

Article 4

PERMISSIBLE USES

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SECTION 1 – USE CHARTS

4.1.1 Use of Land and Buildings

Buildings, structures, land or premises shall be used only in accordance with the uses permitted in the following use schedule subject to compliance with the dimensional requirements in [Article 6, “Density and Dimensional Requirements,”](#) and all other applicable requirements of this ordinance. Only one primary use, *residential* or *non-residential*, may be allowed on any individual lot or tract of land unless that lot or tract of land is zoned for district that specifically allows multiple primary uses to exist. If a primary, conforming use is proposed on a lot or tract occupied by a primary non-conforming use, the primary non-conforming use must cease whenever the primary conforming use begins.

4.1.2 Permitted Principal Uses

No principal use shall be permitted in any district unless a symbol appears opposite the use as listed in the following Use Schedule.

- A. The symbol “X” shall mean that the principal use is permitted in that zoning district as a use by right.
- B. The symbol “S” shall mean that the principal use is permitted in that zoning district only after first obtaining a “Specific Use Permit” as set forth in [Article 5, “Specific Uses.”](#)
- C. A blank square shall mean that the principal use is currently not allowed, and is recommended that it not be allowed in the future.

4.1.3 Site Plan Required

An asterisks “*” in the “site plan” column of the Use Schedule indicates that site plan approval is required, subject to the requirements of [Article 16, “Site Plan Approval,”](#) when a Specific Use Permit is required for said use.

4.1.4 Definition of Uses

The group description of the 1997 North American Industry Classification System (N.A.I.C.S.) Manual as updated and prepared by the Executive Office of the President, Office of Management and Budget shall be used to determine the classification of principal uses. Such manual shall be filed in the Planning Division of the Planning and Development Department and be made available for public inspection during regular business hours.

4.1.5 Permissible Land Uses

See Article 4, [Section 21, “Use Charts,”](#) for permissible land uses.

SECTION 2 – ACCESSORY USES AND STRUCTURES

- 4.2.1 A use or structure, which is customarily incidental to the principal use, or structure, which is located on the same lot or premises, shall be permitted as an accessory use without being separately listed as a permitted use.
- 4.2.2 Accessory uses or structures shall be prohibited from being located on a different lot or tract of land than that which the primary use or structure is located on.
- 4.2.3 Accessory structures shall be prohibited from being used as a separate dwelling unit on a lot or tract of land that has or will have a dwelling unit situated on it.
- 4.2.4 If a non-residential use or structure normally requires a Specific Use Permit, and such use or structure is accessory to a primary use, such accessory use or structure shall not be required to obtain a specific use permit if the accessory use or structure is allowed in the zoning district that the primary use is situation.

SECTION 3 – NON-RESIDENTIAL USE OF MODULAR STRUCTURES

4.3.1 Modular Structure

A modular structure or manufactured structure is a structure that is manufactured off-site and brought to the site. All modular manufactured structures shall be required to comply with the following:

- A. **Density and Dimensional Requirements:** Minimum dimensional, setback, lot coverage and floor area ratio (FAR) requirements for modular structures shall be those established in the district in which the modular structure is located.
- B. **Parking:** Minimum-parking requirements for modular or manufactured structures shall be the number according to the proposed use for the building.
- C. **Procedures:** Compliance with the following application procedures is required prior to the issuance of a building permit for any modular structure.
 - 1. A permit application, site plan and complete set of design plans and specifications bearing the stamp of the State of Texas Industrialized Building Code Council for each installation must be submitted to the Chief Building Official for approval prior to the issuance of a building permit for any modular or manufactured structure.
 - 2. All modules or modular components must bear an approved decal or insignia from the Texas Department of Labor and Standards reflecting that they have been inspected by a registered third party inspection agency.
 - 3. All plans and specifications for foundation and other on-site construction shall be approved by the Chief Building Official or his or her designee, and inspected prior to any occupancy of any modular components.

4.3.2 *Temporary Modular Buildings*

A temporary modular building is to be temporary in nature and used only until a permanent structure can be constructed or refurbished. In addition to the provisions of [Section 4.3.1](#), a temporary modular building may not be brought on-site until the Chief Building Official has issued a building permit for the construction or refurbishing of the permanent structure. Permits issued for temporary modular buildings shall be valid for one (1) year or when the permanent structure is completed and occupied, whichever is sooner. Any further extension shall require City Council Approval.

4.3.3 *Accessory Temporary Modular Building*

An accessory temporary modular building is a modular building placed on a site on a temporary basis and accessory to another building and use on that site or an adjacent tract. In addition to the provisions of [Section 4.3.1](#), such structures shall only be permitted in the A, HC, LI, LI-LS and HI zoning districts unless the structure is accessory to a school or church in which case it shall be permitted after administrative approval in all districts.

4.3.4 *Permanent Modular Building*

A permanent modular building is a modular building placed on a poured in-place concrete slab or an approved engineered pier and beam foundation. In addition to the provisions of [Section 4.3.1](#), a permanent modular building must meet all zoning requirements for the zoning district it is located in, specifically including masonry requirements.

4.3.5 *Temporary Construction Buildings*

Temporary construction buildings and temporary building material storage areas to be used for construction purposes may be permitted for a specified period of time in accordance with a permit issued by the Chief Building Official for cause shown. Upon completion or abandonment of construction, or expiration of the permit, such field offices and buildings shall be removed at the direction of the Chief Building Official.

4.3.6 *Trailers Used as Storage*

No trailer shall be utilized for, nor shall constitute, permanent storage. (For the purpose of this paragraph, the term “trailer” shall include, but not be limited to, a box van, contractor’s trailer, utility trailer, a railroad boxcar or any other similar mobile transport vehicle not intended for permanent storage.)

SECTION 4 – EARTH SATELLITE DISHES

- 4.4.1. Earth satellite dishes or antennas shall be allowed in any district as an accessory use. When an earth satellite dish is located in a residential district, it shall conform to the following:

- A. Earth satellite dishes shall not be allowed in front yards or located on the roof or façade of any structure facing a street or being a portion thereof of the front half of said roof facing the street. This also applies to corner lots with referenced roof exposures.
 - B. Earth satellite dishes may be located in required side yards subject to specified regulations, but whenever possible, shall be located in rear yards. They shall be installed so as to minimize height, thereby minimizing visual impact while still maintaining viable azimuth and elevation focusing. Some trimming, clearing or removal of existing vegetation, trees or relocation of other conflicting facilities, poles or items may have to be conducted. Additional plantings trees, shrubs, hedges, fencing or latticework shall be provided to minimize the visual impact of said installations and to enhance the aesthetics of the facility.
 - C. Earth satellite dishes, wherever possible, shall be installed at grade level rather than be roof-mounted. No satellite dish exceeding fifteen (15) feet in overall height from grade shall be permitted. Smaller dishes, of four (4) feet or less in size, are allowed as roof-mounted. The type of satellite dish, more commonly known as a D.B.S. (Direct Broadcast Satellite TV System), shall be preferably roof-mounted, due to their smaller size, weight and wind load. A Registered Engineer shall specifically and structurally design roof installation and location.
- 4.4.2. Any variance to any provision of this section can only be approved by the Zoning Board of Adjustments and Appeals. This must be initiated by the applicant for said satellite dish, making application and providing in writing to the Zoning Board of Adjustments and Appeals, the reasons, causes, or merits of the request with justification and with no undue, self-imposed hardships. Upon said request, the Zoning Board of Adjustments and Appeals shall make a decision after the holding of a public hearing per [Article 1, “General Provisions and Procedures.”](#)

SECTION 5 – NON-COMMERCIAL RADIO TOWERS

- 4.5.1 Non-commercial radio towers as defined in [Article 30, “Definitions,”](#) shall comply with all of the yard and setback regulations for Earth Satellite Receiving Dishes contained in [Article 6, “Density and Dimensional Requirements,”](#) except as they may conflict with the following requirements:
- A. All such radio towers shall be constructed and erected in compliance with the currently adopted building code. Any plans submitted for a building permit for such radio towers shall be properly designed, with the installation of said antenna-tower meeting the manufacturer’s specification and foundation design.
 - B. The applicant for such tower shall also execute and deliver an instrument to the City holding the City harmless and indemnifying the City from any claim, demand or damages that may result from the radio tower.

SECTION 6 – NEW AND UNLISTED USES

- 4.6.1 It is recognized that new types of land use will develop, and forms of land use not anticipated may seek to be located within the City. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be

made as follows:

- A. The Director of Planning or designee shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission, requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use, its N.A.I.C.S. description, and whether it involves dwelling activity, sales, processing, type of product, storage, and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated, and the general requirements for public utilities, such as water and sanitary sewer.
- B. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use should be permitted.
- C. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall, by resolution, approve the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as appropriate based upon its findings.

SECTION 7 – PERMANENT COSMETICS/PIERCING SALONS

- 4.7.1 Permanent Cosmetics and/or Piercing salons as defined in [Article 30, “Definitions,”](#) which are an accessory and related retail land use to a use allowed in the zoning district in which the primary use is located, shall be considered an accessory use provided the area utilized for the permanent cosmetic application or piercing salon occupies less than 25 percent of the floor area of the primary use and the business is not open between the hours of 9:00 p.m. and 8:00 a.m. A piercing salon may be considered an accessory and related retail land use if it is associated with one or several of the following uses: 1) Grooming & Hygiene Salon, 2) Kiosk (Service), 3) Large Retail (w/ Gas Sales), 4) Tailor Shop and 5) Variety Store. Permanent Cosmetics may be considered an accessory and related retail land use if it is associated with one or several of the following uses: 1)Grooming & Hygiene Salon, 2)Funeral Home, 3) Outpatient Care Clinic/Center, 4) Medical and Dental Offices, and 5) Hospital.

SECTION 8 – BEER AND WINE SALES, AND DRIVE THROUGH/DRIVE UP RETAIL SALES AND SERVICES

- 4.8.1 *Sale of alcoholic beverages is prohibited in residential areas*

The sale of beer (alcohol content of less than 4%) and wine for on and off premise consumption in residential areas is hereby prohibited, in accordance with Section 109.32, Texas Alcoholic Beverage Code. Under this section, residential areas shall mean any property located in the following districts as described in the Unified Development Code of the City:

AG	Agriculture District
SF-E	Single Family-Estate Residential District
SF-1	Single Family-One Residential District
SF-2	Single Family-Two Residential District
SF-3	Single Family-Three Residential District
SF-4	Single Family-Four Residential District
SF-5	Single Family-Five Residential District
SF-6	Single Family-Six Residential District
SF-ZLL	Single Family-Zero Lot Line District
SF-A/T	Single Family-Attached Residential District
2F	Two Family Residential District
MF-1	Multi Family-One Residential District
MF-2	Multi Family-Two Residential District
MF-3	Multi Family-Three Residential District

4.8.2 On-Premise sales of beer and wine shall conform to the provisions prescribed in [Article 11, "Performance Standards", Section 12, "Requirements for On-Premise Sale and Consumption of Alcoholic Beverages,"](#) of the Unified Development Code (UDC).

4.8.3 *Winery*

A winery shall mean a primary use for the manufacturing, bottling, labeling, and packaging of wine containing not more than 24 percent alcohol by volume from grapes, fruits and berries grown on premise or imported, and to include the manufacturing and importation of grape brandy for fortifying purposes only. Wine sales may be to holders of wholesaler’s permits, winery permits, or wine bottlers permits. Retail sales to ultimate consumers in unbroken packages for off-premise consumption may not exceed an amount of 25,000 gallons annually. A winery may include certain accessory uses that include a tasting room and retail sales area of wine for off-premise consumption.

4.8.4 *Drive-Through and Drive-In Establishments for Restaurant and Banking Facilities*

All drive-through and drive-in establishments for restaurant and banking facilities will require a Specific Use Permit (SUP) in all zoning districts where such uses are permitted in accordance with the ["Permissible Use Chart"](#) of Article 4 of this Code under the following conditions:

- A. An SUP will be required for properties where drive-through and drive-in establishments are permitted that are located within a designated Overlay district, or if located within 300 feet of a residential area as defined in [Section 4.8.1](#). The measurement of the 300-foot distance requirement shall be in a direct line to the nearest residentially zoned property line from the nearest property line of the place of business where the drive-through and drive-in establishment is located.
- B. An SUP will be required for drive-through establishments utilizing a drive-through lane that contains less than six (6) stacking spaces for the queuing of automobiles prior to the location of the area, device or structure designated for the ordering of goods and services by the customer.

4.8.5 *Drive-Through and Drive-In Retail Sales Not Classified as a Restaurant or Bank Facility*

Drive-Through and Drive-In Retail Sales shall be allowed by a Specific Use Permit (SUP), in all zoning districts where such uses are permitted in accordance with the “Use Chart” of Article 4 of this Code. Such businesses are defined as follows:

- A. Drive Through and Drive-In Retail Establishments as used in this Article shall mean a commercial and/or retail store in which the primary use involves the delivery of pre packaged goods and products to customers through a drive-up window, or by a driveway lane that extends into and through the building establishment to enable the delivery of goods and products into the customer’s vehicle. Goods and products that are typically sold at these establishments may include one or more variety of pre-packaged grocery products of multiple brands, stored on shelves or in refrigerated cases, which are sold for off-premise consumption. Examples of pre-packaged products may include, but not be limited to, grocery goods, confectionary goods, dairy products, sodas, juices, beer, wine, bottled waters, tobacco products, produce, breads, cereals, household detergents and baked goods. These establishments may contain, within the same floor area of the establishment, an ancillary restaurant facility with a commercial kitchen that prepares food sold for off-premise consumption. An independent restaurant establishment with a drive-through or drive-up window, that does not sell pre-packaged grocery products of multiple brands as described above, shall be classified as a Drive-through/drive-in restaurant.
- B. A drive-through lane for a Drive-Through Retail Establishment shall have a minimum of six (6) stacking spaces for the queuing of automobiles prior to the location of the area, device or structure designated for the ordering of goods and services by the customer.

4.8.6 *Proximity Requirement for the Sale of Alcoholic Beverages*

- A. The sale of alcoholic beverages is prohibited within 300 feet of a church or public hospital. The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.
- B. The sale of alcoholic beverages is prohibited within 300 feet of a public school or a private school with a student enrollment greater than 100 students. The measurement of the distance between the place of business where alcoholic beverages are sold and the public school or private school shall be:
 - 1. In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or,
 - 2. If the permit or license holder is located on or above the fifth story of a multi-story building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

4.8.7 Variances

The city council may allow a variance to Section 4.8 if it determines that the enforcement of the regulation in a particular instance is not in the best interests of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on the applicant for a license or permit, does not serve its intended purpose, or is not effective or necessary, or that a previous permit was issued for the premises in error and enforcement of the regulation would be inequitable, or for any other reason the city council determines, after consideration of the health, safety and welfare of the public and the equities of the situation, that the variance is in the best interest of the community. No variance may be granted under this subsection except after a public hearing for which notice has been given. Notice of a request for a variance from subsections (a) or (b) shall be given to owners of property within three hundred (300) feet of the business. The notice area for a variance request relating to a public hospital or church shall be measured in a direct line from the front door of the place of business. The notice area for a variance request relating to a public or private school shall be measured in a direct line from the property line of the place of business. The notice shall be sent by regular United States mail not less than ten (10) days before the date set for hearing, to all such owners who have rendered their property for city taxes as the ownership appears on the last approved city tax roll.

SECTION 9 – SMALL WIND ENERGY SYSTEMS

4.9.1 The purpose of this Section is to establish guidelines regulating the location of wind turbines, their supporting towers and all accessory equipment with the objective to protect and promote public safety, and to mitigate any adverse visual impacts on the community while promoting the provision of this renewable energy source to the public.

4.9.1.1 Small wind energy systems shall require a Specific Use Permit (SUP) in all zoning districts and flood plain areas and shall contain a minimum lot size of two (2) acres subject to certain requirements as set forth below:

- A. An operational plan is required with the SUP application and shall include the following:
 - 1. Property lines and physical dimensions of the property,
 - 2. Location, dimensions and types of existing major structures on the property,
 - 3. Location of the proposed wind system tower,
 - 4. The public rights-of-way that are contiguous with the property,
 - 5. Overhead utility lines,
 - 6. Wind system specifications, including manufacturer and model, rotor diameter, tower height, and tower type,

7. Tower foundation blueprints or drawings,
 8. Tower blueprint or drawing.
- B. Wind towers and generators proposed to be installed within the 100 year floodplain shall have approval of the Engineering Division and, where applicable, the U.S. Army Corps of Engineers. Such tower sites shall take such measures, as required by the Engineering Division, to protect the sites from damage from potential flooding. The Engineering Division shall require a floodplain permit and, where applicable, a Corridor Development Certificate shall be obtained from the Engineering Division.
 - C. If the plan is approved, the City will return one signed copy of the operational plan to the owner and will retain the other copy with the original application.
 - D. If the application is rejected, the City will notify the applicant in writing and provide a written record of the hearing at which the application was rejected. If the specified deficiencies are resolved, the applicant may reapply after one year from the submittal date.
 - E. For property sizes between two (2) and three (3) acres in area, the tower height shall be a maximum of 80 feet. For property sizes greater than three (3) acres in area, the tower height shall not exceed 150 feet.
 - F. Small wind energy systems must comply with applicable Federal Aviation Administration (FAA) regulations, including any necessary approvals for installations close to airports.
 - G. The tower for a small wind energy system shall be setback a distance equal to 1.25 times the tower height from all property lines, public rights-of-way and occupied buildings. No part of the wind system structure, including guy wire anchors, may extend closer than fifteen (15) feet to the property boundaries of the installation site.
 - H. The tower for a small wind energy system will be setback a distance equal to 1.25 times the tower height from any overhead utility lines, unless written permission is granted by the affected utility.
 - I. The minimum height of the lowest part of the rotor shall be 30 feet above the highest structure allowed under either the zoning district requirement, or potential tree height, whichever is higher, if it is within 300 feet of any property line.

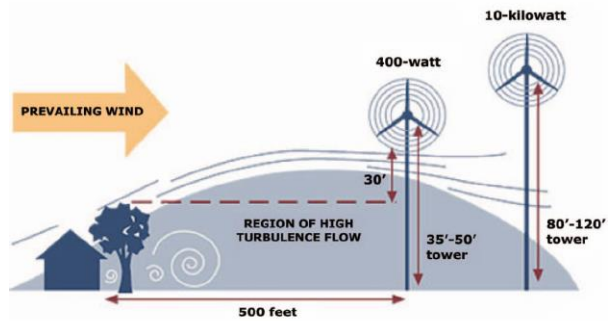


Diagram: American Wind Energy Association

- J. No tower shall be erected closer than 75 feet or a distance of five times the diameter of the larger rotor, whichever is the greater distance, to another small wind energy tower.
- K. All small wind energy systems shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection. For on-grid systems, an automatic shut off and lock on the turbine is needed in case there is a power loss. If there is a power outage, the turbine will need to shut down and lock itself off until power is restored.
- L. *Warnings*
 - 1. A clearly visible warning sign that states “Caution, High Voltage” must be placed at the base of all pad-mounted transformers and substations.
 - 2. Visible, reflective, colored objects, such as flags, reflectors or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.
- M. *Climb Prevention/ Locks*
 - 1. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
 - 2. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 12 feet from the ground.
 - 3. All access doors to small wind energy systems shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
- N. All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.

O. Small wind energy systems shall be required to comply with the noise standards and requirements contained within Chapter 13 of the City's Code of Ordinances.

P. *Visual Appearance*

1. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
2. The wind tower and generator shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless otherwise approved in the building permit.
3. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road, shall be prohibited.
4. A lattice type tower structure shall be prohibited for any tower measuring less than 81 feet in height, or for any tower erected in a residential zoning district. Only monopole type structures shall be permitted in these instances. Towers measuring greater than 81 feet in height built in the Agriculture (A) zoning district and in any non-residential zoning district shall be exempt from this requirement.

Q. Small wind energy systems shall be sited to prevent the impact of shadow flicker or blade glint upon any inhabited structures (except for the owner's) or City roadways. Systems found to be in violation of this condition shall be shut down until the flicker or glint problem is remedied.

R. ***Historic/Cultural:*** Except for compatible alternative mounting structures that effectively camouflage or conceal the presence of wind turbines, supporting structures and accessory equipment, facilities should not be located on or within 300 feet of property zoned historic or property included in a national or local historic district. In addition, said facilities should, wherever possible, be located to ensure that historic or culturally significant vistas, and landscapes are protected and that the views of and vistas from architecturally and/or historically significant structures are not impaired or diminished.

4.9.1.2 Rooftop Mounted Wind Turbines

A. All rooftop-mounted wind turbines in the non-residential zoning districts indicated in the Permissible Use Charts in Article 4 of this ordinance shall require a Specific Use Permit (SUP). These districts shall include the CBD-3, CBD-4, HC, LI and HI zoning districts. All subsections of [Section 4.9.1.1](#) shall apply except subsections [4.9.1.1 \(G\)](#) and [4.9.1.1 \(J\)](#).

- B. Allowable rooftop-mounted wind turbines in non-residential districts are calculated as one potential wind turbine per 5,000 square feet of building floor area. Non-residential roof-mounted wind turbines shall have an appearance that blends with the building on which they are located or be located so that they are not visible from any arterial roadways or freeways.
- C. Alternative Mounting Structures must be similar in color, scale and character to adjoining buildings or structures and blend with the landscaping and other surroundings immediately adjacent to them so as to generally avoid the creation of unique visual objects that stand out in the environment.

4.9.1.3 A building permit shall be required for the installation of a small wind energy system.

- A. The owner shall submit an application to the Building Inspections Division of the Planning and Development Department. The application shall be accompanied by standard drawings of the wind turbine structure, a line drawing of the electrical components, and two copies of an operational plan for the small wind energy system, and the fee required for an accessory use.
- B. No permit for a small wind energy system shall be issued until evidence has been given to the City that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- C. Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base and footings. An engineering analysis of the tower showing compliance with the International Building Code and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer.
- D. Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
- E. An issued permit shall expire if the small wind energy system is not installed and functioning within 6-months with a required inspection from the date the permit is issued; or, if the small wind energy system is out-of-service or otherwise unused for a continuous 12-month period.

4.9.2 *Abandonment*

- A. A small wind energy system that is out-of-service for a continuous 12-month period will be deemed to be abandoned. The Director of Planning and Development or designee may issue a Notice of Abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. The Director of Planning and Development or designee shall withdraw the Notice of Abandonment and notify the owner that the Notice has

been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned.

- B. If the small wind energy system is determined to be abandoned, the owner of the small wind energy system shall remove the wind generator, tower structure or any associated appurtenances, from the property at the Owner's sole expense within 3 months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator, tower, or any associated appurtenances, the Director of Planning and Development or designee may pursue a legal action to have the wind generator and tower structure removed at the Owner's expense.

4.9.3 Definitions

Occupied Building: Any residence, school, hospital, church, public library or other building that is occupied or in use when the permit application is submitted.

Owner: The "owner" shall mean the entity or entities having an equity interest in the small wind energy system, including their successors or assigns, that intend to own and operate the system in accordance with this ordinance.

Roof Mounted Wind Turbine: Wind turbines, designed to support and camouflage or conceal the presence of wind turbines or other small wind energy system apparatus that are located on a building or rooftop.

Rotor: The blades and the hub together are called the rotor.

Setbacks: All stand-alone wind turbine towers as well as guys and guy anchors shall be located within the build-able area of the lot and not within the front, rear or side yard building setbacks.

Small Wind Energy System: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is primarily intended to reduce on-site consumption of utility power.

Tower: The monopole, freestanding, latticed or guyed structure that supports a wind generator.

Tower Height: The height above grade of the fixed portion of the tower, excluding the wind turbine itself.

Tower Mounted Wind Turbine: Wind turbines or other small wind energy system apparatus that are located on a separate tower structure with a separation distance from adjacent structures to address regions of high turbulence flow.

Wind Generator: The blades and associated mechanical and electrical conversion components mounted on top of the tower.

SECTION 10 - NATURAL GAS COMPRESSOR STATIONS

4.10.1 Natural Gas Compressor Stations (the station complex) shall require a Specific Use Permit (SUP) in those zoning districts depicted in the Permissible Use Charts of this Article under **PUBLIC UTILITY USES**.

- A. Appeals to the provisions of this Section for natural gas compressor station locations not requiring a Specific Use Permit shall be subject to the review and approval of the Planning and Zoning Commission and the City Council.
- B. A building permit shall be required for the station complex.
- C. The station complex shall be situated on a platted lot approved by the City and recorded in the local County jurisdiction.

4.10.2 For the purpose of maintaining a visual buffer zone adjacent to dissimilar land uses, a minimum building setback for all compressor station buildings and equipment shall be established and maintained for all yards at the distances specified for the zoning district adjoining the station complex as shown in Section 4.10.2.A below.

- A. Table of building setbacks for compressor station buildings and equipment.

<i>Adjoining Zoning District (applied to both base zoning and PD districts)</i>	<i>Required Building Setback (in feet – applied to all yards)</i>
<i>SF-E</i>	500
<i>SF-1</i>	500
<i>SF-2</i>	500
<i>SF-4</i>	500
<i>SF-5</i>	500
<i>SF-6</i>	500
<i>SF-ZLL</i>	500
<i>SF-A / TH</i>	500
<i>2F</i>	500
<i>MF-1</i>	500
<i>MF-2</i>	500
<i>MF-3</i>	500
<i>AG/OPEN SPACE</i>	500
<i>MR</i>	500
<i>MU</i>	500
<i>OFFICE</i>	200
<i>NS</i>	200
<i>GR</i>	200
<i>GR-1</i>	200
<i>C</i>	200
<i>C-1</i>	200
<i>CBD-1</i>	200
<i>CBD-2 / CA</i>	200
<i>CBD-3</i>	100
<i>CBD-4</i>	100
<i>HC</i>	100
<i>LI</i>	100
<i>HI</i>	100

- B. Where an adjoining Planned Development (PD) district contains more than one base-zoning district, the most restrictive building setback shall be applied.
- C. Where a compressor station site adjoins a street right-of-way, the required building setback along that right-of-way shall be established by the zoning district designated for the property situated on the opposite side of the right-of-way.

4.10.3 If the boundary of the compressor station site is to be enclosed by a fence, the following criteria shall apply:

- A. A wrought iron type fence, built to a minimum height of eight (8) feet, shall be required along boundary lines that front a dedicated public street right-of-way of any type, or that front a private street right-of-way dedicated for public use. Brick or stone columns shall be constructed on approximate fifty (50) foot centers for such fence.
- B. A vinyl coated chain link fence, built to a minimum of height of eight (8) feet, shall be provided at all other boundaries of the compressor station site.

4.10.4 All compressor station equipment and sound attenuation structures shall be enclosed within a building. Such building shall have a portion of its exterior walls constructed of masonry as defined in [Article 6, "Density and Dimensional Requirements,"](#) of this Code and be designed with the following elements:

- A. A four (4) foot high masonry bulkhead wall shall be constructed on least two (2) building facades most visible to the public.
- B. At least two (2) building facades, specifically those most visible to the public, shall be constructed with a brick or stone accent that is at least twenty (20) feet in width, and extends vertically to the roofline of the building and terminates with a sloped or arched profile.
- C. The roof shall be sloped with a pitch of no less than 5:12 and shall contain at least one raised structure in the form of a cupola, steeple tower, clearstory element or similar structures. No flat roofs shall be permitted.
- D. The non-masonry wall surfaces may be constructed of painted metal, stucco or cementitious fiberboard material. Engineered wood paneling shall not be permitted for the finished exterior.
- E. The architectural design of the building shall be compatible with the visual context of the surrounding development. Such buildings may be designed as a representation of, but not be limited to, the following building types:
 - 1. Barn structure or equestrian facility
 - 2. Estate residence
 - 3. School facility or similar institutional use

4. Gazebo or picnic area enclosures
 5. Club house or recreational facility
 6. Retail or office building
 7. Any combination of the above as approved by the City
- F. Vehicular access to the boundaries of the station complex from the street thoroughfare shall be paved with a concrete surface at a thickness and design approved by the Engineering Division of the Development Department or designee. This provision shall also apply to those areas inside the boundaries of the station complex where vehicular traffic and parking is to occur.
- 4.10.5 The operation of the equipment shall not create any noise that causes the exterior noise level to exceed the pre-development ambient noise levels as measured within three hundred (300) feet of the compressor station building(s). The Operator shall be responsible for establishing and reporting to the City the pre-development ambient noise level prior to the issuance of the building permit for the station complex.
- A. The operator of the station complex shall also meet the noise standards contained in the City's Code of Ordinance, Chapter 13, and **Article 8, "Landscape and Screening"**. If the adjoining property is residential, these standards shall apply at the property boundary of a residence on a normal residential lot or at a compliance point selected by the Environmental Services Director for a residence on an oversized lot. In the case of the later, the director will strive to select a compliance point that balances the residential property owner's rights and the operational characteristics of the station complex. The determination of the compliance point shall be at the sole discretion of the City's Environmental Services Director.
- 4.10.6 The compressor station site shall be landscaped in a manner that is compatible with the environment and existing surrounding area.
- A. Landscaping, irrigation and street tree planting requirements shall be provided as required in **Article 8, "Landscape and Screening"** of this code as applied to non-residential development for a Light Industrial (LI) District.

SECTION 11 - CHECK CASHING, PAY CHECK AND CAR TITLE LOAN BUSINESSES

- 4.11.1 Check cashing, pay check (payday) advance/loan and car title loan businesses shall be allowed, by a Specific Use Permit as permitted by Section 11.2, in those zoning districts shown in the **"Use Charts"** of Article 4, Permissible Uses, of this Code under the classification category of Government, Offices and Businesses. Such businesses are defined as follows:
- A. *Check cashing business* as used in this Article shall mean an establishment that provides to the customer an amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction, and where there is an agreement not to cash the check or

execute an electronic transfer of money for a specified period of time. This definition excludes a state or federally chartered bank, savings and loan associations, credit unions, pawnshops or grocery stores. This definition may exclude retail convenience stores or similar businesses that cashes checks or money orders or issues money orders or money transfers for a minimum flat fee as a service that is incidental to its main purpose or business, provided such business does not cash more than 100 checks in any calendar month as determined by an audit by the City Finance Director or designee.

- B. *Pay check (payday) advance/loan business* as used in this Article shall mean an establishment that makes small consumer loans, usually backed by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term, or until an applicant's next payday, and then cashed unless the customer repays the loan to reclaim such person's check.
- C. *Car title loan business* as used in this Article shall mean an establishment that makes small consumer loans that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. The loan terms are often for 30 days, and failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle.
- D. *Bank or financial institution* as used in this Article shall mean an establishment, open to the public, for the deposit, custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds excluding pawnshops, check cashing businesses, payday advance/loan businesses and car title loan businesses.

4.11.2 In addition to requiring a Specific Use Permit in those zoning districts shown in the **"Use Charts"** of Article 4, Permissible Uses, of this Code, check cashing, pay check (payday) advance/loan and car title loan businesses are subject to the following proximity requirements:

- A. A check cashing, pay check (payday) advance/loan and/or car title loan business shall be prohibited from locating within 1,000 feet of any other lot or parcel of land containing another check cashing, pay check (payday) advance/loan and/or car title loan business. The measurement of this proximity requirement shall be a direct line, without regard to intervening structures or intersections, from the closest property line of the existing business to the closest property line of the proposed business.
- B. A check cashing, pay check (payday) advance/loan and/or car title loan business shall be prohibited from locating within 300 feet of any lot or parcel of land zoned for Agriculture (A), Single Family (SF), Two Family (2F) or Multi-Family (MF) or any lot or parcel of land used for residential uses. The measurement of this proximity requirement shall be a direct line, without regard to intervening structures or intersections, from the closest property line of the residential property or zoning district to the closest property line of the proposed business.
- C. A check cashing, pay check (payday) advance/loan and/or car title loan business shall be prohibited from locating within 500 feet of any city limit line of the city of Grand Prairie. The measurement of this proximity requirement shall be a direct line, without regard to

intervening structures or intersections, from the closest city limit line to the closest property line of the proposed business.

- D. A check cashing, pay check (payday) advance/loan and/or car title loan business shall be prohibited from locating within any established overlay district as defined in Article 7, “Special Districts,” of this Unified Development Code.

SECTION 12 – TEMPORARY BATCH PLANTS

A permit for concrete, asphalt or any other type plant established for mixing materials for paving or building may be granted for a temporary period of time by the Director of Public Works.

4.12.1. Application

Any person, firm or corporation who desires to establish a temporary batching plant shall file an application for a permit with the Director of Public Works together with the minimum requirements set forth in Section 12.2 (below) and such other information the Director of Public Works may require.

4.12.2. Minimum Requirements

As a minimum, each application shall contain the name of the applicant, address(es) and/or description of the lot(s) or tract(s) upon which the batch plant is proposed to be located, a map showing the proposed location of the plant, project to which the plant relates, period of time requested, and a permit exemption granted by the Texas Commission on Environmental Quality (TCEQ).

4.12.3. Time Limit

Temporary batch plant permits will be issued for a project by the Director of Public Works upon request of the applicant and the filing of an application and fee meeting the requirements of this article. The duration of such permits shall be for a period of six (6) months or until the completion of the project, whichever occurs sooner. In the event that a project should take longer than six (6) months to complete, the applicant may apply for and receive an extension on his temporary batch plant permit, such extension shall last for a period of six (6) months or until the completion of the project, whichever occurs sooner. As many extensions as are necessary may be granted to the applicant to complete the project.

4.12.4. Public Notice

- A. Each permit application and extension shall be publicly advertised in the local newspaper and notice shall be placed in the United States mail by the Director of Public Works or designee no later than fifteen (15) days prior to approval or denial of the permit application to provide for public review and comment, said written notice being addressed to:
 - i. The applicant and owner of the property involved in the request, as shown on the currently adopted tax rolls of the City of Grand Prairie, and

- ii. The owner as shown on the currently adopted tax roll of the City of Grand Prairie of any and all property located within three hundred (300) feet of the subject property on which the batch plant is proposed.
- B. The Director of Public Works shall consider all public comment prior to approving or denying the permit application.

4.12.5. Fee

See [Article 22, “Fee Schedule,”](#) of the Unified Development Code for information relating to fees.

SECTION 13 – CORRECTIONAL FACILITIES

4.13.1 Section 13, “Correctional Facilities” shall address correctional facilities such as prisons, prison hospitals, rehabilitation centers, and halfway houses that are operated by entities other than the City of Grand Prairie, and provide services for inmates. For the purposes of this section, “inmate” shall mean any adult individual who is confined to a correctional facility, such as a prison, prison hospital or rehabilitation center. The term “inmate” shall also apply to any adult individual whose mobility is monitored in a correctional facility such as a halfway house. The term “prison” used in Section 14, Permissible Use Charts, shall only apply to prison facilities operated by the City of Grand Prairie.

4.13.2 Correctional facilities and halfway houses shall be allowed, by a Specific Use Permit as permitted by Section 13, in those zoning districts shown in the [“Use Charts”](#) of Article 4, Permissible Uses, of this Code under the classification category of Government, Offices and Businesses. The applicant shall submit the following with the application:

- A. An area plan showing zoning classifications and land uses of all property within a 1000 foot radius of the site of the proposed halfway house. The area plan must specifically identify all uses related to children, such as schools, places of worship, parks, playgrounds, daycare centers, public and private youth centers, public swimming pools;
- B. A site plan for the property that includes the requirements for a site plan as outlined in Article 16, “Site Plan Approval,” outdoor recreational areas and any other outdoor areas associated with the proposed halfway house. The site plan requirement cannot be waived;
- C. A floor plan that details room sizes, sleeping areas, bathrooms, and common areas. The floor plan requirement cannot be waived;
- D. A copy of the contract governing the operation of the facility;
- E. A security plan identifying security features of the facility; and,
- F. An operational plan that includes the policies and rules for operation of the facility.

4.13.3 The Planning and Zoning Commission shall consider comments from the Grand Prairie Police Department and the Development Review Committee concerning the proposed halfway house prior to making a recommendation to City Council. Notification shall include the following:

- A. Notification of the requested zoning change shall be sent to the owners of all property within 1,000 feet of the property on which the zoning change is proposed, in accordance with the procedure set out in state law and local ordinances, and to all neighborhoods registered with the Planning and Development Department that include property located within 1,000 feet of the proposed site. Notice of the time and place of the hearing before the City Council shall be published in an official newspaper or a newspaper of general circulation at least 15 days before the hearing as required by state law.
- B. If the owner or operator of a halfway house wishes to expand the facility, then notification shall be sent to owners of all property within 1,000 feet of the subject property and in accordance with the state and local laws mentioned in Section 4.13.2(A).

4.13.4 The Specific Use Permit site plan and ordinance for a halfway house shall include the following:

- A. No more than 50 residents are permitted in a halfway house. Halfway houses must be located at least 1000 feet from residential districts, single family, duplex, and multifamily uses, public parks and recreational facilities, childcare facilities, and public or private schools.
- B. A halfway house may not be located within one mile from another halfway house.
- C. A Specific Use Permit for a halfway house shall be issued for a two year time period. Periodic review periods may be established as part of the conditions of the Specific Use Permit.
- D. The treatment of alcoholic, narcotic, or psychiatric problems is allowed under this use if expressly permitted by the Specific Use Permit.
- E. This use shall comply with all applicable city, state, and federal codes and regulations.
- F. Signs identifying a use as a halfway house are not permitted.
- G. A security plan must be submitted with an application for a specific use permit for a halfway house. The security plan must demonstrate compliance with the security requirements of state law. The Planning director or designee shall furnish a copy of security plans for halfway houses to appropriate city, county, and state agencies for their review before the Planning and Zoning Commission's consideration of an application. A compliance report must be submitted to the Planning director or designee every two years after the date of passage of an ordinance granting a specific use permit and with each application for renewal of a specific use permit for a halfway house.

SECTION 14 – MULTI-PURPOSE SPECIAL EVENT CENTERS

- 4.14.1 The Event Center may include only indoor areas for operational use. No functions are to be held outside other than on-site parking and loading/unloading of goods used in conjunction with authorized events.
- 4.14.2 The applicant may allow the renter to “bring your own bottle” (BYOB) in accordance with TABC provisions, as defined in the Alcoholic Beverage Code of the State of Texas.
- 4.14.3 For all events where alcohol is served, or where 100 or more guests are present, security must be provided by an individual qualified under Chapter 1702 of the Texas Occupations Code. This individual must be present for the duration of the event and to ensure the orderly departure of guests until at least one hour after the event is over. An additional individual must be present for each additional 100 guests attending the event.
- 4.14.4 The Event Center must meet all relevant safety requirements prescribed by the City of Grand Prairie and the State of Texas.
- 4.14.5 No event shall be held beyond 12:00 am midnight. This requirement does not apply to event cleanup or to routine business or property maintenance carried out by the owner of the event center.
- 4.14.6 The Event Center shall be used for organized group assemblies only, and shall not be used for single admission type events involving a cover charge entrance fee for individuals not associated with the organized group assembly. The Event Center may not be associated with a restaurant, bar, or nightclub.

SECTION 15 – RESTAURANT WITH AN EVENT SPACE

- 4.15.1 The Event Space may include only indoor areas for operational use. No functions are to be held outside other than on-site parking and loading/unloading of goods used in conjunction with authorized events.
- 4.15.2 The applicant may allow the renter to “bring your own bottle” (BYOB) in accordance with TABC provisions, as defined in the Alcoholic Beverage Code of the State of Texas.
- 4.15.3 For all events where alcohol is served, or where 100 or more guests are present, security must be provided by an individual qualified under Chapter 1702 of the Texas Occupations Code. This individual must be present for the duration of the event and to ensure the orderly departure of guests until at least one hour after the event is over. An additional individual must be present for each additional 100 guests attending the event.
- 4.15.4 The Event Space must meet all relevant safety requirements prescribed by the City of Grand Prairie and the State of Texas.
- 4.15.5 No event shall be held beyond 12:00 am midnight. This requirement does not apply to event cleanup or to routine business or property maintenance carried out by the owner of the event

space.

- 4.15.6 The associated restaurant, including the commercial kitchen, shall account for at least 50% of the total area.

SECTION 16 – LODGING FACILITIES

4.16.1 Chain Scale Rating

- a. All new hotels, as well as those which are under construction on or after December 17, 2019, shall be classified as one of the following use types based on a hotel’s chain scale rating. In order to be classified as a Luxury Hotel, an Upper-Upscale Hotel, and Upscale Hotel, an Upper-Midscale Hotel, a Midscale Hotel, or an Economy Hotel, a hotel must be associated with a hotel brand rated at the corresponding scale level in the most recent listing of chain scale ratings published by STR, Inc. An Extended-Stay Residence Hotel is a sub-classification of a hotel classified by chain scale rating.

1. If STR, Inc., ceases to publish chain scale ratings for hotels, another rating entity may be used by the Director of Development Services or designee. The “Average Daily Rate” shall be used when assessing the chain scale of hotels.

2. A franchise agreement or similar contract from a hotel brand must be provided to the Director of Development Services or designee, with enough information to ascertain compliance with this ordinance prior to issuance of any development permit associated with the hotel project.

3. A Certificate of Occupancy may only be issued for a hotel that is associated with a hotel brand rated with the appropriate chain scale rating above.

4. Any existing hotel not classified in the most recent listing of chain scale ratings published by STR, Inc., shall be classified as an Independent Hotel.

5. Except as provided in this Section, no Certificate of Occupancy shall be approved for a hotel that is not classified by a chain scale rating.

4.16.2 General Design Standards for All Hotels

The design standards of this section shall apply to all hotels.

- a. Entry Features

1. The site shall be accessible from a public sidewalk and employ landscaping that is maintained in a healthy condition complementary to the streetscape and forming an entry feature with flowering perennial plants, seasonal color, or some combination.

2. All public building entrances shall incorporate arcades, roofs, alcoves, porticos, and awnings that protect pedestrians from the sun and inclement weather. This requirement shall not apply to loading areas.

3. Primary building entrances shall be defined and treated as a signature element of the building and articulated with architectural elements such as pediments, columns, porticos, and overhangs.

4. A porte-cochere or other covered area shall be provided immediately adjacent to the building entrance nearest the registration desk, with an area for temporary parking of at least two vehicles underneath the covered area for guests checking in and out.

5. All hotels shall provide at least one additional design element such as, but not limited to, a water feature, sculpture, or public art at the building entrance. Any such design element shall be constructed or fabricated to a size proportional to the primary building entrance.

b. Site Design

1. All landscaping shall be provided in accordance with this section, Article 8 – Landscaping and Screening, and Appendix F – Corridor Overlay District Standards, if applicable.

2. Pedestrian connectivity shall be provided between the parking area of the hotel and adjacent uses, such as restaurants or retail.

3. All outside equipment such as air conditioners, pool equipment, satellite dishes, etc., shall be screened from view by a masonry screening wall and landscaping. Individual portable window-mounted air conditioning units are prohibited. Packaged Terminal Air Conditioners (PTAC) are allowed.

4. Hotels shall conform to Crime Prevention Through Environmental Design (CPTED) principles by providing unobstructed visibility in all public areas, open space areas, and driveway entrances from public streets, driveway intersections, and parking lots. Building and site lighting shall be employed to create safe and secure public areas while illuminating only those areas for which lighting is designed, and shall be designed to reduce glare and not spill over to adjacent properties or uses.

5. Parking Lot Lighting. Parking lots shall have exterior lighting in all publicly accessible areas without needlessly lighting adjacent properties or developments. All lighting shall be controlled by a photocell or seasonally-adjusted timer switch. Lighting fixtures that have been identified as non-operable shall be repaired to an operable state within 72 hours.

c. Building Design

1. Access to guest rooms shall be restricted exclusively to interior corridors, with access exclusively from the main entrance of the building or through entryways individually equipped with some form of security-controlled access system.

2. The hotel operator shall install and maintain, in proper working order, surveillance cameras in each interior hallway and lobby/lounge area, in each parking area so as to provide visibility to all parking spaces on site, and at each exterior door. The cameras shall be placed to provide visibility to the exterior of the building. Monitors shall be provided for security and other hotel

personnel so that on-site activities are viewable at all times. Surveillance cameras shall be in operation 24 hours a day and records of images recorded shall be kept a minimum of 30 days.

d. Amenities

1. All hotels shall contain amenities available for the use of all guests, including, but not limited to, the following:

Tier 1

- (a) Wifi connectivity in all guest rooms and common areas;
- (b) Daily in-suite trash and linen service for all guests;
- (c) Lobby/waiting area with a minimum floor area of 2% of the overall building floor area;
- (d) For hotels with up to 120 rooms, an indoor or outdoor pool with a water surface area of at least 3,000 square feet. For hotels with more than 120 rooms, an indoor or outdoor pool with a water surface area of at least 3,000 square feet;
- (e) For hotels with up to 120 rooms, a fitness center measuring at least 500 square feet. For hotels with more than 120 rooms, a fitness center measuring at least 800 square feet;
- (f) In-suite coffee and beverage facilities;
- (g) Service of at least one meal per day;

Economy, Midscale, Independent, and Extended-Stay Residence Hotels shall provide all Tier 1 amenities.

Tier 2 (Must provide all Tier 1 amenities or equivalent)

- (a) Lobby/waiting area with a minimum floor area of 3% of the overall building floor area;
- (b) Outdoor park or landscaped common area measuring at least 5% of the overall building square footage. The common area shall contain one or more activation features such as sports and games, barbecue grills, shaded lounge areas, playground, pet walk, or similar active or passive recreation features;
- (c) Service of at least one meal per day plus a snack bar or concessions area serving non-processed foods;
- (d) At least 10,000 square feet of meeting space or other programmable space;
- (e) One or more electric vehicle charging stations;
- (f) Permeable pavement equivalent to 1 permeable space per ten (10) required spaces;

Items (b) and (c) are required for all Extended-Stay Residence Hotels. Midscale hotels shall provide at least one (1) Tier 2 amenity; Upper-Midscale hotels shall provide three (3) Tier 2 amenities; Upscale hotels shall provide all Tier 2 amenities.

Tier 3 (Must provide all Tier 1 and 2 amenities or equivalent)

(a) One or more full-service restaurants, as defined in Article 30, with direct access to the hotel lobby or shared interior corridor. Three meals must be served daily and room service must be made available to hotel guests;

(b) At least 20,000 square feet of meeting space or other programmable space;

(c) Retail space with a public storefront;

(d) Rooftop patio or common area with drink service. "Rooftop" is defined as a finished surface at least partially open to the sky above one or more habitable hotel floors;

(e) Corner rooms with windows providing for multiple viewing angles;

(f) Lobby with an indoor active water feature or substantial art feature, and an unobstructed ceiling height of at least 20 feet;

(g) Valet parking or structured parking available to all guests;

(h) Height of six (6) or more stories.

Upper-Upscale hotels shall provide item (h) and at least one (1) other Tier 3 amenity, Luxury hotels shall provide item (h) and at least three (3) other Tier 3 amenities.

e. Limits on Concentration of Hotels

Subject to Council approval, any site on which a hotel is proposed may not cause the concentration of similar hotels within a one (1) mile radius to exceed the following:

Hotel Classification	Maximum number of hotels allowed within 1 mile
Extended-Stay Residence Hotel	2, or more than 250 rooms
Economy/Independent	3
Midscale/Upper-Midscale	4
Upscale/Upper-Upscale	5
Luxury	No Limitation

f. Loss of Nonconforming Status

1. If a nonconforming hotel use on a particular parcel shall cease operation for a period of more than 6 months, then such nonconforming use shall be deemed to be permanently abandoned and shall not be reinstated on that parcel or any other parcel in any district which

does not permit the discontinued use. For the purposes of this paragraph, to “cease operation” shall mean to intentionally abandon the nonconforming use. The temporary suspension of a use shall not constitute abandonment, provided the property is not used during the period of suspension for any other purpose. The preceding provision shall apply in all cases except those specified.

2. If (1) a non conforming hotel structure or (2) a structure occupied by a nonconforming hotel use is destroyed, it may not be rebuilt unless the structure or use is rebuilt in conformance to all the provisions of this Section 4.15. For purposes of this section, a structure is destroyed if it has suffered damage, neglect, disrepair, or impairment in excess of 50% of its reasonable value. If such a structure is not destroyed, reconstruction will be permitted, but the size or function of the nonconforming structure, or any nonconforming use occupying the structure, cannot be expanded.

SECTION 17 – VARIETY STORES

4.17.1 Limits on Concentration

a. Variety stores are prohibited unless the proposed use is located more than 5,000 feet from another variety store.

b. If located at least 5,000 feet from another variety store, this use is permitted by Specific Use Permit (SUP) only.

c. In addition to the criteria for an SUP set forth in **Article 5**, when reviewing a request for SUP for a variety store use, the City Council shall consider:

1. Whether the proposed variety store will likely have a detrimental impact on the development of grocery stores and other businesses that sell fresh and healthy food items in the area to be served by the proposed use.

2. The availability of healthy food options in the area of the proposed use including the proximity of full-service grocery stores within one-half (½) mile of the proposed use and effect of the use on the retail food environment index as defined by the Centers for Disease Control and Prevention.

3. Whether the proposed use is within a food desert, as defined by the United States Department of Agriculture at the time of application.

d. An SUP approved under this section must stipulate that a minimum of ten percent of the floor area of the variety store must be dedicated to fresh produce, meat and dairy products.

e. Incidental outdoor display is prohibited at all variety stores.

f. A nonconforming variety store in existence on May 19, 2020, may relocate on the same parcel or within the same shopping center that it currently exists without obtaining a SUP provided the nonconforming variety store has not been terminated as provided in **Article 19, “Non-Conforming Development”** and the use complies with all other applicable regulations.

SECTION 18 – COMMISSARY

- 4.18.1 Commissaries located in the General Retail (GR) District and Commercial (C) District must comply with the following conditions:
- a. The building or tenant space, including an attached freezer, shall not exceed 8,000 sq. ft.
 - b. The commissary shall be used for centralized food prep for a single restaurant or entity.
 - c. The commissary shall not be used as a shared kitchen for multiple restaurants, mobile food units, or entities.
 - d. Overnight parking of mobile food units or food trucks is prohibited on site.
 - e. Maintenance, repair, or washing of mobile food units or food trucks are prohibited on site.

SECTION 19 – ELECTRIC VEHICLE CHARGING STATIONS

- 4.19.1 An electric vehicle charging station is a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.
- 4.19.2 Electric vehicle charging stations shall be allowed as an accessory use in those zoning districts shown in the “**Use Charts**” of Article 4, Permissible Uses, of this Code, under the classification category of “Transportation and Logistics.”
- 4.19.3 All electric vehicle charging stations shall be required to comply with the following:
- A. Minimum accessory setback requirements shall be those established in the district in which the electric vehicle charging station is located.
 - B. Electric vehicle charging stations are not permitted within the city right-of-way.
 - C. Design should be appropriate to the location and use. Facilities should be able to be readily identified by electric car users but blend into surrounding landscape/architecture for compatibility with the character and use of the site.
 - D. Installation shall be subject to permit approval administered by the Building Inspections Division.

SECTION 20 – BATTERY ENERGY STORAGE SYSTEMS

- 4.20.1 Battery Energy Storage Systems are devices that enable energy from renewables, like solar or wind, or unused energy supplied to the grid in times of low demand to be stored and then released at a later time.
- 4.20.2 Battery Energy Storage Systems shall be screened from view from public streets by a Type 1 masonry screening wall or a living screen that is at least eight ft. in height at the time of planting.

SECTION 21 – SMOKE SHOP

- 4.21.1 Limits on Concentration
- a. Smoke Shops are prohibited unless the proposed use is located more than one (1) mile from another

smoke shop.

b. If located at least one (1) mile from another Smoke Shop, this use is permitted by Specific Use Permit (SUP) only.

c. Incidental outdoor display is prohibited at all smoke shops.

d. Smoke Shops that are occupied and legally operating without a specific use permit, as of July 16, 2024, or have applied for a Certificate of Occupancy and are permitted by right under the property's applicable zoning designation, as of July 16, 2024, are considered legal non-conforming and subject to the provisions of Article 19 of this Code.

SECTION 22 – USE CHARTS



RESIDENTIAL USES

NON-RESIDENTIAL AND MIXED USES

SYMBOL

DISTRICT NAME

A	Agriculture District
SF-E	Single Family - Estate
SF-1	Single Family - One Residential
SF-2	Single Family - Two Residential
SF-3	Single Family - Three Residential
SF-4	Single Family - Four Residential
SF-5	Single Family - Five Residential
SF-6	Single Family - Six Residential
SF-ZLL	Single Family - Zero Lot Line Residential
SF-A	Single Family - Attached
2F	Two Family - Two Residential
MF-1	Multi-Family - One Residential
MF-2	Multi-Family - Two Residential
MF-3	Multi-Family - Three Residential
MR	Mixed Residential

SYMBOL

DISTRICT NAME

NS	Neighborhood Service
GR-1	General Retail-One District
GR	General Retail District
C-1	Commercial-One District
C	Commercial District
CA	Central Area
CA	Central Area
HC	Heavy Commercial District
LI	Light Industrial
HI	Heavy Industrial
O	Office
MU	Mixed Use
HD	Hospital District

SECTION 22 – USE CHARTS

USE	NAICS CODE	RESIDENTIAL											SPECIAL				COMMERCIAL/RETAIL				INDUSTRIAL																
		SF-E	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	SF-ZLL	SF-A	2F	TH	MF-1	MF-2	MF-3	AG/ OPEN SPACE	IMR	MU	OFFICE	NS	GR	GR-1	C	C-1	CA	HC	LI	HI									
SF-DETACHED	NA	X	X	X	X	X	X	X	X ¹	X ¹	X ¹		X ¹			X																					
SF-ZERO LOT LINE	NA								X								X	X																			
SF-ATTACHED	NA									X	X	X	X	X	X		X	X																			
SF-TOWNHOUSE	NA										X	X	X	X	X		X	X																			
SF – HYBRID HOUSING (BUILD TO RENT)	See Article 30												X																								
SF-MODULAR HOME	NA	X	X	X	X	X	X	X	X	X	X	X					X																				
SF-MANUFACTURED (MOBILE) HOME	NA															X ²																					
2-FAMILY / DUPLEX	NA									X	X																										
3 & 4 FAMILY	NA									X		X	X	X	X		X																				
LIVE/WORK UNITS	See Article 30																	S														S					
MF- APARTMENTS	NA												X	X	X		X	X														X					
MIXED RETAIL & RESIDENTIAL	NA																X ³	X ³												X ³							
GARAGE CONVERT.	NA	X ⁴	X ⁴	X ⁴	X ⁴	X ⁴	X ⁴	X ⁴	X ⁴	X ⁴	X ⁴						X	X																			
ACCESSORY BLDG / STRUCTURE	NA	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
HOME OCCUPATION	000130	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X																			
B & B HOTEL	721191	S	S	S	S	S	S	S	S	S				X	X	X		X	X			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
SHORT-TERM RESIDENTIAL RENTAL (Permit Required, See Code Compliance)																																					

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- ⁵: Specific Use Permit is required when located within 300 feet of any AG, SF, 2F, or MF districts; or if inside a designated overlay district.
- ⁶: Specific Use Permit is required when located within 900 feet of a similar use.
- ⁷: Refer to [Article 4, Section 11.2](#)
- ⁸: Specific Use Permit is required when located less than 2500 feet of another group living residential use.
- ⁹: Refer to [Article 4, Section 17.1](#)
- ¹⁰: This use is prohibited unless located more than 5,000 feet from another variety store. If located at least 5,000 feet from another variety store, this use is permitted by Specific Use Permit only.
- ¹¹: Refer to [Article 11, Section 14.1](#)
- ¹²: Refer to [Article 4, Section 4.21](#). Use is prohibited when located within one mile of another smoke shop.

Chart Symbols:

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- PD: Planned Development District
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1997 N.A.I.C.S. U.S.

SECTION 22 – USE CHARTS

USE		RESIDENTIAL												SPECIAL		COMMERCIAL/RETAIL					INDUSTRIAL												
GENERAL EDUCATION, HEALTH & INSTITUTIONAL	NAICS CODE	SF-E	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	SF-ZLL	SF-A	2F	TH	MF-1	MF-2	MF-3	AG/ OPEN SPACE	MR	MU	OFFICE	NS	GR	GR-1	C	C-1	CA	HC	LI	HI					
VOCATIONAL SCHOOL (NON-AUTO/MECHANICAL)	611513	See "AUTOMOTIVE AND TRANSPORT" chart below for other Vocational uses.																	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
ADULT DAY CARE CENTER	623990	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	S	S	S	S	S	S		
ADULT DAY CARE HOME	623990	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	S	X	X	X		
ADULT DAY HEALTH CARE CENTER/HOME	623990	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	S	S	S	S	S	S		
SOCIAL SERVICES	624190																	X	X	X	X	X	X	X	X	X	X	X	X	X			
PAROLE / PROBATION OFFICE	922150																		S		S	S	S	S			S	S					
CHILD DAY CARE	624410	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			
CEMETERY / MAUSOLEUM	812200	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			S	S	S	S	S	S	S	S	S	S	S	S			
CREMATORIUM	812220																						S	S	S	S	S	S	X				
FUNERAL HOME	812210																	X				X		X		S	X	X					
VETERINARY CLINIC (DOMESTICATED PETS – NO KENNELS)	541940	See "AGRICULTURE" chart below for Kennel uses.															X	X	X	X	X	X	X	X	S	X	X	X					
OUTPATIENT CARE CLINIC / CENTER	6214																	X	X	S	X	S	X	X	X	X	X	X	X				
EMERGENCY CARE CLINIC (URGENT CARE)	621493																	X	X	S	X	S	X	X	S	X	X	X	X				
MEDICAL AND DENTAL OFFICES	621111																X	X	X	X	X	X	X	X	X	X	X	X	X				
HOSPITAL	622110																S	X	X			X	X	X	X	X	S	S					
COLLEGE / UNIV.	514120												X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X				
PSYCH. HOSPITAL (K-12)	622210																S										S	S					
LIBRARY	514120	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			
HOSPICE *	623110												X	X	X		X	X	S	S	S	S				S							
SKILLED NURSING FACILITY	623110												X	X	X		X	X	S	S	S	S				S		X					
ORPHANAGE	623990												X	X	X		X	X															
HALFWAY HOUSE	NA																										S	S	S				

SECTION 22 – USE CHARTS

USE	NAICS CODE	RESIDENTIAL											SPECIAL			COMMERCIAL/RETAIL				INDUSTRIAL									
		SF-E	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	SF-ZLL	SF-A	2F	TH	MF-1	MF-2	MF-3	AG/ OPEN SPACE	MR	MU	OFFICE	NS	GR	GR-1	C	C-1	CA	HC	LI	HI	
BATTERY ENERGY STORAGE SYSTEMS (ACCESSORY USE) ¹³	See Article 30																										X ¹³	X ¹³	
EMS	621910	X	X	X	X	X	X	X	X	X	X	X	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X
PHONE EXCHANGE	513330	S	S	S	S	S	S	S	S	S	S	S	S	S	X			X	X	X	X	X	X	X	X	X	X	X	X
ELECTRICITY GEN. PLANT *	221111														S													X	
ELEC. / LINE SUBSTATION *	221121	S	S	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
GAS COMPRESSOR STATION (See Section 4.10)	221210	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	X ^{5 6}	X ^{5 6}	X ^{5 6}
UTILITY LINE	221122	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
UTILITY SHOP *	221121														X			X	X	X	X	X	X	X	X	X	X	X	X
WATER SUPPLY FACILITY *	221310	S	S	S	S	S	S	S	S	S	S	S	S	S	X			X	X	X	X	X	X	X	X	X	X	X	X
WASTE WATER * TREAT. PLANT	221320														S												S	S	
SEWAGE STATION	221320	X	X	X	X	X	X	X	X	X	X	X	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X
POLICE STATION *	922120	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
JAIL *	922120																									S	S	S	S
FIRE STATION *	922160	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
PRISON *	922140														S													S	S
PETRO OR GAS GATHERING / DISTRIBUTION	486210	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
RECYCLING TRANS. STATION	562119																										S	S	X
WIND TURBINES (GROUND MOUNTED)	333611	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
WIND TURBINES (ROOF MOUNTED)	333611																										S	S	S

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- ¹³: Refer to Article 4, Section 20

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SECTION 22 – USE CHARTS

USE	NAICS CODE	RESIDENTIAL											SPECIAL				COMMERCIAL/RETAIL				INDUSTRIAL																
		SF-E	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	SF-ZLL	SF-A	2F	TH	MF-1	MF-2	MF-3	AG/ OPEN SPACE	MR	MU	OFFICE	NS	GR	GR-1	C	C-1	CA	HC	LI	HI									
POST OFFICE	491110	S	S	S	S	S	S	S	S	S	X		X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
BANK	522110																X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
BANK / CREDIT UNION DRIVE THRU	522130																X	X ⁵	X ⁵	X ⁵	X ⁵	X ⁵	X ⁵	X ⁵	X ⁵	X ⁵	X ⁵	X ⁵	X ⁵	X ⁵	X ⁵	X ⁵	X ⁵	X ⁵	X ⁵		
CREDIT UNION	522130																X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
CHECK CASHING, PAY CHECK AND CAR TITLE LOANS	522390																			S ⁷		S ⁷							S ⁷	S ⁷							
SAVINGS & LOAN	522120																X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
ATM	334119													X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
BAIL BOND	812990																																	S	S	S	S
CORRECTIONAL FACILITIES	NA																																S	S	S	S	
INSURANCE	524210																X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
REAL ESTATE	531210																X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
CREDIT AGENCY	561450																X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
BROKER	523120																X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
COUNSELING	621111																X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
LEGAL SERVICES	541110																X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
MISCELLANEOUS OFFICES	561110																X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

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(ALCOHOL) PACKAGED BEER & WINE SALES FOR OFF PREMISE CONSUMPTION <i>(See NAICS code definition, Section 4.8.6)</i>	445310																				X	X	X	X	X	X	X	X
ALCOHOLIC BEVERAGE DISTRIBUTION	422820																						X			X	X	X
APPAREL MFG.	315212																X						X		X	X	X	
APPLIANCE REPAIR	443111															X					X	X	X	S	X	X	X	
ART DEALER	453920														X	X					X	X	X	X	X	X	X	
AUCTION (NON AUTO)	453998																				X	X	X	X	X	X	X	
BAIT / TACKLE	451110																			S		X	S		X	X	X	
BAKERY RETAIL	722213														X	X				X	X	X	X	X	X	X	X	
BAKERY WHOLESALE	422490																					X		X	X	X	X	
CONVENIENCE STORE W/ GAS	447110																		S	S	S	S	S		S	S	S	
CONVENIENCE STORE WITHOUT GAS	447110																		S	S	S	S	S	S	S	S	S	
COMMISSARY	SEE ARTICLE 30																			X ⁹		X ⁹			X	X	X	

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GROOMING & HYGIENE SALON	812112															X	X			X	X	X	X	X	X	X	X	X
DRUG STORE / PHARMACY	446110															X	X		X	X	X	X	X	X	X	X	X	X
EXTERMINATOR SERVICE	561710																		X	X	X	X	X			X	X	X
EXTERMINATOR (STORAGE)	561710																					S			S	S	S	
FARM PRODUCTS FOOD/ WHOLESALE	422480																			X		X		X	X	X	X	X
FIREWOOD WHOLESALE	421990																									X	X	
FLEA MARKET (OUTDOORS)	453310																								S	S	S	
FLORIST	453110															X	X		X	X	X	X	X	X	X	X	X	
FURNITURE STORE (NEW)	442110															X	X		X	X	X	X	X	X	X	X	X	X
GARDEN CENTER (INSIDE STORAGE)	444220															X	X		X	X	X	X	X	X	X	X	X	X
GARDEN CENTER (OUTSIDE STORAGE)	444220																S		S	S	S	S	S	S	S	S	S	S
GRAVESTONE SALES	453998																					X			X	X	X	
GROCERY STORE	445110															X	X		X	X	X	X	X	X	X	X	X	X
HANDICRAFT STORE	451120															X	X		X	X	X	X	X	X	X	X	X	
HARDWARE STORE	444130																			X	X	X	X	X	X	X	X	X
HEAVY MACHINE SALES (OUTSIDE)	421810																					S			X	X	X	

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		SF-E	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	SF-ZLL	SF-A	2F	TH	MF-1	MF-2	MF-3	AG/ OPEN SPACE	MR	MU	OFFICE	NS	GR	GR-1	C	C-1	CA	HC	LI	HI
HEAVY MACHINE SALES (INSIDE)	421810																					X			X	X	X	
KIOSK (SERVICE)	812990																		X	X	X	X	X	X	X	X	X	
LAUNDRY / DC (< 3000 SF)	812320																		X	X	X	X	X	X	X	X	X	
LAUNDRY / DC (> 3000 SF)	812230																					X			X	X	X	
LAUNDRY DROP OFF / PICK-UP	812230																	X	X	X	X	X	X	X	X	X	X	
LAUNDRY (SELF SERVE)	812310																	S	S	S	S	X	X	S	X	X	X	
LAWNMOWER SALES / REPAIR	444210																			X	X	X	X			X	X	
LIVESTOCK (WHOLESALE)	422590																									S	X	
LOCKSMITH	561622																		X	X	X	X	X	X	X	X	X	
LODGING FACILITY (Hotel, Including Extended Stay) (See Section 4.15)	See Article 30																S	S		S	S	S	S	S	S	S		
LUMBER SALES (WHOLESALE)	421310																									X	X	X

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SECTION 22 – USE CHARTS

USE	NAICS CODE	RESIDENTIAL											SPECIAL			COMMERCIAL/RETAIL					INDUSTRIAL							
		SF-E	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	SF-ZLL	SF-A	2F	TH	MF-1	MF-2	MF-3	AG/ OPEN SPACE	MR	MU	OFFICE	NS	GR	GR-1	C	C-1	CA	HC	LI	HI
MAJOR APPLIANCE STORE	443111																X				X	X	X	X		X	X	X
MINI – STORAGE *	493220																				S	S	S	S			S	X
MOBILE HOME DEALER	453930																X						S			X	X	X
NEEDLE WORKSHOP	451130																		X	X	X	X	X	X	X	X	X	
PAPER PRODUCTS (WHOLESALE)	322299																X						X		X	X	X	
PAWN SHOP	522298																									X		
PET SHOP	453910																X				X	X	X	X	X	X	X	X
PHOTOCOPY / DUPLICATING	561439																X		X	X	X	X	X	X	X	X	X	X
PHOTO STUDIO	541921																		X	X	X	X	X	X	X	X	X	X
PLANT NURSERY	111421																			X		X	X	X	X	X	X	X
PORTABLE BLDG.	332311																									S	X	
PORTABLE CHEMICAL TOILET	562991																									S		
PRIVATE CLUB (W/ ALCOHOL)	722410																S	S	S	S	S	S	S	S	S	S	S	S

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SECTION 22 – USE CHARTS

USE		RESIDENTIAL													SPECIAL			COMMERCIAL/RETAIL					INDUSTRIAL					
RETAIL AND COMMERCIAL USES	NAICS CODE	SF-E	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	SF-ZLL	SF-A	2F	TH	MF-1	MF-2	MF-3	AG/ OPEN SPACE	MR	MU	OFFICE	NS	GR	GR-1	C	C-1	CA	HC	LI	HI
RESTAURANT	721110																X	X	X	X	X	X	X	X	X	X	X	X
RESTAURANT (W/ EQUAL TO OR EXCEEDING 75% ALCOHOL SALES) (See Section 4.8.6)	721110																	S	S				S	S	S	S	S	S
RESTAURANT (W/ ALCOHOL SALES NO ENTERTAINMENT) (See Section 4.8.6)	721110																	X	X	S	X	X	X	X	X	X	X	X
RESTAURANT (W/ ALCOHOL SALES INCLUDING ENTERTAINMENT) (See Section 4.8.6)	721110																	S	S	S	S	S	S	S	S	S	S	S
RESTAURANT (W/ EVENT SPACE) (See Section 4.15)																									S			
DRIVE THROUGH /IN RETAIL SALES **	722200																				S	S	S	S	S	S	S	S
DRIVE THROUGH / IN RESTAURANT **	722211																				X ⁵	X ⁵	X ⁵	X ⁵	S	X ⁵	X ⁵	X ⁵
KIOSK RESTAURANT	722211																	X		X	X	X	X	X	X	X	X	S
LG. RETAIL (W/ GAS SALES)	447110																				S	S	S	S	S	S	S	S
MISC. RETAIL STORE	See Article 30																	X			X	X	X	X	X	X	X	X

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SECTION 22 – USE CHARTS

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REVERSE VENDING MACHINE	454210																				X		X			X	X	X	
RESIDENTIAL WASTE RECYCLING RECEPTACLE	421930																				S	S	S	S			S	S	S
SECURITY LIVING QTRS. AT BUSINESS	561612																	S	S	S	S	S	S	S			S	S	S
SHOE REPAIR	811430																X			X	X	X	X	X	X	X	X	X	X
SMOKE SHOP (See Section 4.21)	See Article 30																			§12	§12	§12	§12	§12	§12	§12	§12	§12	
TAILOR SHOP	811490															X			X	X	X	X	X	X	X	X	X	X	
TATTOO AND BODY PIERCING STUDIO (PERMANENT COSMETICS AS AN ACCESSORY USE; See Section 4.7.1)	See Article 30																								§11	§11	§11	§11	
TOOL RENTAL (INDOOR)	444130																						X			X	X	X	
TOOL RENTAL (OUTDOORS)	532210																									X	X	X	
TRAVEL AGENCY	561510															X	X	X	X	X	X	X	X	X	X	X	X	X	
UPHOLSTERY SHOP	451130																			X		X	X	X	X	X	X	X	
VARIETY STORE (See Section 4.17.)	452990																			§10	§10	§10	§10	§10	§10	§10	§10	§10	
WINERY	312130													X									X			X	X		

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SECTION 22 – USE CHARTS

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	SF-E	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	SF-ZLL	SF-A	2F	TH	MF-1	MF-2	MF-3	AG/ OPEN SPACE	MR	MU	OFFICE	NS	GR	GR-1	C	C-1	CA	HC	LI	HI	
AUTOMOTIVE																												
* = Subject to Ch. 13, Article XX – “Automotive Related Business Regulations”																												
AUTO SALES																												
AUTO DEALER*																							S	S		X	X	X
AUTO DEALER * (USED ONLY)																							S	S		X	X	X
AUTO DEALER * (NON-FRANCHISE USED)																										S	S	S
AUTO DEALER (INTERNET ONLY)																							S	S		X	X	X
AUTO SALES* (WHOLESALE)																							S	S		X ⁵	X ⁵	X ⁵
AUTO AUCTION*																											S	S
AUTO EXPORTER																										S	S	S
AUTO SHIPPER																										S	S	S
AUTO-RELATED SERVICES																												
CAR WASH (FULL-SERVICE) *																							S	S		X ⁵	X ⁵	X
CAR WASH (SELF-SERVICE)																							S	S		S	S	S
AUTO/TRUCK RENTAL* (NO CHAUFFER)																							S			X	X	X
LIMO SERVICE*																							S		X	X	X	
STATE VEHICLE INSPECTION																							X	X		X	X	X
AUTO PARTS SALES* (NEW) For Used Auto Parts, see “Recovery and Salvage”																				S			X	X		X	X	X
AUTO ACCESSORIES* SALES & INSTALLATION																							S			X	X	X
AUTO TIRE/WHEELS* SALES & INSTALLATION (INDOOR DISPLAYS)																							S	S		X	X	X
AUTO TIRE/WHEELS* SALES & INSTALLATION (OUTDOOR DISPLAYS)																							S	S		S	S	S
AUTO TIRE REPAIR*																							S			X	X	X
AUTO DRIVING SCHOOL																							S	S	S	S	S	S

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	SF-E	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	SF-ZLL	SF-A	2F	TH	MF-1	MF-2	MF-3	AG/ OPEN SPACE	IMR	IMU	OFFICE	NS	GR	GR-1	C	C-1	CA	HC	LI	HI
AUTOMOTIVE *Subject to Ch. 13, Article XX – “Automotive Related Business Regulations”																											
OPERATIONS AND PARKING																											
AUTO PARKING (PRIMARY USE)																	S			S	S	X	X	S	X	X	X
AUTO PARKING (ACCESSORY USE)	S	S	S	S	S	S	S	S	S								S	S	S	S	S	S	S	X	X	X	X
STRUCTURED PARKING										S	X	X	X			S	X	X		S	S	X	X	S	X	X	X
PRIVATE FUEL STATION																									S	S	X
AUTO REPAIR																											
VOCATIONAL SCHOOL (AUTO/MECHANICAL)																						S			S	S	S
AUTO GLASS (REPAIR & TINT)																						S			X	X	X
AUTO INTERIOR SHOP*																						S			X	X	X
AUTO BODY SHOP*																						S			S	S	S
AUTO PAINT SHOP*																						S			S	S	S
AUTO BODY & PAINT SHOP*																						S			S	S	S
PAINTLESS DENT REPAIR																						S			X	X	X
AUTO REPAIR (MINOR)* Includes Oil Change & Quick Lube																						S	S		X	X	X
AUTO REPAIR (MAJOR)*																									S	S	X
SPECIALTY AUTO REPAIR & TUNING*																						S	S		X	X	X
RECOVERY AND SALVAGE																											
AUTO WRECKER SERVICE*																						S			S	S	S
RETAIL AUTO PARTS (USED)																									S	S	S
AUTO IMPOUND* (PUBLIC / PRIVATE)																									S	S	S
AUTO RE-BUILDER*																									S	S	S
INOPERABLE VEHICLE HOLDING YARD*																										S	S
AUTO SALVAGE YARD*																											S

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AIRCRAFT REPAIR/ MAINTENANCE	488190																									X	X	X	
AIR / HELIPORT	488190														X			S					S	S			X	X	X
BICYCLE SALES/REPAIR	451110																				X	X	X	X	X	X	X	X	X
BOAT DEALER (SALES ONLY)	441222																			S			X	X			X	X	X
BOAT REPAIR/STORAGE	811490																						S				X	X	X
BUS CHARTER	485510																						X				X	X	X
ELECTRIC VEHICLE CHARGING STATION ¹²	See Article 30																X ¹²	X ¹²	X ¹²	X ¹²	X ¹²	X ¹²	X ¹²	X ¹²	X ¹²	X ¹²	X ¹²	X ¹²	
FREIGHT TRANSFER TERMINAL	See Article 30																									X ⁵	X ⁵	X ⁵	
HEAVY TRUCK OR EQUIPMENT PARKING																										S	S	S	
HEAVY TRUCK/HEAVY EQUIPMENT REPAIR	423000 523000																									X ⁵	X ⁵	X ⁵	
MOTORCYCLE DEALER	441221																				S			X	X	X	X	X	
MOTORCYCLE REPAIR	811490																						S	S		X	X	X	
MOTORCYCLE SALES	441221																						X	X		X	X	X	

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PASSENGER TERMINAL	485112																						X		X	X	X	X
RR FREIGHT DEPOT	482210																						X			X	X	X
RR ROW	482111	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
RECREATIONAL VEHICLE (RV) PARKING	812903																									X	X	X
RECREATIONAL VEHICLE (RV) SALES	441210																					S	S		X	X	X	
RECREATIONAL VEHICLE (RV) SALES WITH REPAIR (INDOORS)	441210																					S			X ⁵	X ⁵	X ⁵	
TAXI STAND	485310																			S	S	S	S	X	S	S	S	
TRANSIT MAINTENANCE EQUIPMENT FACILITY	488490																					X ⁵			X ⁵	X ⁵	X ⁵	
TRUCK STOP WITH GAS SALES	447190																					S			X ⁵	X ⁵	X ⁵	
VEHICLE MAINTENANCE (PRIVATE)	811111																					S			X	X	X	
VEHICLE WASH (PRIVATE)	811192																					S			X	X	X	
VOCATIONAL SCHOOL (AUTO/MECHANICAL)	611513																					S			S	S	S	
WAREHOUSE/DISTRIBUTION CENTER	See Article 30																								X	X	X	
WAREHOUSE, E-COMMERCE FULFILLMENT CENTER	See Article 30																								X	X	X	

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ADVANCED MANUFACTURING	See Article 30																										X	X	X
AIRCRAFT MFG.	336411																											X	X
ALCOHOL ** BEVERAGE MFG.	312120 312140																						X ⁵	X ⁵	X ⁵	X ⁵	X ⁵	X ⁵	
ALCOHOL ** BEVERAGE MFG. (WITH TASTING ROOM)	312120 312140																						S	S	S	S	S	S	
ALCOHOL WHOLESALEERS **	424810 424820																						X	X	X	X	X	X	
(ALCOHOL) ** BREWPUB (See Section 11.12.1)	312120 312140																			X	X	X		X					
APPAREL MFG.	315999																										X	X	X
ARTISAN MANUFACTURING WITH STOREFRONT	See Article 30																									X			
ASPHALTIC MATERIALS MFG.	324110																										S	S	

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SECTION 22 – USE CHARTS

USE	NAICS CODE	RESIDENTIAL											SPECIAL			COMMERCIAL/RETAIL				INDUSTRIAL									
		SF-E	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	SF-ZLL	SF-A	2F	TH	MF-1	MF-2	MF-3	AG/ OPEN SPACE	MR	MU	OFFICE	NS	GR	GR-1	C	C-1	CA	HC	LI	HI	
HAZARDOUS CHEMICAL MFG.	325998																											S	S
HAZARDOUS INDUSTRIAL USE	422490																									S	S	S	
IRON / STEEL FOUNDRY	331511																											S	
LEATHER TANNING / FINISHING	316110																										S	X	
LIGHT MANUFACTURING	See Article 30																								X	X	X		
MACHINE SHOP	332710																								X	X	X		
MEAT PACKING / SLAUGHTERHOUSE.	311611																											S	
MEAT PRODUCTION-MFG.	311615																									S	S		
METAL FORGING / STAMPING	332116																											S	
METAL STAMPING	332116																									X	X		
MINERAL EXTRACTION	333131																									S	S		
MOBILE HOME MFG.	321991																									X	X		
ON SITE CONSTRUCTION OFFICE	811310	REQUIRES THE APPROVAL OF THE CHIEF BUILDING OFFICIAL																											
OUTSIDE STORAGE	493190																										S	X ⁵	
OUTSIDE STORAGE (ACCESSORY USE)	493190																						S			X ⁵	X ⁵	X ⁵	
PETROLEUM REFINERY	324110																											S	
PLATING	332813																									X	X		
POULTRY PROCESSING OR SLAUGHTERING	311615																											S	
PRINTER (JOB)	323114																							X	X	X	X	X	X

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- ⁵: Specific Use Permit is required when located within 300 feet of any AG, SF, 2F, or MF districts; or if inside a designated overlay district.
- ⁶: Specific Use Permit is required when located within 900 feet of a similar use.
- ⁷: Refer to [Article 4, Section 11.2](#)
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SECTION 22 – USE CHARTS

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		SF-E	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	SF-ZLL	SF-A	2F	TH	MF-1	MF-2	MF-3	AG / OPEN SPACE	MR	MU	OFFICE	NS	GR	GR-1	C	C-1	CA	HC	LI	HI	
PRINTER (NEWSPAPER)	323122																						X				X	X	X
RESEARCH LAB (HAZARDOUS)	621512																											S	S
RESEARCH LAB	621511																										X ⁵	S	
ROLL / DRAW EXTRUDE METAL	333994																						X				X	X	X
RUBBER MFG.	325212																										X ⁵	X	
SALVAGE (INDOOR)	421930																										S	X	
SALVAGE (NON AUTO OUTDOOR)	421930																									S	S	S	
SAND / GRAVEL SALES / EXTRACT	212321																										S	S	
SANITARY LANDFILL	562212																										S	S	
WASTE RECYCLING PROCESSING / TRANS.	562000																									S	S	S	
SIGN MFG.	339950																										X	X	
TONE / CLAY GLASS MFG.	327112																										X	X	
WELDING SHOP	811312																						S			X	X	X	
WOODWORKING SHOP	321999																						S			X	X		
OIL / GAS EXTRACTION **	211111	DRILLING PERMIT REQUIRED																											

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		SF-E	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	SF-ZLL	SF-A	2F	TH	MF-1	MF-2	MF-3	AG/ OPEN SPACE	IMR	MU	OFFICE	NS	GR	GR-1	C	C-1	CA	HC	LI	HI	
AMUSEMENT SERVICES (INDOOR)	713990																				S	S	S	S			X	X	X
AMUSEMENT SERVICES (OUTDOORS)	713110																						S				S	S	S
AMUSEMENT DEVICES ARCADE (> 4)	713120																				S	S	S	S	S	X ⁵	X ⁵		
ART GALLERY (NON RETAIL)	712110															X	X	X	X	X	X	X	X	X	X	X	X	X	X
BILLIARD PARLOR	713990																						S			S	S	S	
BINGO PARLOR	713290																				S	S				S	S		
BOAT LAUNCH	336612																												
BOWLING CENTER	713950																						X	X	X	X	X	X	
DAY CAMP	713990													X															
DINNER THEATER	711110															X				X	X	X	X	X	X	X	X	X	
DOMINO PARLOR	713990															X						X	X	S	X	X	X	X	
SATELLITE DISH (PVT.)	334220	X	X	X	X	X	X	X	X	X	X	X	X	X				X	X	X	X	X	X	X	X	X	X	X	
EXHIBITION HALL	531120																						X	X	X	X	X	X	
FAIRGROUND	711310																						S			X	X	X	
FISHING PIER	713990	S	S	S	S	S	S	S	S	S	S	S	S	S			X	X	X	X	X	X	X			X	X	X	
GOLF COURSE	713910																				X	X	X	X			X	X	X
HEALTH CLUB	713940																			X	X	X	X	X	X	X	X	X	
HORSE RACING / TRAINING	711212																										S	S	
MARINA	713930													S															
MEMBER SPORTS	813410												S														X	X	
MOTION PICTURE DRIVE IN	512132																						X ⁵			X ⁵	X ⁵	X ⁵	

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SECTION 22 – USE CHARTS

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		SF-E	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	SF-ZILL	SF-A	2F	TH	MF-1	MF-2	MF-3	AG/ OPEN SPACE	MR	IMU	OFFICE	NS	GR	GR-1	C	C-1	CA	HC	LI	HI
MOVIE THEATER	512131																X				X	X	X	X	S	X	X	X
MOBILE FOOD COURT*	See Article 30																S	S	S	S	S	S	S	S	S	S	S	S
MOBILE FOOD UNIT (See Environmental Services Department for permitting)	See Article 30											X	X	X			X	X	X	X	X	X	X	X	X	X	X	
MULTI-PURPOSE SPECIAL EVENT CTR.	See Article 30																			S	S	S	S			S	S	
MUSEUM	712110																X					X	X	X	X	X	X	
PALM READER/ PSYCHIC	812990																							S	X			
PARK / PLAYGROUND	713110	X	X	X	X	X	X	X	X	X	X	X	X	X	X			X	X	X	X	X	X	X	X	X	X	
RACETRACK	711212																									S	S	
RADIO STATION (NO TOWER)	513112																	S		S	S	S	X	X	X	X	X	
RADIO STATION W/ TOWER	513112																	S		S	S	S	S		S	S	S	
RECREATION CLUB	713940	S	S	S	S	S	S	S	S	S	S	X	X	X	S		X	X	X	X	X	X	X	X	X	X	X	
RENT HORSES	713990														X											X	X	
SKATING RINK	713940																				S	S	X	X	X	X	X	
SMOKING LOUNGE	713990															S				S	S	S	S	S	S	S	S	
SPECIAL EVENTS (TEMP.)	713990	SEE THE CHIEF BUILDING OFFICIAL																										
STADIUM	711310																					X			X	X	X	
SWIMMING POOL	713940	X	X	X	X	X	X	X	X	X	X	X	X	X	X			X	X	X	X	X	X	X	X	X	X	
TEEN CLUB	713990																			S		S	S	S		S		
PERFORMING ARTS THEATER	711310																X			X	X	X	X	X	X	X	X	
ZOO	712130																								S	S	S	
SEXUALLY ORIENTED BUSINESS	722410	SEE PLANNED DEVELOPMENT DISTRICT 232 (PD-232)																										

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TELECOMMUNICATIONS (See Article 24)	NAICS CODE	SF-E	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	SF-ZLL	SF-A	2F	TH	MF-1	MF-2	MF-3	AG/ OPEN SPACE	MR	MU	OFFICE	NS	GR	GR-1	C	C-1	CA	HC	LI	HI	
NON-COMMERCIAL RADIO TOWER < 65'	334220	X	X	X	X	X	X	X	X	X	X	X				X													
NON-COMMERCIAL RADIO TOWER > 65'	334220	S	S	S	S	S	S	S	S	S	S	S				S													
TV STATION/ MEDIA STUDIO	513200																		X		X	X	X	X	X	X	X	X	
TV STATION WITH TOWER	513200																		S		S	S	S	S			S	S	S
CELL EQUIPMENT WITH NO TOWER	513322	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			X	X	X	X	X	X			X	X	X
CELL TOWER <= 85'	513322																		X	X	X	X	X	X			X	X	X
CELL TOWER > 85'	513322																		S					S			S	S	S

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AGRICULTURE	NAICS CODE	SF-E	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	SF-ZLL	SF-A	2F	TH	MF-1	MF-2	MF-3	AG/ OPEN SPACE	MR	MU	OFFICE	NS	GR	GR-1	C	C-1	CA	HC	LI	HI	
ANIMAL SPECIALTY	812910															X												X	X
BULK GRAIN / FEED STORE	493130															X													X
FARMING & CROPS	119980															X													
FARMING & LIVESTOCK	112990															X													
GREENHOUSE (RESIDENTIAL)	111422	X	X	X	X	X	X	X	X	X	X	X				X													
GREENHOUSE RETAIL	111421															X					X	X	X	X	S		X		
HAY / GRAIN / FEED SALES	111199															X							X			X	X	X	
LIVESTOCK SALES	112990															X												X	
ORCHARD	111331															X										S			
PLANT FARM NURSERY	111421															X													
PLANT NURSERY RETAIL	111421																				X	X	X		S				
STABLES (ACCESSORY USE)	713990	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X													
STABLES (PRIMARY USE)	713990	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S													
VETERINARIAN W/ INDOOR KENNEL	812910															X			X	X	X	X	X	X	X	X	X	X	
VETERINARIAN W/ OUTDOOR KENNEL	812910															X							S			X	X	X	

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