



# **PLANNING AND ZONING COMMISSION SEPTEMBER 9, 2025**

**September 09, 2025 at 5:30 PM**

**Wolfforth City Hall - 302 Main Street Wolfforth, TX**

## **AGENDA**

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### **CALL MEETING TO ORDER**

### **ROLL CALL AND ESTABLISH A QUORUM**

### **CITIZEN ENGAGEMENT**

This is an opportunity for the public to address the Planning and Zoning Commission regarding an item on the agenda, except public hearings that are included on the agenda. Comments related to public hearings will be heard when the specific hearing begins. Citizen comments are limited to three (3) minutes per speaker, unless the speaker requires the assistance of a translator, in which case the speaker is limited to six (6) minutes, in accordance with applicable law. Each speaker shall approach the designated speaker location, complete the citizen engagement sign in sheet and state his/her name and city of residence before speaking. Speakers shall address the Planning and Zoning Commission with civility that is conducive to appropriate public discussion. Speakers can address only the Planning and Zoning Commission and not individual city officials or employees. The public cannot speak from the gallery but only from the designated speaker location.

### **ITEMS FOR INDIVIDUAL CONSIDERATION**

- 1.** Consider and take appropriate action on minutes from June 10, 2025.
- 2.** Consider and take appropriate action on final plat for The Overlook at Alcove, Lots 1-84.
- 3.** Consider and take appropriate action on discussion for an amendment to the Wolfforth Zoning Ordinance Use Table 14.03.008.

### **ADJOURN**

In accordance with the Americans with Disability Act any person with a disability requiring reasonable accommodation to participate in this meeting should call the City Secretary at 806-855-4120 or send written request to P.O. Box 36 Wolfforth Texas 79382 at least 48 hours in advance of the meeting date.

#### Certification

I, the undersigned authority do hereby certify that the Notice of Meeting was posted at City Hall of the City of Wolfforth, Texas was posted on September 4, 2025 at 5:00 p.m.

/s/ Tara Tomlinson, Director of Development Services



# PLANNING AND ZONING COMMISSION JUNE 10, 2025

June 10, 2025 at 5:30 PM

Wolfforth City Hall - 302 Main Street Wolfforth, TX

## MINUTES

### CALL MEETING TO ORDER

Michael Adams called the meeting to order at 5:30 pm.

**ROLL CALL AND ESTABLISH A QUORUM:** Present Michael Adams, Charlotte McDonald, and Russell Dabbs

### CITIZEN ENGAGEMENT

This is an opportunity for the public to address the Planning and Zoning Commission regarding an item on the agenda, except public hearings that are included on the agenda. Comments related to public hearings will be heard when the specific hearing begins. Citizen comments are limited to three (3) minutes per speaker, unless the speaker requires the assistance of a translator, in which case the speaker is limited to six (6) minutes, in accordance with applicable law. Each speaker shall approach the designated speaker location, complete the citizen engagement sign in sheet and state his/her name and city of residence before speaking. Speakers shall address the Planning and Zoning Commission with civility that is conducive to appropriate public discussion. Speakers can address only the Planning and Zoning Commission and not individual city officials or employees. The public cannot speak from the gallery but only from the designated speaker location.

No citizens were present to comment.

### ITEMS FOR INDIVIDUAL CONSIDERATION

1. Consider and take appropriate action on minutes from April 29, 2025.

Motion made by Charlotte McDonald, second by Russell Dabbs to approve minutes from April 29, 2025. Motion carried unanimously.

2. Conduct a Public Hearing on an amendment to the Wolfforth Code of Ordinances 10.04.002 Procedures for plat renewal.

Public hearing was open at 5:31 pm. After no comments, the public hearing was closed at 5:52 pm.

3. Consider and take appropriate action on an amendment to the Wolfforth Code of Ordinances Article 10.04.002 Procedures for plat renewal.

Motion made by Russell Dabbs, second by Charlotte McDonald to recommend approval of Ordinance 2025-009 to the City Council. Motion passed unanimously.

4. Consider and take appropriate action on discussion for an amendment to the Wolfforth Zoning Ordinance Article 14.05.013- Carports in required yards.

## **ADJOURN**

Motion made by Charlotte McDonald, second by Russell Dabbs to adjourn the meeting at 6:20 pm. Motion passed unanimously.

In accordance with the Americans with Disability Act any person with a disability requiring reasonable accommodation to participate in this meeting should call the City Secretary at 806-855-4120 or send written request to P.O. Box 36 Wolfforth Texas 79382 at least 48 hours in advance of the meeting date.

## **Certification**

I, the undersigned authority do hereby certify that the Notice of Meeting was posted at City Hall of the City of Wolfforth, Texas was posted on June 6, 2025 at 5:00 p.m.

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ATTEST:

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Tara Tomlinson, Director of Development Services



## AGENDA ITEM COMMENTARY

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<b>MEETING NAME:</b>	Planning and Zoning Commission
<b>MEETING DATE:</b>	September 9, 2025
<b>ITEM TITLE:</b>	Consider and take appropriate action on final plat for The Overlook at Alcove, Lots 1-84.
<b>STAFF INITIATOR:</b>	Tara Tomlinson, Director of Development Services

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### BACKGROUND:

The attached plat has been reviewed by staff and third parties and meets the City's ordinances for approval with the attached conditions to address. Subdivision plans have been approved by Texas Commission on Environmental Quality on May 5, 2025. Per City of Wolfforth's Code of Ordinances, approval by Planning and Zoning Commission shows that the plat meets all ordinances. Public infrastructure will be accepted by City Engineer at another date. Streets around school site will be reviewed and approved by a separate measure.

### EXHIBITS:

1. Final Plat for The Overlook at Alcove, Lots 1-84

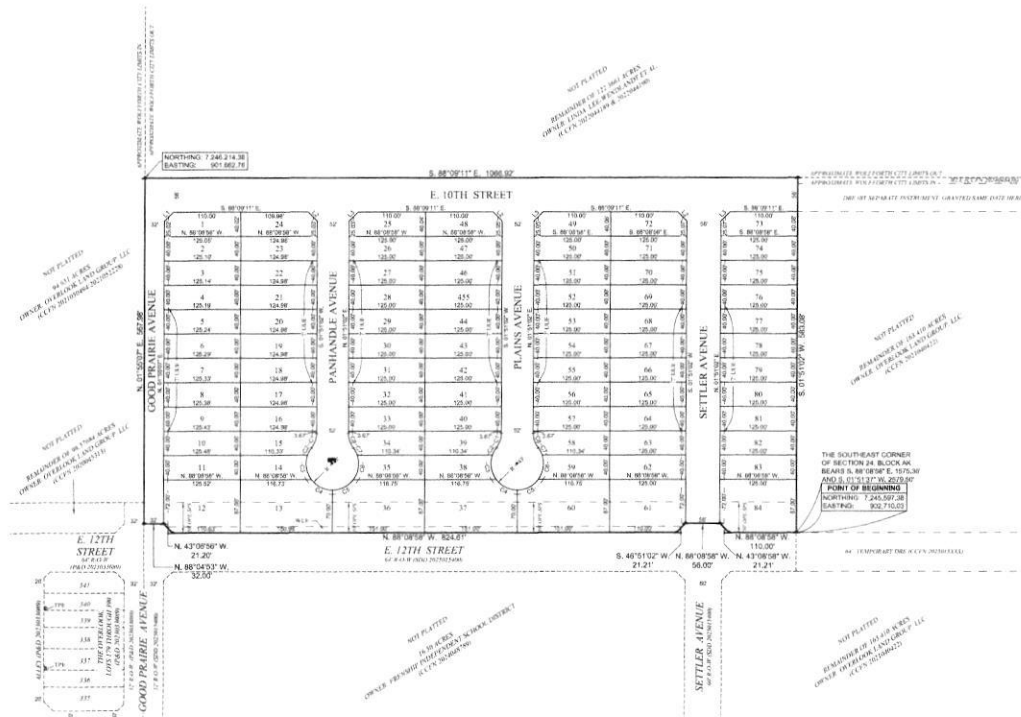
### COMMITTEE ACTION/STAFF RECOMMENDATION:

City staff recommends a recommendation for approval to the City Council.

SCALE: 1" = 100'

100'

50' 20'



- [illegible]

CCPN = COUNTY CLERK'S FILE NUMBER  
PAD = COUNTY CLERK'S PLAT AND DEICATION NUMBER  
R-LOW = RIGHT-OF-WAY  
OPE = OVERHEAD POWER LINE EASEMENT  
SPS = SOUTHWESTERN PUBLIC SERVICE CO.  
TPE = 4' X 8' (MINIMUM) TRANSFORMER PAD EASEMENT (SPIC) INDICATED BY SYMBOL 50  
WLE = WATER LINE EASEMENT  
ULE = UNDERGROUND UTILITY EASEMENT (SEE NOTE 10)

ALL CORNERS ARE MONUMENTED WITH A 1/2" IRON ROD WITH CAP MARKED "AMO ENGINEERING" UNLESS OTHERWISE SPECIFIED.

BEARINGS AND COORDINATES SHOWN HEREON ARE RELATIVE TO THE TEXAS COORDINATE SYSTEM OF 1983 (2011). TEXAS NORTH CENTRAL ZONE, AS DETERMINED BY A POINT OF ORIGIN LOCATED AT NORTHING: 7,245,217.57' AND EASTING: 899,519.77'. THE CONVERGENCE ANGLE TO TRUE NORTH IS  $+01^{\circ} 54' 46.24''$  AND THE COMBINED SCALE FACTOR IS 0.99974921.

DISTANCES SHOWN HEREON ARE AT SURFACE, IN U.S. SURVEY FEET.  
THESE PLAT LIMITS CONTAIN 14.25 ACRES OF LAND.  
DESCRIPTION OF THESE PLAT LIMITS ARE ON A SEPARATE DOCUMENT, OF SAME DATE HEREWITH.

A PORTION OF THIS SURVEYED PROPERTY LIES WITHIN THE LIMITS OF A "SPECIAL FLOOD HAZARD AREA". THE BOUNDARIES OF THESE AREAS ARE ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NOT THIS SURVEYOR. FEMA FLOOD HAZARD MAPS ARE ON FILE IN THE BUILDING INSPECTION OFFICE, CITY HALL, LUBBOCK, TEXAS AND ARE OPEN FOR PUBLIC INSPECTION.

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_  
BY THE CITY COUNCIL OF THE CITY OF WOLFFORTH, TEXAS.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

KNOW ALL MEN BY THESE PRESENTS, THAT I, LANDON MERRITT, REGISTERED PROFESSIONAL SURVEYOR, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS AND/OR OTHER CONTROL POINTS THEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF WOLFFORTH, TEXAS.

REGISTERED PROFESSIONAL LAND SURVEYOR # 6496

LUBBOCK, TEXAS 3

SURVEYED MAY 22, 2020

**AMD**

AMD Engineering, LLC  
 6515 168th Street, Suite 300  
 Eden Prairie, MN 55344

Phone: 800-777-0678  
 Fax: 952-777-7525  
 T816FLS / Reg. # 10787800

**Accuracy • Efficiency • Integrity**

PROPERTY OWNER: OVERLAND LAND GROUP, L.L.C.  
 ADDRESS: P.O. BOX 3417, LUXBURG, TEXAS 75453  
 PHONE: 940-687-7820  
 JOB NUMBER: 241010

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## AGENDA ITEM COMMENTARY

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<b>MEETING NAME:</b>	Planning and Zoning Commission
<b>MEETING DATE:</b>	September 9, 2025
<b>ITEM TITLE:</b>	Consider and take appropriate action on discussion for an amendment to the Wolfforth Zoning Ordinance Use Table 14.03.008.
<b>STAFF INITIATOR:</b>	Tara Tomlinson, Director of Development Services

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### BACKGROUND:

Due to recent growth in our commercial sector, city staff have been actively reviewing the current zoning ordinance. While most business types are adequately addressed, some specific uses remain vaguely defined, which has led to the establishment of businesses in areas that may not align with the city's long-term planning goals.

Attached is a list of specific uses that are not currently defined in our zoning ordinance and may require further clarification or regulation.

In addition to reviewing specific uses, city staff would like to explore the possibility of clarifying and consolidating the definitions of special use and conditional use under a more clearly defined category of specific use. While these terms are often used interchangeably, establishing distinct definitions and expectations will help ensure greater consistency and clarity in zoning decisions.

### EXHIBITS:

1. Current zoning ordinance
2. Proposed table additions
3. Proposed definitions of uses
4. Current special and condition use ordinances
5. Proposed specific use

### COMMITTEE ACTION/STAFF RECOMMENDATION:

Discuss and review use categories that may need to be included in the zoning ordinance.

**§ 14.03.008. Use table.**

All of the use categories listed in the table below are explained in sections 14.03.010 through 14.03.015. The second column of the use table contains an abbreviated explanation of the respective use category. If there is a conflict between the abbreviated definition and the full explanation in sections 14.03.010 through 14.03.015, the provisions of sections 14.03.010 through 14.03.015 shall control.

- (1) Allowed uses. Uses identified with an "A" are allowed by right as set forth in section 14.02.009. A "\*" identifies uses that may be subject to additional specific use regulations set forth later in article 14.04.
- (2) Conditional uses. Uses identified with a "C" are allowed subject to approval by the planning commission as set forth in section 14.02.005. A "\*" identifies uses that may be subject to additional specific use regulations set forth later in article 14.04.
- (3) Special uses. Uses identified with an "S" are allowed subject to approval by the city council as set forth in section 14.02.006. A "\*" identifies uses that may be subject to additional specific use regulations set forth later in article 14.04.
- (4) Excluded uses. The following uses shall be excluded from any and all zoning districts within the city limits.
  - (A) Meat and poultry rendering of byproducts;
  - (B) Chemical and nuclear waste storage dumps; and
  - (C) Mobile homes as defined in section 14.08.004.
- (5) Use table. Allowed, conditional and mandatory planned development uses are set forth in the following table. Uses that may be subject to additional specific use standards set forth in article 14.04 are designated with a "\*".

Use Category	Short Definition (see also article 14.08)	*	AO	R1	RH	R2	MF	RG	MHP	MHS	C1	C2	C3	M1	M2
A=Allowed S=Special Use	C= Conditional *=Specific use regulations may apply														
Group Living	Residential occupancy that does not meet the definition of "household living"	*	—	—	—	—	A	—	—	—	A	A	A	—	—
Household Living	Residential occupancy of a dwelling by a "household"	*	A	A	A	A	A	A	A	A	C	C	C	C	C
Recovery Facility, Alcohol and Drug	Residential programs that provide care and training or treatment for psychiatric, alcohol or drug problems	*	—	—	—	—	—	—	—	—	—	A	A	A	A
College	Institutions of higher learning	*	—	—	—	—	—	—	—	—	—	A	A	—	—
Community Services	Public, nonprofit, or charitable uses providing service to the community		—	—	—	—	—	—	C	C	A	A	A	C	C
Day Care	Care, protection and supervision for children or adults on a regular basis	*	—	—	—	—	—	—	—	—	A	A	A	C	C
Detention Facilities	Facilities for detention of incarcerated people		—	—	—	—	—	—	—	—	—	—	S	S	S
Golf Course, Golf Driving Range	Facilities for golf, including practice areas	*	S	S	—	—	S	S	S	S	S	S	S	S	S
Hospital	Medical or surgical care, with overnight care	—	—	—	—	—	—	—	—	—	—	C	C	C	C
Parks and Open Areas	Natural areas consisting mostly of vegetative landscaping, outdoor recreation, gardens, etc.		A	A	A	A	A	A	A	A	A	A	A	A	A
Religious Institutions	Meeting areas for religious activities		C	C	C	C	C	C	C	C	A	A	A	A	A
Safety Services	Public safety and emergency services		C	C	C	C	C	C	C	C	A	A	A	A	A
Schools	Elementary, middle, or high school level schools		C	C	C	C	C	C	C	C	C	A	A	—	—
Utilities, Basic	Infrastructure that needs to be located in or near the area where the service is provided		A	A	A	A	A	A	A	A	A	A	A	A	A

Use Category	Short Definition (see also article 14.08)	*	AO	R1	RH	R2	MF	RG	MHP	MHS	C1	C2	C3	M1	M2
Auto and Boat Dealer	Sales of cars, light trucks and boats	*	—	—	—	—	—	—	—	—	—	—	A	A	A
Bed & Breakfast	A single-family dwelling offering overnight accommodations	*	S	S	—	—	S	—	—	—	C	C	A	C	C
Campground/Recreational Vehicle Park	Temporary, often overnight accommodations for camping units and recreational vehicles		S	—	—	—	—	—	S	—	—	—	S	S	S
Game Hall	A game arcade, bingo, billiard or pool hall	*	—	—	—	—	—	—	—	—	—	—	C	C	C
Game Room	Any real estate where one of the uses is the playing amusement redemption machines.	*											C	C	C
Office	Activities in an office setting focusing on business, government, professional, medical or financial services		—	—	—	—	—	—	—	—	A	A	A	A	A
Bars & Taverns	The sale of beer, wine and mixed alcoholic beverages for consumption on the premises as the primary business activity.	—	—	—	—	—	—	—	—	—	—	—	A		A
Parking, Commercial	Parking not accessory to an allowed use, fees may be charged		—	—	—	—	—	—	—	—	C	A	A	A	A
Recreation and Entertainment, Outdoor	Large commercial uses that provide continuous recreation or entertainment		—	—	—	—	—	—	—	—	—	—	S	S	S
Rental, Equipment	Firms leasing or renting heavy vehicles, equipment and machinery under 3.5 tons to the public, may also provide product repair	*	—	—	—	—	—	—	—	—	—	—	A	A	A
Retail Sales and Service	Firms involved in the sale or new or used products to the public, may provide personal services, entertainment or product repair	*	—	—	—	—	—	—	—	—	A	A	A	C	C
Self-Service Storage	Uses providing separate storage areas for individuals or businesses	*	—	—	—	—	—	—	—	—	C	C	A	A	A

Use Category	Short Definition (see also article 14.08)	*	AO	R1	RH	R2	MF	RG	MHP	MHS	C1	C2	C3	M1	M2
Vehicle Repair	Service to passenger vehicles, light or medium trucks, other consumer motor vehicles, generally, the customer does not wait at site while service is being performed	*	—	—	—	—	—	—	—	—	—		C	A	A
Vehicle Service, Limited	Direct services to vehicles where the customer generally waits nearby while the service is performed	*	—	—	—	—	—	—	—	—	A	A	A	A	A
Vehicle Wash	Automatic or nonautomatic facilities for washing vehicles		—	—	—	—	—	—	—	—	A	A	A	A	A
Veterinary Clinics, Small Animals	Offices and clinics for small, non-hoofed animals		—	—	—	—	—	—	—	—	A	A	A	A	A
Industrial Service	Firms servicing industrial, business or consumer machinery, equipment, products or byproducts		—	—	—	—	—	—	—	—	—	—	—	A	A
Manufacturing and Production, Light	Firms involved in assembly, light manufacturing, processing, fabrication, or packaging of goods	*	—	—	—	—	—	—	—	—	—	—	—	A	A
Manufacturing and Production, Heavy	Firms involved in heavy manufacturing, production or fabrication of goods		—	—	—	—	—	—	—	—	—	—	—	—	A
Warehouse and Freight Movement	Firms involved in storage or movement of goods		—	—	—	—	—	—	—	—	—	—	C	A	A
Waste-Related Use	Uses that receive recycled materials or wastes for disposal on-site or transfer to another location, uses that collect sanitary wastes, or that produce goods or energy from composting	*	—	—	—	—	—	—	—	—	C	C	C	A	A
Wholesale Trade	Firms involved in sale, lease, or rental of products for industrial, institutional, or commercial business	*	—	—	—	—	—	—	—	—	—	—	C	A	A
Agriculture	Raising or producing plants		A	—	—	—	—	—	—	—	—	—	—	C	C
Animal Kennel	Facilities for overnight care of animals, except horses		—	—	—	—	—	—	—	—	—	—	—	C	C

Use Category	Short Definition (see also article 14.08)	*	AO	R1	RH	R2	MF	RG	MHP	MHS	C1	C2	C3	M1	M2
Entertainment Event, Major	Activity or structure that draws large numbers of people to specific events		—	—	—	—	—	—	—	—	—	—	S	S	S
Firearms Range	Indoor or outdoor facilities for discharging firearms	*	S	—	—	—	—	—	—	—	—	—	S	S	S
Horse Boarding and Riding Academy	Overnight care of horses, with or without related equestrian facilities		S	—	—	—	—	—	—	—	—	—	—	C	C
Mining	Extraction of mineral or aggregate resources for off-site use		S	—	—	—	—	—	—	—	—	—	—	C	C
Passenger Terminals	Facilities for the arrival or departure of airplanes, trains or buses		—	—	—	—	—	—	—	—	—	—	C	C	C
Plant Nursery	Facilities producing flowers, shrubs, horticultural or household plants for retail or wholesale trade		A	—	—	—	—	—	—	—	—	C	A	A	A
Telecommunications Facilities	Devices and supporting elements necessary to produce non-ionizing electromagnetic radiation operating to produce a signal	*	C	C	C	C	C	C	C	C	C	C	C	A	A
Any Use(s) Deemed Appropriate	Only where such uses(s) can provide effective transition between less restrictive and more restrictive zoning districts	*	S	S	S	S	S	S	S	S	S	S	S	S	S
Light Manufacturing	Food and beverage processing; drug processing, tobacco manufacture; building materials processing; light metal fabrication; jewelry fabrication; processing and fabrication of optical and scientific instruments; artificial limb fabrication; broom fabrication; manufacture of wearing apparel including boots and shoes; bags and mattress manufacture		—	—	—	—	—	—	—	—	—	—	—	A	A
Small Residential/Commercial Windmills	Windmills of less than 35 feet in height as described	*	A	A	A	A	—	—	—	—	A	A	A	A	A

Use Category	Short Definition (see also article 14.08)	*	AO	R1	RH	R2	MF	RG	MHP	MHS	C1	C2	C3	M1	M2
Residential/Commercial Windmills	Larger windmills designed to supply power to a single location. Residential occupancy of a dwelling by a "household"	*	S	S	S	S	S	S	S	S	S	S	S	S	S
Industrial Windmills	Windmills designed to generate electricity for sales	*	—	—	—	—	—	—	—	—	—			S	S
Meat Processing with Retail Front	Processing, packaging, curing, cooking, and selling of goods. Goods are sold on site.												S		

(Ordinance adopted 3/21/2022; Ordinance 2023-028 adopted 11/20/2023; Ordinance 2025-006 adopted 3/17/2025)

**§ 14.03.010. Use categories; general.**

- (a) Basis for classifications. Use categories classify land uses and activities into use categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.
- (b) Principal use characteristics. Principal uses are assigned to the category that most closely describes the nature of the principal use. The "Characteristics" subsection of each use category describes the common characteristics of each principal use.
  - (1) Considerations used in categorizing principal uses. The following considerations shall be used to determine what category a use is in and whether the activities are to be considered principal or accessory uses.
    - (A) The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category.
    - (B) The relative amount of site area or floor space and equipment devoted to the activity.
    - (C) Relative amounts of sales from each activity.
    - (D) The customer type for each activity.
    - (E) The relative number of employees in each activity.
    - (F) Hours of operation.
    - (G) Building and site arrangement.
    - (H) Vehicles used with the activity.
    - (I) The relative number of vehicle trips generated by the use.
    - (J) Signs.
    - (K) How the use advertises itself.
    - (L) Whether the activity is likely to be found independent of the other activities on the site.
  - (2) Developments with multiple principal uses. When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore and bakery, for example, would be classified in the Retail Sales and Service category because all of the development's principal uses are in that category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable

category and each use is subject to all applicable regulations for that category.

- (c) Accessory uses. Accessory uses are allowed by-right only in conjunction with a principal use. Unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions.
- (d) Use of examples. The "Examples" subsection of each use category lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself "wholesale warehouse" but that sells mostly to consumers, is included in the Retail Sales and Service category rather than the Wholesale Trade category. This is because the actual activity on the site matches the description of the Retail Sales and Service category.

(Ordinance adopted 3/21/2022)

#### **§ 14.03.012. Institutional and civic use categories.**

##### **(a) Colleges.**

- (1) Characteristics. This category includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. Colleges tend to be in campus-like settings or on multiple blocks.
- (2) Accessory uses. Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities and support commercial.
- (3) Examples. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital and seminaries.
- (4) Exceptions. Business and trade schools are classified as Retail Sales and Service.

##### **(b) Community Services.**

- (1) Characteristics. Community Services are uses of a public, non-governmental but not-for-profit, social service, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions should be open to the general public to join at any time (for instance, any senior citizen could join a senior center). The use may provide special counseling, education, or training of a public, non-profit or charitable nature.
- (2) Accessory uses. Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas; and athletic facilities.
- (3) Examples. Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, social service facilities, temporary shelters, vocational training for persons with physical or mental

disabilities, crematoriums, columbariums and mausoleums.

(4) Exceptions.

- (A) Private lodges, clubs and private or commercial athletic or health clubs are classified as Retail Sales and Service.
- (B) Commercial museums are classified as Retail Sales and Service.
- (C) Parks are classified as Parks and Open Areas.
- (D) Uses where tenancy is arranged on a month-to-month basis, or for a longer period, are residential and are classified as Household or Group Living.

(c) Day Care.

- (1) Characteristics. Day Care uses provide care, protection and supervision for children or adults on a regular basis, away from their primary residence, for less than 24 hours per day.
- (2) Accessory uses. Accessory uses include offices, outdoor recreation areas and parking.
- (3) Examples. Examples include preschools, child care centers, nursery schools, latch key (after school) programs and adult day care programs.
- (4) Exceptions. Day Care does not include public or private schools or facilities operated in connection with an employment use, shopping center or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity. Certain limited day care operations are allowed in all residential districts, as customary home occupations, subject to specific standards of section 14.04.011.

(d) Detention Facilities.

- (1) Characteristics. Detention Facilities includes facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision by sworn officers, except when on an approved leave.
- (2) Accessory uses. Accessory uses include offices, recreational and health facilities, therapy facilities, maintenance facilities, hobby and manufacturing activities.
- (3) Examples. Examples include prisons, jails, probation centers and juvenile detention homes.
- (4) Exceptions.
  - (A) Programs that provide care and training or treatment for psychiatric, alcohol, or drug problems, where patients are residents of the program, but where patients are not supervised by sworn officers, are classified as Group Living.
  - (B) Programs that provide transitional living experience for criminal offenders, such as halfway houses or restitution centers where residents are not under 24-hour

supervision, are classified as Group Living.

(e) Hospitals.

- (1) Characteristics.Hospitals include uses providing medical or surgical care to patients and offering overnight care.
- (2) Accessory uses.Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias and other support commercial activity, parking, maintenance facilities and housing facilities for staff or trainees.
- (3) Examples.Examples include medical centers and hospitals.
- (4) Exceptions.
  - (A) Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Recovery Facility category.
  - (B) Medical clinics that provide outpatient medical or surgical care exclusively, where patients are not kept overnight, are classified as Office.
  - (C) Emergency medical clinics are classified as Retail Sales and Service.
  - (D) Nursing and convalescent homes are classified as Group Living.

(f) Parks and Open Areas.

- (1) Characteristics.Parks and Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Land characterized as Parks and Open Area tends to have few structures.
- (2) Accessory uses.Accessory uses may include clubhouses, maintenance facilities, concessions, indoor recreation or education centers, caretaker's quarters and parking.
- (3) Examples.Examples include parks, cemeteries, public squares, plazas, recreational trails, botanical gardens, nature preserves and land used for grazing animals (not part of a farm or ranch) kept for personal use and enjoyment.
- (4) Exceptions.
  - (A) Golf courses and golf driving ranges are not classified as Parks and Open Areas. Golf courses and golf driving ranges comprise a separate use category.
  - (B) Facilities intended to draw large numbers of people to specific events or shows are classified as Entertainment Events, Major. These include fairgrounds, sports arenas and outdoor amphitheaters.

(g) Religious Institutions.

- (1) Characteristics.Religious Institutions primarily provide meeting areas for religious worship and education.

- (2) Accessory uses. Accessory uses include classroom and meeting facilities used primarily for religious education, parking, caretaker's housing and on-site group living facilities such as convents, parsonages and rectories.
  - (3) Examples. Examples include churches, temples, synagogues and mosques.
  - (4) Exceptions. Ministries offering service to the general public, such as marriage counseling, are classified as Office.
- (h) Safety Services.
- (1) Characteristics. Safety Services are uses that provide public safety and emergency response services. They often need to be located in or near the area where the service is provided. Employees are regularly present on-site.
  - (2) Accessory uses. Accessory uses include offices and parking.
  - (3) Examples. Examples include fire stations, police stations and emergency medical and ambulance stations.
- (i) Schools.
- (1) Characteristics. This category includes public and private schools providing a basic curriculum equivalent to an elementary or secondary school.
  - (2) Accessory uses. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums and before- or after-school day care.
  - (3) Examples. Examples include public and private daytime schools, boarding schools and military academies.
  - (4) Exceptions.
    - (A) Preschools are classified as Day Care uses.
    - (B) Business and trade schools are classified as Retail Sales and Service.
- (j) Utilities, Basic.
- (1) Characteristics. Basic Utilities are infrastructure service facilities that need to be located in or near the area where the service is provided. Basic Utility uses generally do not regularly have employees at the site. Services may be publicly provided, or provided by locally-franchised private utility services.
  - (2) Accessory uses. Accessory uses may include parking and control, monitoring, data or transmission equipment.
  - (3) Examples. Examples include water and sewage pump stations; electrical substations; water towers and reservoirs; stormwater retention and detention facilities; telephone exchanges; and park-and-ride facilities for mass transit.
  - (4) Exceptions.

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- (A) Services where people are generally present are classified as Community Services, Offices, or Safety Services.
  - (B) Utility offices where employees or customers are generally present are classified as Offices.
  - (C) Bus barns are classified as Warehouse and Freight Movement.
  - (D) Yards and structures used for storage and servicing of utility-related vehicles, material and equipment are classified Industrial Services.
- (Ordinance adopted 3/21/2022)

**§ 14.03.013. Commercial use categories.****(a) Auto and Boat Dealers.**

- (1) Characteristics. Auto Sales firms involve the sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, recreational vehicles and boats.
- (2) Accessory uses. Vehicle Repair and maintenance shall be allowed on the same lot as an Auto or Boat Dealer, so long as such repair and maintenance is clearly subordinate, accessory and incidental to the Auto or Boat Dealer.
- (3) Exceptions.
  - (A) Sales, rental or leasing of heavy trucks and equipment or manufactured housing units are classified as Wholesale Trade.

**(b) Campground/Recreational Vehicle Park.**

- (1) Characteristics. Campgrounds and recreational vehicle parks are intended for camping units or recreational vehicles (of the general public) occupied as temporary living quarters for recreational, educational or vacation purposes.
- (2) Accessory uses. Accessory uses include laundry facilities, convenience groceries, indoor/outdoor games and boat rental.
- (3) Exceptions. Travel trailers, motorized recreational vehicles and other such relocatable housing that does not meet the definition of either a "mobile home" or of "manufactured housing" may be occupied within a manufactured housing park, provided these types of accommodations do not exceed 30 percent of the total units in the park.

**(c) Office.**

- (1) Characteristics. Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.
- (2) Accessory uses. Accessory uses may include sundry shops, cafeterias, health facilities, parking, or other amenities intended primarily for the use of employees in the firm or

building.

- (3) Examples. Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; data processing; sales offices; government offices and public utility offices; TV and radio studios; medical and dental clinics (not including veterinary clinics), medical and dental labs; and blood-collection facilities.

(4) Exceptions.

- (A) Offices that are part of and located with a principal use in another category are considered accessory to the firm's primary activity. Headquarters offices, when located on the same premises as or adjacent to a principal use in another category, are considered part of the other category.
- (B) Offices for construction contractors and others who perform services off-site are included in the Office category if equipment and materials are not stored on the office site and fabrication, services, or similar work is not carried on at the office site.
- (C) Veterinary clinics for small, non-hoofed animals shall be classified as a separate use category. Veterinary clinics for large, hoofed animals shall be classified as Industrial Services.

(d) Parking, Commercial.

- (1) Characteristics. Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.
- (2) Accessory use. In a parking structure only, accessory uses may include gasoline sales, car washing and vehicle repair activities if these uses provide service only to vehicles parked in the garage.
- (3) Examples. Examples include short- and long-term fee parking facilities and mixed parking lots (partially accessory to a specific use, partly for rent to others).
- (4) Exceptions.
- (A) Parking facilities that are accessory to a use, but for which a fee is charged to the public to park for occasional events nearby, are not considered Commercial Parking facilities.
- (B) Parking facilities that are accessory to a principal use are not considered Commercial Parking uses, even if the operator leases the parking facility to the principal use or charges a fee to the individuals who park in the facility.
- (C) Public transit park-and-ride facilities are classified as Basic Utilities.

(e) Plant Nurseries.

- (1) Characteristics. Plant Nurseries are comprised of land and buildings used for floricultural or horticultural plant production for retail or wholesale trade. This use category includes commercial greenhouses where the roof and sides of such buildings are made largely of transparent/translucent materials and in which temperature and humidity can be regulated for cultivation of delicate or out-of-season plants, for subsequent sale.
  - (2) Accessory uses. Accessory uses include office buildings, barns and sheds for storing materials and equipment, buildings for allowable retail sales. Selling lawn and garden supplies and equipment as well as plant material produced off-premises is ordinarily allowed in conjunction with a plant nursery, except in an AO District.
  - (3) Exceptions. In AO Districts, the only retail sales allowed are of plant material produced on those same premises. In AO Districts, plant nurseries shall not include sales of lawn and garden supplies and equipment, nor shall the sale of plant material produced off-premises be allowed.
- (f) Recreation and Entertainment, Outdoor.
- (1) Characteristics. Outdoor Recreation and Entertainment uses are large, generally commercial uses that provide continuous recreation or entertainment-oriented activities. They primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting.
  - (2) Accessory uses. Accessory uses may include concessions, restaurants, parking, caretaker's quarters and maintenance facilities.
  - (3) Examples. Examples include amusement parks, theme parks, miniature golf facilities and zoos.
  - (4) Exceptions.
    - (A) Golf courses and golf driving ranges are classified as a separate, distinct use category.
    - (B) Uses that draw large numbers of people to periodic events, rather than on a continuous basis, are classified as Major Entertainment Events.
    - (C) An amusement facility housed entirely indoors is classified as Retail Sales and Service.
- (g) Retail Sales and Service.
- (1) Characteristics. Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.
  - (2) Accessory uses. Accessory uses may include offices, storage of goods and equipment, manufacture or repackaging of goods for on-site sale, and parking.
  - (3) Examples. Examples include uses from the four following groups:

- (A) Sales-oriented: Stores selling, leasing, or renting consumer, home and business goods generally intended for actual use by the buyer or renter and not for resale, including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden equipment and supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery and videos.
  - (B) Personal service-oriented: Branch banks; emergency medical care; laundromats; photographic studios; photocopy and blueprint services; print shops and lithographers (where finished goods are sold primarily onsite and to the general public, not to wholesalers); hair, tanning and personal care services; photo developing and clothes cleaning, with customer drop-of and pickup; business, martial arts and other trade schools; dance or music classes; taxidermists; mortuaries; and animal grooming.
  - (C) Entertainment-oriented: Restaurants, cafes, delicatessens, indoor continuous entertainment activities such as bowling alleys and ice rinks; dance halls; theaters, health clubs, gyms, membership clubs and lodges; hotels, motels, campgrounds, recreational vehicle parks and other temporary lodging with an average length of stay of less than 30 days.
  - (D) Repair-oriented: Repair of televisions, bicycles, clocks, watches, shoes, guns, appliances and office equipment; tailor; locksmith; and upholsterer.
- (4) Exceptions.
- (A) Repair and service of household consumer motor vehicles, motorcycles and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment and heavy trucks is classified as Industrial Service.
  - (B) Sales, rental, or leasing of heavy trucks and equipment or manufactured housing units are classified as Wholesale Trade.
  - (C) Hotels, restaurants and other services that are part of a truck stop are considered accessory to the truck stop which is classified as Industrial Service. In certain situations, hotels and motels may be classified as a Community Service use, such as short-term housing or mass shelter. See "Community Services."
  - (D) Game arcades, billiard and pool halls are not classified as Retail Sales and Services. Game halls are classified as a separate use category.
  - (E) Auto and boat dealers are not classified as Retail Sales and Services. Auto and boat dealers are classified as a separate use category.
  - (F) Sales of farm and ranch supplies and/or equipment are classified as Wholesale Trade.
  - (G) Bars and Taverns are not classified as Retail Sales and Services. Bars and Taverns are classified as a separate use category.
- (h) Self-Service Storage.

- (1) Characteristics. Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.
  - (2) Accessory uses. Accessory uses may include living quarters for a resident administrator or security and leasing offices. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the Self-Service Storage use.
  - (3) Examples. Examples include facilities that provide individual storage areas for rent. These uses are also called mini-warehouses.
  - (4) Exceptions. A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Warehouse and Freight Movement category.
- (i) Vehicle Repair.
- (1) Characteristics. Vehicle Repair firms service passenger vehicles, light and medium trucks and other household consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.
  - (2) Accessory uses. Accessory uses may include offices, sales of parts and vehicle storage.
  - (3) Examples. Examples include general automotive repair; specialty shops for transmission, brake, muffler, radiator or alignment repair; auto body shop; auto upholstery shop; auto customizing; and tire sales and mounting.
  - (4) Exceptions. Repair and service of industrial vehicles and equipment and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as Industrial Service.
- (j) Vehicle Service, Limited.
- (1) Characteristics. Limited Vehicle Service uses provide direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed.
  - (2) Accessory uses. Accessory uses may include minor auto repair and minor auto parts sales.
  - (3) Examples. Examples include full-service, mini-service and self-service fuel stations; and quick lubrication services.
  - (4) Exceptions. Refueling facilities for vehicles that belong to a specific use (fleet vehicles) are considered accessory uses if they are located on the site of the principal use.
- (k) Veterinary Clinics, Small Animals.
- (1) Characteristics. Diagnosis and treatment of diseases and injuries of animals, especially domestic animals. On-site diagnosis and treatment of large, hooved animals shall not be

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allowed at such veterinary clinics. Outside boarding of any animals shall not be allowed.

- (2) Accessory uses. Accessory uses shall include laboratories, parking, and fenced-in areas for exercising (not boarding) animals admitted for treatment or care.
- (3) Exceptions. Veterinary clinics for on-site diagnosis and treatment of large, hoofed animals shall be classified as Industrial Services.

(l) Bars and Taverns.

- (1) Characteristics. The sale of beer, wine and mixed alcoholic beverages for consumption on the premises exceeds 75% of the gross revenues of the establishment.

(m) Meat Processing with Retail Front.

- (1) Characteristics. Processing, packaging, curing, cooking, and selling of goods. Products may be finished or semi-finished and are sold wholesale or for individual use. Goods are displayed and sold on site. The curing, cooking, and selling of products shall be considered the principal use. Less than 25% of the property is used for slaughterhouse or less than 5,000 square feet of the property is designated for this use whichever is smaller.
- (2) Accessory Use. Accessory use may include office, storage of goods and equipment, manufacturing or repacking of goods for on-site sale, and parking.
- (3) Examples. Store that sells, cures, cooks, and packages meat with a nonprincipal use of a slaughterhouse.

(n) Game Room.

- (1) Characteristics. A for-profit business located in a building or place that contains, in any combination, six or more amusement redemption machines that, for consideration, afford a player the opportunity to obtain a prize or thing of value, the award of which is determined solely or partially by chance, regardless of whether the contrivance is designed, made, or adopted solely for bona fide amusement purposes.
- (2) Accessory Use. Accessory uses may include offices or storage.
- (3) Examples. Game halls, as defined in this code, are not classified as game rooms and are a separate use category.

(Ordinance adopted 3/21/2022; Ordinance 2023-028 adopted 11/20/2023; Ordinance 2025-006 adopted 3/17/2025)

**§ 14.03.014. Industrial use categories.**

(a) Industrial Service.

- (1) Characteristics. Industrial Service firms are engaged in the repair or servicing of industrial, business or household consumer machinery, equipment, products or by-products. Firms that service household consumer goods do so by mainly providing

centralized services for separate retail outlets. Construction contractors and building maintenance services and similar uses typically perform services off-site. Relatively few customers, especially the general public, come to the site.

- (2) Accessory uses. Accessory activities may include offices, parking and storage.
- (3) Examples. Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing (including wash) and repair; tire retreading or recapping; building, heating, plumbing or electrical contractors; utility, paving and road building contractors; printing, publishing and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; sign making; solid fuel yards; research and development laboratories; laundry, dry-cleaning and carpet cleaning plants; veterinary clinics for large hoofed animals and photofinishing laboratories that accept work only from separate retail outlets, not directly from the public.
- (4) Exceptions.
  - (A) Construction-related contractors and others who perform services off-site are included in the Office category, if major equipment and materials are not stored at the site and fabrication or similar work is not carried on at the site.
  - (B) Hotels, restaurants and other services that are part of a truck stop are considered accessory to the truck stop.
  - (C) Printing, publishing and lithography in which finished goods are sold primarily on site and to the general public are included in the Retail Sales and Service category.

(b) Manufacturing and Production.

- (1) Characteristics. Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of overall sales. Relatively few customers come to the manufacturing site. In general, the difference between light and heavy uses is their effect on the surrounding area. If the uses routinely subject the surrounding area to noxious or malodorous impacts, they are considered heavy manufacturing and production. Light manufacturing in general is considered to have fewer noxious effects produced by noise, smoke, odor, dust, vibration or glare, in comparison with heavy manufacturing and production. See section 14.04.013 in the specific use standards.
- (2) Accessory uses. Accessory activities may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets and caretaker's quarters.
- (3) Examples.

- (A) Examples include processing of food and related products; weaving or production of textiles or apparel; wood products manufacturing; woodworking, including cabinet makers; movie production facilities; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items and other electrical items; production of artwork and toys for mass distribution and marketing; and production of prefabricated structures, including manufactured homes.
- (B) Examples that are expressly included in the heavy manufacturing and production category include, but are not limited to each of the following:
  - (i) Slaughterhouses and meatpacking;
  - (ii) Tanning or curing of furs, skins, leather or hides;
  - (iii) Wool pulling and scouring;
  - (iv) Cottonseed oil mills;
  - (v) Refining of petroleum and coal products;
  - (vi) Manufacture and processing of stone, clay and concrete products;
  - (vii) Mixing and batching of concrete and asphalt;
  - (viii) Fabrication of boilers and tanks;
  - (ix) Manufacture and processing of chemicals, including gaseous products and fertilizer.
- (4) Exceptions.
  - (A) Manufacturing of goods (including printed material) to be sold primarily on-site and to the general public are classified as Retail Sales and Service.
  - (B) Manufacture and production of goods from composting organic material is classified as Waste-Related uses.
  - (C) Rendering of meat and poultry byproducts shall be prohibited from all zoning districts.
- (c) Warehouse and Freight Movement.
  - (1) Characteristics. Warehouse and Freight Movement firms are involved in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some occasional will-call pickups. There is little on-site sales activity with the customer present.
  - (2) Accessory uses. Accessory uses may include offices, truck fleet parking and maintenance areas.
  - (3) Examples. Examples include separate warehouses used by retail stores such as furniture

and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; wholesale distribution centers; truck or air freight terminals; freight forwarding services; bus barns; parcel services; major post offices; grain terminals; gasoline and petroleum product terminals and the stockpiling of sand, gravel, or other aggregate materials.

(4) Exceptions.

- (A) Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
- (B) Mini-warehouses are classified as Self-Service Storage uses.
- (C) Warehousing or freight facilities characterized by stabling or storage of livestock shall be classified as Heavy Manufacturing and Production.

(d) Waste-Related Use.

- (1) Characteristics. Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material. Waste-Related uses also includes uses that receive hazardous wastes from others.
- (2) Accessory uses. Accessory uses may include recycling of materials, offices and repackaging and transshipment of by-products.
- (3) Examples. Examples include sanitary landfills, recyclable materials collection centers, waste composting, energy recovery plants, sewage plants and hazardous-waste collection sites.
- (4) Exceptions. Disposal of dirt, concrete, asphalt and similar non-decomposable materials is considered fill. Chemical and nuclear waste storage dumps are prohibited from all zoning districts.

(e) Wholesale Trade.

- (1) Characteristics. Wholesale Trade firms are involved in the sale, lease, or rent of products primarily intended for distribution to other merchants or firms who will, in turn, distribute them to the ultimate consumer. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.
- (2) Accessory uses. Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services and repackaging of goods.
- (3) Examples. Examples include sale or rental of machinery, heavy equipment, heavy trucks, farm and ranch supplies, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts,

building hardware.

(4) Exceptions.

(A) Firms that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Service.

(B) Firms that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement.

(C) Livestock auctions, or any wholesale trade facilities characterized by stabling or storage of livestock, shall be classified as Heavy Manufacturing and Production.

(Ordinance adopted 3/21/2022)

**§ 14.03.015. Other use categories.**

(a) Agriculture.

(1) Characteristics. Agriculture includes activities that primarily involve raising or producing plants.

(2) Accessory uses. A single dwelling is allowed on each lot or tract of land used for agriculture. Barns, sheds and bins for storage of material, equipment and farm products (used or produced on-premises) are considered accessory and incidental to agricultural use. Stands for the sale of agricultural produce grown on the premises are allowed in conjunction with agricultural use.

(3) Examples. Examples include farming (except dairy farms); truck gardening; forestry or tree farming; horticulture and floriculture; and wholesale plant nurseries.

(4) Exceptions.

(A) For the purpose of this chapter, agriculture does not include the use of property for production, processing or sale of animals.

(B) Dairy farms, milk production and animal feed lots are classified as Heavy Manufacturing and production.

(C) Livestock auctions, stockyards and sale barns are classified as Heavy Manufacturing and production.

(b) Animal Kennel.

(1) Characteristics. An animal kennel includes any structure or premises where animals ordinarily considered household pets are kept, boarded, bred or trained, for commercial gain.

(2) Accessory uses. Accessory uses may include an office building, as well as pens, barns and other enclosed structures necessary for sheltering animals. In nonresidential districts, accessory uses may also include multiple dwellings for proprietors and/or employees of the use.

- (3) Examples. Examples include a dog kennel intended for breeding, training and/or boarding dogs.
  - (4) Exceptions. Animals kept on-premises for personal use and enjoyment of the owners and/or residents of those premises shall be allowed in any district, so long as such animal keeping conforms with provisions of the animal control ordinance in the city's Code of Ordinances.
- (c) Entertainment Event, Major.
- (1) Characteristics. Major Entertainment Event uses are characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature.
  - (2) Accessory uses. Accessory uses may include restaurants, concessions, parking and maintenance facilities.
  - (3) Examples. Examples include stadiums, sports arenas, coliseums, auditoriums, exhibition and meeting areas, outdoor amphitheaters and fairgrounds.
  - (4) Exceptions.
    - (A) Exhibition and meeting areas with less than 20,000 square feet of total event area are classified as Retail Sales and Service.
    - (B) Banquet halls that are part of hotels or restaurants are accessory to those uses, which are included in the Retail Sales and Service category.
    - (C) Theaters, including drive-in theaters, are classified as Retail Sales and Service.
    - (D) Recreation or entertainment uses conducted on a continuous basis are classified as Outdoor Recreation and Entertainment or as Retail Sales and Service uses.
- (d) Horse Boarding and/or Riding Academy.
- (1) Characteristics. Horse boarding includes any structure or premises where equine animals are housed or boarded for a service charge or for hire. A riding academy includes any premises where horses are boarded and/or where instruction in riding, jumping or showing is offered and/or where the general public may, for a fee, hire horses for riding.
  - (2) Accessory uses. Accessory uses may include an office building, as well as pens, stables, barns and other enclosed structures necessary for sheltering animals. In nonresidential districts, accessory uses may also include multiple dwellings for proprietors and/or employees of the use. In AO Districts, only one dwelling unit is allowed on the premises.
  - (3) Examples. Examples include horse boarding stables and horse riding academies.
  - (4) Exceptions. Horses kept on-premises for personal use and enjoyment of the owners and/or residents of those premises shall be allowed in any district, so long as such horse keeping conforms with provisions of the animal control ordinances of the city.

(e) Passenger Terminals.

- (1) Characteristics. Passenger Terminals includes facilities for the landing and takeoff of flying vehicles, including loading and unloading areas. Aviation facilities may be improved or unimproved. Passenger Terminals also includes passenger terminals for aircraft, regional bus service and regional rail service.
- (2) Accessory uses. Accessory uses include freight handling areas, concessions, offices, parking and maintenance and fueling facilities.
- (3) Examples. Examples include airports, bus passenger terminals for regional bus service, railroad passenger stations for regional rail service and helicopter landing facilities.
- (4) Exceptions.
  - (A) Bus and rail passenger stations for subregional service such as mass transit stops and park-and-ride facilities are classified as Basic Utilities.
  - (B) Private helicopter landing facilities that are accessory to another use, are considered accessory uses. However, they are subject to all the regulations and approval criteria for helicopter landing facilities.

(f) Mining.

- (1) Characteristics. Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use.
- (2) Accessory uses. Accessory uses include storage, sorting, stockpiling, or transfer off-site of the mined material.
- (3) Examples. Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and drilling and production of oil, natural gas, or geothermal resources.

(g) Telecommunications Facilities.

- (1) Characteristics. Telecommunications facilities include all devices, equipment, machinery, structures or supporting elements which in combination extend above a height of 35 feet (including the height of other structures or buildings on which such facilities are located) and are necessary to produce nonionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Facilities may be self supporting, guyed, mounted on poles, other structures, light posts, power poles, or buildings. Facilities shall also include intertie and interconnection translators, connections from over-the-air to cable, fiber optic, or other landline transmission system.
- (2) Accessory uses. Accessory use may include transmitter facility buildings.
- (3) Examples. Examples include broadcast towers, communication towers and point-to-point microwave towers.
- (4) Exceptions.

- (A) Radio and television studios are classified in the Office category.
  - (B) Radio and television broadcast facilities that are public safety facilities are classified as Basic Utilities.
  - (C) A receive-only satellite or other dish antenna less than 18 inches in diameter is considered an accessory use.
- (h) Any Uses Deemed Appropriate.
- (1) Characteristics. This entry allows consideration of uses not ordinarily allowed in the zoning district where those uses are proposed, but only where and in a manner that such uses provide an effective transition between less restrictive and more restrictive zoning districts. Such special uses can integrate otherwise hard edges between zoning districts of starkly contrasting character and, furthermore, help make use of long-vacant tracts on the boundary between different zoning districts.
  - (2) Accessory uses. Accessory uses commonly associated with transitional uses include off-street parking for occupants and/or customers, storage of supplies and equipment for maintaining the facilities for such use(s) and offices directly associated with such use(s) of a non-residential character.
  - (3) Examples. Examples include limited commercial storage in residential districts, and day care in residential districts.
  - (4) Exceptions. Manufactured homes shall not be allowed (by approval of a special use) at any location where otherwise prohibited by this chapter.
- (i) Garage Sales.
- (1) Definition. As used herein Garage Sale shall mean the sale of items normally accumulated by a household.
  - (2) Frequency. No more than three (3) Garage Sales shall be allowed for the same location in any one year. The duration of the Garage Sale shall not exceed three (3) consecutive days.
  - (3) Resale. No items of personal property shall be purchased for Garage Sale with the intent or for the purpose of resale.
- (Ordinance adopted 3/21/2022)

Use Category	Short Definition	*	AO	R1	RH	R2	MF	RG	MHP	MHS	C1	C2	C3	M1	M2
	(see also article 14.08)														
A=Allowed	C= Conditional														
S=Special Use	*=Specific use regulations may apply														
Group Living	Residential occupancy that does not meet the definition of "household living"	*	—	—	—	—	A	—	—	—	A	A	A	—	—
Household Living	Residential occupancy of a dwelling by a "household"	*	A	A	A	A	A	A	A	A	C	C	C	C	C
Recovery Facility, Alcohol and Drug	Residential programs that provide care and training or treatment for psychiatric, alcohol or drug problems	*	—	—	—	—	—	—	—	—	—	A	A	A	A
College	Institutions of higher learning	*	—	—	—	—	—	—	—	—	—	A	A	—	—
Community Services	Public, nonprofit, or charitable uses providing service to the community		—	—	—	—	—	—	C	C	A	A	A	C	C
Day Care	Care, protection and supervision for children or adults on a regular basis	*	—	—	—	—	—	—	—	—	A	A	A	C	C
Detention Facilities	Facilities for detention of incarcerated people		—	—	—	—	—	—	—	—	—	—	S	S	S
Golf Course, Golf Driving Range	Facilities for golf, including practice areas	*	S	S	—	—	S	S	S	S	S	S	S	S	S
Hospital	Medical or surgical care, with overnight care	—	—	—	—	—	—	—	—	—	—	C	C	C	C
Parks and Open Areas	Natural areas consisting mostly of vegetative landscaping, outdoor recreation, gardens, etc.		A	A	A	A	A	A	A	A	A	A	A	A	A
Religious Institutions	Meeting areas for religious activities		C	C	C	C	C	C	C	C	A	A	A	A	A
Safety Services	Public safety and emergency services		C	C	C	C	C	C	C	C	A	A	A	A	A
Schools	Elementary, middle, or high school level schools		C	C	C	C	C	C	C	C	C	A	A	—	—
Utilities, Basic	Infrastructure that needs to be located in or near the area where the service is provided		A	A	A	A	A	A	A	A	A	A	A	A	A
Auto and Boat Dealer	Sales of cars, light trucks and boats	*	—	—	—	—	—	—	—	—	—	—	A	A	A
Bed & Breakfast	A single-family dwelling offering overnight accommodations	*	S	S	—	—	S	—	—	—	C	C	A	C	C
Campground/Recreational Vehicle Park	Temporary, often overnight accommodations for camping units and recreational vehicles		S	—	—	—	—	—	S	—	—	—	S	S	S
Game Hall	A game arcade, bingo, billiard or pool hall	*	—	—	—	—	—	—	—	—	—	—	C	C	C
Game Room	Any real estate where one of the uses is the playing amusement redemption machines.	*											C	C	C
Office	Activities in an office setting focusing on business, government, professional, medical or financial services		—	—	—	—	—	—	—	—	A	A	A	A	A
Bars & Taverns	The sale of beer, wine and mixed alcoholic beverages for consumption on the premises as the primary business activity.	—	—	—	—	—	—	—	—	—	—	—	A		A
Parking, Commercial	Parking not accessory to an allowed use, fees may be charged		—	—	—	—	—	—	—	—	C	A	A	A	A
Recreation and Entertainment, Outdoor	Large commercial uses that provide continuous recreation or entertainment		—	—	—	—	—	—	—	—	—	—	S	S	S
Rental, Equipment	Firms leasing or renting heavy vehicles, equipment and machinery under 3.5 tons to the public, may also provide product repair	*	—	—	—	—	—	—	—	—	—	—	A	A	A

Retail Sales and Service	Firms involved in the sale of new or used products to the public, may provide personal services, entertainment or product repair	*	—	—	—	—	—	—	—	—	A	A	A	C	C
Self-Service Storage	Uses providing separate storage areas for individuals or businesses	*	—	—	—	—	—	—	—	—	C	C	A	A	A
Vehicle Repair	Service to passenger vehicles, light or medium trucks, other consumer motor vehicles, generally, the customer does not wait at site while service is being performed	*	—	—	—	—	—	—	—	—	—	—	C	A	A
Vehicle Service, Limited	Direct services to vehicles where the customer generally waits nearby while the service is performed	*	—	—	—	—	—	—	—	—	A	A	A	A	A
Vehicle Wash	Automatic or nonautomatic facilities for washing vehicles		—	—	—	—	—	—	—	—	A	A	A	A	A
Veterinary Clinics, Small Animals	Offices and clinics for small, non-hoofed animals		—	—	—	—	—	—	—	—	A	A	A	A	A
Industrial Service	Firms servicing industrial, business or consumer machinery, equipment, products or byproducts		—	—	—	—	—	—	—	—	—	—	—	A	A
Manufacturing and Production, Light	Firms involved in assembly, light manufacturing, processing, fabrication, or packaging of goods	*	—	—	—	—	—	—	—	—	—	—	—	A	A
Manufacturing and Production, Heavy	Firms involved in heavy manufacturing, production or fabrication of goods		—	—	—	—	—	—	—	—	—	—	—	—	A
Warehouse and Freight Movement	Firms involved in storage or movement of goods		—	—	—	—	—	—	—	—	—	—	C	A	A
Waste-Related Use	Uses that receive recycled materials or wastes for disposal on-site or transfer to another location, uses that collect sanitary wastes, or that produce goods or energy from composting	*	—	—	—	—	—	—	—	—	C	C	C	A	A
Wholesale Trade	Firms involved in sale, lease, or rental of products for industrial, institutional, or commercial business	*	—	—	—	—	—	—	—	—	—	—	C	A	A
Agriculture	Raising or producing plants		A	—	—	—	—	—	—	—	—	—	—	C	C
Animal Kennel	Facilities for overnight care of animals, except horses		—	—	—	—	—	—	—	—	—	—	—	C	C
Entertainment Event, Major	Activity or structure that draws large numbers of people to specific events		—	—	—	—	—	—	—	—	—	—	S	S	S
Firearms Range	Indoor or outdoor facilities for discharging firearms	*	S	—	—	—	—	—	—	—	—	—	S	S	S
Horse Boarding and Riding Academy	Overnight care of horses, with or without related equestrian facilities		S	—	—	—	—	—	—	—	—	—	—	C	C
Mining	Extraction of mineral or aggregate resources for off-site use		S	—	—	—	—	—	—	—	—	—	—	C	C
Passenger Terminals	Facilities for the arrival or departure of airplanes, trains or buses		—	—	—	—	—	—	—	—	—	—	C	C	C
Plant Nursery	Facilities producing flowers, shrubs, horticultural or household plants for retail or wholesale trade		A	—	—	—	—	—	—	—	—	C	A	A	A
Telecommunications Facilities	Devices and supporting elements necessary to produce non-ionizing electromagnetic radiation operating to produce a signal	*	C	C	C	C	C	C	C	C	C	C	C	A	A
Any Use(s) Deemed Appropriate	Only where such uses(s) can provide effective transition between less restrictive and more restrictive zoning districts	*	S	S	S	S	S	S	S	S	S	S	S	S	S

Light Manufacturing	Food and beverage processing; drug processing, tobacco manufacture; building materials processing; light metal fabrication; jewelry fabrication; processing and fabrication of optical and scientific instruments; artificial limb fabrication; broom fabrication; manufacture of wearing apparel including boots and shoes; bags and mattress manufacture		—	—	—	—	—	—	—	—	—	—	—	—	A	A
Small Residential/Commercial Windmills	Windmills of less than 35 feet in height as described	*	A	A	A	A	—	—	—	—	A	A	A	A	A	A
Residential/Commercial Windmills	Larger windmills designed to supply power to a single location. Residential occupancy of a dwelling by a "household"	*	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Industrial Windmills	Windmills designed to generate electricity for sales	*	—	—	—	—	—	—	—	—	—	—	—	S	S	
Meat Processing with Retail Front	Processing, packaging, curing, cooking, and selling of goods. Goods are sold on site.												S			
Hotel/Motel	Provides lodging, meals, and other guest services for short periods.		—	—	—	—	—	—	—	—	S	A	A	—	—	
Entertaining Event, Indoor	Activity or structure that draws people to a venue less than 20,000 square feet of event area.		—	—	—	—	—	—	—	—	S	S	A	S	S	
Food Truck Park	An outdoor area where multiple mobile food truck vendors operate to serve to the public.		—	—	—	—	—	—	—	—	—	S	A	—	—	
Funeral Home/Crematorium	A licensed facility where professionals provide services related to the care, preparation, and ceremonial arrangements for deceased individuals.		—	—	—	—	—	—	—	—						
Smoke Shop/Tobacco Store	A retail establishment that specializes in selling tobacco-related products and accessories.		—	—	—	—	—	—	—	—						
Amenity Center	A facility or space designed to provide recreational, social, and leisure services to residents or members of a specific community.			A	A	A	A	—	—	—	A	A	A	—	—	
Open-Air Market	A public space where vendors sell goods typically in an outdoor or partially covered setting.		—	—	—	—	—	—	—	—	—	S	A	S	S	
Tasting Room	A business generally associated with a winery, brewery, distillery, or specialty food producer that allows for on-site consumption of products produced at a different location.		—	—	—	—	—	—	—	—	—	S	A	—	—	
Pawn Shop	A retail business that offers loans to individuals using personal property as collateral.		—	—	—	—	—	—	—	—	—	S	S	—	—	
Non-Residential Accessory Uses	secondary, subordinate uses or structures located on the same lot as a principal non-residential use		—	—	—	—	—	—	—	—						

### 1. Hotel/Motel

- a. Characteristics- Commercial establishment that provides lodging, meals, and other guest services. Typically offer private rooms with en-suite bathrooms, daily housecleaning, and various other amenities. Extent of stay is generally limited to less than 30 days. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging.
- b. Accessory Uses- Accessory uses may include restaurants, fitness centers, conference rooms, and swimming pools.
- c. Exceptions- Lodging in a dwelling unit rented on a monthly basis are considered household living.

### 2. Entertaining Event, Indoor

- a. Characteristics- Any organized activity or performance held mainly within an enclosed structure of less than 20,000 square feet, designed primarily to amuse, engage, or entertain an audience or participants.
- b. Accessory Uses- Accessory uses may include concession stands, snack bars, gift shops, waiting areas, or dressing rooms.
- c. Examples- meeting halls, performing arts facilities, private clubs, art exhibits, small concert hall, or community center.
- d. Exceptions-
  - i. Recreation and entertainment that are large and primarily take place outdoors are considered recreation and entertainment, outdoor.
  - ii. A for-profit business that has six or more amusement redemption machines to obtain prizes or things of value for any age are considered game rooms.
  - iii. Activities and structures that draw large numbers of people to a specific event or show with more than 20,000 square feet of total event area are classified as Entertainment Event, Major.

### 3. Food Truck Park

- a. Characteristics- A designated outdoor area where multiple mobile food vendors are allowed to park, operate, and serve food to the public.
- b. Accessory Uses- Accessory uses may include seating areas, restrooms, and an entertainment area.
- c. Exceptions- Businesses that sell food or have continuous entertainment activities indoors are considered Retail Sales and Services.

### 4. Funeral Home/Crematorium

- a. Characteristics- A licensed facility where professionals provide services related to the care, preparation, and ceremonial arrangements for deceased individuals.

- b. Accessory Uses- Accessory uses may include viewing rooms, chapel, offices, and storage.
  - c. Exceptions- Something about cemeteries (in-ground burials and above-ground interments)
- 5. Smoke shop/Tobacco Store-
  - a. Characteristics- A retail establishment that specializes in selling tobacco-related products and accessories. Typically for adults and regulated through state laws.
  - b. Accessory Uses- Accessory uses may include office space or storage.
  - c. Examples- traditional tobacco stores, head shop, vape shop, or hybrid stores.
  - d. Exceptions- If products account for less than 20% of your total revenue, the business would be classified under Retail Sales and Services.
- 6. Amenity Centers-
  - a. Characteristics- a facility or space designed to provide recreational, social, and leisure services to residents or members of a specific community, such as a residential neighborhood, apartment complex, or planned development.
  - b. Accessory Uses- Accessory uses may include clubhouse, community center, fitness center, swimming pool, meeting rooms, or outdoor amenities, such as tennis courts, playgrounds, walking trails, and dog parks.
  - c. Exceptions- Large, generally commercial uses that provide continuous recreation or entertainment-oriented activities, primarily outdoors, for the general public are classified as Recreation and Entertainment, Outdoor.
- 7. Open-Air Market-
  - a. Characteristics- A public space where vendors sell goods typically in an outdoor or partially covered setting, using tents, canopies, stalls, or tables for vendor setup.
  - b. Accessory Uses- Accessory uses may include community booths or tents, kid-friendly areas, and storage.
  - c. Examples- farmer's market, produce market, flea market, or community market.
  - d. Exceptions- A group of vendors selling products in an indoor area is considered Retail Sales and Services.
- 8. Tasting Room-
  - a. Characteristics- A business generally associated with a winery, brewery, distillery, or specialty food producer that allows for on-site consumption of products produced at a different location.

- b. Accessory Uses- Accessory uses may include offices, outdoor seating area, and storage.
- c. Examples- taproom and winery tasting-room
- d. Exceptions-
  - i. Production, including crushing, fermenting, aging, and brewing, are considered light manufacturing.
  - ii. Area where grapes are grown is considered Agricultural Open Space.

9. Pawn Shop-

- a. Characteristics- a retail business that offers loans to individuals using personal property as collateral. The business buys and sells secondhand goods to serve both as financial service providers and resellers of used items.
- b. Accessory Uses- Accessory uses may include offices or storage.
- c. Exceptions- Retail businesses that sell previously owned items, but do not provide loans or accept collateral, such as a second-hand store or antique store, are considered Retail Sales or Services.

10. Non-residential Accessory Uses-

- a. Characteristics- secondary, subordinate uses or structures located on the same lot as a principal non-residential use, which support or enhance the primary function of the site.
- b. Examples- ATMs (Automated Teller Machines), Donation Bins, Electric Vehicle Charging Stations, or Parking Payment Kiosks
- c. Exceptions-
  - i. Buildings that are enclosed would be considered accessory structures.
  - ii. Drive-throughs and fueling stations part of a primary business would not need a separate zoning or permit.

**§ 14.02.005. Conditional use review.**

- (a) Who may file. An application for conditional use approval shall be submitted by the owner or agent authorized by affidavit to act on the owner's behalf, unless initiated by city officials ordinarily authorized to initiate amendments to the zoning map.
- (b) Submission of application. A complete application shall be submitted to the city administrator, along with the appropriate fee. The city administrator may require an application for conditional use approval to be accompanied by a site plan of existing and proposed development of the affected site.
- (c) Applicable development standards. Unless otherwise specified in this chapter, no conditional use approval shall be granted for any use that does not conform to standards of the district in which it is located. Each conditional use shall also be subject to any specific use requirements set forth in articles 14.03 through 14.05.
- (d) Review by city administrator. After determining that the application is complete, the city administrator shall place the request on a meeting agenda for consideration by the planning commission.
- (e) Hearing and action by planning commission.
  - (1) The planning commission shall, after appropriate notice, conduct a public hearing on each request for approval of a conditional use.
  - (2) At the public hearing, the planning commission shall consider the application, any pertinent comments by the city staff, and relevant support materials and public testimony given at the public hearing.
  - (3) After the close of the public hearing, the planning commission shall recommend that the city council approve the request, approve the request with additional conditions, or deny the request. The planning commission may propose such conditions as are necessary to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: limitations on size, bulk and location, provision of adequate ingress and egress, duration of conditional use approval, and hours of operation for the conditional use so allowed.
  - (4) A recommendation by the planning commission to deny a request for conditional use shall be the final decision on that matter, if not appealed in writing to the city council with ten (10) days.
- (f) Hearing and action by city council.
  - (1) The city council shall, after appropriate notice and a recommendation from the planning commission, conduct a public hearing on each request for approval of a conditional use, except for such requests which are recommended by the planning commission to be denied and are not formally appealed to city council.
  - (2) At the public hearing, the city council shall consider the application, any pertinent comments by city staff, the planning commission recommendation, other relevant support materials and public testimony given at the public hearing.

- (3) After the close of the public hearing, the city council shall approve the request, approve the request with additional conditions, or deny the request. The council may attach such conditions to a conditional use approval as are necessary to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: limitations on size, bulk and location, provision of adequate ingress and egress, duration of conditional use approval, and hours of operation of the conditional use.
- (4) Where written protest against a proposed conditional use is made and signed by (a) the owners of 20 percent or more of the area subject to the conditional use or (b) the owners of 20 percent or more of the land area within 200 feet of the affected area, then the proposed conditional use shall require a favorable vote of at least three-fourths of all the members of the city council to become effective. The area of rights-of-way and streets shall be included in any computation of land area under this subsection.
- (g) Conditional use approval criteria. Approval of a conditional use by the planning commission and city council shall be based upon the following criteria:
  - (1) Impacts minimized. Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties.
  - (2) Consistent with zoning ordinance. Whether and the extent to which the proposed conditional use would conflict with any portion of this chapter, including the applicable zoning district intent statement.
  - (3) Compatible with surrounding area. Whether and the extent to which the proposed conditional use is compatible with existing and anticipated uses surrounding the subject land.
  - (4) Effect on natural environment. Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to, adverse impacts on water and air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.
  - (5) Community need. Whether and the extent to which the proposed conditional use addresses a demonstrated community need.
  - (6) Development patterns. Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community.
- (h) Expiration of conditional use approval.
  - (1) All conditional use approvals issued shall be subject to the requirement that the property for which the approval was issued must actually acquire a building permit for the approved use within 12 months from the granting of the conditional use approval, provided that the city administrator, with significant evidence that the designated use cannot be realistically implemented with due diligence within that time period, may grant a longer period of time, but in no event shall such extension period exceed an additional 12 months.

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- (2) If the designated use is not made of the property within the time limitation granted, the conditional use approval shall be cancelled and revoked and be of no effect.  
(Ordinance adopted 3/21/2022; Ordinance 2023-007 adopted 4/17/2023)

**§ 14.02.006. Special use review.**

- (a) Purpose. Special use review allows for review of specified larger-scale uses that may be appropriate in designated Zoning Ordinance - Wolfforth, Texas areas, provided that consideration is given to conditions that will minimize any negative impacts of the use.
- (b) Who may file. An application for special use approval shall be submitted by the owner or an agent authorized by affidavit to act on the owner's behalf, unless initiated by city officials ordinarily authorized to initiate amendments to the zoning map.
- (c) Submission of application. A complete application shall be submitted to the city administrator, along with the appropriate fee. The city administrator may require an application for special use approval to be accompanied by a site plan of existing and proposed development of the affected site. A written statement describing how the proposed development meets any specific use requirements set forth in articles 14.03 through 14.05 shall accompany the site plan.
- (d) Applicable development standards. Unless otherwise specified in this chapter, no special use approval shall be granted for any use that does not conform with the dimensional standards of the district in which it is located. Each special use shall also be subject to any specific use requirements set forth in articles 14.03 through 14.05.
- (e) Review by city administrator. After determining that the application is complete, the city administrator shall place the request on a meeting agenda for consideration by the planning commission.
- (f) Hearing and recommendation by planning commission.
- (1) The planning commission shall, after appropriate notice, conduct a public hearing on each request for approval of a special use.
  - (2) At the public hearing, the planning commission shall consider the application, any pertinent comments by city staff, other relevant support materials and public testimony given at the public hearing.
  - (3) After the close of the public hearing, the planning commission shall recommend that the city council approve the request, approve the request with additional conditions, or deny the request. The planning commission may propose such conditions as are necessary to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: limitations on size, bulk and location, provision of adequate ingress and egress, duration of special use approval, and hours of operation for the special use so allowed.
  - (4) A recommendation by the planning commission to deny a request for special use shall be the final decision on that matter, if not appealed in writing to the city council with ten (10) days.

(g) Hearing and action by city council.

- (1) The city council shall, after appropriate notice and a recommendation from the planning commission, conduct a public hearing on each request for approval of a special use, except for such requests which are recommended by the planning commission to be denied and are not formally appealed to city council.
- (2) At the public hearing, the city council shall consider the application, any pertinent comments by city staff, the planning commission recommendation, other relevant support materials and public testimony given at the public hearing.
- (3) After the close of the public hearing, the city council shall approve the request, approve the request with additional conditions, or deny the request. The council may attach such conditions to a special use approval as are necessary to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: limitations on size, bulk and location, provision of adequate ingress and egress, duration of special use approval, and hours of operation of the special use.
- (4) Where written protest against a proposed special use is made and signed by (a) the owners of 20 percent or more of the area subject to the special use or (b) the owners of 20 percent or more of the land area within 200 feet of the affected area, then the proposed special use shall require a favorable vote of at least three-fourths of all the members of the city council to become effective. The area of rights-of-way and streets shall be included in any computation of land area under this subsection.

(h) Special use approval criteria. Approval of a special use by the planning commission and city council shall be based upon the following criteria:

- (1) Impacts minimized. Whether and the extent to which the site plan minimizes adverse effects, including adverse visual impacts, on adjacent properties.
- (2) Consistent with zoning ordinance. Whether and the extent to which the proposed special use would conflict with any portion of this chapter, including the applicable zoning district intent statement.
- (3) Compatible with surrounding area. Whether and the extent to which the proposed special use is compatible with existing and anticipated uses surrounding the subject land.
- (4) Traffic circulation. Whether and the extent to which the proposed special use is likely to result in extraordinarily prolonged or recurrent congestion of surrounding streets, especially minor residential streets.
- (5) Effect on natural environment. Whether and the extent to which the proposed special use would result in significant adverse impacts on the natural environment, including but not limited to water or air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.
- (6) Community need. Whether and the extent to which the proposed special use addresses a demonstrated community need.

- (7) Development patterns. Whether and the extent to which the proposed special use would result in a logical and orderly pattern of urban development in the community.
- (i) Expiration of special use approval.
- (1) All special use approvals issued shall be subject to the requirement that the property for which the approval was issued must actually acquire a building permit for the approved use within 12 months from the granting of the special use approval, provided that the city administrator, with significant evidence that the designated use cannot be realistically implemented with due diligence within that time period, may grant a longer period of time, but in no event shall such extension period exceed an additional 12 months.
- (2) If the designated use is not made of the property within the time limitation granted, the special use approval shall be cancelled and revoked and be of no effect.
- (Ordinance adopted 3/21/2022)

### Specific Use Review.

- (a) Who may file. An application for specific use approval shall be submitted by the owner or agent authorized by affidavit to act on the owner's behalf, unless initiated by city officials ordinarily to initiate amendments to the zoning map.
- (b) Submission of application. A complete application shall be submitted to the city administrator, along with the appropriate fee. The city administrator may require the application for specific use approval to be accompanied by a site plan of existing and proposed development of the affected site.
- (c) Applicable development standards. Unless otherwise specified in this chapter, no specific use approval shall be granted for any use that does not conform to standards of the district in which it is located. Each specific use shall also be subject to any specific use requirements set forth in articles 14.03 through 14.05.
- (d) Review by city administrator. After determining that the application is complete, the city administrator shall place the request on a meeting agenda for consideration by the planning commission.
- (e) Hearing and action by planning commission.
  - 1) The planning commission shall, after appropriate notice, conduct a public hearing on each request for approval of a specific use.
  - 2) At the public hearing, the planning commission shall consider the application, any pertinent comments by the city staff, and relevant support materials and public testimony given at the public hearing.
  - 3) After the close of the public hearing, the planning commission shall recommend that the city council approve the request, approve the request with additional conditions, or deny the request. The planning commission may propose such conditions as are necessary to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: limitations on size, bulk and location, provision of adequate ingress and egress, duration of specific use approval, and hours of operations for specific use so allowed.
  - 4) A recommendation by the planning commission to deny a request for specific use shall be the final decision on that matter, if not appealed in writing to the city council within ten (10) days.
- (f) Hearing and action by city council.
  - 1) The city council shall, after appropriate notice and recommendation from the planning commission, conduct a public hearing on each request for approval of a specific use, except for such requests which are recommended by the planning commission to be denied and are not formally appealed to city council.
  - 2) At the public hearing, the city council shall consider the application, any pertinent comments by city staff, the planning commission

recommendation, other relevant support materials, and public testimony given at the public hearing.

- 3) After the close of the public hearing, the city council shall approve the request, approve the request with additional conditions, or deny the request. The council may attach such conditions to a specific use approval as are necessary to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: limitations on size, bulk and location, provision of adequate ingress and egress, duration of specific use approval, and hours of operation of the specific use.
- 4) Where written protest against a proposed specific use is made and signed by (a) the owners of 20 percent or more of the area subject to the specific use or (b) the owners of 20 percent or more of the land area within 200 feet of the affected area, then the proposed specific use shall require a favorable vote of at least three-fourths of all the members of the city council to become effective. The area of rights-of-way and streets shall be included in any computation of land area under this subsection.

(g) Specific use approval criteria.

- 1) Impacts minimized. Whether and then extent to which the proposed specific use creates adverse effects, including adverse visual impacts, on adjacent properties.
- 2) Consistent with zoning ordinance. Whether and the extent to which the proposed specific use would conflict with nay portion of this chapter, including the applicable zoning district intent statement.
- 3) Compatible with surrounding area. Whether and the extent to which the proposed specific use is compatible with existing and anticipated uses surrounding the subject land.
- 4) Effect on natural environment. Whether and the extent to which the proposed specific use would result in significant adverse impacts on the natural environment, including but not limited to, adverse impacts on water and air quality, noise, stormwater management, wildlife, vegetation, wetlands, and the practical functioning of the natural environment.
- 5) Community need. Whether and the extent to which the proposed specific use addresses a demonstrated community need.
- 6) Development patterns. Whether and the extent to which the proposed specific use would result in a logical and orderly pattern of urban development in the community.

(h) Expiration of specific use approval.

- 1) All specific use approvals issued shall be subject to the requirement that the property for which the approval was issued must actually acquire a building permit for the approved use within 12 months from the granting of

the specific use approval, provided that the city administrator, with significant evidence that the designated use cannot be realistically implemented with due diligence within that time period, may grant a longer period of time, but in no event shall such extension period exceed an additional 12 months.

- 2) If the designated use is not made of the property within the time limitation granted, the specific use approval shall be cancelled and revoked and be of no effect.