

# Article 4: Use Regulations<sup>1</sup>

## 4100. General Provisions

1. All land uses are listed in the two tables in Sect. 4101, Use Tables. Table 4101.3 addresses the land uses allowed in the conventional zoning districts (the Residential, Commercial, and Industrial Districts) and Table 4101.4 addresses the land uses allowed in the Planned Districts (PDH, PDC, PRC, PRM, and PTC). The land uses allowed in each zoning district are identified in those tables as permitted (i.e. by right), special exception, special permit, accessory, or temporary uses. Each use is subject to the applicable general and use-specific standards (together referenced as “use standards”) that are referenced in the right-most column of the tables, and to all other applicable requirements of this Ordinance.
2. When a proposed land use is not listed in Tables 4101.3 and 4101.4 below and is not otherwise prohibited by law, the Zoning Administrator will determine its appropriate Use Category, and the most similar listed use. The proposed use will be treated the same as the most similar use.<sup>2</sup>
3. No structure or use of land may be built, moved, remodeled, established, altered, or enlarged unless it complies with all regulations of this Ordinance.<sup>3</sup>

## 4101. Use Tables

### 1. Use Table Instructions and Abbreviations<sup>4</sup>

- A. A “P” in a cell of Table 4101.3 indicates that the use can be established by right in that zoning district, subject to compliance with applicable use standards.
- B. A “✓” in a cell of Table 4101.4 indicates that the use can be established only when identified on an approved final development plan in the PDH, PDC, PRM, or PTC Districts, or when identified on an approved development plan and PRC plan in the PRC District, in accordance with [reference relocated current Article 16 provisions]. All uses must comply with applicable use standards. If the cell containing the “✓” is in a column under the subheading “Secondary,” the use is allowed to be established only with one or more principal uses.
- C. A “✓/SE” in a cell of Table 4101.4 indicates that the use can be established only when it complies with [reference to relocated current Article 16 provisions] and applicable use standards as follows:
  - (1) The use must be identified on an approved development plan and, if applicable, a PRC plan in the PRC District, or on an approved final development plan in any other P district; or
  - (2) The use may be established with approval of a special exception by the Board when the use is not specifically identified on a final development plan, development plan, or PRC plan, as

<sup>1</sup> Most of the text has been edited for readability; however, content changes are footnoted throughout.

<sup>2</sup> This language carries forward and condenses Par. 1 of Sect. 2-302, adding in reference to the use category.

<sup>3</sup> This combines Paragraphs 4 through 8 of Sect. 2-302.

<sup>4</sup> Description of table abbreviations draw on materials from the current articles for the zoning districts, and Articles 8 (Special Permits) and 9 (Special Exceptions).

- applicable. When a use is being considered for approval as a special exception, the applicable special exception or special permit use standards and the standards for the specific use apply.
- (3) However, when a use is being considered for approval on a development plan in the PRC District or a final development plan in any other P district, the applicable special exception or special permit use standards are used as a guide.<sup>5</sup>
  - (4) When a standard is identified as applicable to all instances of a particular use, it is a required standard rather than used as a guide.
- D. An “SE” in a cell of Table 4101.3 or 4101.4 indicates that the use can be established only with Board approval of a special exception in accordance with [reference to relocated current Article 9 procedures] and applicable use standards.<sup>6</sup>
  - E. An “SP” in a cell of Table 4101.3 or 4101.4 indicates that the use can be established only with BZA approval of a special permit in accordance with [reference to relocated current Article 8 procedures] and the applicable use standards.<sup>7</sup>
  - F. An “A” in a cell of Table 4101.3 or 4101.4 indicates that the use is allowed only as accessory to, in connection with, incidental to, and on the same lot with a principal use or structure that has been established in a district.<sup>8</sup> An accessory use can be established by right with a principal use unless a special exception or special permit is required by the applicable standards for the specific use.
  - G. A “T” in a cell of Table 4101.3 or 4101.4 indicates that the use is allowed only as a temporary use and may require approval of a temporary special permit by the Zoning Administrator, unless otherwise specified.
  - H. An “A+” in a cell of Table 4-101.3 or 4-101.4 indicates that the use can be established as an associated service use if it conforms to the applicable use standards.<sup>9</sup>
  - I. If a cell in Table 4101.3 or 4101.4 contains more than one approval type, there is more than one possible way to establish the use, as referenced in the applicable use standards for the specific use. For example, when a cell contains a “P” as well as an “SE” or “SP,” if the use does not meet the standards when permitted by right, it may be established with BZA or Board approval in accordance with the applicable special exception or special permit standards and procedures.
  - J. A blank cell in Table 4101.3 or 4101.4 indicates that the use cannot be established in that zoning district.

## 2. Structure of the Use Classification System<sup>10</sup>

Allowable uses are organized according to a three-tiered hierarchy consisting of use classifications, use categories, and uses. This classification system is intended to provide a structure that groups similar uses together for ease in locating or identifying a use and to simplify the classification of new uses.

<sup>5</sup> Subsections (2) and (3) carry forward provisions from Par. 3 of Sections 6-106, 6-206, 6-305, Par. 5 of Sect. 6-406, and Par. 4 of Sect. 6-505. Subsection (3) may be relocated.

<sup>6</sup> This provision is based on Par. 1 of Sect. 2-304.

<sup>7</sup> This provision is based on Par. 1 of Sect. 2-303.

<sup>8</sup> This provision is based on Sect. 10-101.

<sup>9</sup> “Associated service use” is a new name for “accessory service use.”

<sup>10</sup> This new section explains the three-tiered organization of uses in the use table.

### A. Use Classifications

Each use is grouped under one of these seven broad use classifications: Agriculture; Residential; Public, Institutional, and Community; Commercial; Industrial; Accessory; and Temporary.

### B. Use Categories

Use Categories are subgroups of uses in each use classification that have common functional or physical characteristics, such as the type and amount of activity, types of goods, services, occupants or users/customers, or operational characteristics. For example, the Commercial classification is divided into multiple use categories, including Food and Lodging, Office and Financial Institutions, and Retail Sales.

### C. Uses

Uses are the specific land uses that can be established in a zoning district, such as restaurant, hotel or motel, or catering uses.

## 3. Use Table for Residential, Commercial, and Industrial Districts

**TABLE 4101.3: Use Table for Residential, Commercial, and Industrial Districts<sup>11</sup>**

P = permitted; SE = special exception; SP = special permit

A = allowed as accessory use only, may require approval of special exception or special permit as indicated in use standards

T = permitted as a temporary use; A+ = permitted as an associated service use; blank cell = not allowed

Use	Residential Districts													Commercial Districts								Industrial Districts						Use Standards				
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5		I-6			
<b>AGRICULTURAL AND RELATED USES</b>																																
<b>Agriculture and Related Uses:</b> activities related to the growing or raising of plants or animals for food or other comparable activities, including agritourism and other similar use types. This category also includes riding or boarding stables.																																
Agricultural Operation <sup>12</sup>	P	P	P	P																												4102.2.A/*
Agritourism, Other <sup>13</sup>																																4102.2.B/*
Farm Winery, Limited Brewery, or Limited Distillery	P SE	P SE	P SE	P SE																												4102.2.C/*
Stable, Riding or Boarding <sup>14</sup>	SE SP	SE SP	SE SP	SE SP																												4102.2.D/*

\*The general standards in Sect. 4-102.1 also apply.

<sup>11</sup> The R-P and I-1 districts are deleted because there is no land zoned to either district.

<sup>12</sup> Removing Agricultural Operation as a permitted use in the R-1 District is under consideration.

<sup>13</sup> This use will be finalized with a pending amendment.

<sup>14</sup> These permissions carry forward and consolidate the current permissions for “riding/boarding stables” and “veterinary hospital, ancillary to riding or boarding stables.” An SE option was also added for those applications that may be in conjunction with other SE uses. An ancillary veterinary hospital is changed from not allowed in the R-A District to allowed as part of a special permit for a riding or boarding stable.

**TABLE 4101.3: Use Table for Residential, Commercial, and Industrial Districts<sup>11</sup>**

P = permitted; SE = special exception; SP = special permit  
 A = allowed as accessory use only, may require approval of special exception or special permit as indicated in use standards  
 T = permitted as a temporary use; A+ = permitted as an associated service use; blank cell = not allowed

Use	Residential Districts													Commercial Districts								Industrial Districts						Use Standards						
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5		I-6					
<b>COMMERCIAL USES</b>																																		
<b>Animal-Related Services:</b> uses related to the provision of medical services, general care, and boarding services for household pets and domestic animals																																		
Animal Shelter <sup>15</sup>	SE	SE	SE	SE															P	P	P	P											4102.5.A/*	
Kennel <sup>16</sup>	SE	SE	SE	SE															P	P	P	P			P	P	P	P					4102.5.A/*	
Pet Grooming Establishment <sup>17</sup>																			P	P	P	P												4102.5.B/*
Veterinary Hospital <sup>18</sup>	SE	SE	SE	SE															P	P	P	P			P	P	P	P					4102.5.C/*	
<b>Food and Lodging:</b> establishments primarily engaged in the preparation and serving of food or beverages for on or off premises consumption, or providing lodging units or rooms for transient stays of 30 days or less																																		
Bed and Breakfast		SE	SE	SE	SE																													4102.5.D/*
Catering <sup>19</sup>																	P	P	P	P	P	P			P	P	P	P						4102.5.E/*
Hotel or Motel <sup>20</sup>																	P	P		SE	P	P		SE	SE	SE	SE							4102.5.F/*
Restaurant <sup>21</sup>		SP	SP	SP																				SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	4102.5.G/*

\*The general standards in Sect. 4-102.1 also apply.

<sup>15</sup> This carries forward permissions for “animal shelters,” except the use is changed from not allowed in the C-5 through C-8 Districts to by right (indoor) or SE (with outdoor facilities), subject to standards.

<sup>16</sup> This carries forward the permissions for “kennel” and changes the use from only permitting indoor facilities in the C-5 through C-8 to allowing outdoor facilities in these districts with SE approval, subject to the SE standards.

<sup>17</sup> This carries forward the permissions for “personal service establishments,” except the use is changed from accessory service use to not allowed in the R-12 through R-30 District, the C-1 through C-4 Districts, and the I-2 through I-6 Districts.

<sup>18</sup> This carries forward the current permissions for “veterinary hospitals,” except it is changed from SP to SE use in the R-A through R-1 Districts, and it is added as an SE use if it includes outdoor facilities in the C-5 through C-8 Districts and the I-3 through I-6 Districts, subject to the SE standards for the use.

<sup>19</sup> This is newly defined as a separate use, and carries forward the permissions as a principal use of “business service and supply service establishment” and “production/processing,” and it changes it from not allowed to permitted by right in the C-3 and C-4 Districts, subject to use standards. Accessory service use provisions are not carried forward for this separately defined use.

<sup>20</sup> This carries forward the permissions for “hotels, motels,” except the use is changed from SE to allowed in the C-3 and C-4 Districts.

<sup>21</sup> This carries forward the current permissions for “restaurant.” The special permit for older structures (Group 7) is not included in this draft, but will be revised and included in the draft for the Residential use classification. Associated service use permissions are not carried forward in the C-3 and C-4 Districts because the use is permitted by right in those districts. See also the footnote for the general standards for associated service uses. “Commercial recreation restaurants” are being deleted as a separate use because the use has been accommodated as both a restaurant and amusement arcade (indoor commercial recreation).

**TABLE 4101.3: Use Table for Residential, Commercial, and Industrial Districts<sup>11</sup>**

P = permitted; SE = special exception; SP = special permit

A = allowed as accessory use only, may require approval of special exception or special permit as indicated in use standards

T = permitted as a temporary use; A+ = permitted as an associated service use; blank cell = not allowed

Use	Residential Districts													Commercial Districts								Industrial Districts						Use Standards			
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5		I-6		
Restaurant, Carryout <sup>22</sup>															A+	SE A+	P	P	P	P	P	P	P			A+	A+	A+	SE A+	SE A+	4102.5.H/*
Restaurant with Drive-through																				SE	SE	SE	SE						SE	SE	4102.5.I/*
Retreat Center <sup>23</sup>					SE	SE	SE	SE	SE	SE	SE	SE	SE		SE	SE	SE	SE	SE	SE	SE			SE	SE	SE			4102.5.J/*		
<b>Office and Financial Institutions:</b> buildings housing activities conducted in an office setting, generally focusing on the provision of professional services (e.g., lawyers, accountants, engineers, architects), financial services (e.g., banks, lenders, brokerage houses, tax preparers), research and development, and medical and dental services																															
Alternative Lending Institution																						P	P							4102.5.K/*	
Drive-through Financial Institution <sup>24</sup>																SE	SE	SE		P	P	P	P			SE	SE	SE	SE	4102.5.L/*	
Financial Institution <sup>25</sup>															P	P	P	P	P	P	P	P		P	P	P	P	P		*	
Office <sup>26</sup>															P	P	P	P	P	P	P	P		P	P	P	P	P	P	4102.5.M/*	
Office in a Residential District <sup>27</sup>					SE	SE	SE	SE	SE	SE			SE																4102.5.N/*		
<b>Personal and Business Services:</b> businesses that primarily provide routine business support functions for the day-to-day operations of other businesses or frequent or recurrent needed services of a personal nature to individuals																															
Business Service <sup>28</sup>															A+	A+	A+	A+	P	P	P	P		A+	A+	A+	A+	A+	*		

\*The general standards in Sect. 4-102.1 also apply.

<sup>22</sup> This carries forward the permissions for “carryout restaurants.” Associated service use permissions are not carried forward in the C-3 and C-4 Districts because the use is permitted by right in those districts. Standards pertaining to carryout restaurants as accessory service uses in Sections 10-202 and 10-203 are carried forward as general standards for associated service uses in Sect. 4102.1G.

<sup>23</sup> This carries forward the current permissions for “conference centers and retreat houses, operated by a religious or nonprofit organization,” except the use is changed from SE to not allowed in the R-MHP District.

<sup>24</sup> This carries forward the current permissions for “drive-in financial institutions,” except the use is changed from allowed as an accessory service use and SE use to only SE use the I-5 and I-6 Districts. Standards pertaining to drive-in financial institutions as accessory service uses in Sections 10-202 and 10-203 are not carried forward, except as general standards for associated service uses in Sect. 4102.1G.

<sup>25</sup> This carries forward the permissions for “financial institutions,” except the use is changed from not allowed to allowed as an associated service use, subject to use-specific standards that limit it to a walk-up ATM that primarily serves a multi-family building or complex.

<sup>26</sup> This consolidates permissions from multiple current uses, including “establishment for scientific research, development, and training” and “offices.” Standards for this use change the permissions for “establishments for scientific research and development” from SE use to not allowed in the R-E and R-1 Districts.

<sup>27</sup> This is a new use name for an existing office use. The permissions and standards have been brought forward, except the use is changed from SE to not allowed in the R-C and R-E Districts.

<sup>28</sup> This carries forward the permissions for “business service and supply service establishments.”

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T = permitted as a temporary use; A+ = permitted as an associated service use; blank cell = not allowed

Use	Residential Districts													Commercial Districts								Industrial Districts						Use Standards		
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5		I-6	
Household Repair and Rental Service <sup>29</sup>																				P	P	P	P							*
Personal Service <sup>30</sup>												A+	A+		A+	A+	A+	A+	P	P	P	P		A+	A+	A+	A+	A+	4102.5.O/*	
<b>Recreation and Entertainment:</b> uses providing indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members																														
Banquet or Reception Hall <sup>31</sup>															SE	SE	SE	SE	P	P	P	P							*	
Campground		SP	SP	SP																									4102.5.P/*	
Commercial Recreation, Indoor <sup>32</sup>																	SP	SP	P	P	P	P			SP	SP	SP	SP	4102.5.Q/*	
Commercial Recreation, Outdoor <sup>33</sup>		SP	SP	SP											SE	SE	SE	SE	SE	SE	SE	SE		SE	SE	SE	SE	SE	4102.5.R/*	
Entertainment, Adult <sup>34</sup>																					SP								4102.5.S/*	
Entertainment, Public <sup>35</sup>																			SE	SE	SE	SE							4102.5.T/*	

\*The general standards in Sect. 4-102.1 also apply.

<sup>29</sup> This carries forward the permissions for “repair service establishments,” except the use is changed from allowed as an accessory service use to not allowed in the C-1 through C-4 Districts and the I-2 through I-6 Districts.

<sup>30</sup> This consolidates permissions for “garment cleaning establishments” and “personal service establishments,” except it is changed from allowed as an accessory service use to a multiple family dwelling to not allowed in the R-12 and R-16 Districts. The SE for a “convenience center” in R-2 through R-8 in Sect. 9-507 is not carried forward, as there have been no applications for this use. See also the footnote for the general associated service use standards.

<sup>31</sup> This is a new use.

<sup>32</sup> This consolidates permissions from multiple current uses: “amusement arcades,” “bowling alley,” “commercial recreation centers,” “commercial recreation use, any other similar” (indoor), “commercial swimming pools, tennis courts and similar courts (indoor only),” “indoor archery ranges, fencing and other similar indoor recreational uses,” “indoor firing ranges,” “indoor firing ranges, archery ranges, fencing and other similar indoor recreational uses,” “miniature golf courses, indoor,” “skating facilities, indoor,” “theaters,” and “commercial recreation parks, including mechanical or motorized amusement rides/devices” (indoor). The “summer theatres (older structures)” use is not carried forward as an SP use, but will be addressed as a temporary special permit. An SE option was also added for those applications that may be in conjunction with other SE uses. Please refer to the cover memo for a summary of the resulting changes in permissions.

<sup>33</sup> This consolidates permissions from multiple current uses: “baseball hitting and archery ranges, outdoor,” “commercial recreation parks, including mechanical or motorized amusement rides/devices” (outdoor), “commercial swimming pools, tennis courts and similar courts,” “drive-in motion picture theaters,” “miniature golf course,” “skating facilities,” “skeet and trapshooting ranges,” and “commercial recreation use, any other similar” (outdoor). Please refer to the cover memo for a summary of the resulting changes in permissions.

<sup>34</sup> This use consolidates the current uses “commercial nudity establishment” and “adult mini motion picture theatres.”

<sup>35</sup> This is a new use that consolidates “billiard and pool halls” and “dance halls.” “Dance halls” are changed from a SP to SE in the C-6 through C-8 Districts, and from not allowed to SE in the C-5 District. Permissions for billiard and pool halls are changed from SP to SE.

**TABLE 4101.3: Use Table for Residential, Commercial, and Industrial Districts<sup>11</sup>**

P = permitted; SE = special exception; SP = special permit

A = allowed as accessory use only, may require approval of special exception or special permit as indicated in use standards

T = permitted as a temporary use; A+ = permitted as an associated service use; blank cell = not allowed

Use	Residential Districts														Commercial Districts								Industrial Districts						Use Standards	
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6		
Golf Course or Country Club <sup>36</sup>		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE							4102.5.U/*	
Health and Exercise Facility, Large <sup>37</sup>																	P	P	P	P	P	P			SP	SP	SP	SP	*	
Health and Exercise Facility, Small <sup>38</sup>															P	P	P	P	P	P	P	P		P	P	P	P		*	
Marina, Commercial		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE					SE	SE	SE	SE	SE	SE	SE				4102.5.V/*	
Marina, Private Noncommercial		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP					SP	SP	SP	SP	SP	SP	SP				4102.5.W/*	
Quasi-public Park, Playground, or Athletic Field <sup>39</sup>	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4102.5.X/*	
Stadium or Arena																					SE	SE	SE	SE	SE	SE	SE		*	
Zoo or Aquarium <sup>40</sup>			SP	SP																	SP	SP							4102.5.Y/*	
<b>Retail Sales:</b> uses involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer																														
Convenience Store <sup>41</sup>															A+	A+	A+	A+	P	P	P	P			A+	A+	A+	SE	SE	4102.5.Z/*
Drive-through, Other <sup>42</sup>																			SE	SE	SE	P						SE	4102.5.AA/*	
Drive-through Pharmacy <sup>43</sup>																			P	P	P	P						SE	4102.5.BB/*	

\*The general standards in Sect. 4-102.1 also apply.

<sup>36</sup> This carries forward the permissions for “golf courses, country clubs,” except it is changed from SE to not allowed in the I-2 through I-6 Districts.

<sup>37</sup> This carries forward the permissions for the current use “health clubs,” except the accessory service use permissions are not carried forward in the C-1 through C-4 Districts and the I-1 through I-6 Districts.

<sup>38</sup> This is a new use based on the current use “health club” and the exercise-related classes that are currently a school of special education. These permissions are the same as those for a specialized instruction center, except it has been changed from SE to not permitted in the R districts. Accessory service use permissions for “health clubs, spas, saunas, pools, tennis and similar facilities” are not carried forward in the C-1 through C-4 and I-1 through I-6 Districts.

<sup>39</sup> This carries forward the permissions for “quasi-public parks, playgrounds, athletic fields and related facilities.”

<sup>40</sup> This carries forward the permissions for “zoological park,” except the use is changed from not allowed to SP in the C-7 and C-8 Districts.

<sup>41</sup> This consolidates permissions for the current uses “quick-service food stores” and “retail sales establishments selling convenience merchandise,” except the permissions for “quick-service food stores” are changed from allowed as an accessory service use in a multiple family dwelling to not allowed in the R-12 and R-16 Districts. The SE for a “convenience center” in the R-2 through R-8 Districts in Sect. 9-507 is not carried forward, as there have been no applications for this use. See also the footnote for the general associated service use standards.

<sup>42</sup> This carries forward the permissions for “automobile-oriented uses.”

<sup>43</sup> This carries forward the current permissions for “drive-through pharmacy.”



**TABLE 4101.3: Use Table for Residential, Commercial, and Industrial Districts<sup>11</sup>**

P = permitted; SE = special exception; SP = special permit

A = allowed as accessory use only, may require approval of special exception or special permit as indicated in use standards

T = permitted as a temporary use; A+ = permitted as an associated service use; blank cell = not allowed

Use	Residential Districts														Commercial Districts								Industrial Districts						Use Standards												
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6													
Drug Paraphernalia Establishment																						SE															4102.5.CC/*				
Garden Center <sup>44</sup>				SE	SE	SE														P	P	P	P														4102.5.DD/*				
Pawnshop																					SE	SE	SE														*				
Retail Sales, General <sup>45</sup>																				P	P	P	P									SE	SE	SE				4102.5.EE/*			
Retail Sales, Large																						SE	SE	SE															4102.5.FF/*		
<b>Vehicle-Related Uses:</b> uses for the maintenance, sale, or rental of motor vehicles and related equipment																																									
Car Wash																					SE	SE	SE	SE							SE	SE	SE	SE	SE		4102.5.GG/*				
Commercial Off-street Parking																	SE	P	P	P	P	P									SE	SE	SE	SE	SE				4102.5.HH/*		
New Vehicle Storage																	P	P			P	P	P									P	P	P	P				4102.5.II/*		
Truck Rental Establishment																					SE	SE	SE	SE											P	P			4102.5.JJ/*		
Vehicle Fueling Station <sup>46</sup>																				SE	SE	SE	SE	SE	SE								SE	SE	SE	SE			4102.5.KK/*		
Vehicle Repair and Maintenance, Heavy																								SE												P	P			*	
Vehicle Repair and Maintenance, Light																					SE		P	P	P										P	P			4102.5.LL/*		
Vehicle Sales, Service, and Rental																						SE	SE		SE	SE	SE								SE	SE				4102.5.MM/*	
Vehicle Transportation Services																									P	P	P									P	P	P			4102.5.NN/*

\*The general standards in Sect. 4-102.1 also apply.

<sup>44</sup> This renames and carries forward the permissions for “plant nurseries,” except the use is changed from not allowed to by right in the C-5 through C-8 Districts, and from an SE use to not allowed in the R-3, R-4, I-4 through I-6 Districts.

<sup>45</sup> This consolidates permissions for “auction establishments,” “adult bookstores,” and “retail sales establishments,” with several changes. “Adult bookstores” are given the same permissions as other general retail sales, consistent with the current treatment of adult video sales, whereas the use is currently limited to the C-7 District as an SP use and must be located in a regional shopping center. The permissions for “auction establishments” are changed from SP to permitted by right in the C-8 District, with the limitation to the C-8 District addressed in the use standards. The SE for a “convenience center” in R-2 through R-8 in Sect. 9-507 is not carried forward, as there have been no applications for this use. Accessory service use permissions for “prescription establishments” in the C-1 through C-4 and I-2 through I-6 are also not carried forward. The standard for accessory retail sales in the I-1 District in Par. 3 of Sect. 5-105 is not specifically carried forward as this use could be established as an accessory use. The permission and standards for an SE for retail sales in conjunction with a warehouse is extended to the I-6 District.

<sup>46</sup> This consolidates permissions for current uses “service stations” and “service station/mini-mart”. The use “service station/mini-mart” is not currently allowed in the C-3, C-4, I-3, and I-4 districts, and that limitation is carried forward in the standards for this use.



## 4. Use Table for Planned Development Districts

**TABLE 4101.4: Use Table for Planned Development Districts**

✓ = permitted if shown on final development plan/development plan and PRC plan;  
 ✓/SE = permitted if shown on final development plan/development plan and PRC plan, or as special exception if not on plan(s)  
 SE = special exception; SP = special permit  
 A = allowed as accessory use only, may require approval of special exception or special permit as indicated in use standards;  
 T = permitted as a temporary use; A+ = permitted as an associated service use; blank cell = not allowed

Use	PDH		PRC					PDC		PRM		PTC	Use Standards
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/Conference Center	Principal	Secondary	Principal	Secondary		
<b>AGRICULTURE AND RELATED USES</b>													
<b>Agriculture and Related Uses:</b> activities related to the growing or raising of plants or animals for food or other comparable activities, including agritourism and other similar use types. This category also includes riding or boarding stables.													
Agricultural Operation													4102.2.A/*
Agritourism, Other <sup>47</sup>													4102.2.B/*
Farm Winery, Limited Brewery, or Limited Distillery													4102.2.C/*
Stable, Riding or Boarding <sup>48</sup>		✓/SE	✓/SE										4102.2.D/*
<b>COMMERCIAL USES</b>													
<b>Animal-Related Services:</b> uses related to the provision of medical services, general care, and boarding services for household pets and domestic animals													
Animal Shelter <sup>49</sup>			✓/SE										4102.5.A/*
Kennel <sup>50</sup>		✓	✓/SE		✓	✓			✓		✓	✓	4102.5.A/*
Pet Grooming Establishment <sup>51</sup>		✓		✓	✓	✓	✓	✓			✓	✓	4102.5.B/*
Veterinary Hospital <sup>52</sup>		✓	✓/SE		✓	✓			✓		✓	✓	4102.5.C/*
<b>Food and Lodging:</b> establishments primarily engaged in the preparation and serving of food or beverages for on or off premises consumption, or providing lodging units or rooms for transient stays of 30 days or less													
Bed and Breakfast		SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE						4102.5.D/*
Catering <sup>53</sup>		✓			✓	✓	✓	✓			✓	✓	4102.5.E/*

\*The general standards in Sect. 4-102.1 also apply.

<sup>47</sup> This use will be finalized with the pending amendment.

<sup>48</sup> These permissions carry forward and consolidate the current permissions for “riding or boarding stables” and “veterinary hospital, ancillary to riding or boarding stables,” except the use is changed from ✓/SP to ✓/SE in the PRC District for consistency.

<sup>49</sup> This carries forward the permissions for “animal shelters,” but the standards now permit outdoor facilities.

<sup>50</sup> This carries forward the permissions for “kennels,” but the standards now permit outdoor facilities.

<sup>51</sup> This carries forward the permissions for “personal service establishments.”

<sup>52</sup> This carries forward the permissions for “veterinary hospitals,” but the standards now permit outdoor facilities.

<sup>53</sup> This carries forward the permissions for “business service and supply service establishments,” except the accessory service use provisions are not carried forward for this separately defined use.

**TABLE 4101.4: Use Table for Planned Development Districts**

✓ = permitted if shown on final development plan/development plan and PRC plan;  
 ✓/SE = permitted if shown on final development plan/development plan and PRC plan, or as special exception if not on plan(s)  
 SE = special exception; SP = special permit  
 A = allowed as accessory use only, may require approval of special exception or special permit as indicated in use standards;  
 T = permitted as a temporary use; A+ = permitted as an associated service use; blank cell = not allowed

Use	PDH		PRC					PDC		PRM		PTC	Use Standards
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/Conference Center	Principal	Secondary	Principal	Secondary		
Hotel or Motel					✓/SE	✓/SE	✓	✓			✓	✓	4102.5.F/*
Restaurant		✓		✓	✓	✓	✓	✓			✓	✓	4102.5.G/*
Restaurant, Carryout		✓/SE		✓/SE	✓/SE	✓/SE	✓/SE		✓		✓/SE	✓/SE	4102.5.H/*
Restaurant with Drive-through		SE		✓/SE	✓/SE	✓/SE	✓/SE		✓			✓	4102.5.I/*
Retreat Center <sup>54</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE			✓/SE			✓/SE	4102.5.J/*
<b>Office and Financial Institutions:</b> buildings housing activities conducted in an office setting, generally focusing on the provision of professional services (e.g., lawyers, accountants, engineers, architects), financial services (e.g., banks, lenders, brokerage houses, tax preparers), research and development, and medical and dental services													
Alternative Lending Institution													4102.5.K/*
Drive-through Financial Institution <sup>55</sup>		✓/SE		✓/SE	✓/SE	✓/SE	✓/SE		✓/SE			✓/SE	4102.5.L/*
Financial Institution		✓		✓	✓	✓	✓	✓			✓	✓	*
Office <sup>56</sup>		✓		✓	✓	✓	✓	✓			✓	✓	4102.5.M/*
Office in a Residential District <sup>57</sup>													4102.5.N/*
<b>Personal and Business Services:</b> businesses that primarily provide routine business support functions for the day-to-day operations of other businesses or frequent or recurrent needed services of a personal nature to individuals													
Business Service <sup>58</sup>		✓			✓	✓	✓	✓			✓	✓	*
Household Repair and Rental Service <sup>59</sup>		✓			✓	✓	✓	✓			✓	✓	*

\*The general standards in Sect. 4-102.1 also apply.

<sup>54</sup> This carries forward the permissions for “conference centers and retreat houses, operated by a religious or nonprofit organization.”

<sup>55</sup> This carries forward the current permissions for “drive-in financial institutions,” except it is changed from ✓ to ✓/SE in the PTC District.

<sup>56</sup> This consolidates permissions from multiple current uses, including “establishment for scientific research, development, and training” and “offices.”

<sup>57</sup> This is a new use name for an existing office use. Current permissions and standards are carried forward.

<sup>58</sup> This carries forward permissions for “business service and supply service establishments.”

<sup>59</sup> This carries forward permissions for “repair service establishments.”

**TABLE 4101.4: Use Table for Planned Development Districts**  
 ✓ = permitted if shown on final development plan/development plan and PRC plan;  
 ✓/SE = permitted if shown on final development plan/development plan and PRC plan, or as special exception if not on plan(s)  
 SE = special exception; SP = special permit  
 A = allowed as accessory use only, may require approval of special exception or special permit as indicated in use standards;  
 T = permitted as a temporary use; A+ = permitted as an associated service use; blank cell = not allowed

Use	PDH		PRC				PDC		PRM		PTC	Use Standards	
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/Conference Center	Principal	Secondary	Principal	Secondary		
Personal Service <sup>60</sup>		✓		✓	✓	✓	✓	✓			✓	✓	4102.5.O/*
<b>Recreation and Entertainment:</b> uses providing indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members													
Banquet or Reception Hall <sup>61</sup>		✓/SE			✓/SE	✓/SE	✓/SE	✓/SE			✓/SE	✓/SE	*
Campground <sup>62</sup>			✓/SE										4102.5.P/*
Commercial Recreation, Indoor <sup>63</sup>		✓/SE			✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE	4102.5.Q/*
Commercial Recreation, Outdoor <sup>64</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE	4102.5.R/*

\*The general standards in Sect. 4-102.1 also apply.

<sup>60</sup> This consolidates permissions for “garment cleaning establishments” and “personal service establishments.”

<sup>61</sup> This is a new use.

<sup>62</sup> This carries forward the permissions for “camp or recreation grounds.”

<sup>63</sup> This consolidates permissions from multiple current uses. Current permissions for uses are as follows: **(1)** “amusement arcades” is a ✓/SE use in PDC (Secondary), PRC (Village Center and Town Center), and PTC; **(2)** “bowling alley” is a ✓/SE use in PDH (Secondary), PDC (Secondary), and PTC, and a ✓/SP use in PRC (Village Center, Town Center, and Convention/Conference Center); **(3)** “commercial recreation centers” is a ✓/SP use in PRC (Village center and Town Center); **(4)** “commercial recreation parks, including mechanical or motorized amusement rides/devices” (indoor) is a ✓/SP use in PRC (Town Center and Convention/Conference Center); **(5)** “commercial recreation use, any other similar” (indoor) is a ✓/SE use in PDC (Secondary), PRM (Secondary), and PTC and a ✓/SP use in PRC (Village Center, Town Center, and Convention/Conference Center); **(6)** “indoor archery ranges, fencing and other similar indoor recreational uses” is a ✓/SE use in PDH (Secondary), PRM (Secondary), and PTC; **(7)** “indoor firing ranges, archery ranges, fencing and other similar indoor recreational uses” is ✓/SE use in PDC (Secondary) and a ✓/SP use in PRC (Town Center and Convention/Conference Center); and **(8)** “theatres” is a ✓ use in PDC (Principal), PRM (Secondary), PRC (Village Center and Town Center), and PTC.

<sup>64</sup> This consolidates permissions from multiple current uses. Current permissions for uses are as follows: **(1)** “baseball hitting and archery ranges, outdoor” is ✓/SE in PRC (Residential); **(2)** “commercial recreation parks, including mechanical or motorized amusement rides/devices” is ✓/SP use in PRC (Town Center and Convention/Conference Center); **(3)** “commercial swimming pools, tennis courts and similar courts” is a ✓/SE use in PDH (Secondary), PDC (Secondary), PRM (Secondary), and PTC and a ✓/SP use in PRC (Village Center, Town Center, and Convention/Conference Center); **(4)** “miniature golf courses” is ✓/SE use in PDH (Secondary), PDC (Secondary), and PTC and a ✓/SP use in PRC (Village Center and Town Center); **(5)** “skating facilities” is a ✓/SE use in PDH (Secondary), PDC (Secondary), PRM (Secondary), and PTC and ✓/SP use in PRC (Village Center, Town Center, and Convention/Conference Center); and **(6)** “commercial recreation use, any other similar” (outdoor) is a ✓/SE use in PDC, PRM, PTC, and a ✓/SP use in PRC (Village Center, Town Center, and Convention/Conference Center).

**TABLE 4101.4: Use Table for Planned Development Districts**

✓ = permitted if shown on final development plan/development plan and PRC plan;  
 ✓/SE = permitted if shown on final development plan/development plan and PRC plan, or as special exception if not on plan(s)  
 SE = special exception; SP = special permit  
 A = allowed as accessory use only, may require approval of special exception or special permit as indicated in use standards;  
 T = permitted as a temporary use; A+ = permitted as an associated service use; blank cell = not allowed

Use	PDH		PRC				PDC		PRM		PTC	Use Standards
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/Conference Center	Principal	Secondary	Principal	Secondary	
Entertainment, Adult <sup>65</sup>												4102.5.S/*
Entertainment, Public <sup>66</sup>					✓/SE	✓/SE	✓/SE	✓/SE		✓/SE	✓/SE	4102.5.T/*
Golf Course or Country Club <sup>67</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE		4102.5.U/*
Health and Exercise Facility, Large <sup>68</sup>		✓/SE			✓/SE	✓/SE		✓/SE		✓/SE	✓/SE	*
Health and Exercise Facility, Small <sup>69</sup>		✓/SE		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE	✓/SE	*
Marina, Commercial <sup>70</sup>		✓/SE	✓/SE		✓/SE	✓/SE		✓/SE				4102.5.V/*
Marina, Private Noncommercial <sup>71</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE			✓/SE	4102.5.W/*
Quasi-public Park, Playground, or Athletic Field <sup>72</sup>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE	4102.5.X/*
Stadium or Arena <sup>73</sup>								SE		SE	SE	*
Zoo or Aquarium <sup>74</sup>		✓/SE						✓/SE			✓/SE	4102.5.Y/*

\*The general standards in Sect. 4-102.1 also apply.

<sup>65</sup> This use consolidates the current uses “commercial nudity establishment” and “adult mini motion pictures theatres.”

<sup>66</sup> This is a new use that consolidates “billiard and pool halls” and “dance halls.” The use “dance halls” is changed from not allowed to ✓/SE in the PDC and PRM Districts, and is changed from a ✓/SP to a ✓/SE in the PRC District. The use “billiard and pool halls” is changed from ✓/SE use in PDH to not allowed, and a ✓/SP use in PRC (Village Center, Town Center, and Convention/Conference Center) to ✓/SE.

<sup>67</sup> This carries forward the permissions for “golf courses, country clubs,” except the use is changed from not allowed in the PRM District to ✓/SE.

<sup>68</sup> This carries forward the permissions for the current use “health club.”

<sup>69</sup> This is a new use based on the current uses “health club” and “private school of special education.” These permissions are the same as those for health clubs and school of special education, except it has not been included in the residential areas of the PRC District.

<sup>70</sup> This carries forward permissions for “marinas, docks, and boating facilities, commercial.”

<sup>71</sup> This carries forward permissions for “marinas, docks and boating facilities of a private, nonprofit nature.”

<sup>72</sup> This carries forward the permissions for “quasi-public parks, playgrounds, athletic fields and related facilities,” except it is changed from not allowed to ✓/SE as a secondary use in the PRM District.

<sup>73</sup> This carries forward the permissions for “stadiums or arenas,” except it is changed from not allowed to SE as a secondary use in the PDC District.

<sup>74</sup> This carries forward the permissions for “zoological park,” except, with the addition of aquarium to the use, it is changed from not allowed to ✓/SE in the PDC and PTC Districts.

**TABLE 4101.4: Use Table for Planned Development Districts**

✓ = permitted if shown on final development plan/development plan and PRC plan;  
 ✓/SE = permitted if shown on final development plan/development plan and PRC plan, or as special exception if not on plan(s)  
 SE = special exception; SP = special permit  
 A = allowed as accessory use only, may require approval of special exception or special permit as indicated in use standards;  
 T = permitted as a temporary use; A+ = permitted as an associated service use; blank cell = not allowed

Use	PDH		PRC					PDC		PRM		PTC	Use Standards
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/Conference Center	Principal	Secondary	Principal	Secondary		
<b>Retail Sales:</b> uses involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer													
Convenience Store <sup>75</sup>		✓/SE		✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE	4102.5.Z/*
Drive-through Other		✓/SE		✓/SE	✓/SE	✓/SE	✓/SE		✓/SE				4102.5.AA/*
Drive-through Pharmacy <sup>76</sup>		✓/SE		✓/SE	✓/SE	✓/SE	✓/SE		✓/SE			✓/SE	4102.5.BB/*
Drug Paraphernalia Establishment													4102.5.CC/*
Garden Center <sup>77</sup>		✓/SE		✓/SE	✓/SE	✓/SE		✓/SE			✓/SE	✓/SE	4102.5.DD/*
Pawnshop												✓/SE	*
Retail Sales, General <sup>78</sup>		✓		✓	✓	✓	✓	✓			✓	✓	4102.5.EE/*
Retail Sales, Large <sup>79</sup>					✓/SE	✓/SE	✓/SE		✓/SE			✓/SE	4102.5.FF/*
<b>Vehicle-Related Uses:</b> uses for the maintenance, sale, or rental of motor vehicles and related equipment													
Car Wash <sup>80</sup>				✓/SE	✓/SE	✓/SE	✓/SE		✓/SE			✓/SE	4102.5.GG/*
Commercial Off-street Parking <sup>81</sup>						✓			✓			✓	4102.5.HH/*
New Vehicle Storage									✓			✓	4102.5.II/*
Truck Rental Establishment					SE								4102.5.JJ/*
Vehicle Fueling Station <sup>82</sup>		✓/SE		✓/SE	✓/SE	✓/SE	✓/SE		✓/SE			✓/SE	4102.5.KK/*

\*The general standards in Sect. 4-102.1 also apply.

<sup>75</sup> This carries forward permissions for the current use “quick-service food stores.”

<sup>76</sup> This carries forward the current permissions for “drive-through pharmacy,” except it is changed from ✓ to ✓/SE in the PTC District.

<sup>77</sup> This use carries forward the use “plant nurseries,” modified to emphasize retail sales. The use “plant nurseries” is not currently allowed in any of the P districts.

<sup>78</sup> This carries forward permissions for “retail sales establishments.”

<sup>79</sup> This carries forward permissions for “retail sales establishments-large.”

<sup>80</sup> This carries forward permissions for “car washes,” except it is changed from ✓ to ✓/SE in the PTC District.

<sup>81</sup> This carries forward permissions for “parking, commercial off-street, as a principal use,” except it is changed from permitted as a secondary use to not allowed in PRM District.

<sup>82</sup> This consolidates permissions for current uses “service stations” and “service station/mini-mart,” except the use is changed from ✓ to ✓/SE in the PTC District. The requirement in Paragraphs 9 and 10 of Sect. 6-505 that certain uses be permitted only when specifically identified on the FDP are not carried forward, and the option for SE approval is added.

**TABLE 4101.4: Use Table for Planned Development Districts**

✓ = permitted if shown on final development plan/development plan and PRC plan;  
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 SE = special exception; SP = special permit  
 A = allowed as accessory use only, may require approval of special exception or special permit as indicated in use standards;  
 T = permitted as a temporary use; A+ = permitted as an associated service use; blank cell = not allowed

Use	PDH		PRC					PDC		PRM		PTC	Use Standards
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/Conference Center	Principal	Secondary	Principal	Secondary		
Vehicle Repair and Maintenance, Heavy <sup>83</sup>													*
Vehicle Repair and Maintenance, Light <sup>84</sup>		✓/SE			✓	✓			✓/SE			✓/SE	4102.5.LL/*
Vehicle Sales, Service, and Rental <sup>85</sup>						✓	✓		✓		✓	✓	4102.5.MM/*
Vehicle Transportation Services						✓	✓		✓		✓	✓	4102.5.NN/*

\*The general standards in Sect. 4-102.1 also apply.

## 4102. Use Standards

Each use must comply with its applicable standards, including standards for all uses, standards for the zoning district where the use is located, and standards for the specific use. Uses established as of the effective date of this Ordinance may not be altered, modified, or enlarged in any way that conflicts with, or compounds an existing conflict with, the use standards.

### 1. General Standards<sup>86</sup>

#### A. Standards for All Uses

- (1) Except as may be qualified elsewhere in this Ordinance, every use must comply with the lot size and bulk regulations of the zoning district where it is located.
- (2) Except as may be qualified elsewhere in this Ordinance, every use must comply with the off-street parking, loading, and private street regulations in [new reference for Article 11];

<sup>83</sup> This carries forward permissions for current use “vehicle major service establishments.”

<sup>84</sup> This carries forward permissions for current use “vehicle light service establishments,” except it is changed from ✓ to ✓/SE in the PTC District.

<sup>85</sup> This carries forward permissions for current use “vehicle sale, rental and ancillary service establishments.”

<sup>86</sup> This section collects use standards that do not apply to a particular land use, but instead (1) apply generally to all uses, or (2) apply to all uses requiring special exception or special permit approval, or (2) apply to all uses within a defined “Group” or “Category” of uses in the current Zoning Ordinance, or (4) apply to all uses in a specific zoning district (or category of zoning districts). The standards have been collected and integrated from Sections 8,006, 9-006, 9-304, and multiple other sections of Articles 2, 3, 4, 5, 6, 8, and 9.

- the sign regulations in [*new reference for Article 12*]; and the landscaping and screening regulations in [*new reference for Article 13*].<sup>87</sup>
- (3) All uses except Extraction Activities must comply with the performance standards in [*new reference for Article 14*].<sup>88</sup>
  - (4) Before establishment, uses, including any modifications or alterations to an existing use, are subject to the provisions of [*reference to relocated current Article 17, Site Plans*].<sup>89</sup>
  - (5) If a use requires any governmental approval—whatever the form (e.g., license, permit, etc.) or the governmental entity (local, state, or federal)—the use must maintain compliance with that approval, including any pertinent standards and requirements. Some, but not all, such standards and requirements are referenced in this Ordinance; when they are not, it does not relieve any person of the responsibility to comply with them.

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## B. Standards for Uses in Residential Zoning Districts

The sale of goods or products is not permitted, except as accessory to an established permitted, special permit, or special exception use.<sup>90</sup>

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## C. Standards for Uses in Commercial Zoning Districts<sup>91</sup>

- (1) All refuse must be kept in enclosed containers that are screened from view.
- (2) The following are not allowed in the minimum required yards:<sup>92</sup>
  - (a) Goods displayed, stored, or offered for sale; and
  - (b) Services or activities that are associated with the use of the property, except that off-street parking spaces and vehicle fueling station pump islands are allowed.
- (3) In the C-1, C-2, C-3, and C-4 Districts, all operations, activities, storage, and display of goods must be conducted within a completely enclosed building, except:
  - (a) Uses which by their nature must be conducted outside a building;
  - (b) Outdoor seating provided in association with a restaurant or craft beverage production establishment.<sup>93</sup>
- (4) In the C-5, C-6, C-7, and C-8 Districts, any operations, storage, activity, or display of goods may be permitted as follows:
  - (a) The use must be only on the same lot with and ancillary to an established permitted, special exception, or special permit use;
  - (b) The use is limited to 500 square feet of accessory outdoor storage and display in accordance with [*reference to relocated current Sect. 17-104*]; however, additional

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<sup>87</sup> This consolidates the references to additional regulations that are repeated for each district.

<sup>88</sup> Carries forward provisions from Sections 14-101 and 14-102, and other repeated references.

<sup>89</sup> This consolidates the references to site plan requirements in the additional regulations for each district, and the standards for group and category uses.

<sup>90</sup> Consolidates a use limitation repeated for each residential district.

<sup>91</sup> This carries forward use standards that apply district-wide from Sections 4-105, 4-205, 4-305, 4-405, 4-605, 4-705, and 4-805. The curb cut standards for C-5 through C-8 are deleted because they are not currently used and are inconsistent with PFM and VDOT standards.

<sup>92</sup> This carries forward Sect. 2-504, except for the allowance for merchandise on pump islands.

<sup>93</sup> This extends the provisions for outdoor seating to a craft beverage production establishment.



storage and display may be permitted if designated on an approved development plan or site plan;<sup>94</sup> and

- (c) In addition to the standards above, the following apply to the C-8 District:
1. The limitations on outdoor storage in Paragraph (c) above do not preclude outdoor storage by a contractor's office and shop.
  2. All outdoor storage and loading areas must be completely enclosed by screening.
  3. There may be no outdoor storage or parking of construction equipment; construction machinery; construction vehicles; or other vehicles, such as solid waste collection vehicles, dump trucks, cement mixers, tractors, or trailers of tractor-trailer trucks.

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#### D. Standards for Uses in Industrial Districts<sup>95</sup>

- (1) The following are not allowed in the minimum required yards:<sup>96</sup>
- (a) Goods displayed, stored, or offered for sale;
  - (b) Processing or other industrial operations of any kind; and
  - (c) Services or activities that are associated with the use of the property, except that off-street parking spaces and vehicle fueling station pump islands and associated canopies are allowed.
- (2) In the I-2, I-3, and I-4 Districts, all operations, activities, and storage must be conducted within a completely enclosed building, except for those uses which, by their nature, must be conducted outside a building, and any outdoor seating provided in association with a restaurant or craft beverage production establishment.<sup>97</sup>
- (3) In the I-5 District, outside storage may not be located within a minimum required front yard or within a required transitional screening yard.

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#### E. Standards for Uses in Planned Districts

- (1) In the PRC District, all uses permitted under a development plan must be in substantial conformance with the approved development plan and the approved PRC Plan as required by [reference to relocated Sect. 16-202].
- (2) In any other P district, all uses permitted under a final development plan must be in substantial conformance with the approved final development plan as required by [reference to relocated Sect. 16-403].<sup>98</sup>
- (3) Additional standards that apply to groups or categories of uses in the establishment of a planned district are in [references to each district section].<sup>99</sup>

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<sup>94</sup> Revised to reflect recent ZOAs and to reference approval on a development plan. The standards specifying that storage is limited to certain types of items are not carried forward.

<sup>95</sup> This carries forward provisions in Sections I-105, I-205, I-305, I-405, I-505, and I-605.

<sup>96</sup> This carries forward Sect. 2-504, except for the allowance for merchandise on pump islands.

<sup>97</sup> This carries forward provisions in Par. 2 of Sections. 5-205, 5-305, and 5-405. It extends the provision for outdoor seating to a craft beverage production establishment.

<sup>98</sup> Consolidates Par. 4 of Sections 6-106, 6-206, 6-305, 6-505, and Par. 11 of Sect. 6-406.

<sup>99</sup> This reference is to planned district standards in Article 2: Zoning Districts that cover larger types or categories of uses (e.g., principal and secondary uses in Par. 5 of Sect. 6-206 and "secondary uses of a commercial and office

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## F. Standards for Special Exception and Special Permit Uses<sup>100</sup>

- (1)** In addition to all other applicable standards, all special exception or special permit uses must comply with the following general standards:
  - (a)** The proposed use at the specified location must be in harmony with the adopted comprehensive plan.
  - (b)** The proposed use must be in harmony with the general purpose and intent of the zoning district where it is to be located.
  - (c)** The proposed use, by its nature, design, or operational characteristics,<sup>101</sup> must not adversely affect the use or future development of neighboring properties and must be in accordance with the applicable zoning district regulations. The location, size and height of buildings, structures, walls, and fences, as well as the nature and extent of screening, buffering and landscaping cannot hinder or discourage the appropriate development and use, or impair the value of, adjacent or nearby land or buildings.
  - (d)** Pedestrian and vehicular traffic associated with the use must not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
  - (e)** Adequate utility, drainage, and other necessary facilities to serve the proposed use must be provided.
  - (f)** Signs are regulated by [*reference to relocated current Article 12*]; however, the Board or BZA may impose stricter requirements for a given use than those set forth in this Ordinance.
- (2)** No use of a structure or land that is designated as a special exception or special permit use in any zoning district may be established, and no existing use may be changed to another use that is designated as a special exception or special permit use in the district, unless the applicable special exception or special permit has been approved by the Board or BZA and the use has been established in accordance with [*reference to relocated current Articles 8 and 9*].
- (3)** A conforming use lawfully existing prior to the effective date of this Ordinance that requires a special exception or special permit under this Ordinance may not be replaced or enlarged except in accordance with [*reference to relocated current Sect. 15 101*].
- (4)** If a current and valid special exception or special permit exists for a use that is on a lot that is zoned to more than one zoning district and if an amendment to this Ordinance allows the use as a permitted use only in one of those zoning districts, the special exception or special permit will remain in full force and effect for the entire property, unless the Board or BZA approves an amendment to the special exception or special permit to remove the land area from the area that is subject to the special exception or special permit.

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nature” in Par. 5 of Sect. 6-106). Standards that apply to specific uses (e.g., “kennels and veterinary hospitals” in Par. 9 of Sect. 6-106) are included in this Article.

<sup>100</sup> This combines the general standards in Sections 8-006 and 9-006.

<sup>101</sup> This part of the standard is derived from Sect. 9-505, which currently applies to certain commercial uses. It is made applicable here to the review of all SP and SE uses. Provisions on operational standards are stated here to avoid the need to restate them for each use to which they apply.

## G. Standards for Associated Service Uses<sup>102</sup>

- (1) In addition to the standards for specific uses, all associated service uses must comply with the following general standards:
  - (a) The associated service use must be located in the same building as the principal use.
  - (b) The combined gross floor area of all associated service uses must not exceed 15 percent of the gross floor area of the building. In addition, each individual personal service or business service establishment may not exceed 5,000 square feet of gross floor area.
  - (c) When located in a multifamily building, the associated service use may not be located within an individual dwelling unit.
  - (d) In the C-1, C-2, C-3, C-4, I-2, I-3, I-4, I-5, and I-6 Districts, the hours of operation must generally conform to the business hours of the principal use, but may not exceed 6:00 a.m. to 10:00 p.m.
  - (e) An associated service use may use the parking rate for the principal use.

## 2. Agriculture and Related Uses

### Agriculture and Related Uses

#### A. Agricultural Operation<sup>103</sup>

- (1) The minimum lot area is 5 acres, unless otherwise stated for a use related to an agricultural operation.
- (2) The retail sale of agricultural products produced on site is permitted.
- (3) In the R-A District, the principal agricultural operation, together with any other principal agriculture and related uses, must occupy a minimum of 75 percent of the lot area. All accessory uses, including any detached dwelling or manufactured home, may occupy no more than 25 percent of the lot area.

#### B. Agritourism, Other<sup>104</sup>

*[standards to be inserted]*

<sup>102</sup> This carries forward provisions in Sections 10-203, 5-105, and Par. 22 of Sect. 11-102 that apply to accessory service uses, with modifications. Revisions include (1) deleting accessory service uses from the R-12 and R-16 districts based on the density and that Non-RUPs have not been issued for such uses; (2) deleting the standard that the use be oriented to cater primarily to the residents or employees of the principal use with which they are associated; (3) deleting the current option for accessory service uses in a multifamily building in PDH, PDC, and PRC because the uses are allowed in those districts; (4) deleting options for the use to be in a freestanding building; (5) deleting limitations regarding which floor of a building the use may be located on; (6) revising the maximum percentage to be based on the building instead of the development to be consistent with the current parking standard; (7) adding a maximum size for personal and business service establishments of 5,000 square feet; (8) deleting accessory service uses in the I-I District and related standards; (9) deleting the minimum number of units in a multifamily building; (10) reducing the types of uses that may be approved as associated service uses; and (11) generalizing and expanding the standard for hours of operation.

<sup>103</sup> This consolidates standards from Sections 3-A02, 3-C02, and the use limitations in multiple sections in Article 3 (e.g., Sect. 3-A05).

<sup>104</sup> This section will be completed after the pending amendment is finalized.

## C. Farm Winery, Limited Brewery, or Limited Distillery <sup>105</sup>

### Standards applicable to farm wineries, limited breweries, and limited distilleries in the R-C District:

- (1)** A farm winery, limited brewery, or limited distillery must be located on one of the following:
  - (a)** A minimum of 20 acres of contiguous land used for an agricultural operation that is under common ownership; or
  - (b)** A lot with a minimum of 5 acres used for an agricultural operation and for which a Virginia Alcoholic Beverage Control Board license was pending for the operation of a farm winery, limited brewery, or limited distillery before December 7, 2016, where such license is ultimately approved.
- (2)** A farm winery, limited brewery, or limited distillery is only allowed subject to the following:
  - (a)** A valid license for the use was issued from the Virginia Alcoholic Beverage Control Board prior to July 1, 2016. All structures, buildings, and uses were existing on July 1, 2016, and the use does not cease for a continuous period of two years or more. Any new or expanded structures, buildings, or uses require special exception approval in accordance with Paragraph (3) below; or
  - (b)** A license application for the use was filed with the Virginia Alcoholic Beverage Control Board prior to July 1, 2016, and such license is subsequently approved. The use may not commence until a special exception is approved.
- (3)** Any expansion of existing structures, buildings, or uses or construction of new buildings or structures associated with the use requires special exception approval in accordance with [reference to SE procedure], and must comply with the following additional standards:
  - (a)** All loading/unloading areas must be located at least 50 feet from all lot lines and 100 feet from all principal structures on adjacent properties, unless modified by the Board.
  - (b)** All loading/unloading areas must be screened from view of any adjacent dwelling.
  - (c)** For any new or expanded publicly accessible buildings or structures, the owner or applicant must submit plans certified by a structural engineer. The engineer must also certify to the structural integrity of the building, once the construction is complete. Such certified plans must be kept by the applicant and made available to the County for review upon request.
- (4)** A farm winery, limited brewery, or limited distillery may be used for alcohol production, sales, and tastings. The hosting of public or private events or activities is allowed in accordance with the following standards:
  - (a)** At any one time, up to 200 guests are allowed, or, if the primary access is from a major thoroughfare<sup>106</sup>, up to 300 guests are allowed, with no limit to the number or duration of events.

<sup>105</sup> This carries forward standards in the definitions in Article 20, and Sections 9-602 and 9-630 and portions of Sect. 3-C02. Submission requirements will be included in the article on procedures. Requirements addressed by general standards are not repeated.

<sup>106</sup> This is a change from "major arterial," as that functional classification of roadway does not exist.

- (b) The number of guests may exceed the limit established in paragraph (a) above during a maximum of 12 events or activities per calendar year. Each event must not exceed two days in duration.
- (c) Events or activities must not include any of the following, unless modified by the Board in accordance with *[special exception procedure]*:<sup>107</sup>
  - 1. Helicopter rides;
  - 2. Fireworks displays;
  - 3. Antique/flea markets;
  - 4. Go-cart/all-terrain vehicle tracks;
  - 5. Mechanized amusement park rides;
  - 6. Hot air balloons;
  - 7. Lodging;
  - 8. Spa services;
  - 9. The operation of a commercial restaurant requiring approval by the Health Department; or
  - 10. Any other similar use determined by the Zoning Administrator to have a substantial impact on the health, safety, and welfare of the public.
- (d) The Board may approve a special exception for the hosting of public or private events or activities which exceed the maximum number of guests, or the number or duration of events or activities stated in Paragraphs (4)(a) and (4)(b). The Board may impose conditions on the hosting of such events and activities, including conditions addressing the following:
  - 1. The number of attendees;
  - 2. The type, number, location, and duration of allowable activities;
  - 3. The adequacy of water and sanitation services to accommodate the anticipated number of attendees;
  - 4. The days and hours of such activities;
  - 5. The use of lighting or amplified sound systems; and
  - 6. The amount of parking available to accommodate the activity.
- (e) Sales and tastings as part of the regular course of business, or accessory musical accompaniment or entertainment are not considered to be a public or private event or activity.

**Standards applicable to farm wineries, limited breweries, and limited distilleries in the R-A, R-E, and R-1 Districts:**

- (5) A farm winery, limited brewery, or limited distillery must be located on one of the following:
  - (a) A minimum of 20 acres of contiguous land used for an agricultural operation that is under common ownership; or
  - (b) A lot with a minimum of 5 acres used for an agricultural operation and for which a Virginia Alcoholic Beverage Control Board license was pending for the operation of a

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<sup>107</sup> These standards may be revised as a part of a pending Zoning Ordinance Amendment for agritourism uses.

farm winery, limited brewery or limited distillery before December 7, 2016, where such license is ultimately approved.

- (6)** A farm winery, limited brewery, or limited distillery may be used for alcohol production, sales, and tastings. The hosting of public or private events or activities is allowed, as follows:
- (a)** At any one time, up to 200 guests are allowed, or, if the primary access is from a major thoroughfare, up to 300 guests are allowed, with no limit to the number or duration of events.
  - (b)** The number of guests may exceed the limit established in paragraph (a) above during a maximum of 12 events or activities per calendar year. Each event must not exceed two days in duration.
  - (c)** Events or activities must not include any of the following, unless modified by the Board in accordance with *[reference to special exception procedure]*:<sup>108</sup>
    - 1.** Helicopter rides;
    - 2.** Fireworks displays;
    - 3.** Antique/flea markets;
    - 4.** Go-cart/all-terrain vehicle tracks;
    - 5.** Mechanized amusement park rides;
    - 6.** Hot air balloons;
    - 7.** Lodging;
    - 8.** Spa services;
    - 9.** The operation of a commercial restaurant requiring approval by the Health Department; or
    - 10.** Any other similar use determined by the Zoning Administrator to have a substantial impact on the health, safety, and welfare of the public.
  - (d)** The Board may approve a special exception for the hosting of public or private events or activities which exceed the maximum number of guests, or the number or duration of events or activities stated in Paragraph (6)(a) and (6)(b). The Board may impose conditions on the hosting of such events and activities, including conditions addressing the following:
    - 1.** The number of attendees;
    - 2.** The type, number, location, and duration of allowable activities;
    - 3.** The adequacy of water and sanitation services to accommodate the anticipated number of attendees;
    - 4.** The days and hours of such activities;
    - 5.** The use of lighting or amplified sound systems; and
    - 6.** The amount of parking available to accommodate the activity.
  - (e)** Sales and tastings as part of the regular course of business, or accessory musical accompaniment or entertainment are not considered to be a public or private event or activity.

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<sup>108</sup> These standards may be revised as part of a pending Zoning Ordinance Amendment for agritourism uses.

## D. Stable, Riding or Boarding

### Standards when permitted by special exception or special permit:<sup>109</sup>

- (1) When an application for a riding or boarding stable is in conjunction with a rezoning or other action before the Board, the use may be approved as either a special exception in accordance with [reference to special exception procedure] or a special permit in accordance with [reference to special permit procedure], at the discretion of the applicant.
- (2) The minimum lot size is two acres for a riding or boarding stable where six, seven, or eight horses or ponies are kept, and five acres for a riding or boarding stable where nine or more horses or ponies are kept. This does not include any horses or ponies owned by the resident of the property.
- (3) Except for light poles and fences, all structures and riding rings associated with a riding or boarding stable must be located a minimum of 100 feet from all lot lines.
- (4) All off-street parking and loading spaces must be located a minimum of 50 feet from any adjoining property in an R district.
- (5) The Board or BZA may modify or waive the setback requirements of Par. (2) or Par. (3) above as follows:
  - (a) For stable structures, riding rings, and associated parking and loading spaces established on the lot after September 29, 2010, the BZA may reduce the 100-foot setback required in Par. (2) above to not less than 40 feet, and may reduce the 50-foot setback required in Par. (3) above to not less than 20 feet.
  - (b) For stable structures, riding rings, and associated parking and loading spaces existing on the lot prior to September 29, 2010, the BZA may modify or waive the 100-foot setback required in Par. (2) above and the 50-foot setback required in Par. (3) above.
  - (c) The applicant must demonstrate that the setback(s) are not necessary to minimize any adverse impacts on adjacent properties due to one or more of the following:
    1. Specific operational characteristics of the riding or boarding stable, such as limits on the number of horses, students and employees; use of outdoor lighting and public address systems; hours of operation; number and frequency of special events; odor mitigation: and amount and type of outdoor activity.
    2. Conditions that adequately buffer adjacent properties from the riding or boarding stable, which may include but are not limited to: topography, vegetation, location or orientation of on-site structures, proximity of adjacent dwelling units, development of adjacent properties with non-residential uses, or existence of roads or major utilities.
- (6) A riding or boarding stable may include a veterinary hospital if the hospital complies with the following requirements:
  - (a) All facilities must be within a completely enclosed building.
  - (b) The construction and operation of all facilities must be approved by the Health Department prior to the issuance of any building permit or Non-Residential Use Permit.

<sup>109</sup> These standards are carried forward from the definition in Article 20, and Sections 8-603, 8-609, and 8-611.



**Standards when permitted as an accessory use:**

- (7) A riding or boarding stable is allowed as an accessory use in accordance with [*reference accessory use standards for keeping of animals*], and horseback riding lessons are allowed in accordance with [*reference accessory use standards for home occupations*].

### 3. Commercial Uses

#### Animal-related Services

##### A. Animal Shelter or Kennel <sup>110</sup>

**Standards when permitted by right:**

- (1) In the C-5, C-6, C-7, C-8, I-3, I-4, I-5, and I-6 Districts, a kennel or animal shelter must be located in a completely enclosed building. If any portion of the building or facilities include outdoor components, the use is allowed only in accordance with [*reference to special exception procedure*].

**Standards when permitted by special exception:**

- (2) In the R-A, R-C, R-E, and R-1 Districts, a kennel or animal shelter that contains outdoor facilities where animals are kept must comply with the following standards:
- (a) The minimum lot size is two acres; and
  - (b) Outdoor structures for the confinement, care, or breeding of animals must be located a minimum of 100 feet from all lot lines.
- (3) Off-street parking and loading must be located at least 50 feet from any adjoining property in a residential district.
- (4) The Board will consider the following in its review of an application for a special exception:
- (a) The kinds and numbers of animals proposed to be kept;
  - (b) The proposed management techniques; and
  - (c) The proposed locations that the animals will be kept on the lot.
- (5) In approving a special exception, the Board may impose conditions of approval, such as screening or minimum yard requirements, to prevent adverse impact, emission of noise, or emission of odor that would be detrimental to adjacent properties.
- (6) All animals must be kept within a building or outdoor area surrounded by a fence, wall, or other barrier designed and maintained for secure confinement.
- (7) All animals must be kept within a completely enclosed building between the hours of 10:00 p.m. and 7:00 a.m. This does not include dog-walking of boarded animals.

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<sup>110</sup> This carries forward standards in Sect. 9-530, as well as limitations on outdoor facilities located in multiple sections in the current regulations. Standards requiring soundproofing and limiting odors are not carried forward due to the difficulty of enforcing these standards. Prohibiting outdoor facilities in the commercial and P districts is not carried forward; instead, the SE standards for outdoor facilities that currently apply in the residential and industrial districts are extended to the commercial and P districts. This section includes a new requirement that animals must be kept indoors between 10:00 p.m. and 7:00 a.m.

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## B. Pet Grooming Establishment<sup>111</sup>

### Standards applicable to all pet grooming establishments:

- (1) All animals must be kept within a completely enclosed building.
- (2) Animals may not be boarded overnight.

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## C. Veterinary Hospital<sup>112</sup>

### Standards applicable to all veterinary hospitals:

- (1) The construction and operation of all facilities must be approved by the Health Department prior to the issuance of any building permit or Non-Residential Use Permit.

### Standards when permitted by right:

- (2) In the C-5, C-6, C-7, C-8, I-3, I-4, I-5, and I-6 Districts, a veterinary hospital must be located within a completely enclosed building. If any portion of the building or facilities include outdoor components, the use is allowed only in accordance with [*reference to special exception procedure*].

### Standards when permitted by special exception:

- (3) In the R-A, R-C, R-E, and R-1 Districts, the minimum lot size is one acre. If co-located with a kennel that has outdoor facilities, the minimum lot size for both uses combined is two acres.

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## Food and Lodging

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## D. Bed and Breakfast<sup>113</sup>

### Standards when permitted by special exception:

- (1) A bed and breakfast must be located within a single family detached dwelling unit, which may include residential accessory structures. Any alterations of structures must not alter their exterior appearance from that of a dwelling or residential accessory structure.
- (2) A bed and breakfast may not include a restaurant as an accessory use. However, breakfast and other light fare may be provided for guests.
- (3) All off-street parking and loading spaces must be located outside of minimum required side and rear yards that abut a residential district.
- (4) A maximum of three off-street parking spaces may be located within the minimum required front yard, except the Board may authorize additional parking spaces within the required

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<sup>111</sup> These are new standards for a new use.

<sup>112</sup> This carries forward provisions in Sect. 8-911 and in multiple locations under commercial, industrial, and planned development districts (e.g., Sect. 4-505). Standards requiring soundproofing and limiting odors are not carried forward due to the difficulty of enforcing these standards. Standards pertaining to home professional offices (Sect. 8-907) which are currently referenced in Sect. 8-911, are not carried forward for this use.

<sup>113</sup> This carries forward Sect. 9-526 and the requirement in the current definition of “bed and breakfast” for location in a single family detached dwelling unit. It does not include the requirement for the Board to determine that the use does not impact surrounding properties (Par. 1 of Sect. 9-526) because that standard is included in the general standards for a special exception.

- front yard if the proposed additional parking spaces will not adversely affect the character of the surrounding residential area.
- (5) All off-street parking spaces must be screened to minimize adverse impacts on adjacent residential properties.

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## E. Catering<sup>114</sup>

### Standards when permitted by right:

- (1) In the C-3, C-4, C-5, and PDH Districts, the maximum size of a catering establishment is 6,000 square feet of gross floor area.
- (2) In the I-3 District, the maximum size of a catering establishment is 10,000 square feet of gross floor area.
- (3) In industrial districts, retail sales may be permitted as an accessory use if the associated retail sales area is limited to ten percent of the gross floor area of the establishment.

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## F. Hotel or Motel<sup>115</sup>

### Standards applicable to all hotels or motels:

- (1) Any restaurant as an accessory use must be located within or structurally connected to the principal hotel or motel structure.

### Standards when permitted by special exception:

- (2) In industrial districts, a hotel or motel must be part of an industrial building complex containing a minimum of 100,000 square feet of gross floor area.

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## G. Restaurant<sup>116</sup>

### Standards applicable to all restaurants:

- (1) A maximum of 15 percent of the square footage of the area accessible to the public or 250 square feet, whichever is larger, may be used for accessory entertainment, as determined by the Zoning Administrator, such as dancing, billiards, live entertainment including recorded music with a DJ, or other similar uses. Any entertainment activity that exceeds these limitations is considered public entertainment.<sup>117</sup>

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<sup>114</sup> Catering is a newly-defined principal use. Catering establishments up to 5,000 square feet are currently defined as “business service and supply service establishments,” which are not permitted as a principal use in C-3 and C-4. This draft allows catering in those districts, subject to the same size limit for “small-scale production establishments.”

<sup>115</sup> This carries forward Sect. 9-512 and the standards pertaining to restaurants as an accessory use in the definition of the current use in Sect. 20-300.

<sup>116</sup> This carries forward provisions from Sections 8-703, 8-705, 9-505, 10-203, and 20-300, with modifications noted below. The provisions in Sect. 9-506 (commercial recreation restaurant standards) are not incorporated here and are proposed to be deleted.

<sup>117</sup> This modifies the standard in the current definition of “restaurant” (see Sect. 20-300), which limits space for dancing to 1/8 of the floor area available for dining and applies the new standard to all entertainment accessory uses and adds a requirement for Zoning Administrator determination.

- (2) Hookah may be offered only in conjunction with a restaurant use until 10:00 p.m. or as shown on an approved development plan, and while food is being served. A hookah lounge operated as a principal use or in conjunction with entertainment that exceeds the amount allowed in accordance with Paragraph (1) is considered a public entertainment use.

**Standards when permitted by special exception:**<sup>118</sup>

- (3) The restaurant must have similar architectural features on all sides of the building if it is freestanding, or, if it is in-line, be architecturally compatible with the building group in which it is located.
- (4) The site must be designed so that pedestrian and vehicular circulation is coordinated on-site and with the circulation on adjacent properties.
- (5) The site must be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation.
- (6) Parking and stacking spaces must be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.
- (7) In the I-3, I-4, I-5, and I-6 Districts, a restaurant must be part of an industrial building complex containing a minimum gross floor area of 30,000 square feet, and no building permit may be approved for the restaurant unless a building permit has been approved for the related industrial building(s).

**Standards when permitted as an associated service use:**<sup>119</sup>

- (8) In the R-20 and R-30 Districts, a restaurant is allowed as an associated service use if it primarily serves a multifamily building or complex.

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## H. Restaurant, Carryout

**Standards when permitted by special exception:**<sup>120</sup>

- (1) The carryout restaurant must have similar architectural features on all sides of the building if it is freestanding, or if it is in-line, be architecturally compatible with the building group in which it is located.
- (2) The site must be designed so that pedestrian and vehicular circulation is coordinated on-site and with the circulation on adjacent properties.
- (3) The site must be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation.
- (4) Parking and stacking spaces must be provided and located to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.
- (5) In the I-5 and I-6 Districts, a carryout restaurant must be part of an industrial building complex containing a minimum gross floor area of 30,000 square feet, and no building

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<sup>118</sup> This carries forward provisions from Paragraphs 1 and 5 of Sect. 9-505. Standards from Par. 1D and 5B of Sect. 9-505 are included in the general special exception criteria and are not carried forward separately in this section.

<sup>119</sup> This carries forward Par. 1 of Sect. 10-202 but deletes the minimum number of dwelling units. See also the footnote for general standards for associated service uses. Provisions in Par. 2 of Sect. 10-202 and use limitations in Sect. 10-203 pertaining to restaurants that are not carried forward as general standards are not carried forward.

<sup>120</sup> This carries forward provisions from Sect. 9-505.

permit may be approved for the restaurant unless a building permit has been approved for the related industrial building(s).

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## I. Restaurant with Drive-through<sup>121</sup>

### Standards when permitted by right:

- (1) In the PTC District, the drive-through facility and stacking spaces must be located within a multiple story building or parking structure.<sup>122</sup>

### Standards when permitted by special exception:

- (2) The use must have similar architectural features on all sides of the building if it is freestanding, or if it is in-line, be architecturally compatible with the building group in which it is located.
- (3) The site must be designed so that pedestrian and vehicular circulation is coordinated on-site and with the circulation on adjacent properties.
- (4) The site must be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation.
- (5) Parking and stacking spaces must be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.
- (6) In the commercial districts, there must be no outdoor storage or display of goods offered for sale.
- (7) In the I-5 and I-6 Districts, the use must be part of an industrial building complex containing a minimum gross floor area of 30,000 square feet, and no building permit may be approved for the restaurant unless a building permit has been approved for the related industrial building(s).
- (8) In the PDH District, a restaurant with drive-through must comply with the following additional standards:
  - (a) The use may be permitted only upon a finding by the Board that the planned development is of sufficient size to support the proposed use, and that the use is designed to serve primarily the needs of the residents of the development.
  - (b) The use must be designed and located so as to maintain the intended secondary nature of the use, and so that the associated impacts, including associated on-site and off-site vehicular traffic, noise, odors, and visual impact, will not adversely affect the residential character of the development and surrounding properties.
  - (c) All direct vehicular access to the use must be provided via the internal circulation system of a commercial area of the PDH development.<sup>123</sup>

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<sup>121</sup> This carries forward provisions from Sections 7-608 and 9-505. Par. 1D of Sect. 9-505 is addressed in the general SE standards, and the requirement in Par. 6A(3) of Sect. 9-505 for three non-automobile-related uses in the PDH District is not carried forward.

<sup>122</sup> This carries forward Par. 10 of Sect. 6-505, except the requirement that the drive-through be identified on a final development plan is carried forward in the general use standards for planned districts.

<sup>123</sup> The requirement that the PDH development contain at least three non-automobile-related commercial establishments is not carried forward (see Par. 9-505.6.A(3)).

- (d) The proposed development must provide clearly designated pedestrian facilities for safe and convenient access from surrounding residential and commercial uses.
- (9) When located in the Highway Corridor Overlay District, a restaurant with drive-through is only allowed in accordance with [*reference to special exception procedure*] and must comply with the following additional standards:<sup>124</sup>
  - (a) Access to the use must be designed to not impede traffic on public or private streets or travelways.
  - (b) Outdoor storage or display of goods is not permitted.

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## J. Retreat Center<sup>125</sup>

### Standards when permitted by special exception:

All buildings must be located a minimum of 45 feet from all street lines and minimum of 100 feet from all lot lines that abut the R-2, R-3, or R-4 District.

## Office and Financial Institutions

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## K. Alternative Lending Institution<sup>126</sup>

### Standards when permitted by right:

- (1) An alternative lending institution must be located within a shopping center building in which all uses are connected by party walls or partitions to form one continuous structure.
- (2) An alternative lending institution must not be located:
  - (a) In a Commercial Revitalization District or a Commercial Revitalization Area; or
  - (b) Adjacent to or across a public right-of-way from land upon which any of the following uses are located: public use, religious assembly, child care center, private school, or quasi-public park, playground, or athletic field.
- (3) The daily hours of operation are limited to 8:00 a.m. to 6:00 p.m.
- (4) No on-site storage or sale of automobiles is allowed.

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## L. Drive-through Financial Institution<sup>127</sup>

### Standards when permitted by right:

- (1) In the C-5, C-6, C-7, and C-8 Districts, drive-through financial institutions are allowed only when located within a shopping center building that complies with the following standards:
  - (a) The building contains at least six other uses that are connected by party walls, partitions, or similar structural members to form one continuous structure.

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<sup>124</sup> Carried forward from Sect. 7-608. The access standard is revised consistent with the purpose of the Highway Corridor Overlay District.

<sup>125</sup> This carries forward Sect. 9-305, except the current standard requires a minimum setback of 100 feet from all lot lines that abut the RA through R-4 Districts.

<sup>126</sup> This carries forward Sect. 4-705 and 4-805.

<sup>127</sup> This carries forward provisions pertaining to drive-in financial institutions in Sections 4-505, 4-605, 4-705, 4-805, 6-505, 7-608, and 9-505.

- (b) The building is subject to an approved unified site plan, and vehicular access to the drive-through financial institution is provided only via the internal circulation system of the shopping center.
- (2) In the PTC District, the drive-through facility and stacking spaces must be located within a multiple story building or parking structure.<sup>128</sup>

**Standards when permitted by special exception:**<sup>129</sup>

- (3) The institution must have similar architectural features on all sides of the building if it is freestanding, or if it is in-line, be architecturally compatible with the building group in which it is located.
- (4) The site must be designed so that pedestrian and vehicular circulation is coordinated on-site and with the circulation on adjacent properties.
- (5) The site must be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation.
- (6) Parking and stacking spaces must be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.
- (7) In the C-3 and C-4 Districts, the use must not have a separate and exclusive curb cut access to an abutting highway.
- (8) When located in the Highway Corridor Overlay District, a drive-through financial institution is only allowed in accordance with [*reference to special exception procedure*] and must comply with the following additional standards:<sup>130</sup>
  - (a) Access to the use must be designed to not impede traffic on public or private streets or travelways.
  - (b) Outdoor storage or display of goods is not permitted.

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## M. Office<sup>131</sup>

**Standards applicable to all office:**

- (1) An office is permitted by-right in the C-5, C-6, C-7, and C-8 Districts if the total gross floor area devoted to the office use does not exceed the percentages of the maximum floor area permitted on the lot based on the maximum floor area ratio allowed in the district in accordance with Table <>: Maximum Office Use Gross Floor Area.

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<sup>128</sup> This carries forward Par. 10 of Sect. 6-505, except the requirement that the drive-through be identified on a final development plan is carried forward in the general use standards for planned districts

<sup>129</sup> This carries forward provisions from Sect. 9-505, except Par. 1.D is carried forward in the general special permit and special exception standards. Outdoor storage standards are addressed with the general district standards.

<sup>130</sup> Carried forward from Sect. 7-608. The access standard is revised consistent with the purpose of the Highway Corridor Overlay District.

<sup>131</sup> This carries forward Sections 4-505, 4-605, 4-705, 4-805, 5-205, 5-305, 5-405, 9-515, and 9-509. The distinction between offices that allow display and sales of scientific, electronic, or medical equipment of a type not customarily retailed to the general public (allowed in the C-1 through C-4 District) and those that do not is not carried forward.



Table <>: Maximum Office Use Gross Floor Area			
District	Office Use Gross Floor Area as a Percent of FAR	Maximum Total FAR	Maximum Office Gross Floor Area as a Percent of Lot Area
C-5	30%	0.30	9%
C-6	25%	0.40	10%
C-7	50%	0.80	40%
C-8	50%	0.50	25%

**(2)** In commercial and industrial districts and in the PDC and PTC Districts,<sup>132</sup> an office may include laboratory facilities, pilot plants, prototype production, and the assembly, integration, and testing of goods and products, if the use complies with the following standards:<sup>133</sup>

- (a)** The use of radioactive or explosive materials, or toxic or hazardous materials as set forth in Title 40, Code of Federal Regulations, Parts 116.3 and 261.30, et. seq., is not allowed.
- (b)** The mass production or manufacturing of goods or products for sale is not allowed, except as part of a production or processing facility.
- (c)** In commercial districts, and in the PDC and PTC Districts, unless modified by the Board, the laboratory facilities, pilot plants, prototype production, and assembly, integration, and testing of goods and products must occur only within a completely enclosed building.

**Standards when permitted by special exception:**<sup>134</sup>

**(3)** The maximum percentage of office may be increased above that allowed in Par. (1) above in accordance with [reference to special exception procedure] up to 50 percent in the C-5 and C-6 Districts, to exceed 50 percent in the C-7 District, and up to 75 percent in the C-8 District. For the purpose of any increase in percentage approved by the Board, the maximum FAR means the maximum FAR permitted by right in the applicable zoning district, or as increased by special exception in accordance with [reference to relocated Sect. 9-618].<sup>135</sup>

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<sup>132</sup> Scientific research and development has been subsumed into and is now allowed as part of the office use. This changes scientific research and development from an SE use to by right in C-1 through C-4, C-7 and C-8, subject to use standards; and is changed from not allowed to by right in C-5, C-6, and I-I. In the commercial districts the size limit established in the standards may be exceeded with special exception approval.

<sup>133</sup> These standards are adapted from the SE standards for 9-509. Current distinctions on whether scientific research and development may include incidental assembly, integration, etc., are not carried forward. County staff and Clarion are continuing to explore additional distinctions for laboratory activities, which may be included in the standards for this use in a future draft.

<sup>134</sup> This carries forward provisions in Sect. 9-515 pertaining to offices and Sections 9-502 and 9-509 pertaining to establishments for scientific research and development.

<sup>135</sup> Carries forward the FAR increase provisions from Article 4 and 9-515.

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## N. Office in a Residential District<sup>136</sup>

### Standards when permitted by special exception:

- (1) In the R 1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 Districts, an office must comply with the following standards:
  - (a) The office must be located only within a Community Business Center (CBC) as shown in the adopted comprehensive plan or another area where such a use is specifically permitted in the comprehensive plan.
  - (b) The office must be located in a single-family detached dwelling that was erected prior to February 26, 1973, but not in any addition erected after that date.
- (2) In the R-30 District, an office must comply with the following standards:
  - (a) The office must be located only on the lower two floors of the primary building, or in an accessory structure as may be approved by the Board.
  - (b) The aggregate floor area of all nonresidential uses on the site, including offices, must not exceed 15 percent of the total gross floor area.
- (3) In residential districts, an office may not include laboratory facilities, pilot plants, prototype production, or the assembly, integration, or testing of goods or products.

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## Personal and Business Services

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### O. Personal Service<sup>137</sup>

#### Standards for all personal service uses:

- (1) A garment cleaning establishment that includes the mechanical cleaning of garments, articles, or goods for retail customers is limited to a maximum of 3,000 square feet of gross floor area. A larger establishment, or a linen or diaper cleaning service establishment is considered production or processing.

#### Standards when permitted as an associated service use:

- (2) In the R-20 and R-30 Districts, a personal service use is allowed as an associated service use if it primarily serves a multifamily building or complex.

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## Recreation and Entertainment

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### P. Campground<sup>138</sup>

#### Standards when permitted by special permit:

- (1) The minimum lot size is 20 acres.

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<sup>136</sup> This is a new name for an existing use. These standards are carried forward from Sect. 9-515. Permissions for the use have been changed from SE to not allowed in the R-C and R-E Districts.

<sup>137</sup> "Personal service establishments" and "garment cleaning establishments" have been consolidated. Provisions included in the current definition for "garment cleaning establishment" are carried forward. Also, the standard in Par. 1 of Sect. 10-202 for accessory service uses is carried forward, but the minimum number of dwelling units is deleted. See also the footnote for the general standards for associated service uses.

<sup>138</sup> This carries forward Sections 8-603 and 8-605, except the requirement pertaining to Health Department requirements, which is subsumed in a general use standard. The requirement for submission of a sports illumination plan will be included in Article 8: Administration and Procedures.

- (2) Off-street parking and loading spaces must be located a minimum of 50 feet from any adjoining residentially-zoned property.
- (3) Except for light poles, all structures and camp sites must be located a minimum of 100 feet from all lot lines.
- (4) Accessory activities may include picnicking, boating, fishing, swimming, outdoor games, and other similar sports and activities, but not golf driving ranges or any mechanical amusement device.

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## Q. Commercial Recreation, Indoor<sup>139</sup>

### Standards applicable to all indoor commercial recreation uses:

- (1) Indoor recreation uses that involve the discharge of a firearm must be located within a structure that is fully enclosed with steel plate and acoustical tiles, or other materials with comparable bullet-stopping and soundproofing capacities.<sup>140</sup>

### Standards when permitted by right:<sup>141</sup>

- (2) In the C-5 District, the maximum size of an indoor commercial recreation establishment is 6,000 square feet of gross floor area.

### Standards when permitted by special exception or special permit:

- (3) When an application for an indoor commercial recreation use is in conjunction with a rezoning or other action before the Board, the recreation use may be approved as either a special exception in accordance with [reference to special exception procedure] or a special permit in accordance with [reference to special permit procedure], at the discretion of the applicant.

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## R. Commercial Recreation, Outdoor<sup>142</sup>

### Standards when permitted by special permit:

- (1) Commercial outdoor recreation uses in the R-C, R-E, and R-1 Districts are limited to ropes courses, paintball, firing ranges, skeet and trapshooting ranges, and similar uses and must comply with the following standards:<sup>143</sup>
  - (a) Off-street parking and loading spaces must be located at least 50 feet from any adjacent residentially-zoned property.

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<sup>139</sup> This carries forward Sections 8-503 and 9-504. Standards pertaining to amusement arcades in Sect. 9-504 and Sect. 4-705 are not carried forward. The setback in Sect. 8-503 is not carried forward for indoor uses. The option for an SE or SP is new.

<sup>140</sup> This is a new standard.

<sup>141</sup> This standard is carried from current C-5 District standards.

<sup>142</sup> This carries forward provisions from Sections 8-504, 8-603, 8-610, 9-527, 9-531, and 9-624, except distinctions between SP and SE use standards are not maintained for this use which consolidates several current uses, and all standards are consolidated as SE standards.

<sup>143</sup> This changes the permissions for baseball hitting ranges, archery ranges, commercial swimming pools, tennis courts and other courts from an SE or SP to not allowed in the R-E and R-1 Districts. Paintball is included here, as it has been interpreted to be most similar to trapshooting. Standards in Sect. 8 610 are carried forward, except compliance with state and county law is addressed in the general use standards.

- (b) All structures associated with the use, except light poles, must be located a minimum of 100 feet from all lot lines.
- (2) In approving a special permit for the use, the BZA may include conditions of approval addressing safety and noise factors.
- (3) The minimum lot area for ropes courses is 10 acres.
- (4) The minimum lot area for paintball is 25 acres.
- (5) The minimum lot area for firing ranges and skeet and trapshooting ranges is 75 acres.
- (6) Firing ranges must comply with the following standards:<sup>144</sup>
  - (a) Backstops having a minimum height of 20 feet are required behind all target lines.
  - (b) Supplemental barriers must be provided as needed to contain all projectiles within the boundaries of the range and to minimize noise exiting the site.
  - (c) The owners, operators, tenants, or occupants of the site must implement appropriate environmental management practices for containing, controlling, and removing lead from the range in accordance with the latest edition of “Best Management Practices for Lead at Outdoor Shooting Ranges” from the U.S. Environmental Protection Agency (EPA).

**Standards when permitted by special exception:**

- (7) Off-street parking and loading spaces must be located a minimum of 50 feet from any adjoining residentially-zoned property.<sup>145</sup>
- (8) Except for light poles, fences, barriers, and containment structures approved in accordance with Paragraph (14) below, all structures used in connection with the outdoor recreation use must be located a minimum of 100 feet from any lot line.<sup>146</sup>
- (9) If the use involves mechanical or motorized rides, the following standards apply:<sup>147</sup>
  - (a) The minimum lot size is five acres.
  - (b) The use must have frontage on a public street of sufficient capacity to provide safe access and to convey the anticipated traffic associated with the proposed use, as shown by a traffic impact statement provided by the applicant.
  - (c) All mechanical or motorized rides must be located a minimum of 200 feet from any adjoining residentially-zoned property, unless the applicant demonstrates to the Board’s satisfaction that the existing topography of the site or the provision of noise attenuation measures will adequately mitigate any sound and visual impacts created by the use.
  - (d) In reviewing an application, the Board will take into consideration factors such as safety, noise, glare, and traffic and impose conditions to ensure that the use will be compatible with and not adversely impact the adjacent properties.

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<sup>144</sup> These are new standards

<sup>145</sup> This carries forward a provision repeated in Sections 8-603, 9-527, and 9-531. This standard does not currently apply to Group 5 special permit uses (“commercial recreation parks,” “commercial swimming pools, tennis courts, and similar courts,” “miniature golf courses,” and “skating facilities”).

<sup>146</sup> This carries forward a standard from 9-527 (outdoor baseball hitting and archery ranges) and applies it generally to outdoor commercial recreation uses.

<sup>147</sup> This carries forward Sect. 8-504.

- (10)** Baseball hitting and archery ranges must have a minimum lot area of two acres.<sup>148</sup>
- (11)** Except for light poles, fences, barriers, and containment structures approved in accordance with Paragraph (14) below, all structures that are used in connection with a golf driving range must be located 100 from all lot lines.
- (12)** A golf driving range is only allowed in the R-C, R-E, R-1, C-5, C-6, C-7, C-8, I-3, I-4, I-5, I-6, PDH, PRC Residential Development Areas, and PDC Districts. In the R-C, R-E, and R-1 Districts, the minimum lot size is 15 acres.<sup>149</sup>
- (13)** Miniature golf as an ancillary use to a golf driving range must comply with the following standards:<sup>150</sup>
- (a)** The miniature golf facility must be located and oriented to the interior of the site such that the use is not visible from any abutting roadway and must be adequately screened to mitigate impacts on adjacent properties. In the R E and R 1 Districts, the use may not include the use of sound emitting features.
  - (b)** In reviewing an application for a special exception, the Board will take into consideration factors such as noise, lighting, and traffic and impose any necessary conditions to ensure that the use will be ancillary to the principal golf driving range use and will also be compatible with and not adversely impact adjacent properties.<sup>151</sup>
- (14)** The Board may approve, in conjunction with the approval of a proffered rezoning or special exception for an outdoor sports facility, an increase in height or modification to the standards in [*reference to accessory structure locational standards*] for containment structures for outdoor playing fields, courts, or driving ranges designed to preclude the flight of balls or other sports equipment onto adjacent property or right-of-way, in accordance with the following requirements:<sup>152</sup>
- (a)** If a proposed containment structure is for a new facility, the use must be oriented and designed to minimize the height needed for the containment structure.
  - (b)** The material for the containment structure is limited to support structures, netting that is at least 75 percent open in an evenly distributed pattern, and guy wires.
  - (c)** To the extent practical, the containment structure must be designed so that, if it collapses, it will not fall onto adjacent property or right-of-way.
  - (d)** Signs may not be affixed to containment structures.
  - (e)** To the extent practical, containment netting must be removed when the facility is not in use due to seasonal changes or other factors.
  - (f)** A containment structure may be located on an adjacent lot, whether or not there is a principal use located on the lot.

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<sup>148</sup> This provision is from Sect. 9-527.

<sup>149</sup> This creates a new minimum acreage requirement in the R-C, R-E, and R-1 Districts.

<sup>150</sup> This carries forward Sect. 9 531. The 100-foot setback is not carried forward for this use. The minimum lot size is established for a golf driving range in the standard above and is made consistent with the golf course size standard.

<sup>151</sup> The reference to dust is deleted as not relevant.

<sup>152</sup> This carries forward Sect. 9-624, except it deletes application requirements and the restriction that a containment structure shall not be allowed for a privately-used playing field/court on a lot containing a single family dwelling, since the standards are included in this draft under a commercial use.

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## S. Entertainment, Adult

### Standards when permitted by special permit:<sup>153</sup>

- (1) An adult entertainment establishment must:
  - (a) Be located in the C-7 District within a regional shopping center;
  - (b) Abut only property that is not used or zoned for residential purposes; and
  - (c) Be located a minimum of 1,000 feet from all religious assemblies, schools, and other adult entertainment establishments.

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## T. Entertainment, Public

### Standards applicable to all public entertainment uses:<sup>154</sup>

- (1) In reviewing an application, the Board will take into consideration factors such as safety, noise, hours of operation, and traffic and impose conditions to ensure that the use will be compatible with and not adversely impact adjacent properties.
- (2) Food and beverage may be offered for sale in conjunction with the public entertainment use.

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## U. Golf Course or Country Club<sup>155</sup>

### Standards when permitted by special exception:

- (1) A golf course or country club must have a minimum lot area of 15 acres.<sup>156</sup>
- (2) Except for light poles, fences, barriers, and containment structures approved in accordance with Paragraph (5) below, all structures that are used in connection with a golf course or country club, must be located a minimum of 50 feet from all lot lines.
- (3) Off-street parking and loading spaces must be located a minimum of 50 feet from any adjoining residentially-zoned property.<sup>157</sup>
- (4) A golf course may include an accessory driving range; however, when a driving range is not accessory to a golf course, it is an outdoor commercial recreation use.
- (5) The Board may approve, in conjunction with the approval of a proffered rezoning or special exception for a golf course, an increase in height or modification to the standards in [*reference to accessory structure locational standards*] for containment structures for golf courses designed to preclude the flight of balls onto adjacent property or right-of-way, in accordance with the following requirements:<sup>158</sup>

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<sup>153</sup> This carries forward the current permissions for “adult mini motion picture theaters” and “commercial nudity establishments” and groups the uses under the use “adult entertainment.” It carries forward standards from Sect. 8-904 and 8-906.

<sup>154</sup> These standards are new.

<sup>155</sup> This carries forward Par. 1 or Sect. 9-528.

<sup>156</sup> This carries forward Par. 1 of Sect. 9-528.

<sup>157</sup> This carries forward Par. 3 of Sect. 9-528.

<sup>158</sup> This carries forward Sect. 9-624, except it deletes application requirements and the restriction that an increase in the height of a containment structure shall not be allowed for a privately-used playing field/court on a lot containing a single family dwelling, since that does not apply to this use.

- (a) If a proposed containment structure is for a new golf course, the facility must be oriented and designed to minimize the height needed for the containment structure.
- (b) The material for the containment structure is limited to support structures, netting that is at least 75 percent open in an evenly distributed pattern, and guy wires.
- (c) To the extent practical, the containment structure must be designed so that, if it collapses, it will not fall onto adjacent property or right-of-way.
- (d) Signs may not be affixed to containment structures.
- (e) To the extent practical, containment netting must be removed when the facility is not in use due to seasonal changes or other factors.
- (f) A containment structure may be located on a lot adjacent to a golf course, whether or not there is a principal use located on the lot.

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## V. Marina, Commercial<sup>159</sup>

### Standards when permitted by special exception:

- (1) The minimum lot area is two acres.
- (2) Structures, other than light poles, must be located a minimum of 100 feet from all nonriparian lot lines.
- (3) Off-street parking and loading spaces must be located a minimum of 50 feet from any adjoining residentially-zoned property.

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## W. Marina, Private Noncommercial

### Standards when permitted by right or by special permit:<sup>160</sup>

- (1) A private noncommercial marina must be under the control and direction of a board of managers composed, at least in part, of residents of the area intended to be served by the facility. Additionally, the owner of the private noncommercial marina must be a nonprofit organization having its membership limited to residents of the area.

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## X. Quasi-public Park, Playground, or Athletic Field

### Standards when permitted by right:

- (1) In the commercial and industrial districts, a quasi-public park, playground, or athletic field is allowed subject to the following:<sup>161</sup>
  - (a) The use is allowed on an interim basis for up to five years; however, upon request by the property owner, extensions of up to five years each may be approved by the Board.
  - (b) All structures and fields must be located a minimum of 100 feet from any adjoining residentially-zoned property.
  - (c) The use of lighting or loudspeakers for the athletic field or related facilities is not allowed.
  - (d) Transitional screening is required if determined necessary by the Director.

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<sup>159</sup> This carries forward the standards in Sect. 9-513.

<sup>160</sup> This applies the SP standards in planned districts, where they now serve as a guide.

<sup>161</sup> This carries forward the use limitations repeated in multiple sections for this use in Articles 4 and 5.



- (e) Parking must be provided on-site. If the use is located on the same site as another use, the Director may allow existing off-street parking to serve the use if the hours of operation of the two uses do not coincide.

**Standards when permitted by special exception:**

- (2) All structures and fields must be located a minimum of 100 feet from any adjoining residentially-zoned property.
- (3) The Board may approve, in conjunction with the approval of a proffered rezoning or special exception for a quasi-public park, playground, or athletic field, an increase in height or modification to the standards in [reference to accessory structure locational standards] for containment structures for quasi-public park, playground, or athletic field designed to preclude the flight of balls onto adjacent property or right-of-way, in accordance with the following requirements:<sup>162</sup>
  - (a) If a proposed containment structure is for a new quasi-public park, playground, or athletic field, the quasi-public park, playground, or athletic field must be oriented and designed to minimize the height needed for the containment structure.
  - (b) The material for the containment structure is limited to support structures, netting that is at least 75 percent open in an evenly distributed pattern, and guy wires.
  - (c) To the extent practical, the containment structure must be designed so that, if it collapses, it will not fall onto adjacent property or right-of-way.
  - (d) Signs may not be affixed to containment structures.
  - (e) To the extent practical, containment netting must be removed when the outdoor sports facility is not in use due to seasonal changes or other factors.
  - (f) A containment structure may be located on a lot adjacent to a quasi-public park, playground, or athletic field, whether or not there is a principal use located on the lot.

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## Y. Zoo or Aquarium<sup>163</sup>

**Standards applicable to all zoos and aquariums:<sup>164</sup>**

- (1) The Animal Services Division of the Police Department must be granted access to the premises and any necessary records to review the operation of the zoo or aquarium on a quarterly basis and is authorized to conduct unannounced inspections of facilities during daylight hours.
- (2) The keeping of animals, including wild or exotic animals as defined in Chapter 41.1 of The Code, is allowed only if the Animal Services Division of the Police Department determines that the animal does not pose a risk to public health, safety, and welfare and that there will be adequate feed, water, shelter, veterinary care, and space in the primary enclosure for the particular type of animal depending upon its age, size, and weight.

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<sup>162</sup> This carries forward Sect. 9 624, except it deletes application requirements and the restriction that an increase in the height of a containment structure shall not be allowed for a privately used playing field/court on a lot containing a single family dwelling, since that does not apply to this use.

<sup>163</sup> This consolidates provisions from Sections 6-106 and 8-612. Required compliance with federal, state, and county regulations is addressed in the general use standards.

<sup>164</sup> These standards currently apply only to the use as an SP use but are made generally applicable here.



**Standards when permitted by special permit:**

- (3)** Off-street parking and loading spaces must be located a minimum of 50 feet from any adjoining residentially-zoned property.
- (4)** If the use includes the keeping of animals outside of a completely enclosed building, it must comply with the following standards:<sup>165</sup>
  - (a)** The minimum lot area is 10 acres.
  - (b)** Except for light poles, all structures must be located a minimum of 50 feet from all lot lines.

## Retail Uses<sup>166</sup>

### Z. Convenience Store<sup>167</sup>

**Standards when permitted by right:**<sup>168</sup>

- (1)** A convenience store is allowed in the C-5, C-6, C-7, and C-8 Districts only if it is located within a shopping center building that complies with the following standards:
  - (a)** The building contains at least six other uses that are connected by party walls, partitions, or similar structural members to form one continuous structure.<sup>169</sup>
  - (b)** The building is subject to an approved unified site plan, and vehicular access to the convenience store is provided only via the internal circulation system of the shopping center.

**Standards when permitted by special exception:**<sup>170</sup>

- (2)** The convenience store must have similar architectural features on all sides of the building if it is freestanding, or if it is in-line, be architecturally compatible with the building group in which it is located.
- (3)** The site must be designed so that pedestrian and vehicular circulation is coordinated on-site and with the circulation on adjacent properties.
- (4)** The site must be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation.
- (5)** Parking and stacking spaces must be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.
- (6)** In the C-5, C-6, and C-7 Districts, no outdoor storage or display of goods offered for sale is allowed.

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<sup>165</sup> This carries forward standards in Sect. 8-612, but makes them applicable only to a zoo or aquarium where animals are kept outside of a completely enclosed building.

<sup>166</sup> The use standards for pawnshops in current Sect. 9-522 were not carried over, as they are now included in general standards or other ordinances and regulations.

<sup>167</sup> This carries forward provisions in Sections 4-505, 4-605, 4-705, 4-805, 9-505, and 10-202.

<sup>168</sup> This carries forward provisions in Sections 4-505, 4-605, 4-705, and 4-805.

<sup>169</sup> Limitations on the types of uses are not carried forward.

<sup>170</sup> This carries forward provisions in Sect. 9-505. Provisions from Par. 1D of Sect. 9-505 are addressed in the general SE standards.

- (7) In the I-5 and I-6 Districts, a convenience store must be part of an industrial building complex containing a minimum gross floor area of 30,000 square feet, and no building permit may be approved for the convenience store unless a building permit has been approved for the related industrial building(s).
- (8) When located in the Highway Corridor Overlay District, a convenience store is only allowed in accordance with [*reference to special exception procedure*] and must comply with the following additional standards:<sup>171</sup>
  - (a) Access to the use must be designed to not impede traffic on public or private streets or travelways.
  - (b) Outdoor storage or display of goods is not permitted.

**Standards when permitted as an associated service use:**<sup>172</sup>

- (9) In the R-20 and R-30 Districts, a convenience store is allowed as an associated service use if it primarily serves a multifamily building or complex.

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**AA. Drive-through, Other**<sup>173</sup>

**Standards when permitted by right:**<sup>174</sup>

- (1) In the C-8 District, other drive-throughs are permitted by right only when located within a shopping center building that complies with the following standards:
  - (a) The building contains at least six other uses that are connected by party walls, partitions, or similar structural members to form one continuous structure.
  - (b) The building is subject to an approved unified site plan, and vehicular access to the use is provided only via the internal circulation system of the shopping center.

**Standards when permitted by special exception:**<sup>175</sup>

- (2) The use must have similar architectural features on all sides of the building if it is freestanding, or if it is in-line, be architecturally compatible with the building group in which it is located.
- (3) The site must be designed so that pedestrian and vehicular circulation is coordinated on-site and with pedestrian and vehicular circulation on adjacent properties.
- (4) The site must be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation.
- (5) Parking and stacking spaces must be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.

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<sup>171</sup> Carried forward from Sect. 7-608. The access standard is revised consistent with the purpose of the Highway Corridor Overlay District.

<sup>172</sup> This carries forward Par. 1 of Sect. 10-202, but deletes the minimum number of dwelling units. See also the footnote for the general standards for associated service uses.

<sup>173</sup> This section carries forward provisions from Sections 4-805 and 9-505, except Par. 1D of Sect. 9-505 is addressed in the general SE standards.

<sup>174</sup> This carries forward provisions in Sect. 4-805 for the current “automobile-oriented use.”

<sup>175</sup> This carries forward provisions in Sect. 9-505.

- (6) In the C-5, C-6, and C-7 Districts, no outdoor storage or display of goods offered for sale is allowed.

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## **BB. Drive-through Pharmacy**

### **Standards when permitted by right:<sup>176</sup>**

- (1) In the C-5, C-6, C-7, and C-8 Districts, a drive-through pharmacy is only allowed by right when not abutting or across a local or collector street from land in a residential district.
- (2) In the PTC District, the drive-through facility and stacking spaces must be located within a multiple story building or parking structure.<sup>177</sup>

### **Standards when permitted by special exception:<sup>178</sup>**

- (3) The drive-through pharmacy must have similar architectural features on all sides of the building if it is freestanding, or if it is in-line, be architecturally compatible with the building group in which it is located.
- (4) The site must be designed so that pedestrian and vehicular circulation is coordinated on-site and with pedestrian and vehicular circulation on adjacent properties.
- (5) In the C-5, C-6, and C-7 Districts, no outdoor storage or display of goods offered for sale is allowed.
- (6) The site must be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation and parking
- (7) The site must include adequate parking and stacking spaces for the drive-through pharmacy which are located to facilitate safe and convenient vehicle and pedestrian access to all uses on the lot.

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## **CC. Drug Paraphernalia Establishment<sup>179</sup>**

### **Standards when permitted by special exception:**

A drug paraphernalia establishment may not be located within 1,000 feet of the property line of:

- (1) A parcel that is planned, zoned, or used for residential use;
- (2) A park, religious assembly, public library, school (private or public use), child care center, or home child care facility; or
- (3) Another drug paraphernalia establishment.

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<sup>176</sup> This carries forward provisions in Sections 4-505, 4-605, 4-705, 4-805, 6-106, 6-206, 6-305, and 6-505. The standards regarding circulation, parking and stacking are not carried forward as they are too vague for by right site plan review and the substantive issues are addressed by other standards in the Ordinance and PFM. The signage standard is not carried forward since it is proposed to be deleted as part of the pending Zoning Ordinance amendment for signs.

<sup>177</sup> This carries forward Par. 10 of Sect. 6-505, except the requirement that the use be identified on an approved final development plan is carried forward in the general planned development standards in Sec. 4012.1.E.

<sup>178</sup> This carries forward provisions in Sect. 9-505, except Par. 1D of Sect. 9-505 is addressed in the general standards.

<sup>179</sup> This carries forward Sect. 9-508. It substitutes use names that replace current uses (e.g., “religious assembly” for “place of worship”).

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## DD. Garden Center

### Standards when permitted by right:

- (1)** Landscape contracting services are permitted as an accessory use in accordance with the following standards:<sup>180</sup>
  - (a)** All outdoor storage and loading areas must be completely enclosed by screening.
  - (b)** There may be no outdoor storage or parking of construction equipment; construction machinery; construction vehicles; or other vehicles, such as solid waste collection vehicles, dump trucks, cement mixers, tractors, or trailers of tractor-trailer trucks.

### Standards when permitted by special exception:<sup>181</sup>

- (2)** The minimum lot area is five acres.
- (3)** All nursery stock sold must be grown or maintained on the premises.
- (4)** A garden center may also include the sale of items designed to maintain and preserve the life and health of nursery stock such as soil, mulch, plant food/nutrients, fertilizers, herbicides, insecticides, and limited related items.
- (5)** The sale of a wide range of products normally associated with a hardware, building supply, or craft store is not permitted. However, the Board may allow the retail sales of related items, in accordance with the following:
  - (a)** Such items may include landscaping materials, decorative garden features, materials for water gardens, supplies and non-powered tools for gardening, firewood, and similar items.
  - (b)** Such items may include artificial and dried plants and flowers and seasonal/holiday decorations, provided, sales of such plants and decorations must be confined to one fully-enclosed structure and to an area, designated on the special exception plat, that does not exceed the following percentages of the total gross floor area designated on the plat for the sale of all retail items:
    - 1.** 20 percent during the months of February through October; and
    - 2.** 50 percent during the months of November through January.
  - (c)** The following may not be sold: electric or gasoline powered tools; motorized equipment; sheds and outdoor storage containers; play houses or play sets; indoor furniture or outdoor lawn or patio furniture; hot tubs, spas, or pools; barbecue grills; propane fuel; food (except in conjunction with an approved special event or festival); or clothing.
  - (d)** The Board may condition the location, size and extent of any areas or structures used for the retail sale of accessory items, to include a requirement for such sales areas to be within a fully enclosed structure.
- (6)** Off-street parking spaces and loading spaces must be located a minimum of 50 feet from lot lines abutting an R district.

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<sup>180</sup> Because this use will be permitted by right in the C-5 through C-8 Districts, these standards are added based on the current use limitations for the C-8 District, which allow a contractor's office and shop.

<sup>181</sup> These standards are carried forward from Sect. 9-517. Provisions which are duplicative of other provisions in the Zoning Ordinance (e.g., use definition, general standards for approval of a special exception, general standards for accessory uses) have been removed.

- (7) All off-street parking areas, including aisles and driveways must be constructed and maintained with a dustless surface in accordance with the provisions of the Public Facilities Manual, unless a modification or waiver of the dustless surface requirement is approved by the Director.
- (8) The lot must have frontage on an arterial street as defined in the comprehensive plan.
- (9) Buildings and structures, other than light poles, must be located a minimum of 100 feet from lot lines abutting an R district.
- (10) Accessory uses may also include the following:
  - (a) Landscape contracting services utilizing nursery stock grown on the property and those accessory retail items permitted to be sold in accordance with the special exception approval, provided that all structures, equipment, vehicle storage and other areas dedicated to the landscape contracting services must be delineated on the special exception plat; and
  - (b) Special events, festivals, or classes. The Board may impose conditions on such activities, including conditions addressing the type and number of activities; the time of year during which such activities are allowed; the area of the site devoted to such activities; the use of lighting and public address systems; and parking.
- (11) The Board may impose conditions and restrictions that it deems necessary to ensure the use will be compatible with the adjacent residential area, including conditions addressing:
  - (a) Location, size, height, and use of structures;
  - (b) Location and number of commercial vehicles and equipment;
  - (c) Lighting, public address systems, and hours of operation;
  - (d) Location and type of nursery stock and materials and other items stored, displayed, or offered for sale outside. No storage, parking of equipment or vehicles used for landscape contracting services, display, or sales area may be located in any minimum required yard.
- (12) The Board may waive the requirements in Paragraphs (2), (6), and (9) above, for a plant nursery that is accessory to a single family detached dwelling that is the domicile of the nursery operator.

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## EE. Retail Sales, General<sup>182</sup>

### Standards applicable to all general retail sales:

- (1) Live auctions are allowed only in the C-8 District.<sup>183</sup>

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<sup>182</sup> This carries forward provisions in Sections 5-105, 8-703, 8-704, and 9-524. The SE for “convenience center” in the R-2 through R-8 Districts in Par. 4 of Sect. 9-507 is not carried forward, as there have been no applications for this use. This use consolidates several uses, including “adult bookstore.” The standards in this section do not preserve the differences in permissions between that use and other retail uses, consistent with how adult videos are currently treated. Standards for accessory retail in the I-I District in Par. 3 of Sect. 5-105 are not carried forward.

<sup>183</sup> This carries forward the current permissions, except the use is changed from SP to permitted by right.

**Standards when permitted by special exception:**

- (2)** Retail sales may be allowed in the I-4, I-5, and I-6 Districts, subject to the following requirements:<sup>184</sup>
- (a)** A maximum of 60 percent of the gross floor area may be devoted to retail sales, display area, and any accessory office, with the remaining gross floor area devoted to warehousing.
  - (b)** The Board must determine that the retail use will be compatible with and not adversely impact the adjacent properties and will not hinder or be contrary to the adopted comprehensive plan for commercial and industrial development in the area. To that end, the Board may impose conditions and restrictions that it deems are necessary to ensure compatibility and to mitigate potential adverse impacts, including conditions addressing:
    - 1.** Hours of operation;
    - 2.** Site development or design standards; and
    - 3.** Transitional screening and landscaping requirements.
  - (c)** The structure must be designed to promote the character of the district through architectural design that is compatible with surrounding industrial uses.
  - (d)** The Board must determine that parking for the retail and warehouse uses as required by [reference to new location of Article 11] is provided on-site or may approve a cooperative parking arrangement in accordance with the provisions of [reference to new location of Article 11].
  - (e)** The site must be designed so that pedestrian and vehicular circulation are coordinated on-site and with adjacent properties. Vehicular access to the use must to the greatest extent possible be provided via the internal circulation system of the building or complex.
  - (f)** The site must be designed to provide safe and convenient access and to minimize any potential conflicts between industrial service and delivery vehicles, passenger vehicles, and pedestrians.
  - (g)** All business, service, storage, and display of goods must be conducted within a completely enclosed building, and all refuse must be contained in completely enclosed facilities.

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**FF.Retail Sales, Large**<sup>185</sup>

**Standards when permitted by right:**<sup>186</sup>

- (1)** In the C-6, C-7, and C-8 Districts, a large retail sales establishment is only allowed if it is located within a building that contains a minimum of 1,000,000 square feet of gross floor area and a minimum of six principal uses that are connected by party walls, partitions, or similar structural members to form one continuous structure.

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<sup>184</sup> This carries forward Sect. 9-524. The reference to an establishment where retail sales are conducted only on weekends and holidays is deleted. The provision requiring public improvements needed as a result of the introduction of retail uses to industrial areas is not carried forward.

<sup>185</sup> This section carries forward provisions from Sections 4-605, 4-705, 4-805, and 9-533.

<sup>186</sup> This carries forward provisions from Sections 4-605, 4-705, and 4-805.

- (2)** In the PTC District, a large retail sales establishment is permitted only when located in a multiple story structure designed to contain at least one or more other permitted uses.<sup>187</sup>

**Standards when permitted by special exception:**<sup>188</sup>

- (3)** In the C-6, C-7, C-8, PDC, PRC and PTC Districts, the following standards apply:
- (a)** The establishment must be compatible with and not adversely impact adjacent properties and the local area road system. The Board may impose conditions and restrictions that it deems necessary to ensure compatibility and to mitigate adverse impacts, including conditions addressing:
    - 1.** Hours of operation and other operational restrictions;
    - 2.** Site development or design standards; and
    - 3.** Transitional screening and landscaping requirements.
  - (b)** Parking must be provided in accordance with Article 11 and must be designed to minimize impacts on adjacent properties through structured parking, the location and distribution of parking, landscaping techniques, or other methods. All required parking must be provided on-site.
  - (c)** The establishment must be designed so that pedestrian and bicycle circulation is coordinated on-site and with adjacent properties for the purpose of maximizing ease of inter-parcel and intra-parcel movement.
  - (d)** The establishment must be designed to provide safe and convenient access, and to minimize any potential conflicts between service and delivery vehicles, passenger vehicles, and pedestrians.
  - (e)** Outdoor lighting must be designed to minimize the impacts of glare, light trespass, and overlighting and to promote a safe and secure environment for pedestrian and vehicular traffic.
  - (f)** All structures must be designed to protect the character of the neighborhood in which they are located through the use of architectural design and site design methods. The layout and architecture must be designed to reduce monotonous effects and impacts caused by building bulk through variations in roof lines, variations in building setbacks, landscaping, enhanced architectural treatments to all sides of a building, or other methods.
  - (g)** Where there is a significant contrast in topography between the site and adjacent properties, appropriate mitigation methods, such as screening, must be used to mitigate potential noise and visual impacts.
  - (h)** All rooftop mechanical structures must be screened or fully enclosed within a structure so they are not visible from the ground level of adjacent properties.
  - (i)** All business, service, storage, and display of goods must be conducted within a completely enclosed building, and all refuse must be contained in completely enclosed facilities. However, if it is clearly subordinate to the retail sales use, outdoor seating, service, storage, and display is allowed, subject to the following requirements:

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<sup>187</sup> This carries forward Par. 5.L of Sect. 6-502.

<sup>188</sup> This carries forward Sect. 9-533. Sign standards are not carried forward because they are addressed separately in the Sign Ordinance Amendment.

1. The area and extent of all outdoor seating areas and outdoor areas for the service, storage, and display of goods must be designated on the approved special exception plat. The Board may impose conditions on the location, size, and extent of any such areas or associated structures. No such storage, display, or sales area may be located in any minimum required yard.
  2. All outdoor service, storage, and display, with the exception of outdoor seating, and up to 500 square feet of display area,<sup>189</sup> must be fully screened using structures, materials, and design elements that are compatible with those used in the principal structure. Screening methods must include one or a combination of following: solid fences, walls, berms, evergreen hedges, or fences.
- (j) In the PTC District, outdoor activities are limited to outdoor seating.

## Vehicle-related uses

### GG. Car Wash<sup>190</sup>

#### Standards when permitted by right:

- (1) In the PTC District, drive-through facilities and stacking spaces must be located within a multiple story building or parking structure.<sup>191</sup>

#### Standards when permitted by special exception:

- (2) The car wash must have similar architectural features on all sides of the building if it is freestanding, or if it is in-line, be architecturally compatible with the building group in which it is located.
- (3) The site must be designed so that pedestrian and vehicular circulation is coordinated on-site and with the circulation on adjacent properties.
- (4) The site must be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation.
- (5) Parking and stacking spaces must be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.
- (6) In the C-5, C-6, C-7, I-3, and I-4 Districts, no outdoor storage or display of goods offered for sale is allowed.
- (7) In the I-3, I-4, I-5, and I-6 Districts, a car wash must be part of an industrial building complex containing a minimum gross floor area of 30,000 square feet, and no building permit may be approved for the car wash unless a building permit has been approved for the related industrial building(s).

<sup>189</sup> The size for outdoor storage and display is increased from 250 to 500 square feet, consistent with other recent Zoning Ordinance amendments.

<sup>190</sup> This carries forward provisions in Sections 6-505 and 9-505. Requirements in Paragraphs 1D and 5B of Sect. 9-505 are addressed in the general SE standards.

<sup>191</sup> This carries forward Par. 10 of Sect. 6-505.



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## HH. Commercial Off-Street Parking<sup>192</sup>

### Standards when permitted by right or by special exception:

- (1) In the C-3, I-2 and I-3 Districts, commercial off-street parking is allowed only as part of an office, commercial, or industrial building complex containing not less than 30,000 square feet of gross floor area.
- (2) Commercial off-street parking must have safe and convenient access to a street, and ingress and egress must be provided only through driveway openings as approved by the Director in accordance with the Public Facilities Manual.
- (3) A parking space that is located contiguous to a street must have a curb between the space and the street.
- (4) A parking space that is located on the ground and is open to the sky may be located in any required yard, provided a parking space must be located a minimum distance of 10 feet from front lot line(s), except as may be qualified by the provisions of Article 13.
- (5) All structures are subject to the bulk regulations of the zoning district in which they are located, except parking structures that are completely underground may be located in any required yard, but must be located a minimum of one foot from all lot lines.<sup>193</sup>
- (6) Commercial off-street parking must be used solely for the parking of vehicles in operating condition. No motor vehicle repair work, except emergency service, is permitted in association with commercial off-street parking.

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## II. New Vehicle Storage<sup>194</sup>

### Standards when permitted by right:

- (1) New vehicle storage is limited to new automobiles, motorcycles, sport utility vehicles, pick-up trucks, and vans.
- (2) New vehicle storage may not include the following vehicles:
  - (a) Vehicles designed primarily for the transportation of 10 or more passengers;
  - (b) Trucks other than those allowed as a part of the vehicle sales and rental use type;
  - (c) Farm machinery or equipment;
  - (d) Construction machinery or equipment;
  - (e) Buses;
  - (f) Motor homes, recreational vehicles, trailers, or boats of any size;
  - (g) Mobile homes; or
  - (h) Any other specialized vehicles.
- (3) New vehicle storage is solely for the parking or storage of vehicles. The following are prohibited on-site in conjunction with new vehicle storage:

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<sup>192</sup> This carries forward Sect. 9-516, but makes the standards applicable to commercial off-street parking as a principal use where permitted, regardless of whether it is a special exception. References to other applicable provisions in this draft are located in the general standards.

<sup>193</sup> This standard may be relocated to parking (new location for Article 11) or bulk regulations.

<sup>194</sup> This carries forward Sections 4-305, 4-405, 4-605, 4-705, 4-805, 5-305, 5-405, and limitations in the use definition in Sect. 20-300. Standards relating to signs were not carried over because general signage standards apply.

- (a) Customers and clients;
  - (b) Sale of vehicles;
  - (c) Vehicle preparation; and
  - (d) Display of signs on the new vehicles, except invoices required by federal or state law.
- (4) In the C-3, C-4, C-6, C-7, C-8, I-3, and I-4 Districts, new vehicle storage is allowed only when located within a parking structure that is accessory to another use and in parking spaces that are in excess of the minimum number of required off-street parking spaces for the use to which the parking structure is accessory. The new vehicle storage must comply with the following requirements:
- (a) The owner of the parking structure must submit a parking tabulation in accordance with [reference to relocated Article 17] that demonstrates that excess parking spaces are available for the proposed new vehicle storage.
  - (b) The layout of the new vehicle storage may not hinder the internal vehicle circulation within the parking structure, and there must be no mechanical parking lift devices or fencing associated with the new vehicle storage.
  - (c) Transitional screening pursuant to [reference to relocated Article 13] is not required.

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## JJ. Truck Rental Establishment<sup>195</sup>

### Standards that apply to all truck rental establishments:

- (1) Trucks and trailers rented are limited to vehicles with not more than two axles, a maximum box length of 17 feet, and a maximum height of 12 feet, and that do not require a commercial driver's license to operate.

### Standards when permitted by special exception:

- (2) A truck rental establishment is allowed only as an ancillary use to a principal use on a lot, and the following standards apply:
- (a) The truck rental establishment is limited to the rental and minor servicing of trucks and trailers typically rented to individuals for the moving of personal belongings (i.e., rental moving vans and trailers).
  - (b) A truck rental establishment must have safe and convenient access to a street. The street frontage must be curbed, and ingress and egress must be provided only through driveway openings as approved by the Director in accordance with the Public Facilities Manual.
  - (c) The area used for the parking and storage of rental trucks and trailers may not exceed 10 percent of the total area of the site.
  - (d) All outdoor storage areas, including aisles and driveways, must be designated on the special exception plat, constructed and maintained with an approved surface in accordance with [reference to relocated Sect. 11-102], and improved in accordance with construction standards presented in the Public Facilities Manual.
  - (e) All trucks and trailers that are stored outdoors must be in operating condition.

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<sup>195</sup> This carries forward Sect. 9-525 and provisions from the definition of the use in Sect. 20-300. References to other applicable provisions in this draft are located in the general standards. The standards for Board determinations about lot characteristics are deleted here and addressed through the general standards.

- (f) Trucks and trailers stored on site may be stored only on the portion of the site designated on the special exception plat for the storage of rental trucks and trailers.
- (g) Rental trucks and trailers may not be parked or stored within 15 feet of the front lot line.
- (h) Outdoor storage areas may not be used for the storage of trucks or trailers that are not in operating condition.

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## **KK. Vehicle Fueling Station<sup>196</sup>**

### **Standards applicable to all vehicle fueling stations:**

- (1) A vehicle fueling station may not be used for the performance of major repairs; however, it may include accessory minor servicing and repair of vehicles, such as: the sales and servicing of spark plugs, batteries, distributors, breaks, and tires, but not recapping or regrooving; replacement of mufflers, tail pipes, fan belts, grease retainers, wheel bearings, and the like; greasing, lubrication, and radiator flushing; repair of carburetors, fuel, oil, and water pumps and lines; minor motor adjustments not involving removal of the head or crank case or racing the motor; and emergency wiring repairs.<sup>197</sup>
- (2) Wrecked, inoperative, or abandoned vehicles may not be stored outdoors for a period of more than 72 hours. Dismantling, wrecking, or sale of such vehicles or their parts is not permitted. A maximum of two such vehicles in the C-3, C-4, C-5, and C-6 Districts, and the PDH, PDC, PRC, and PTC Districts, and four such vehicles in the C-7, C-8, I-3, I-4, I-5, and I-6 Districts, may be stored on the site at any one time.<sup>198</sup>
- (3) A maximum of 50 square feet is allowed for accessory outdoor storage and display area for goods offered for sale.<sup>199</sup>
- (4) The retail sales of food, beverages, and other frequently needed items for household consumption is allowed, in accordance with the following:<sup>200</sup>
  - (a) The maximum gross floor area devoted to such sales is 2,500 square feet.<sup>201</sup>

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<sup>196</sup> This section carries forward and consolidates provisions from Sections 2-405, 6-106, 6-206, 6-505, 9-505, and 20-300. Requirements in Paragraphs 1D and 5B of Sect. 9-505 are addressed in the general SE standards. Provisions in Sections 6-106 and 6-206 requiring a vehicle fueling station to be located in a commercial center consisting of at least three commercial establishments that are not automobile related uses are not carried forward. The prohibition on the sale of alcoholic beverages and rental of video tapes and video cassette recorders in the current definition of “service station/mini-mart” is not carried forward.

<sup>197</sup> This carries forward and condenses provisions from the definition of “service station” and the special exception standards for the commercial and industrial districts.

<sup>198</sup> This carries forward provisions from the special exception standards for the commercial and industrial districts and the use limitations for PDH, PDC, and PTC, and extends it to the PRC District. The language prohibiting dismantling is extended to the P districts.

<sup>199</sup> This carries forward provisions from the definition of “service station” and “service station/mini-mart” in Sect. 20-300.

<sup>200</sup> This carries forward provisions from the definition of “service station/mini-mart” in Sec. 20-300.

<sup>201</sup> The allowance for up to 2,500 square feet of retail sales from the current service station/mini-mart use is extended to all vehicle fueling stations.

- (b)** The preparation of food is not allowed, except for that allowed in a Limited Food-Service Establishment pursuant to Chapter 43.1 of The Code or the use of microwave ovens by customers for purchased food items.
- (5)** In the PDH, PDC, PRC, and PTC Districts, vehicle and tool rental are not allowed.<sup>202</sup>
- (6)** In the PTC District, any vehicle repair or service must be located within a completely enclosed structure.<sup>203</sup>

**Standards when permitted by special exception:**<sup>204</sup>

- (7)** Pump islands and associated canopies may be located in any required yard.<sup>205</sup>
- (8)** The station must have similar architectural features on all sides of the building if it is freestanding, or if it is in-line, be architecturally compatible with the building group in which it is located.
- (9)** The site must be designed so that pedestrian and vehicular circulation is coordinated on-site and with the circulation on adjacent properties.
- (10)** The site must be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation.
- (11)** Parking and stacking spaces must be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.
- (12)** In the C-3 and C-4 Districts, the following additional standards apply (see Table <>: Summary of Vehicle Fueling Standards):
  - (a)** The station must be part of an office building complex containing a minimum gross floor area of 35,000 square feet.
  - (b)** The station must have no separate and exclusive curb cut access to the abutting highway.
  - (c)** The station is limited to the servicing and retail sales of products used primarily by passenger vehicles.
  - (d)** Vehicle or tool rental is not allowed.
- (13)** In the C-7, C-8, I-3, I-4, I-5, and I-6 Districts, any outdoor areas devoted to uses such as vehicle or tool rental are limited to the portion of the site designated on the special exception plat for such uses (see Table <>: Summary of Vehicle Fueling Standards).
- (14)** In the I-3, I-4, I-5, and I-6 Districts, the following standards apply (see Table <>: Summary of Vehicle Fueling Standards):
  - (a)** The station must be part of an industrial building complex containing a minimum gross floor area of 30,000 square feet.
  - (b)** No building permit may be approved for the station unless a building permit has been approved for the related industrial building(s).

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<sup>202</sup> This carries forward provisions in Sections 6 106, 6 206, and 6-505. Standards relating to signs were not carried over because general signage standards apply.

<sup>203</sup> This carries forward a provision in Sect. 6-505.

<sup>204</sup> This carries forward provisions in Sect. 9-505 and other sections as noted.

<sup>205</sup> This carries forward Sect. 2-504, except it does not include merchandise displayed on a pump island.

Table <>: Summary of Vehicle Fueling Standards (Paragraphs 12, 13, and 14) ✓ = standard applies								
Standard	Zoning District							
	C-3	C-4	C-7	C-8	I-3	I-4	I-5	I-6
Must be part of an office building complex containing a minimum GFA of 35,000 SF	✓	✓						
No separate and exclusive curb cut access to the abutting highway	✓	✓						
Limited to the servicing and retail sales of products used primarily by passenger vehicles	✓	✓						
No vehicle or tool rental	✓	✓						
Must be part of an industrial building complex containing a minimum GFA of 30,000 SF					✓	✓	✓	✓
No building permit may be approved for the station unless a building permit has been approved for the related industrial building					✓	✓	✓	✓
Outdoor areas for uses such as vehicle or tool rental are limited to the area designated on the special exception plat			✓	✓	✓	✓	✓	✓

- (15)** When located in the Highway Corridor Overlay District, a vehicle fueling station is only allowed in accordance with [reference to special exception procedure]. Access to the use must be designed to not impede traffic on public or private streets or travelways.<sup>206</sup>

## LL. Vehicle Repair and Maintenance, Light

### Standards when permitted by right:

- (1)** In the C-6, C-7, and C-8 Districts, light vehicle repair and maintenance is allowed by right if it complies with the following standards:<sup>207</sup>
- (a)** The use must be located within the main structure of a regional shopping center.
  - (b)** The shopping center and the building where the use is located must be subject to an approved unified site plan.
  - (c)** Vehicular access to the use must be provided only via the internal circulation system of the shopping center.
- (2)** In the I-5 and I-6 Districts, light vehicle repair and maintenance is allowed by right if it complies with the following standards:<sup>208</sup>
- (a)** The use is part of an industrial building complex containing a minimum gross floor area of 30,000 square feet.

<sup>206</sup> This carries forward Par. 1 of Sect. 7-608. The access standard is revised consistent with the purpose of the Highway Corridor Overlay District.

<sup>207</sup> This carries forward provisions in Sections 4-605, 4-705, and 4-805.

<sup>208</sup> This carries forward provisions in Sections 5-505 and 5-605. Aggregate floor area limitations in conjunction with accessory service uses are not carried forward.

- (b) The use does not have frontage or direct access to a street defined in the adopted comprehensive plan as a major or minor arterial.
- (3) In the PDH, PDC, and PTC Districts, the following standards apply:<sup>209</sup>
  - (a) Vehicle rental, tool rental, outdoor storage, and outdoor display of goods offered for sale are not allowed.
  - (b) Wrecked, inoperative, or abandoned vehicles may not be stored outdoors for a period of more than 72 hours, and a maximum of two such vehicles may be stored on the site at any one time.
- (4) In the PDH and PDC Districts, light vehicle repair and maintenance may be located only in a commercial center containing a minimum of three other commercial establishments.<sup>210</sup>
- (5) In the PTC District, all vehicle repair and service must occur within a completely enclosed structure.<sup>211</sup>

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## **MM. Vehicle Sales, Service, and Rental<sup>212</sup>**

### **Standards when permitted by right or by special exception:**

- (1) In the C-3, C-4, I-3, I-4, I-5, and PRC Districts, vehicle rentals but not vehicle sales are allowed. Such rentals must comply with the following additional standards:
  - (a) Rentals are limited to rental of automobiles and passenger vans. Rental of trucks or other vehicles is not allowed.
  - (b) A maximum of 25 rental vehicles may be stored on site. Vehicle storage is limited to that portion of the site designated on the special exception plat for the storage of rental vehicles.
  - (c) Maintenance and refueling of the rental vehicles on-site are prohibited.
- (2) All outdoor storage, parking, and display areas must be located on the same lot with and ancillary to a sales room, rental office, or service facility, which must be entirely enclosed on all sides.
- (3) The use must have safe and convenient access to a street, and ingress and egress must be provided only through driveway openings as approved by the Director in accordance with the Public Facilities Manual.
- (4) All structures are subject to the bulk regulations of the zoning district in which they are located, except structures that are completely underground may be located in any required yard, but must be located a minimum of one foot from all lot lines.<sup>213</sup>
- (5) Outdoor areas devoted to storage, loading, parking, and display of goods are limited to the portion of the site designated on the special exception plat for such activities. Such areas may not be used for the storage or display of vehicles that are not in operating condition.

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<sup>209</sup> This carries forward provisions in Sections 6-106, 6-206, and 6-505. Standard relating to signs was not carried over because general signage standards apply.

<sup>210</sup> This carries forward provisions in Sections 6-106 and 6-206, but the reference to “automobile-related” uses is deleted.

<sup>211</sup> This carries forward provisions in Sect. 6-505.

<sup>212</sup> This section carries forward Sect. 9-518.

<sup>213</sup> This standard may be relocated to parking (new location for Article 11) or bulk regulations.

- (6)** Outdoor storage, parking, and display areas that are located on the ground and open to the sky may be located in any required yard, provided, such areas must be located a minimum of 10 feet from all front lot line(s), except as may be qualified by the provisions of Article 13.
- (7)** Outdoor storage, parking, and display areas located contiguous to a street must have a curb between the space and the street.
- (8)** All outdoor storage, parking, and display areas, including aisles and driveways, must be constructed and maintained with an approved surface in accordance with Par. 11 of Sect. 11 102, and must be improved in accordance with construction standards presented in the Public Facilities Manual.
- (9)** In the PDC, PRM, and PTC Districts, vehicle sales and rental are allowed only when specifically identified on an approved final development plan. In addition, all vehicle display and storage must be located within an enclosed building or parking garage and any ancillary service establishment use must be located within a completely enclosed building.

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## **NN. Vehicle Transportation Services**

### **Standards when permitted by right:**

- (1)** In the C-6, C-7, C-8, PDC, PRC, PRM, and PTC Districts, vehicle transportation services must comply with the following standards:<sup>214</sup>
  - (a)** A maximum of five company vehicles are allowed on site at any given time.
  - (b)** Maintenance and refueling of vehicles on site are not allowed.
- (2)** In the I-4 District, all storage of vehicles and activities associated with vehicle transportation services must be conducted within a completely enclosed building.<sup>215</sup>

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<sup>214</sup> This carries forward provisions in Sections 4-605, 4-705, 4-805, 5-405, 6-206, 6-305, 6-406, and 6-505 that pertain to this use. The provisions relating to transitional screening and barrier requirements will be addressed in the relocated Article 13.

<sup>215</sup> This carries forward that portion of Sect. 5-405 that pertains to this use.