any persons acting as sponsors of the special  
492 event who will be responsible for its conduct, staging, presentation or organizing. If the applicant is a  
493 company, corporation or civic organization, then the name of the company, corporation or civic  
494 organization, and names contact information of its directors and officers, shall also be included.~~

495 ~~(2) The purpose or description of the event, the estimated number of participants or those attending.~~

496 ~~(3) The dates the event is to be held, and the time it is to commence and terminate, including setup and  
497 shutdown times.~~

498 ~~(4) The location of the event, including a drawing or plan showing the entire location to be utilized by the  
499 event in relation to existing buildings, location within the parcel, drive areas, layout of parking areas,  
500 and the amount of space available for off street parking.~~

501 ~~(5) The specific streets, or portions thereof, to be closed, if any, for the event.~~

502 ~~(6) A plan for and description of the use of event advertising.~~

503 ~~(7) Whether alcoholic beverages will be allowed, provided or sold by vendors during the event, and the  
504 plan or description for such allowance or provision for the purpose of assessing city police, fire, and  
505 finance department, and county health department responses.~~

506 ~~(8) A plan or description for the use of lighting, music, loudspeakers, a live band, or sound system, if any,  
507 during the event, and the type and location of speakers and other audio and lighting equipment.~~

- 510 (9) ~~The name and address of the security company, if any, engaged for the event, and a description of the~~  
511 ~~duties to be performed.~~
- 512 (10) ~~A plan or description for fire protection for the event, including a map specifying the location of 18-~~  
513 ~~foot fire lanes, water supply for fire control and the use of commercial tents.~~
- 514 (11) ~~A plan or description for emergency medical services for the special event.~~
- 515 (12) ~~A plan or description for the handling of food.~~
- 516 (13) ~~A plan or description for the compliance with the city's fats, oils and grease management program,~~  
517 ~~including the location where the fats, oils and grease will be disposed of per this Code.~~
- 518 (14) ~~A plan or description for the use or allowance of animals during or as a part of the event.~~
- 519 (15) ~~A plan for the disposal of sanitary waste and sewage for the event, including toilet facilities, and the~~  
520 ~~disposal of garbage, trash, and refuse.~~
- 521 (16) ~~Compliance with this Code relating to business licenses for the event.~~
- 522 (17) ~~For events to be located upon or require the closing or blocking of any street, alley, or road, or the~~  
523 ~~use of any city-owned property or right-of-way areas, submission of an insurance policy in accordance~~  
524 ~~with section 2-287. The policy shall not be canceled without 30 days' written notice to the city. The~~  
525 ~~city shall be the named additional insured and the event sponsor shall execute a hold harmless~~  
526 ~~agreement indemnifying the city.~~
- 527 (18) ~~A plan or description for compliance with the city's horse-drawn carriages for hire requirements per~~  
528 ~~this Code and including the proposed route.~~
- 529 (19) ~~Any additional information which the planning and development director shall find reasonably~~  
530 ~~necessary to make a fair determination as to whether a permit should be issued.]~~

531  
532 **[Sec. 78-53. Application for permit involving closure of streets.**

533 In addition to other provisions of this chapter:

- 534 (1) ~~Any event requiring the closure of streets or roadways within the city shall require approval of the board.~~  
535 ~~Application for such an event must be submitted to the planning and development department a minimum of~~  
536 ~~90 days prior to the event, for review by staff. Exceptions to the 90-day requirement may be granted at the~~  
537 ~~discretion of the city administrator.~~
- 538 (2) ~~Once staff has done the review of the completed application, it will be submitted to the board. Approval given~~  
539 ~~by the board shall be in the form of a resolution, stating any specific requirements or restrictions to be~~  
540 ~~followed.]~~

541  
542 **[Sec. 78-54. Issuance of permit; conditions; transfer; expiration.**

- 543 (a) ~~Granting or denial; conditions.~~ Special event permits shall be granted or denied by the planning and  
544 development director, unless approval is required from the board under this article and shall contain terms and  
545 conditions as may be deemed necessary to ensure a neat, safe and orderly event in accordance with the terms  
546 of this article. Such terms may include specific locations in which possession and consumption of alcoholic  
547 beverages will be confined, and regulations concerning prohibited noises.
- 548 (b) ~~Transfer; expiration; effect of noncompliance.~~ Special event permits are not transferable, and shall expire at  
549 the close of the last date of the event for which the permit has been issued. Failure of the sponsors of the event  
550 to comply with the terms and conditions of a special event permit and the applicable ordinances and laws of  
551 the state shall immediately void the permit.
- 552 (c) ~~Standards for issuance.~~ The planning and development director shall issue a special event permit as provided  
553 for in this section when, from a consideration of the application, upon the approval of the applicable city  
554 departments, including, without limitation, fire, police, and finance department, and approval of the county  
555 health department, and from such other information as may otherwise be obtained, he finds that:
- 556 (1) ~~The conduct of the event will not substantially interrupt the safe and orderly movement of other traffic~~  
557 ~~contiguous to its location unless approved by the police chief;~~

- 558 (2) ~~The conduct of the event will not require the diversion of so great a number of police officers of the~~  
559 ~~city to properly police the event and the areas contiguous thereto as to prevent police protection to the~~  
560 ~~city unless approved by the police chief;~~
- 561 (3) ~~The conduct of such event will not require the diversion of so great a number of ambulances or~~  
562 ~~emergency medical services not otherwise provided for by the event sponsor as to prevent normal~~  
563 ~~ambulance and emergency medical service to portions of the city other than that to be occupied by the~~  
564 ~~proposed event and areas contiguous thereto;~~
- 565 (4) ~~The concentration of persons, animals and vehicles at the location of the event will not unduly interfere~~  
566 ~~with proper fire and police protection or ambulance and emergency medical services to the area of the~~  
567 ~~event and the areas contiguous thereto unless approved by the fire chief and police chief;~~
- 568 (5) ~~The conduct of such event will not interfere with the movement of firefighting equipment en route to~~  
569 ~~a fire unless approved by the fire chief;~~
- 570 (6) ~~The conduct of the event, as provided for by the submitted application and plans, is not reasonably~~  
571 ~~likely to cause or create any significant public health risks unless approved by the county health~~  
572 ~~department;~~
- 573 (7) ~~The conduct of the event is not reasonably likely to cause injury to persons or property, to provoke~~  
574 ~~disorderly conduct or to create a disturbance beyond the capacity of the police department to protect~~  
575 ~~the general public or those participating in the event; and~~
- 576 (8) ~~Verification that the information contained in the permit application by the event sponsor is true and~~  
577 ~~does not omit any material detail for the consideration of the factors listed in this section.]~~

578  
579 **[Sec. 78-55. -- Notice of denial of permit; appeal procedure.**

- 580 (a) ~~The planning and development director shall act upon the application for a special event permit within ten~~  
581 ~~business days after the date filed. If the planning and development director disapproves the application, he~~  
582 ~~shall mail the applicant, within ten business days after the date upon which the application was filed, a notice~~  
583 ~~of the action, stating the reasons for the denial of the permit.~~
- 584 (b) ~~Any disapproval of a special event permit application must first be reviewed by the city administrator.~~
- 585 (c) ~~Any person aggrieved by the decision of the planning and development director shall have the right to appeal~~  
586 ~~the denial of a special event permit to the board. The appeal shall be filed with the city clerk no later than 30~~  
587 ~~days after the date of the notice issued by the planning and development director. The board shall hear the~~  
588 ~~appeal of the applicant as an agenda item at a board meeting, not to exceed 30 days after its receipt by the city~~  
589 ~~clerk.]~~

590  
591 **[Sec. 78-56. -- Alternative permit.**

592 ~~The planning and development director, in denying an application for a special event permit, may issue an~~  
593 ~~alternative event permit for the conduct of the event on a date, at a time, at a place or in a manner different from that~~  
594 ~~named by the applicant. Any applicant desiring to accept an alternate permit shall, within five business days after notice~~  
595 ~~of the action of the planning and development director, file a written notice of acceptance with the planning and~~  
596 ~~development director. An alternative special event permit shall conform to the requirements of, and shall have the effect~~  
597 ~~of, a special event permit under this chapter.]~~

598  
599 **[Sec. 78-57. -- Modification or rescission of permit.**

- 600 (a) ~~The planning and development director may modify or rescind any special event permit for good cause,~~  
601 ~~including, but not limited to:~~
- 602 (1) ~~A determination that any representation or statements by the event sponsor contained in the event~~  
603 ~~permit application are false or misleading in any material detail.~~
- 604 (2) ~~A determination of noncompliance by the event sponsor of any terms or conditions of the permit.~~
- 605 (3) ~~A determination that the event as applied for and described upon the submitted plans may pose an~~  
606 ~~immediate threat to public health, welfare or safety due to reasons including, but not limited to, weather~~  
607 ~~conditions, overcrowding, traffic considerations, or violations of this Code or the laws of the state by~~  
608 ~~the event sponsor.~~
- 608 (4) ~~A determination that the event sponsor is in violation of any ordinance.~~

609 (b) ~~The appeal from the decision to modify or rescind a special event permit by the planning and development~~  
610 ~~director shall proceed in accordance with this article, relating to the issuance of notifications, times and~~  
611 ~~procedures to be followed.]~~

612  
613 [~~Secs. 78-58 — 78-85. — Reserved.~~]

614 **ARTICLE II[F]. NEWSPAPER BOXES**

615  
616  
617 **ARTICLE I[V]II. PUBLIC IMPROVEMENTS**

618  
619 **ARTICLE IV. USE OF RIGHT-OF-WAY**

620 **CHAPTER 86**

621 **TRAFFIC AND VEHICLES**

622 **ARTICLE III. OPERATIONS OF VEHICLES**

623 **DIVISION 1. GENERALLY**

624  
625  
626 **Sec. 86-124. - Commercial vehicles.**

627 (a) *Use of certain streets prohibited.* No person shall operate any commercial vehicle or bus upon any street within an  
628 area of the city designated as residential in city zoning regulations [~~(Chapter 94) as R-1, R-2, or R-3 (residential)]~~ or  
629 upon any street within the city that has been designated and posted to restrict commercial vehicle use as defined in  
630 this chapter, except for school buses or while making deliveries or when used for the purpose of conducting bona  
631 fide business thereon.  
632

633  
634 **Sec. 86-126. - Passengers in truck beds.**

635 (5) Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purposes of  
636 participating in a special event and it is necessary that the person ride in such unenclosed bed due to a lack of  
637 available seating. [~~The term "special event," for the purposes of this section, means a specific social activity for~~  
638 ~~which a special event permit has been issued pursuant to chapter 94 (the zoning regulations) and which is of a~~  
639 ~~definable duration which is participated in by the person riding in the unenclosed bed;]~~

640 **ARTICLE V. STOPPING, STANDING AND PARKING**

641 **DIVISION 2. PROHIBITED IN SPECIFIED PLACES**

642  
643 **Sec. 86-351. - Parking of certain vehicles prohibited in residential areas.**

644 (a) No truck rated larger than three-fourths ton (manufacturer's rated capacity), no mobile home, no pickup camper, no  
645 camping trailer, no boat, no self-contained motorized home, and no trailer shall be permitted to be parked on any  
646 public street in an area zoned residential [~~R-1, R-2, or R-3~~] by the city zoning code [~~(chapter 94 of this Code), being~~  
647 ~~commonly referred to as "residential areas" ].~~

648  
649 **CHAPTER 94**

650 **ZONING**

651  
652  
653  
654 \*COMPLETE REMOVE AND REPLACE

**Branson Board of Aldermen  
Staff Report and Recommendation**

**ITEM/SUBJECT:** REVIEW OF APPOINTMENT PROCESS FOR THE TANEY COUNTY ENHANCED ENTERPRISE ZONE BOARD.

**DATE:** NOVEMBER 3, 2016

**INITIATED BY:** MAYOR

**CITY ADMINISTRATOR REVIEWED**

**STAFF REPORT:**

The following information is being presented in accordance with the Board and Committee Appointment Procedure.

**CATEGORY 4**  
(Appointments made by Mayor but not approved by the Board)

A letter was received from Jonas Arjes expressing the need for an appointment to the Taney County Enhanced Enterprise Zone Board (EEZ). In 2012, the City supported the Enhanced Enterprise Zone which the City of Branson became part of. At that time, Dale Sanders was approved by the taxing districts through the application process to be their representative. His 5 year term has expired and he does not wish to be reappointed.

The letter is requesting the City's approval of Dr. Rob Griffith, OTC's Dean of Academic & Student Affairs to be appointed as the representative for the taxing districts. The City of Branson is only one of the taxing districts that will need to approve his appointment.

Our Board and Committee Appointments Procedures does not include the EEZ appointment process. After review of the various processes, it appears this would be similar to the appointment to Branson Housing Authority Board, which the names are submitted to the Mayor for appointment. This would be in Category 4, Sub-Category B, the appointment is made by the Mayor and not approved by the Board.

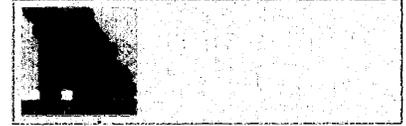
If this process meets the Board's approval, then we will proceed in having the appointment of Mr. Griffith on the November 22 agenda.

**RECOMMENDED ACTION:**

*Action item* – This item will be scheduled for approval during the November 22, 2016 Regular Board of Aldermen meeting.

**ATTACHED INFORMATION: Letter**

October 25, 2016



RE: Taney County Enhanced Enterprise Zone Board Appointments by School Districts and Taxing Entities

To whom it may concern,

In 2012 during the application period to form the Taney County Enhanced Enterprise Zone (EEZ), the taxing entities and school districts within Taney County were each required to have a representative on the original board of directors. Dale Sanders, who at the time was serving on the board for the Taney County Ambulance District, was approved by all the taxing districts to be their representative. Dr. Doug Hayter, who at the time was the superintendent of Branson Public Schools, was approved by all the school districts to be their representative. Both positions were for five year terms which expire on December 31, 2016. The process was in accordance with Sections 135.950 to 135.973 of the Revised Statutes of Missouri and administrative rules set forth by the Missouri Department of Economic Development.

We have identified two individuals to serve in these roles going forward, pending your approval. Dr. Don Forrest, Assistant Superintendent with Branson Public Schools, to represent the school districts (2017 – 2021). Dr. Rob Griffith, Dean of Academic & Student Affairs OTC Table Rock Campus and current board member for the Taney County Health Department, to represent the taxing districts (2017 – 2021).

Enclosed you will find a copy of Section 135.957 of the Revised Statutes of Missouri referring to the board appointment process. You will also find a form letter, along with a stamped envelope, addressed to the Presiding Commissioner corresponding with your organization's interest in this matter. Please mail your response to the Presiding Commissioner by November 30, 2016.

I would like to thank you for your time and assistance and please feel free to contact me with any questions you may have.

Kindest regards,

A handwritten signature in black ink, appearing to read 'Jonas Arjes', is written over a horizontal line.

Jonas Arjes  
Taney County EEZ Administrator  
Executive Director, Taney County Partnership (417-337-2540)

Cc: Carless Osbourn, 2016 Taney County EEZ Chair, Superintendent Kirbyville Schools  
Cc: Shanna Tilley, Administrative Receptionist, Taney County Commission

PO Box 1897 269 State Hwy 248 Branson, MO 65615

417-334-4084 [www.taneycountypartnership.com](http://www.taneycountypartnership.com) Fax 417-337-5887