

ORDINANCE NUMBER 13-O-021

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF SUFFOLK, CHAPTER 31, UNIFIED DEVELOPMENT ORDINANCE, REGARDING OUTSIDE STORAGE AND DISPLAY AS REFERENCED IN ARTICLE 4, ZONING, SECTION 31-403, RELATION OF ZONING DISTRICTS TO THE COMPREHENSIVE PLAN AND PURPOSE STATEMENTS; SECTION 31-408, SPECIFIC BASE ZONING DISTRICT CRITERIA, NEW SUBSECTION (f)(4) SPECIFIC B-1 DISTRICT CRITERIA, AND SUBSECTION (h)(3), SPECIFIC B-2 DISTRICT CRITERIA; SECTION 31-412, SPECIAL CORRIDOR OVERLAY DISTRICT, SUBSECTION (f)(6) DEVELOPMENT STANDARDS; ARTICLE 6, DESIGN AND IMPROVEMENT STANDARDS, SECTION 31-609, OUTSIDE STORAGE AND DISPLAY, SUBSECTIONS (a) AND (d) LOCATION AND SCREENING, AND ARTICLE 7, SUPPLEMENTAL USE REGULATIONS, SECTION 31-717, TEMPORARY USES, SUBSECTION (b) APPROVAL CRITERIA. – OA04-12

BE IT ORDAINED, by the Council of the City of Suffolk, Virginia, that amendments to the Code of the City of Suffolk, Chapter 31, Unified Development Ordinance, regarding outside storage and display as referenced in Article 4, Zoning, Section 31-403, Relation of Zoning Districts to the Comprehensive Plan and Purpose Statement; Section 31-408, Specific Base Zoning District Criteria, new subsection (f)(4) Specific B-1 District Criteria, and subsection (h)(3), Specific B-2 District Criteria; Section 31-412, Special Corridor Overlay District, subsection (f)(6) Development Standards; Article 6, Design and Improvement Standards, Section 31-609, Outside Storage and Display, subsections (a) and (d) Location and Screening and Article 7, Supplemental Use Regulations, Section 31-717, Temporary Uses, subsection (b) Approval Criteria, be and are hereby amended to read as follows:

SECTION 31-403. RELATION OF ZONING DISTRICTS TO COMPREHENSIVE PLAN AND PURPOSE STATEMENTS

(a) PURPOSE STATEMENT FOR GENERAL ZONING DISTRICTS. The purpose of this Article is to implement the Comprehensive Plan. Pursuant to VC § 15.2-2284, all zoning ordinances or regulations adopted pursuant to this Ordinance shall be consistent with the *Comprehensive Plan*. This Section describes the relationship between the various zoning districts and the Comprehensive Plan and a summary of each development district.

B-1 (NEIGHBORHOOD COMMERCIAL). To provide neighborhood services, small areas for office and professional services with shopfront retail uses and shops for artisans and craftsmen, designed in scale with surrounding residential uses. This district provides a balance of residential and non-residential land use opportunities reflecting the economic needs of residents and business owners. B-1 implements Policies ~~9, Actions 9C and 8D~~ (page 58) 3-3 and 3-4 of the Comprehensive Plan (~~2018 edition~~) (2026 edition).

B-2 (GENERAL COMMERCIAL). General commercial activities designed to serve the community such as repair shops, wholesale businesses, warehousing and general commercial sales with some outdoor display of goods but with limited outdoor operations. The redevelopment of existing shopping centers to eliminate large expanses of surface parking and to promote a "Main Street" appearance is encouraged. This district promotes a broad range of commercial operations and services necessary for large regions of the City, providing community balance. The B2 zoning district implements Policies ~~18, 19 and 20~~ and Action ~~8D~~ ~~(page 58)~~ 3-3, 3-4 and 3-5 of the Comprehensive Plan ~~(2018 edition)~~ (2026 edition).

SEC. 31-408. - SPECIFIC BASE ZONING DISTRICT CRITERIA.

(f) SPECIFIC B-1 DISTRICT CRITERIA.

(1) No application for development approval in the B-1 zoning district shall be approved unless the proposed use and/or development conforms to the requirements of Articles 4, 6 and 7 of this Ordinance and the criteria set forth below.

(2) Pedestrian and vehicular conflicts shall be minimized by a system of sidewalks and other pedestrian amenities which provide connectivity to surrounding neighborhoods, while providing adequate separation and channeling of pedestrian and vehicular movements; and

(3) For purposes of evaluating an application for rezoning to a B-1 zoning district, the following guidelines shall be considered:

A. B-1 districts shall be limited to the intersection of:

(I) Arterial/collector, collector/collector, subcollector/collector, subcollector/local or collector/local street intersections, except where an existing center has been established prior to the adoption of this Ordinance;

(II) The interior of a block along an arterial or collector street which lies parallel to an existing town center.

(III) Service entrances and service yards shall be located only in the rear or side yard of the business use. Service yards shall be screened from adjacent residential zones or uses by the installation and maintenance of a solid wall or fence having a height of not less than four feet or greater than six feet or vegetation having a minimum height of four feet. If vegetation is proposed, it shall be designed so that it provides immediate screening similar to walls and fences.

(IV) Refuse enclosures shall be located at the rear of the site and screened with a wall and gate.

(4) All uses authorized in the B-1 district, including operations and storage of goods, shall be performed and primarily stored within an enclosed building. The outdoor display and sales of merchandise is authorized subject to the provisions of Section 31-609, Outdoor Storage and Display and Section 31-717 (b) and (c), Temporary Uses.

(h) **SPECIFIC B-2 DISTRICT CRITERIA.** No application for development approval in the B-2 zoning district shall be approved unless the proposed development conforms to the requirements of Articles 4, 6 and 7 of this Ordinance and the following criteria listed below.

(1) The following criteria shall be used (in addition to the general rezoning criteria established in Section 31-304(e)) in consideration of the placement of this zone and the type and arrangement of uses within it:

(2) The zone and its uses shall continue the orderly development and concentration of business and commercial uses; and

A. Pedestrian and vehicular conflicts shall be minimized by a system of sidewalks and other pedestrian amenities which provide connectivity to surrounding neighborhoods, while providing adequate separation and channeling of pedestrian and vehicular movements; and

B. B-2 zones shall be located along arterials and arterial/arterial or arterial/collector intersections.

(3) All uses authorized in the B-2 district, including operations and storage of goods, shall be performed and primarily stored within an enclosed building. The outdoor display and sales of merchandise is as authorized subject to the provisions of Subsections (b) and (e) of the temporary use standards, (section 31-717)- Section 31-609, Outdoor Storage and Display and Section 31-717 (b) and (c), Temporary Uses.

SEC. 31-412. - SPECIAL CORRIDOR OVERLAY DISTRICT (SCOD).

(a) **PURPOSE.** The purpose of this Section is to maintain the long-term mobility function of arterial and collector roadways; to limit access and the number of conflict points and, thereby, reduce the need for additional crossover locations and traffic signals; to promote improved pedestrian and vehicular circulation; to encourage land assembly and the most desirable use of land in accordance with the Comprehensive Plan; to promote architectural continuity; to encourage designs which produce a desirable relationship between individual buildings, the circulation systems and adjacent areas; to control signage visibility obstructions and clutter and to permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities of high quality. The scod implements ~~policy 9 and action 9a~~ Action 6-5H (page 59 6-28) of the 2026 Comprehensive Plan.

(b) APPLICABILITY.

(1) The corridor overlay district shall include all land as specified on the Official Zoning Map.

(2) Except with regard to Subsection (e) of this Section, Access and Internal Circulation, Special Corridor Overlay Districts shall not include recorded subdivisions consisting of single-family detached residential structures.

(3) All uses and structures proposed for properties included within the corridor overlay district shall be permitted, subject to the submittal and approval of a site plan, as set forth in Section 31-307, including a sign package, as set forth in Appendix B of this Ordinance. Provided, however, that:

- A. Where the affected property has an approved Site Plan and Access Plan, internal lots not located next to SCOD road and which utilize internal streets, shall be subject only to the submittal and approval of an access plan which complies with the approved site plan.
 - B. With the exception of corner lots as set forth in Subsection (c)(1), below, any lot with frontage along an SCOD road, but which does not take access from said road, shall be subject to the setbacks prescribed herein only along the SCOD road and setbacks not along the SCOD road shall conform to the requirements of the underlying zoning district.
 - C. For purposes of this Subsection, a "SCOD road" means and refers to any street or road right-of-way which lies within the SCOD and which is designated an arterial or collector in the Thoroughfare Plan.
- (4) Lots within the SCOD which are internal lots subject to an approved Site Plan, and which are adjacent to a public internal street rather than a SCOD road (as defined in Subsection (3)C, above), shall be subject only to the access management requirements of Subsection (e) of this Section.
 - (5) Where property within a SCOD has recorded covenants or declarations which specify architectural guidelines, and which have an approved architectural review board (ARB) which meets the requirements of this Subsection (4), the Director shall review the guidelines to determine whether they are stricter than those set forth in this Section. If the guidelines are stricter than the standards established in this Section, the approval of submittals by the ARB shall constitute compliance with the requirements of Subsections (f)(3), (f)(4), and (h) of this Section. The ARB shall consist of a licensed architect, a licensed landscape architect, and a representative of the developer.

(c) YARD AND HEIGHT REQUIREMENTS.

- (1) Yard, setback and height requirements for all buildings, driveways, parking areas, stormwater detention and retention structures, and best management practices (BMPs) shall conform to the requirements set out below.
 - A. **SETBACKS.** All buildings, drives and parking areas, and stormwater detention and retention structures, and best management practices (BMP's) shall have a minimum 30-foot front, side, and rear yard setback from an adjacent public right-of-way designated as a Special Corridor Overlay District. The minimum corner front, side, and rear yard setback from an adjacent public right-of-way not designated as a Special Corridor Overlay District shall be 20 feet. One foot shall be added to each front, side and rear yard for each three feet that the building height adjacent thereto exceeds 45 feet or three stories, whichever is less.
 - B. **SIDE YARDS.** The side yard setbacks for buildings, drives and parking areas, and stormwater detention and retention structures, and best management practices (BMP's) shall be a minimum of ten feet except when adjacent to any agricultural or residential district, where the minimum setback shall be 20 feet. One foot shall be added to each side yard for each three feet that the building height adjacent thereto exceeds 45 feet or three stories, whichever is less.

- C. **REAR YARD.** The minimum rear yard setback for buildings, drives and parking areas, and stormwater detention and retention structures, and best management practices (BMP's) shall be 20 feet, except when adjacent to any agricultural or residential district, where the minimum setback shall be 30 feet. One foot shall be added to each rear yard for three feet that the building height adjacent thereto exceeds 45 feet or three stories, whichever is less.
 - D. **HEIGHT REQUIREMENTS.** The maximum height of all buildings in the Special Corridor Overlay District shall be as permitted by the underlying zoning districts.
- (2) **ENCROACHMENT.** The required minimum and side yards for any lot or parcel may be reduced with the provision of additional landscaping, as follows:
- A. The Administrator, after consulting with the Director, may approve the encroachment into any required front, side or rear yard or setback by a stormwater detention or retention structure, or best management practices (BMPs) with the provision of additional landscaping in accordance with the landscaping standards and Subsection (g) of this Section (landscaping requirements), provided that:
 - (i) The approved encroachment does not exceed ten feet;
 - (ii) The remaining yard setback has a minimum depth of ten feet;
 - (iii) The approved encroachment will not obstruct visibility at any intersection;
 - (iv) If the encroachment is for a rear yard, the encroachment is necessary to provide a connection to parking lots, driveways or alternative access roadways to the rear of the principal building;
 - (v) The approved encroachment is the minimum necessary to afford relief; and
 - (vi) The approved encroachment is not contrary to the intent and purpose of this Ordinance.
 - B. A greater encroachment than that permitted in Subsection A, above, may be permitted, provided that:
 - (i) The encroachment is for a proposed stormwater facility that will serve the needs of two or more adjacent and contiguous developments; and
 - (ii) The encroachment is into the yard setback adjacent and contiguous to the developments that will be served by the proposed stormwater facility.
- (3) **SETBACK MODIFICATIONS.** In properties for which an application for subdivision approval has been submitted and where an approved site plan exists, the Administrator may waive the side and/or rear setbacks where the requirements of A. and B. are satisfied and at least one of the conditions set forth in Subsections C. through E. exist:
- A. Perimeter and frontage landscaping is provided consistent with the landscaping standards of this Ordinance.
 - B. The use does not abut a residential area.
 - C. Buildings, parking and loading areas are clustered in order to promote more efficient circulation and to minimize impervious surfaces.

- D. Access drives, parking and loading areas are shared consistent with the shared parking provisions of the parking standards of this Ordinance.
 - E. The development is under multiple ownership with internal common side lot lines, such as a shopping center, and the scale, mass and length of the buildings conforms to the approved site plan.
- (d) **USE LIMITATIONS.** All uses shall be subject to the use limitations set forth in the underlying zoning district(s) (see Table 406-1 and Article 7, Supplemental Use Regulations).
- (e) **ACCESS AND INTERNAL CIRCULATION.**
- (1) **PURPOSE AND INTENT.** The purpose and intent of this Subsection is to maximize the functional capacity and maintain the level of service of arterial roadways; to minimize the number of access points to major arterials and other public rights-of-way; to promote the sharing of access and the ability to travel between sites; to provide pedestrian circulation networks among residential, commercial and recreational areas; and to enhance safety and convenience for uses of the corridor.
 - (2) **ACCESS TO ARTERIAL ROADS.**
 - A. Any parcel or lot having frontage along an arterial and in existence prior to November 7, 1990, shall be permitted one direct access to that arterial, unless an access plan is submitted to, and approved by, the City for more than one access.
 - B. At the time of plan submission and approval, if two or more parcels in existence prior to November 7, 1990, are placed under one ownership, control and/or maintenance, such assembly shall be permitted one direct access to the arterial, unless an access plan is submitted to, and approved by, the City for more than one access.
 - C. Direct access to arterial roads shall be provided by one or more of the following means for lots or parcels not permitted direct access to the arterial:
 - (i) Access to the site may be provided by an existing or planned public street; and/or
 - (ii) Access to the site may be provided via the internal circulation of a shopping center, an office complex, or similar group of buildings having access in accordance with an approved access plan; and no additional direct access shall be provided to the site from a public street intended to carry through traffic over and above those entrances which may exist to provide access to the shopping center, office complex or similar group of buildings. Access through side or rear setbacks is encouraged, provided that the access is internal and generally perpendicular to the setback; and/or
 - (iii) Access to the site may be provided by a service drive and/or shared access which provides controlled access to the site.

D. Spacing between crossovers shall be determined by the following minimum requirements:

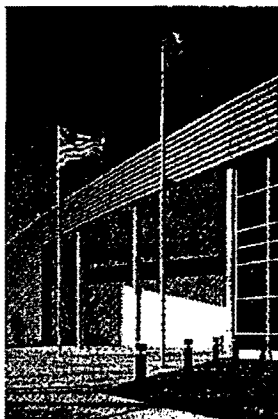
Design Speed of Highway (MPH)	Crossover Spacing (Feet)		Minimum Sight Distance (Feet)
	Desirable	Minimum	
70	1,250	1,000	825
60	1,100	900	700
55	1,000	800	650
50	900	700	600
45	800	650	525
40	700	600	475
35	600	500	400

Source: Virginia Department of Transportation, Table A.2-1, Crossover Spacing Criteria.

- E. Developers of all parcels or lots located at existing or proposed crossovers shall submit an access plan to the City for approval which addresses access for the surrounding area. The access plan shall demonstrate the ability to provide adequate access to surrounding properties via cross-easement agreement(s) or document of same as shared access and/or public road(s). An access plan shall be submitted and approved prior to planned development, preliminary plat or site plan approval. Such access plan shall be drawn to scale, including dimensions and distances, and clearly delineate the traffic circulation system and the pedestrian circulation system as coordinated with adjacent properties, including the location and width of all streets, driveways, access aisles, entrance to parking areas, walkways and bicycle paths.
- F. Right-in right-out curb cuts between median cross-overs shall not be approved unless there will be no reduction in the adopted level of service for the affected roadway, as set forth in the adequate public facilities standards.
- (3) **INTERNAL CIRCULATION.** Sites shall be designed to achieve direct and convenient pedestrian and vehicular circulation between adjacent properties, unless otherwise required by the City.
- (4) **TRAFFIC IMPACT ANALYSIS.** A traffic impact analysis shall be submitted in accordance with the requirements of Appendix B to this Ordinance.

(f) **DEVELOPMENT STANDARDS.**

- (1) **UTILITY LINES UNDERGROUND.** All utility lines such as electric, telephone, CATV or other similar lines shall be installed underground. This requirement shall apply to lines serving individual sites as well as to utility lines necessary within the project. All junction and access boxes shall be screened with appropriate landscaping. All utility pad fixtures and meters should be shown on the site plan. The necessity for utility connections, meter boxes, etc., should be recognized and integrated with the architectural elements of the site plan.
- (2) **LOADING AREAS.** Sites shall be designed and buildings shall be oriented so that loading areas are visually screened from any of the project perimeters adjoining any agricultural or residential district or any public right-of-way. Screening shall be in accordance with Section 31-603, landscaping requirements and 31-715, large shopping centers and big box retail.
- (3) **ARCHITECTURAL TREATMENT.** No building facade (whether front, side or rear) shall consist of architectural materials which differ in composition, appearance or detail from any other facade of the same building. The intent of this requirement is not to preclude the use of different materials on different building facades (which would be acceptable if representative of good architectural design), but rather to preclude the use of inferior materials on sides which face adjoining property and thus might adversely impact pedestrian activity, existing or future development, and property values. No portion of a building constructed of unadorned cinder block or corrugated and/or sheet metal shall be visible from any adjoining property or public right-of-way. Split face block or "architectural metal," brick masonry, stone, cast stone, and glass shall be permitted on all building walls. Painted cinder block shall be permitted on building walls facing the rear of the lot. Mechanical equipment, whether ground-level or rooftop, shall be shielded and screened from public view and designed to be perceived as an integral part of the building.



Example of split face block and "architectural metal" at Gateway 2000 facility in Hampton, Virginia. Source: HGA Minneapolis at [Http://www.hga.com/division/Corporate/Type/qw2000.htm](http://www.hga.com/division/Corporate/Type/qw2000.htm). Reprinted with permission.

- (4) **EXTERIOR LIGHTING.** All exterior lights shall be arranged and installed so that the direct or reflected illumination does not exceed one-half foot-candle above background measured at the lot line of any adjoining residential or agricultural parcel or public right-of-way. Lighting standards shall be of a directional type capable of shielding the light source from direct view.

- (5) **DRIVEWAYS AND PARKING AREAS.** Driveways and parking areas shall be paved with concrete, bituminous concrete or other similar material. Surface-treated parking areas and drives shall be prohibited. Concrete curb and gutters shall be installed around the perimeter of all driveways and parking areas. Drainage shall be designed so as not to interfere with pedestrian traffic. Except as otherwise specified, driveways and parking areas serving development located in any agricultural or rural residential district may be surfaced with crushed stone or similar material, as approved by the City of Suffolk, provided that the cumulative total number of parking spaces serving the development does not exceed ten spaces. In such cases, the associated curb and gutter may be constructed of four-inch by four-inch (4" x 4") landscape timbers or similar material rated for ground contact, as approved by the City.
- (6) **OUTSIDE STORAGE AREAS.** Outdoor display and storage areas shall be as permitted by the outdoor display and storage area standards of the underlying zoning districts; ~~provided, that all outdoor storage areas shall be visually screened from public streets, internal roadways and adjacent property. Screening shall consist of either a solid board fence, masonry wall, dense evergreen plant materials in accordance with the landscaping standards of this Ordinance. All such screening shall be of sufficient height to screen storage areas from view, and must comply with Section 31-609, Outside Storage and Display or Section 31-717, Temporary Uses as applicable.~~ Outdoor storage shall include the parking of all company-owned and operated vehicles, with the exception of passenger vehicles.
- (7) **STORMWATER DETENTION AND RETENTION STRUCTURES, AND BEST MANAGEMENT PRACTICES (BMPS).** Stormwater detention and retention structures, and best management practices (BMPs) shall not be located in any required front, side or rear yard or setback, except as permitted in accordance with Subsection (c)(2) of this Section, Permitted Variations in Yard Requirements.

SEC. 31-609 OUTSIDE STORAGE AND DISPLAY

- (a) No portion of any required front, side or rear yard, fire lane, parking space or pedestrian walkway shall be used for the permanent display or storage of merchandise, appliances, motor vehicles, trailers, airplanes, boats, parts of any of the foregoing, or building materials, except building materials for use on the premises and stored thereon during the time a valid permit is in effect for construction on the premises. Permanent display or storage, as used in this Section, means the presence for a period of two or more consecutive days in the required front yard setback fifteen (15) days or more. Any permanent display or storage areas shall be identified on an approved site plan. Temporary storage shall comply with Section 31-717, Temporary Uses.
- (b) **SOLID WASTE STORAGE AREAS.** Storage areas, solid waste dumpsters and large items for solid waste pick-up shall be confined in an enclosed area that is screened on all sides. A solid waste enclosure, large enough to confine solid waste items and dumpster(s), shall be of solid construction, six feet high with locking gates providing access. Enclosures shall be constructed of durable, weather-proof, permanent materials such as concrete or stone block, metal, wood or similar material. The applicant shall ensure that the choice of materials and color are consistent and compatible with those of the principal building(s) on the site. Bollards shall be installed in front of the gates to prevent refuse vehicles from

inadvertently bumping into the gates or causing dumpsters to damage the gates. This enclosure, the dumpster(s) and solid waste shall be placed on an asphalt pad and the access drive to the enclosure shall be concrete.

- (c) **JUNK, JUNK VEHICLES AND SALVAGE YARDS.** Junk, vehicles, and salvage yards shall not be allowed on any premises except as provided for in the Table of Permitted Uses; except that a maximum of two vehicles intended for repair or restoration may be kept on the premises, but only if all of the following conditions are satisfied:

- (1) Vehicles shall be owned by the owner or occupant of the premises upon which the vehicles are located.
- (2) The vehicles shall be stored in an enclosed garage, under an opaque cover designed for the vehicle, or otherwise screened from public view.
- (3) Vehicles shall not be stored within a front or side yard.
- (4) There shall be no exterior storage of vehicular parts.

- (d) **LOCATION AND SCREENING.**

- (1) Outdoor display and storage and outdoor storage operations (excluding nursery stock in non-residential zoning districts) shall be prohibited between the street right-of-way and the primary use, and within fifty (50) feet of residential uses and residential zoning districts, except as provided herein and shall comply with the following:

(a) Outdoor display of merchandise shall be limited to merchandise which is in working order and ready for sale. Such display or storage areas must be on an improved hardened surface exclusive of a minimum 5-foot pedestrian accessway. If located in front of the store, such use shall be accommodated in the area immediately adjoining the front of the principal building and extending not more than fifteen (15) feet out from it except for permitted vehicle sale establishments, landscape nurseries and materially similar uses. No outdoor display shall encroach upon any required element on the site.

- (2) Outdoor storage lots, for uses other than junk and salvage yards, are to be located to the side or rear of the principal building and shall be enclosed with screening that consists of any combination of fences, walls, berms and landscaping that is at least six (6) feet in height and provides year-round screening. When storage/service areas are located adjacent to a public right-of-way or pedestrian way, additional landscaping shall be incorporated to provide a more effective screen.

- (3) Except for integral units, stored items shall not project above the screening.

(4) No storage shall be maintained in the front yard area. (4) The aggregate area used for the outside storage and display of merchandise shall not exceed ten (10) per cent of the gross floor area of the principal retail building or 20,000 square feet, whichever is less.

- (5) Sheet metal and barbed and razor wire shall not be used for screening materials for outdoor storage or operations except that chain link with approved landscaping may be used in the M-2, general industrial district.

- (6) Vehicles stored for repair shall be located within an area screened on all sides with opaque fencing at least six (6) feet in height.
- (7) All screening shall be installed and maintained in sound condition.
- (8) Screening shall not obstruct sight distance.
- (e) **OUTDOOR DISPLAY OF VEHICLES.** Outdoor display of vehicles (e.g., operable autos, recreational vehicles, boats, trucks) for sale, where authorized by existing zoning, shall not be permitted unless the method of display conforms with the following requirements:
 - (1) The vehicles shall be located behind a landscaped area at least ten (10) feet wide between the property line and display area.
 - (2) Landscaping shall provide a buffer between the right-of-way and the vehicle storage area.
 - (3) No vehicle shall be displayed or stored within a required landscape area.
 - (4) Not more than one vehicle display pad, which may be elevated up to three (3) feet in height as measured at the highest point, shall be permitted per one hundred feet of road frontage.
 - (5) No other materials for sale shall be displayed between the principal structure and the arterial street.

SEC. 31- 717 TEMPORARY USES

- (a) **PURPOSE.** The Temporary Use Permit is a mechanism to allow a use to locate within the City on a short-term basis and by which it may allow seasonal or transient uses not otherwise allowed. Prior to conducting or establishing a temporary use or structure, approval of a Temporary Use Permit by the Zoning Administrator is required pursuant to Section 31-302 of this Ordinance.
- (b) **APPROVAL CRITERIA.** All temporary uses listed in this Section require a Temporary Use Permit. The Administrator shall not approve or modify and approve an application for a Temporary Use Permit unless the following criteria, specific regulations and time limitations are met in addition to criteria for any particular temporary use as specified in Subsections (c) through (h) of this Section.
 - (1) **COMPATIBILITY WITH/EFFECT ON SURROUNDING AREA.** The allowance of such use shall not be detrimental to the public health, safety and general welfare, and the use shall be consistent with the purpose and intent of this Ordinance and the specific zoning district in which it will be located; and the use is compatible in intensity, characteristics and appearance with existing land uses in the immediate vicinity of the temporary use, and the use, value and qualities of the neighborhood surrounding the temporary use will not be adversely affected by the use or activities associated with it. In addition to those listed herein, factors such as location, noise, odor, light, dust control and hours of operation shall be considered.

(2) **LOCATION ON PUBLIC PROPERTY.** The use shall not be on publicly owned property unless the applicant first obtains approval of a revocable or other applicable permit through the City or the owner, if not the City Council.

(3) **TRAFFIC.** The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding any type of traffic generated or impacted by the temporary use or structure and impact upon traffic circulation in the area.

(4) **PARKING AND ACCESS.** Adequate off-street parking, in accordance with the parking standards of this Ordinance, shall be provided to serve the use. The use does not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.

(5) **PROPERTY LINE SETBACKS.** Structures and/or display of merchandise shall comply with the all yard and property line setback requirements of the zoning district and shall not be located in any fire lane or pedestrian walkway within which it is located. The items shall be displayed so as not to interfere with the sight visibility triangle of the intersection of the curb line of any two (2) streets or a driveway and a street. In no case shall items be displayed within the public right-of-way.

(6) **SIGNS.** Signage for temporary uses shall be permitted only within the time frame for which the temporary use is permitted. No sign for a temporary use shall exceed thirty-two (32) square feet, not including permanent signage that may be on a vehicle. All signs for temporary uses shall be attached to a structure, vehicle or existing sign post. Portable signs shall not be allowed. Off premise signage for a temporary use shall not be allowed.

(7) **NUMBER PER PARCEL.** Only one (1) temporary use permit shall be permitted for a single parcel of land at any given time.

(8) **PERIOD OF TIME BETWEEN PERMITS.** The period of time between any temporary use permit on a parcel and application for another temporary use permit on that parcel shall be at least ~~three (3) times the amount of time of the first (previous) permit.~~ 60 days.

(c) **TEMPORARY RETAIL SALES USES.**

(1) **SEASONAL SALES OF CHRISTMAS TREES.** Temporary use permits are required for the seasonal sale of Christmas Trees and such sales shall be limited to non-residential zoned districts. Such sales are limited to a period of time not to exceed ninety (90) days per calendar year.

(2) **SEASONAL SALE OF AGRICULTURAL PRODUCTS.** Temporary use permits are required for all seasonal sales of agricultural products in non-residential zoning districts. Such sales are limited to a period of time not to exceed one hundred eighty (180) days per calendar year. A maximum of one building/display booth shall be allowed and may cover a maximum of four hundred(400) square feet. The structure must be portable and completely removed at the end of the period.

(3) SEASONAL GREENHOUSES (ACCESSORY TO ESTABLISHED BUSINESS).

Limited to only non-residential zoning districts for a period of time not to exceed six (6) months per calendar year. A maximum of one (1) building shall be allowed and may cover a maximum of two thousand (2,000) square feet. The structure must be portable and completely removed at the end of the permit period.

(4) SIDEWALK VENDORS. The sale of food, beverages, or merchandise from a stand or motor vehicle, or from a person may be allowed in non-residential zoning districts and shall be limited to a period not to exceed ninety (90) continuous days per calendar year in a given location. Even if at any time the vendor does not occupy the permitted site, the ninety-day limit shall not be extended.

(5) CRAFT SALES. Craft sales or shows may be permitted in any residential zoning district subject to the following provisions:

A. Items offered for sale shall be limited to those which have been made or crafted by the participants as a hobby or avocation as distinguished from items which are made in the conduct of a home occupation;

B. Participation in such sales or shows shall be limited to an occupant of the premises and not more than four (4) non-occupants. For the purposes of this Section, participation shall be construed to mean the offering for sale of items made or crafted by an occupant or participating non-occupant, whether or not that individual is physically present on the premises during the conduct of such sale or show;

C. Not more than one (1) such sale or show event shall be conducted on a premises in any given calendar year. For the purposes of this Section, the duration of any sale or show event shall be limited to six (6) days within a period of ten (10) consecutive days;

D. Such sales and shows may be conducted only upon authorization by the Administrator of a Temporary Use Permit (section 31-302) subsequent to application and payment of a five-dollar (\$5.00) nonrefundable processing fee by an occupant of the premises upon which such sale or show is proposed to be conducted. The Administrator shall make a determination with respect to approval or denial of applications within ten (10) working days of submission and shall consider the following:

(i) The proposed location of the sale or show and the probable impact on adjacent land uses;

(ii) The ability of the structure in which such sale will be conducted to accommodate safely the number of persons likely to patronize such event;

(iii) The ability of the streets in the immediate vicinity of such residential property to accommodate adequately and safely the traffic and parking demand anticipated to be associated with such event without disruption of normal traffic circulation and emergency access needs.

E. In the event the Administrator determines that the conduct of such craft sale or show at the proposed location would adversely affect the surrounding land uses because of the disruption to the normal and essential traffic circulation needs of the immediate vicinity, or the safety and welfare of participants, patrons, neighbors, or the general public, the application for temporary permit shall be denied. No application for a temporary permit shall be deemed to have been received for processing unless accompanied by a nonrefundable processing fee in the amount of five dollars (\$5.00).

(6) **YARD OR GARAGE SALES.** Yard and garage sales may be permitted in agricultural and residential zoning districts subject to the following provisions:

A. Items offered for sale shall be limited to those which are owned by an occupant of the premises or other participants authorized by this Section and which are normally and customarily used or kept on a residential premises. Such items shall not have been specifically purchased or crafted for resale;

B. Participation in such sale shall be limited to the occupant of the premises and not more than four non-occupants. For the purpose of this Section, participation shall be construed to mean the offering for sale of items owned by an occupant or participating non-occupant, whether or not that individual is physically present on the premises during the conduct of such sale;

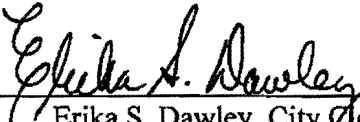
C. Such sales shall be limited to three in any given calendar year per lot. The duration of any single sale shall not exceed three (3) consecutive days.

D. A Temporary Use Permit is not required for any yard or garage sale.

This ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: FEBRUARY 20, 2013

TESTE:


Erika S. Dawley, City Clerk