

ARTICLE

5

Use Regulations

5.1 Use tables

A. Types of uses

All of the use categories listed in the use table are defined and described in Section 5.2 immediately following the use table.

1. Uses permitted by right

A "P" indicates that a use is allowed by right in the respective district. Such uses are subject to all other applicable regulations of this LDC.

2. Conditional uses

A "C" indicates that a use is allowed only if reviewed and approved as a conditional permitted use in accordance with Section 3.15, Conditional permitted uses. Conditional permitted uses are subject to all other applicable regulations of this Ordinance.

B. Allowable uses

No use shall be established in any zoning district

unless it is expressly designated by this Ordinance as a permitted, conditional or temporary use in the district that it is to be located.

C. Uses not allowed

A blank cell in the use table indicates that a use or use category is not allowed in the respective district.

D. Uses not listed

The Land Code Administrator shall determine whether or not an unlisted use is part of an existing use category defined in or is substantially similar to an already defined use, using the criteria in Section 5.2, Use categories.

E. Zoning Code Quick Reference Guide

A quick reference guide to permitted and conditional uses in each district can be found in Appendix E.

Exhibit 5-1 Use Tables

USE		RESIDENTIAL DISTRICTS						NON-RESIDENTIAL DISTRICTS				FLOATING DISTRICTS	
Use Category	Specific Use	A-R	R-1	R-2	R-3	R-4	R-O	C-1	C-2	C-3	I-1	PUD	PRD
RESIDENTIAL													
Household Living (see 5.2.D.1)	Single-Family Detached	P	P	P	P		P					P	P
	Guest House or Mother-in-Law Apartment	P	P	P	P								
	Garage Apartment	C	C	C									
	Two-Family Residence (Duplex)			C	P	P							
	Townhouse, under 35 ft in height				P							P	P
	Townhouse, over 35 ft in height				C							P	C
	Condominium, under 35 ft in height				P							P	
	Condominium, over 35 ft in height				C							C	
	Multi-Family Dwelling, under 35 ft in height				P								
	Multi-Family Dwelling, over 35 ft in height				C								
	Manufactured Home Park/Subdivision						P						
	Single-Family Residential Subdivision			C	P								
	Modular Home	C			C	P							
	Mobile Home Park						P						
Group Living (see 5.2.D.2)	Group Care Facility, under 25,000 sq. ft.						C	C		C			
	Group Care Facility, over 25,000 sq. ft.						C	C		C			
	Nursing Home, under 25,000 sq. ft.						C	C		C			
	Nursing Home, over 25,000 sq. ft.						C	C		C			
	Assisted Living Facility, under 25,000 sq. ft.						C	C		C			
	Assisted Living Facility, over 25,000 sq. ft.						C	C		C			
PUBLIC, CIVIC AND INSTITUTIONAL													
Community Service (see 5.2.E.1)	Community Center	C	C	C	C	C	C	C		C		P	
	Library	C	C	C	C	C	C	C	C			P	
	Museum	C	P	P	P	C	P	C	P			P	

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USE		RESIDENTIAL DISTRICTS						NON-RESIDENTIAL DISTRICTS				FLOATING DISTRICTS	
Use Category	Specific Use	A-R	R-1	R-2	R-3	R-4	R-O	C-1	C-2	C-3	I-1	PUD	PRD
PUBLIC, CIVIC AND INSTITUTIONAL, continued													
Community Service (see 5.2.E.1)	Art/Artist Studio		C	C			P	C	P			P	
	Clubs and Lodges (Civic and Private)	P	P				P	P	P	C		P	
Day Care (see 5.2.E.2)	Daycare Facilities, Residential	P	P	P	P	C	P						
	Daycare Facilities, Commercial	C			C	C		P	P	P			
Educational Facilities (see 5.2.E.3)	Business College or University Satellite in Single Building						C	P	P	C			
	College/University	C						C		C			
	School-Public, Private, and Parochial (less than 5 acres)	P	P	P	P	P	P	P		C		P	
	School-Public, Private, and Parochial (more than 5 acres)	P	C	C	C	C	C	C		C		P	
	Trade/Vocational									P	P		
Government Facilities (see 5.2.E.4)	Ambulance Service						C	P	P	C			
	Police Station	P	P	P	P	P	P	P	P	P	P		
	Satellite Police Station	P	P	P	P	P	P	P	P	P	P	P	P
	Fire Station	P	P	P	P	P	P	P	P	P	P		
	Government Office	P	P	P	P	P	P	P	P	P	C		
	Post Offices	C	C	C	C	C	C	P	P	P		P	
	Armory	C						C		P			
	Detention Center									C	P		
Correctional Facility											P		
Health Care and Service Facilities (see 5.2.E.5)	Hospital						C			C	C		
	Clinic, Medical or Dental						P	P	P	P			
	Mental Health Clinic/Office						C	P	C	C	C		
	Rehabilitation Centers									C	P		
	Laboratory, Medical & Dental						C	P		P	C		
	Laboratory, Environmental						C	P		P	P		
	Laboratory, Research											P	
Parks and Open Space (see 5.2.E.6)	Cemetery or Mausoleum, Less than 5 acres	P	P	C									
	Cemetery or Mausoleum, More than 5 acres	P	P	C									
	Park (Public or Private)	P	P	P	P	P	P	P	P	P	C	P	P
	Swimming Pool (non-residential)		P	P								P	P

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PUBLIC, CIVIC AND INSTITUTIONAL, continued													
Parks and Open Space (see 5.2.E.6)	Tennis Court (non-residential)	C	C	C	C		C		C			P	P
	Public Golf Course	C	C	C			C						
	Sports Complex	P	P	C						C			
Religious Institution (see 5.2.E.7)	Churches, Less than 1 acre	P	P	P	P	P	P	P	C	P		P	
	Churches, More than 1 acre	P	P	P	C	C	C	C		C		C	
Utilities (see 5.2.E.8)	Radio & TV Transmission Towers	C								C	C		
	Satellite Dish Antenna	P	P	P	P	P	P	P	P	P	P	P	P
	Utility Substation	C								P	P		
	Public Utilities Facility	P	P	P	P	P	P	P	P	P	P	P	
COMMERCIAL, OFFICE, RETAIL													
Entertainment (see 5.2.F.1)	Golf Course or Country Club, Private	P	C	C								P	P
	Gym, Spa, Indoor Tennis Court or Pool, Private			C				P		P		P	P
	Amusement Establishment								C	P			
	Recreational Center	C	C	C	C	C	C	C		P		C	C
	Livery Stable, Riding Club	C											
	Theater								C	C		P	
	Golf Driving Range, Batting Cage	C								C			P
	Shooting Range, Outdoor	C											
	Shooting Range, Indoor	C								P	P		
Miniature Golf	C								C				
Office (see 5.2.F.2)	Home business	C	P	C			P						
	Home occupation	P	P	P	P	P	P						
	Bank, without Drive-Through Facility							C	P	P	P	C	P
	Bank with Drive-Through Facility								P	C	P	C	
	Office, Professional						P	P	P	P		P	
	Radio & TV Broadcast Studio	C						C			P	P	
	Newspaper Publishing, Printing and Distributing	C						C	C	P	P		
Overnight Accommodation (see 5.2.F.3)	Bed and Breakfast	C	C	C			C		P				
	Hotel/Motel								C	P			

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COMMERCIAL, OFFICE, RETAIL, continued													
Parking (see 5.2.F.4)	Satellite Parking, Churches		C	C	C		C						
	Satellite Parking, Commercial					C		C	C	C	P		
Restaurants (see 5.2.F.5)	Restaurant, Drive-Through, Drive-In or Outdoor Curb Service							P	C	P	P		
	Restaurant, Dine-In							P	P	P	P	P	
Retail Sales and Service (see 5.2.F.6)	Convenience Store							P		P	C		
	Convenience Store with Fuel Sales							C		P	C		
	Drug Store without Drive-Through Facility						C	P	P	P		P	
	Drug Store with Drive-Through Facility							P	C	P			
	Medical Supplies							P	C	C			
	Open Air Market							P		C			
	Retail Store, up to 10,000 sq. ft							P	P	P		P	
	Retail Store, up to 20,000 sq. ft							P	C	P			
	Retail Store, 20,000 sq ft and up							C		P			
	Outdoor Seating for Restaurant, Bookstore, and other similar uses								C				
	Greenhouse, Nursery (Retail)	C					C	P	C	P			
	Building Material & Supply									P	C		
	Dry Cleaners, Pick Up Station								P	C	P		P
	Dry Cleaners, Plant								C		C	P	
	Hair Salons, Barber Shops, Beauty Shops	P	C	C				P	P	C	C		P
	Personal Service Establishment								P	P	P		
	Funeral Home	C	C						P		P		
	Veterinarian without Outdoor Operation	P							P	P	P		
Veterinarian with Outdoor Operation	P							C		P			

USE		RESIDENTIAL DISTRICTS						NON-RESIDENTIAL DISTRICTS				FLOATING DISTRICTS	
Use Category	Specific Use	A-R	R-1	R-2	R-3	R-4	R-O	C-1	C-2	C-3	I-1	PUD	PRD
COMMERCIAL, OFFICE, RETAIL, continued													
Retail Sales and Service (see 5.2.F.6)	Kennel, Private	P					C	C		P			
	Kennel, Commercial	P											
	Animal Shelter	C								C	P		
	Small Engine Repair	C						P		P			
	Heavy Equipment Sales & Service									P	P		
	Moving Service									P	P		
Self-Service Storage (see 5.2.F.7)										P			
Vehicle Sales and Service (see 5.2.F.8)	Car Wash, Self-Service							C		P			
	Car Wash, Automatic							C		P			
	Auto Repair, Garage	C						C	C	P			
	Automobile, Gas & Service Station							C		P	C		
	Vehicle, Sales and Service	C							C	P			
Vehicle Sales and Service	Vehicle Rental								C	P			
	Auto Service, Facility							C	C	P			
	Vehicle Towing, Storage									P	C		
INDUSTRIAL AND MANUFACTURERS													
Aviation Service (see 5.2.G.1)										P			
Light Industrial Service (see 5.2.G.2)	Flex Space									C	P		
	Industrial Use, Indoor									C	P		
	Industrial Use with Outdoor Operations										P		
	Machine Shop									C	P		
Manufacturing and Production (see 5.2.G.3)	Manufacturing, Light										P		
	Manufacturing, Heavy										C		
	Lumberyards with Millwork										P		
	Lumberyard without Millwork									C	P		
	Asphalt & Concrete Plants										C		
	Woodworking & Cabinet Shops	C								C	P		
Resource Extraction (see 5.2.G.4)		C	C	C	C	C	C	C	C	C	C		
Warehouse and Freight Movement (see 5.2.G.6)	Storage, Outdoor									P	P		
	Warehouses & Storage Building									C	P		

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INDUSTRIAL AND MANUFACTURERS, continued													
Warehouse and Freight Movement (see 5.2.G.6)	Warehousing & Distribution									C	P		
	Trucking Company									P	P		
	Truck Terminal									P	P		
Waste Related Services (see 5.2.G.6)	Recycling Drop-Off	C			C		C	C		C	P		
	Junk and Salvage Yard										C		
	Sanitary Landfill										C		
	Other Waste Related Service										C		
OTHER													
Agriculture (see 5.2.H.1)	Agriculture or Forestry	P											
	Greenhouse, Nursery (Commercial)	P									P		

5.2 Use categories

A. Basis for classification

Use categories classify land uses and activities into use categories based on common functional, product or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.

B. Principal uses

Principal uses are assigned to the use category that most closely describes the nature of the principal use. The "characteristics" subsection of each use category describes the common characteristics of each principal use.

1. Developments with multiple principal uses

When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore and bakery, for example, would be classified in the retail sales and service category because all of the development's principal uses are in that category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category. If a principal use is not listed for a given district, it may not be developed in that district, whether as part of a proposed mixed-use project or a stand-alone project.

2. Accessory uses

Accessory uses are allowed by-right in conjunction with a principal use unless otherwise stated in this Ordinance. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions.

3. Signs

Signs are permitted in every district as regulated in Section 3.7, Sign permit and Section 7.5, Sign regulations.

4. Use of examples

The "examples" subsection of each use category lists common examples of uses included in their respective use category. The names of these sample uses are generic.

C. Similar use interpretation criteria

The following considerations shall be used in making similar use interpretations:

1. the actual or projected characteristics of the activity in relationship to the stated characteristics of each use category
2. the relative amount of site area or floor space and equipment devoted to the activity
3. relative amounts of sales from each activity
4. the customer type for each activity
5. the relative number of employees in each activity
6. hours of operation
7. building and site arrangement
8. vehicles used with the activity
9. the relative number of vehicle trips generated by the use
10. how the use advertises itself

D. Residential use categories

1. Household living

a. Characteristics

Household living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis.

b. Accessory uses

Accessory uses commonly associated with household living are recreational activities, raising of pets, hobbies and parking of the occupants' vehicles. Home occupations/businesses are accessory uses that are subject to additional regulations set forth in Section 5.3, Accessory uses and structures.

5.2 Use categories

- c. Examples
Uses include living in single-family detached; two-family (duplex); townhouses; multi-family dwellings; patio homes; manufactured home parks/subdivisions, modular housing and other structures with self-contained dwelling units.
 - d. Exceptions
Lodging in a dwelling unit or where units are rented on a less than monthly basis is classified in the overnight accommodations category.
2. Group living
- a. Characteristics
Group living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of household living. The size of the group may be larger than the average size of a household. Tenancy is arranged on a monthly or longer basis. Generally, group living structures have a common eating area for residents.
 - b. Accessory uses
Accessory uses commonly associated with a group living use are recreational facilities, dining facilities and parking of vehicles for its occupants and staff.
 - c. Examples
Examples of group living include group care facilities, nursing homes and assisted living facilities.
 - d. Exceptions
 - (1.) Lodging where tenancy may be arranged for periods of less than 30 days is classified in the overnight accommodations category.
 - (2.) Lodging where the residents meet the definition of household and where tenancy is arranged on a month-to-month basis, or for a longer period is classified as household living.
 - (3.) Prisons, jails and other incarceration facilities are classified as government facilities.
- E. Public, civic and institutional use categories
- 1. Community service
 - a. Characteristics
Community Services are uses of a public, nonprofit or charitable nature generally providing a local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide special counseling, education, or training of a public, nonprofit or charitable nature.
 - b. Accessory uses
Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas and athletic facilities.
 - c. Examples
Examples include libraries; museums; art galleries and studios; senior centers; community centers; youth club facilities; social service facilities; fraternal clubs; lodges and similar uses.
 - 2. Day care
 - a. Characteristics
Day care uses provide care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day.
 - b. Accessory uses
Accessory uses include offices, recreation areas and parking.
 - c. Examples
Examples include preschools, child care centers, nursery schools and adult day care programs.
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- d. **Exceptions**
Day care does not include public or private schools or facilities operated in connection with an employment use, shopping center, religious institution or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity.
3. **Educational facilities**
- a. **Characteristics**
This category includes public and private schools at the primary, elementary, middle, junior high or high school level that provide state-mandated basic education. This category also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. Colleges tend to be in campus-like settings or on multiple blocks.
- b. **Accessory uses**
Accessory uses at schools include play areas, cafeterias, recreational and sport facilities, auditoriums and before- or after-school programs. Accessory uses at colleges include offices, student housing, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities and support commercial.
- c. **Examples**
Examples include public and private schools; business, trade and vocational schools; universities; liberal arts colleges; and community colleges.
- d. **Exceptions**
Preschools are classified as day care uses.
4. **Government facilities**
- a. **Characteristics**
Government facilities includes offices, storage, maintenance and other facilities for the operation of federal, state or local government.
- b. **Accessory uses**
Accessory uses include storage, maintenance and fueling facilities, satellite offices and parking areas.
- c. **Examples**
Examples include City Hall; public/community buildings; government offices; municipal service facilities; maintenance and utility facilities; fire stations, police stations and emergency medical and ambulance stations; prisons and jails; post offices and federal, state or local offices.
- d. **Exceptions**
- (1.) State, county or city parks are classified as parks and open space.
- (2.) Water and wastewater facilities, gas, electric and other infrastructure services, whether public or private, are classified as utilities.
- (3.) Waste and recycling services are classified as waste related services.
5. **Health care and service facilities**
- a. **Characteristics**
Health care and service facilities include uses providing medical or surgical care, overnight care and rehabilitation to patients. Laboratories not accessory to a health care facility are considered appropriate uses under the health care and service facilities.
- b. **Accessory uses**
Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, wellness centers, meeting areas, cafeterias, parking, maintenance facilities and housing facilities for staff or trainees.
- c. **Examples**
Examples include medical centers, continuing care facilities, mental health facilities, laboratories and hospitals.
- d. **Exceptions**
- (1.) Uses that provide exclusive care and planned treatment or training for alcohol, or drug problems, where patients are residents of the program, are not

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classified under health care and services facilities.

- (2.) Medical clinics that provide care where patients are not kept overnight are classified as office.

6. Parks and open space

a. Characteristics

Parks are uses of land that focus on spaces that provide the community a location to recreate and participate in organized sports, such as playgrounds, swimming pools, basketball courts, tennis courts and sports complexes. Open areas are uses of land focusing on natural areas consisting primarily of vegetative landscaping or outdoor recreation, community gardens, or public squares. Open space lands tend to have few structures.

b. Accessory uses

Accessory uses may include clubhouses, maintenance facilities, concessions, caretaker's quarters and parking.

c. Examples

Examples include public parks; publicly-owned golf courses; cemeteries; public squares; plazas; public swimming pools; public tennis courts; recreational trails, botanical gardens and nature preserves.

d. Exceptions

Privately-owned facilities, such as golf courses are classified as entertainment uses.

7. Religious institutions

a. Characteristics

Religious institutions primarily provide meeting areas for religious activities.

b. Accessory uses

Accessory uses include Sunday school facilities, day care during services where parents are on the premises, parking and caretaker's housing.

c. Examples

Examples include churches, temples,

synagogues and mosques

d. Exceptions

- (1.) Preschools are classified as day care uses.

- (2.) Day care provided when parents are not on the premises is classified as daycare.

- (3.) Schools providing a K-12 curriculum similar to public schools are classified as schools.

8. Utilities

a. Characteristics

Infrastructure that provides a limited or city-wide service. Utility uses generally do not regularly have employees at the site. Services may be publicly or privately provided.

b. Accessory uses

Accessory uses may include parking and control, monitoring, data or transmission equipment.

c. Examples

Examples of utilities include water towers; radio and television broadcast towers; telecommunication towers; water plants; wastewater plants; electrical substations, water and sewage pump stations; stormwater retention and detention facilities; public transportation facilities and telephone exchanges.

d. Exceptions

- (1.) City-owned maintenance yards and buildings, or other facilities with outdoor storage are classified as government

- (2.) Utility offices are classified as offices

F. Commercial use categories

1. Entertainment

a. Characteristics

Entertainment uses are generally commercial uses, varying in size, providing daily or regularly scheduled entertainment-oriented activities.

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- b. Accessory uses
Accessory uses may include restaurants, concessions, parking and maintenance facilities.
 - c. Examples
Examples include privately-owned athletic facilities; commercial amusements; private entertainment facilities; horse stables; privately-owned golf courses, golf driving ranges; miniature golf facilities; private country club; privately-owned tennis facilities; skateboard park; water slide; indoor entertainment activities such as bowling alleys, game arcades, pool halls, dance halls, indoor firing ranges and theaters.
 - d. Exceptions
 - (1.) Banquet halls that are part of hotels or restaurants are accessory to those uses
 - (2.) Publicly-owned golf courses are classified as parks and open areas
 - (3.) Civic, service, fraternal clubs, lodges and similar uses are considered public, civil, and institutional use categories.
2. Office
- a. Characteristics
Office uses are characterized by activities conducted in an office setting and generally focusing on business, professional, medical or financial services. No wholesale or external retail sales activity is included.
 - b. Accessory uses
Accessory uses may include parking or other amenities primarily for the use of employees in the firm or building.
 - c. Examples
Examples include professional services such as lawyers, accountants, engineers or architects; banks; financial institutions such as lenders or brokerage houses; insurance agents or real estate agents; administrative offices; data processing; sales offices, radio and television stations/studios; individual medical and dental offices and home-based businesses.
- d. Exceptions
- (1.) Contractors and others who perform services off-site are included in the office category if equipment and materials are not stored outside and fabrication, services or similar work is not carried on at the site.
 - (2.) Medical and dental clinics and labs are classified as health care.
3. Overnight accommodations
- a. Characteristics
Dwelling units arranged for short term stays of less than 30 days for rent or lease.
 - b. Accessory uses
Accessory uses may include pools and other recreational facilities, limited storage, food preparation and dining facilities, laundry facilities, meeting rooms, off-street parking and offices.
 - c. Examples
Examples include bed and breakfast establishments; hotels, motels, inns, and extended stay facilities.
4. Parking
- a. Characteristics
Parking on separate lots is permitted or conditionally permitted for churches and residential uses in the R-4 district and for some commercial uses. Commercial parking facilities that provide parking that is not accessory to a specific use are also permitted under this category.
 - b. Accessory uses
For commercial parking facilities, small structures intended to shield parking attendants from the weather are considered accessory uses.
 - c. Examples
Examples additional parking for permitted uses and short-term fee parking facilities.
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5.2 Use categories

5. Restaurants

a. Characteristics

Establishments that sell food for on or off premise consumption.

b. Accessory uses

Accessory uses may include decks and patios for outdoor seating, drive-through facilities, customer and employee parking areas and valet parking facilities.

c. Examples

Includes restaurants, drive-ins, drive-through, fast food establishments, yogurt or ice cream shops and pizza delivery facilities.

6. Retail sales and service

a. Characteristics

Retail sales and service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or provide product repair or services for consumer and business goods.

b. Accessory uses

Accessory uses may include offices, storage of goods, manufacturing or repackaging of goods for on-site sale and parking.

c. Examples

Examples include uses from the three following groups:

(1.) Sales-oriented

Stores selling, leasing or renting, consumer, home and business goods including alcohol, appliances, art, art supplies, bicycles, books, building/lumber sales, clothing, dry goods, electronic equipment, fabric, farm supplies, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, manufactured home sales, marine and fishing equipment, monument, optical, pets, pet food, pharmaceuticals, plants, printed material, stationary and medical and dental supply stores, trailer equipment, videos, and

food sales.

(2.) Personal service-oriented

Banks; commercial greenhouse; classes in acting, art, dance, music, photography; drive-in sales; dry cleaner/laundry; emergency medical care offices; funeral home; household equipment rental; photographic studios; photocopy and blueprint services; tanning and personal care services; health clubs and gyms; office equipment rental; personal service shops, travel agencies; animal hospital/care facility and animal grooming.

(3.) Repair-oriented

Shops that repair of TV's, bicycles, clocks, watches, shoes, guns, canvas products, appliances and office equipment; photo or laundry drop-off; tailor; locksmith and upholsterer.

d. Exceptions

(1.) Establishments that sell prepared food are classified as restaurants.

(2.) Rental, repair and service of consumer motor vehicles, motorcycles and light and medium trucks is classified as vehicle sales and service.

7. Self-service storage

a. Characteristics

Self-service storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.

b. Accessory uses

(1.) Accessory uses may include living quarters for a resident manager or security and leasing offices and outside storage of boats and campers.

(2.) Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the self-service storage use.

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- (3.) The rental of trucks or equipment is also not considered accessory to a self-service storage use.
 - c. Examples
Examples include facilities that provide individual storage areas for rent. These uses are also called mini-warehouses.
 - d. Exceptions
A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is classified as warehouse and freight movement service.
 - 8. Vehicle sales and service
 - a. Characteristics
Vehicle sales and service uses provide direct services to motor vehicles. They also may include firms that rent or service passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles.
 - b. Accessory uses
Accessory uses may include offices, parts sales and vehicle storage.
 - c. Examples
Examples include automobile rental; automobile sales; car washes; quick lubrication services; vehicle repair, transmission or muffler shop; towing service; auto body shop; alignment shop; auto upholstery shop; auto detailing; and tire sales and mounting.
 - d. Exceptions
 - (1.) Refueling facilities for vehicles that belong to a specific use (fleet vehicles) are considered accessory uses if they are located on the site of the principal use.
 - (2.) Convenience stores with fuel sales are classified as retail sales and service.
 - G. Industrial use categories
 - 1. Aviation service
 - a. Characteristics
Aviation service firms are engaged in storage, repair or servicing of airplanes, helicopters and related aviation equipment, charter aviation services, flying-related education and warehousing related to air shipping.
 - b. Accessory uses
Accessory activities may include offices, parking, warehousing and storage.
 - c. Examples
Examples include airplane landing strips, sales, service and repair, fixed base operators, flying schools and air shipment warehouses.
 - d. Exceptions
 - (1.) Car rental agencies associated with commercial air travel are classified as vehicle sales and service.
 - (2.) Warehousing not associated with air shipping is classified as warehousing and freight movement.
 - 2. Light industrial service
 - a. Characteristics
Light industrial service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. The uses may have indoor or outdoor operations.
 - b. Accessory uses
Accessory activities may include offices, parking and storage.
 - c. Examples
Examples include welding shops; sheet metal fabrication shop; machine shops; tool repair; electric motor repair; farm equipment repair and storage; repair of scientific or professional instruments; building, heating,
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5.2 Use categories

plumbing or electrical contractors; printing, publishing and lithography; exterminators; janitorial and building maintenance services; fuel oil distributors; research and development; testing and development laboratories; sign shop; laundry, dry-cleaning and carpet cleaning plants and photo-finishing laboratories.

d. **Exceptions**

Contractors and others who perform services off-site are included in the office category, if major equipment and materials are not stored on-site and fabrication or similar work is not carried on at the site.

3. **Manufacturing and production**

a. **Characteristics**

Manufacturing and production firms are involved in the manufacturing, processing, fabrication, packaging or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

b. **Accessory uses**

Accessory activities may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets and caretaker's quarters.

c. **Examples**

Examples include processing of food and related products, including apparel; catering establishments; concrete batching and products and asphalt mixing; electric machines; food processing plants; instruments and components; light manufacturing; woodworking, including cabinetmakers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie production facilities; production or fabrication of metals or metal products including enameling and

galvanizing; office equipment and supplies; manufacture or assembly of equipment, instruments, including musical instruments, appliances, precision items and other electrical items; production of artwork and toys and sign making.

d. **Exceptions**

(1.) Manufacturing of goods to be sold primarily on-site and to the general public are classified as retail sales and service.

(2.) Manufacturing and production of goods from composting organic material is classified as waste related service.

4. **Resource extraction**

a. **Characteristics**

Resource extraction uses include those uses that rely on mining, quarrying or other similar activity to extract resources from the ground.

b. **Accessory uses**

Accessory uses include offices for mining personnel, parking and storage.

c. **Examples**

Examples include mines, borrow pits and quarries.

5. **Warehouse and freight movement**

a. **Characteristics**

Warehouse and freight movement firms are involved in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

b. **Accessory uses**

Accessory uses may include offices, truck fleet parking and maintenance areas.

c. **Examples**

Examples include separate warehouses used by retail stores such as building and lumber materials; storage furniture and appliance stores; household moving and general freight storage; cold storage plants; truck terminals;

- storage garage warehouses, indoor only, including frozen food lockers; storage tanks; parcel services; and the stockpiling of gravel or other aggregate materials.
- d. Exceptions
- (1.) Uses that involve the transfer or storage of solid or liquid wastes are classified as waste related service.
 - (2.) Mini-warehouses are classified as self-service storage uses.
 - (3.) Flex space is classified as light industrial service.
6. Waste related service
- a. Characteristics
Waste related services are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material.
 - b. Accessory uses
Accessory uses may include recycling of materials, offices and repackaging and transshipment of by-products.
 - c. Examples
Examples include waste transfer or composting and large recycling facilities and salvage/junk yards; reclamation landfill; and sanitary landfill.
- H. Other use categories
1. Agriculture
 - a. Characteristics
Agriculture includes activities that primarily involve raising, producing or keeping of plants and/or animals. This also includes direct sales of such products at wholesale.
 - b. Accessory uses
Accessory uses include dwellings for proprietors and employees and animal training.
- c. Examples
Examples include breeding or raising of fowl or other animals; barn/ stable for private animal livestock; catfish farm; riding academies; crop production; farming; pasturage; truck gardening and wholesale plant nurseries or greenhouses.
- d. Exceptions
- (1.) Processing of animal or plant products are classified as manufacturing and production.
 - (2.) Plant nurseries or greenhouses that are oriented to retail sales are classified as retail sales and service.
- I. Annexed Lands
The zoning district designation for areas added to the City's jurisdiction through annexation beyond the City's existing jurisdiction shall be determined as follows:
- A. If the property annexed is not subject to any zoning regulations, the property shall not be subject to any use restrictions imposed by this Ordinance until such time as the city has properly zoned the property at which time all restrictions and regulations contained in this Ordinance shall apply.
 - B. If the property annexed is subject to zoning regulations, the property shall be designated by the Board of Aldermen after recommendation by the Planning Commission, as the Wiggins Zoning District most closely resembling its classification at the time of annexation. All regulations of this Ordinance for said zoning classification shall apply to this annexed property immediately upon said annexation and zoning district designation by the Board of Aldermen.
- 5.3 Accessory uses
- A. General
1. Whenever a use is conducted in conjunction with another principal use it may be regarded as an accessory use if the principal use:
 - a. constitutes only an incidental or insubstantial

5.3 Accessory uses

part of the total activity on a lot

- b. is commonly associated with the principal use and integrally related to it
- 2. All accessory uses and accessory structures shall conform to the applicable requirements of this Ordinance. The provisions of this Article establish additional requirements and restrictions for particular accessory uses and structures. Except as otherwise provided in this Article or elsewhere in this Ordinance, any accessory use or accessory structure shall be treated as a permitted use in the zoning district in which it is located.
- 3. Setbacks and yard requirements
 - a. Except as otherwise provided elsewhere in this Ordinance, an accessory structure shall not be located within a required front yard, nor within five (5) feet of the rear or side lot lines.
 - b. Accessory buildings in non-residential zones greater than 400 square feet in size shall conform to the yard or setback requirements for a principal building
 - c. Gas station canopies
Gas station canopies either attached to the principal building or detached and gas pump islands may be erected in the required front yard but shall not extend closer to the street right-of-way, including the right-of-way proposed by the Transportation Plan, than fifteen 15 feet.
 - d. Signs
All signs shall be governed by the standards and sign permit procedures set forth in Section 7.5, Sign regulations and Section 3.7, Sign permit
 - e. Temporary accessory uses and structures
Temporary accessory uses and structures shall be governed by the standards and temporary use permit procedures set forth in Section 5.4, Temporary uses and Section 3.4, Temporary use permit.

- B. Accessory uses in residential districts
 - 1. The following are specifically regarded as accessory to residential principal uses so long as they satisfy the general criteria set forth in Section 5.3.A.1:
 - a. offices or studios within an enclosed building and used by an occupant of a residence located on the same lot to carry on administrative or artistic activities, so long as such activities do not fall within the definition of a home occupation
 - b. hobbies or recreational activities of a noncommercial nature
- C. Home occupations in residential zoning districts
 - 1. Requirements
 - a. the principal person or persons providing the business or services resides in the dwelling on the premises
 - b. no home occupation can result in a change to the outside appearance of the dwelling or structures located on the property
 - c. no advertising devices on the property, or other signs of the activity, which are visible from outside the dwelling or accessory building are permitted
 - d. no goods, stock in trade, or other commodities are permitted to be displayed
 - e. no outside storage or display of goods or services associated with the home occupation are permitted
 - f. no on-premise sales shall occur, except by mail, telephone or internet no customers or clients on the premises
 - g. there are no employees permitted on the premises
 - h. no home occupation shall generates traffic, parking, sewerage or water use in excess of what is reasonable in the residential neighborhood

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- j. all vehicles used in connection with the home occupation shall be of size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood
 - k. no home occupation shall create a hazard to persons or property
 - l. no home occupation shall create objectionable traffic, noise, fumes, odor or dust the home occupation does not create noise of a type, duration, or intensity which, measured at the property line, exceeds 60dbA between the hours of 7:00 a.m. and 8:00 p.m.
 - m. no home occupation shall use electrical equipment which creates an electrical interference, a visual or audible interference in any radio or television sets off the premises or cause fluctuations in line voltages
 - n. no home occupation shall create noises that are detectable to normal sensory perception on the property between the hours of 8:00 p.m. and 7:00 a.m.
 - o. no more than twenty percent (20%) of the total combined floor area of the residential building plus other buildings used for the home occupation, or more than 500 square feet of gross floor area, whichever is less, shall be used for home occupation/business purposes.
 - g. No additional buildings or structures shall be added on the property to accommodate the home occupation.
 - h. No outdoor storage or separate entrance shall be permitted.
2. Exclusions to home occupations
The following are expressly prohibited as home occupations:
- a. animal hospitals, stables or kennels
 - b. mortuaries
 - c. private clubs
 - d. repair shops
 - e. restaurants
 - f. automobile paint or repair shops
 - g. doctor, dentist, veterinarian or other medical-related offices
- D. Home businesses in residential zoning districts
1. Requirements
- a. no business can result in a change to the outside appearance of the dwelling or structures located on the property
 - b. no signs of the business activity can be visible from outside the dwelling or accessory building
 - c. no goods, stock in trade, or other commodities are permitted to be displayed
 - d. no outside storage or display of goods or services associated with the home occupation/business are permitted
 - e. customers are allowed on the premises of the home business, but not more than five (5) per day. And adequate number of parking spaces for said customers, as approved by the city, shall be provided. this shall be in the form of a double driveway or other arrangements in character with the surrounding residential area.
 - f. a sign required by state or federal law in the conduct of the business shall be allowed, provided such sign does not exceed two (2) square feet in size and is mounted flat on the wall or window of the building
 - g. no home business shall generates traffic, parking, sewerage or water use in excess of what is reasonable in the residential neighborhood
 - h. all vehicles used in connection with the home occupation/business shall be of size, and
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5.3 Accessory uses

located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood

- j. no home business shall create a hazard to persons or property
 - k. no home business shall create objectionable traffic, noise, fumes, odor or dust the home occupation does not create noise of a type, duration, or intensity which, measured at the property line, exceeds 60dbA between the hours of 7:00 a.m. and 8:00 p.m.
 - l. no business shall use electrical equipment which creates an electrical interference, a visual or audible interference in any radio or television sets off the premises or cause fluctuations in line voltages
 - m. no home business shall create noises that are detectable to normal sensory perception on the property between the hours of 8:00 p.m. and 7:00 a.m.
 - n. no more than twenty percent (20%) of the total combined floor area of the residential building plus other buildings used for the home occupation/business, or more than 500 square feet of gross floor area, whichever is less, shall be used for home business purposes.
2. Home business standards
- a. Home businesses shall secure a conditional permitted use in accordance with Section 3.15 of this ordinance
 - b. The making of crafts and other similar activities, as approved by the city, may be appropriate in an accessory building.
 - c. The residential character of the lot and dwelling shall be maintained. Neither the interior nor the exterior of the dwelling shall be structurally altered so as to prevent the structure from converting back to its original use.

4. Exclusions to home occupations/business
The following are expressly prohibited as businesses:

- a. mortuaries
 - b. private clubs
 - c. restaurants
 - d. automobile paint or repair shops
 - e. doctor, dentist, veterinarian or other medical-related offices
- D. Day care facility, residential
A residential day care facility shall be permitted as an accessory use to any dwelling unit, provided that:
- 1. an outdoor play area is provided and it is fenced with a minimum four (4) foot high fence
 - 2. if less than two (2) off-street parking spaces are provided for the home, additional parking spaces are provided for customers
- E. Day care facility, commercial
A commercial day care facility may be permitted in any residential district as an accessory use to a dwelling unit provided that it is reviewed and approved by the Planning Commission as a conditional permitted use as specified by Article 5 and in accordance with the procedures and standards set forth in Section 3.15, Conditional permitted uses and provided:
- 1. all state and federal regulations are satisfied
 - 2. a full-privacy fence at least four (4) feet in height is provided around the play area
 - 3. landscaping is provided in order to blend the home into the neighborhood, screen its purely functional aspects from the street and neighboring yards, and absorb and/or deflect any excessive noise
 - 4. no excessive light will be generated at the home which would render it a nuisance

5. the dwelling in which the home is located is similar in appearance to the character of the neighborhood and no building modification is made to the structure to accommodate the home except those required by the Building Code
6. adequate parking and loading spaces are provided as required by Section 7.4, Off-street parking and loading standards
7. access to the facility from nearby street is adequate based on the projected number of participants attending the home.

5.4 Temporary uses

A. General regulations

The general regulations of this section shall apply to all allowed temporary uses unless otherwise expressly stated:

1. Permanent changes to the site of a temporary use are prohibited.
2. Accessory signage
 - a. Permanent signs accessory to temporary uses are prohibited.
 - b. Signs accessory to temporary uses must comply with the requirements set forth in Section 7.5, Sign regulations.
 - c. All signs accessory to temporary uses shall be removed when the activity ends.
3. Temporary uses shall not violate any applicable conditions of approval that apply to the principal use on the site.
4. The operator must obtain all other required permits applicable to the activity.
5. All temporary structures shall be erected in a safe manner in accordance with any applicable city codes, ordinances or standards.

B. Temporary uses allowed

The following uses may be established as temporary uses in any district, subject to approval by the Land Code Administrator in accordance with the procedures established in Section 3.4, Temporary

use permit:

1. Table of temporary uses permitted by district
See Exhibit 5-2.
2. Carnivals, fairs, circuses, concerts and other public entertainment
Such temporary, outdoor events shall require a temporary use permit, as outlined in Section 3.4, and shall be governed by the provisions of this Ordinance. No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell or give tickets to an actual or reasonably anticipated assembly of people, whether on public or private property, unless the standards of this section are met.
 - a. Exemptions
 - (1.) This section shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or similar permanently established place of assembly for assemblies that do not exceed the maximum seating capacity of the structure where the assembly is held.
 - (2.) This section shall not apply to government-sponsored fairs held on regularly established fairgrounds nor to assemblies required to be licensed by other ordinances and regulations of the city.
3. Natural disasters and emergencies
Temporary uses and structures needed as the result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency, but shall be rescinded when the emergency status is lifted.
4. Parking lot sales
Temporary outdoor retail on private property shall require a temporary use permit, as outlined in Section 3.4, and shall be permitted subject to the following:
 - a. Temporary outdoor retail sales are only allowed on property with an already operating

5.4 Temporary uses

Exhibit 5-2 Temporary Uses Permitted in each Zoning District

Allowable Temporary Use	District		
	Residential (A-R, R-1, R-2, R-3, R-4, R-O)	Commercial (C-1, C-2, C-3)	Industrial (I-1)
Carnivals, Fairs, Circuses, Concerts & Similar uses	Not allowed	Permit Required	Permit Required
Natural Disasters & Emergencies Offices	Allowed	Allowed	Allowed
Parking Lot Sales	Permit Required in R-O. Not allowed in all remaining residential districts	Permit Required	Permit Required
Seasonal Outdoor Sales	Allowed	Allowed	Allowed
Temporary Construction Offices	Permit Required	Permit Required	Permit Required
Temporary Expansion of School Facilities	Permit Required	Permit Required	Permit Required
Model Sales Homes	Permit Required	Not Allowed	Not Allowed
Temporary Real Estate Sales Offices	Permit Required	Not Allowed	Not Allowed
Yard or Garage Sales	Permit Required	Permit Required	Permit Required

permit and are licensed as a commercial or industrial principle use. Locating on vacant property or on property with a vacant or abandoned use is not permitted.

- b. Temporary outdoor retail sales refers to the sale of goods or merchandise that are not generally sold as part of the principal use's inventory. Sales for temporary outdoor retail operation shall be separate and apart from sales for the principal use
- c. The proposed temporary outdoor use shall not conflict with principal activities conducted on the site.
- d. The sales and display area of the temporary outdoor retail use shall not exceed ten percent (10%) of the gross floor area of the principal building on premises
- e. Only one temporary outdoor retail use is allowed per site at a time. The use shall last no longer than three (3) consecutive days. Permits for no more than three (3) such temporary outdoor retail sales shall be issued for a given location within a single calendar

year.

- f. A temporary retail use operator shall operate no more than three (3) such uses anywhere in the city within a single calendar year
 - g. The temporary retail use shall operate only when the principal use is operating
 - h. It shall be unlawful to conduct business within 500 feet of the entrance of any place of business that sells the same commodity.
 - i. Second-hand goods may not be sold under this paragraph
5. Seasonal outdoor sales
Seasonal outdoor sales include Christmas trees, Halloween pumpkins, fireworks and similar uses. Each seasonal sales activity is limited to a maximum of 45 consecutive days. Not more than three (3) events are allowed per vendor and/or location per calendar year.
 6. Temporary construction offices
 - a. Purpose and scope
Factory-fabricated, transportable buildings

which are designed to arrive at the site ready for occupancy, except for minor unpacking and connection to utilities, and are designed for removal to and installation at other sites, may be placed on a property to serve as the following:

- (1.) Expansion space for existing churches, health care facilities, and government offices, provided that plans for the permanent expansion of the existing facilities have been submitted to and approved by the city.
 - (2.) Temporary offices for construction and security personnel during construction of a development for which the city has issued a building permit pursuant to Section 3.10, Building permits.
 - (3.) Temporary quarters for recreational facilities which are being provided in conjunction with a new residential development, provided that the city has approved a site plan, planned unit development, master land use plan or subdivision plat for the residential development.
 - (4.) Temporary quarters for a non-residential use when the permanent building has been destroyed by a fire or other physical catastrophe, provided that a building permit for the permanent facility is obtained within 90 days after approval of the modular building. The Land Code Administrator may approve a written request for an extension of an additional 90 days for good cause shown. Failure to obtain a building permit within the time frame allowed will revoke approval for the modular building.
- b. Permit requirements
Temporary construction offices are required to obtain a temporary use permit pursuant to the procedures set forth in Section 3.4, Temporary use permit.
- c. Standards and requirements for approval
In addition to the above limitations, all such factory-fabricated, transportable buildings shall meet the following standards and requirements:
- (1.) The factory-fabricated, transportable building shall not be located between the principal building and the front lot line or in any required yard or setback that applies to the principal building.
 - (2.) The underskirt shall be installed around the entire factory-fabricated, transportable building.
 - (3.) Where used to accommodate the expansion of an existing facility, the design of the factory-fabricated, transportable building shall be compatible with the existing buildings on the site in terms of scale and exterior color.
 - (4.) In addition to any other off-street parking required on the site, off-street parking shall be provided for the factory-fabricated, transportable building in accordance with the requirements set forth in Section 7.4, (Off-street parking and loading standards) as determined by the use and size of the factory-fabricated, transportable building.
 - (5.) Except for temporary construction and security personnel offices, at least 300 square feet of landscape screening material shall be provided in the immediate vicinity of each factory-fabricated, transportable building in order to screen it from the view of other properties and public streets.
 - (6.) All permits required by applicable building, electrical, plumbing, and mechanical codes shall be obtained from the Building Inspector prior to installation of the factory-fabricated, transportable building.

5.4 Temporary uses

(7.) Sketch plan, containing sufficient information to show compliance with the above standards, shall be submitted to and approved by the Planning and Building Department prior to installation of the factory-fabricated, transportable building.

d. Duration

Such factory-fabricated, transportable buildings may remain on the site for no more than one (1) calendar year. This period may be renewed for another one (1) calendar year period, for good cause shown, upon approval of a written request, submitted to the Land Code Administrator 30 days prior to the expiration of the permit. In no event, however, shall such extensions allow the factory-fabricated, transportable building to remain on the site for more than three (3) years. In any event, temporary construction and security personnel offices shall be removed from the site before the city issues the last certificate of occupancy for the development.

7. Temporary Expansion of School Facilities

a. Purpose and scope

Factory-fabricated, transportable buildings which are designed to arrive at the site ready for occupancy, except for minor unpacking and connection to utilities, and designed for removal to and installation to other sites, may be placed on a property to serve as expansion space for existing schools, provided that plans for the permanent expansion of the existing facilities have been submitted to and approved by the city.

b. Permit requirements

Temporary expansion of school facilities are required to obtain a temporary use permit pursuant to the procedures set forth in Section 3.4, Temporary use permit.

c. Standards and requirements for approval

In addition to the above limitations, all such factory-fabricated, transportable buildings shall meet the standards and requirements in 5.4.C.6.b (Standards and requirements for

approval), except that at least 300 square feet of landscape screening material shall be provided in the immediate vicinity of each factory-fabricated, transportable building in order to screen it from the view of other properties and public streets.

d. Duration

Such factory-fabricated, transportable buildings may remain on the site for no more than one (1) calendar year. This period may be renewed for additional one (1) calendar year period, for good cause shown, upon approval of a written request for such an extension by the Land Code Administrator submitted to the Administrator 30 days prior to the expiration of the permit.

8. Model sales homes

a. Model sales homes shall be allowed within a new residential development, subject to obtaining a temporary use permit from the Planning and Building Department, provided that:

(1.) The model sales home is located on a lot that was approved by the city as part of the subdivision or development

(2.) The home will be converted to residential use after it is used as a sales office

(3.) Only one informational ground sign is erected on the property, with a height no greater than 42 inches and a surface area no greater than 15 square feet.

b. Model sales homes may be approved for a period of up to three years. This period may be renewed for additional six (6)-month periods, for good cause shown, upon approval of a written request for such an extension by the Land Code Administrator. Imposing other requirements as he/she deems necessary should be done to avoid adverse impacts that the use as a model sales home may have on adjacent properties or the community as whole. If at any time the model sales home fails to comply with the provision of this section, the Land Code

Administrator may revoke approval of the model sales home.

9. Temporary Real Estate Sales Offices

a. Temporary real estate sales offices shall be allowed within a new residential development, subject to approval of a temporary use permit by the Planning and Building Department, provided that:

- (1.) the temporary real estate sales office located on a lot that was approved by the city as part of the subdivision or development
- (2.) the building will be converted to residential use after it is used as a sales office
- (3.) only one informational ground sign is erected on the property, with a height no greater than 42 inches and a surface area no greater than 15 square feet
- (4.) the temporary real estate sales office is aesthetically compatible with the character of the community and the surrounding development
- (5.) the temporary office complies with the minimum yard and setback requirements of the zoning district in which it is located
- (6.) there is no more than one temporary real estate sales office in the development
- (7.) parking spaces shall be provided on the lot in a number sufficient to meet the requirements set forth for offices in Section 7.4
- (8.) landscaping shall be provided in accordance to the requirements set forth for office development in Section 7.1
- (9.) a site plan, containing sufficient information to show compliance with the above standards, is submitted to and approved by the Planning and Building Department prior to installations of the

sales office

b. Temporary real estate sales office may be approved for a period of up to one (1) calendar year. This period may be renewed for two (2) additional one (1) calendar year periods, but not to exceed a total of three (3) years, for good cause shown, upon approval of a written request for such an extension by the Land Code Administrator, filed at least 30 days prior to the expiration date of the existing approval. In approving or renewing approval of a real estate office, the Land Code Administrator may impose other requirements as he or she deems necessary to avoid adverse impacts that the use as sales office may have on adjacent properties or the community as a whole.

c. The use as a sales office shall be terminated upon expiration of the site plan for the development.

10. Garage, carport, yard and rummage sales

A garage, carport, yard and rummage sale shall mean the display of, sale or offering for sale of any type goods, wares, merchandise, food or drink at any location within the City of Wiggins, and said terms shall be accorded their common meaning, but shall not include any other business activity for which a privilege license is required by law.

a. Permit

- (1.) Any person, firm or corporation desiring to carry on a garage, carport, yard or rummage sale must be the occupant or legal owner of the property where the sale is held and shall first make application for such privilege.
- (2.) Such permit when issued shall authorize the sale for a period not to exceed two (2) consecutive days, and no sales shall be allowed on Sunday; but no permit shall be valid for a period of more than two (2) weeks.
- (3.) The application, in addition to such

5.4 Temporary uses

other information as the City Clerk may require, shall provide the following information:

- (a.) name
 - (b.) address of place of residence
 - (c.) address of sale, if other than address of place of residence
- (4.) Each permit shall be kept posted in a visible place at the site of the garage, carport, yard or rummage sale. Any officer of law shall have the right to demand that any person exhibit the permit to him, and failure of the person to so exhibit the permit shall be prima facie evidence that the permit has not been procured.

b. Additional sales

No permit for a garage, carport, yard or rummage sale shall be issued for any one location in the City of Wiggins nor to any one person, firm or organization, regardless of the location, for more than one (1) such sale during any three (3) month period, except by application for an additional permit.

Charges for additional permits shall be assessed by the applicant for each additional permit requested. Fees for additional permits shall be made available to the applicant by the City Clerk

c. Penalties

Any person, firm or corporation violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$300.00 for each violation.