

**STATE OF GEORGIA  
CITY OF TUCKER**

**ORDINANCE O2021-10-21**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF TUCKER, GEORGIA, FOR THE PURPOSE OF AMENDING THE CITY OF TUCKER CODE CHAPTER 46 ZONING, INCLUDING REPLACING COMMUNITY DEVELOPMENT DIRECTOR WITH PLANNING AND ZONING DIRECTOR THROUGHOUT ARTICLE 3; REVISING ARTICLE 3 TO ADD/AMEND THE USE TABLE IN THE DOWNTOWN DISTRICTS AND NORTHLAKE DISTRICTS FOR SEVERAL USES; REVISING ARTICLE 4 TO AMEND THE USE TABLE AND/OR SUPPLEMENTAL REGULATIONS FOR A VARIETY OF USES; REVISING ARTICLE 5 REGARDING WALLS, FENCES, AND RETAINING WALLS DESIGN REQUIREMENTS; REVISING ARTICLE 5 TO REFLECT CHANGES MADE IN ARTICLE 4 REGARDING ACCESSORY STRUCTURE MATERIALS; AND REVISING ARTICLE 9 TO ADD DEFINITIONS FOR FLEET VEHICLES AND HOOKAH.**

**WHEREAS**, The Mayor and City Council desires to promote the public health, safety, and general welfare of the residents of the city; and,

**WHEREAS**, the Mayor and City Council desires to facilitate the creation of a convenient, attractive and harmonious community; and

**WHEREAS**, the Mayor and City Council desires to encourage an aesthetically attractive environment, both built and natural, and to provide for regulations that protect and enhance these aesthetic considerations; and

**WHEREAS**, the Mayor and City Council desires to provide clarity on existing regulations; and

**WHEREAS**, the Mayor and City Council desires to achieve compliance with all applicable state and federal regulations; and

**WHEREAS**, the Mayor and City Council desires to provide for protection of the constitutional rights and obligations of all citizens within the city; and

**WHEREAS**, the Mayor and City Council wish to replace Community Development Director with Planning and Zoning Director throughout Article 3 to reflect the reorganization of departments; and

**WHEREAS**, the Mayor and City Council wish to revise Article 3 Table 3.1 to add a line item for hookah/vapor bar or lounge; and to modify the line item for convenience store in the Downtown Zoning Districts, as shown in Exhibit A; and

**WHEREAS**, the Mayor and City Council wish to revise Article 3 Table 3.9 to add a line item for hookah/vapor bar or lounge in the Northlake Zoning Districts, as shown in Exhibit A; and

**WHEREAS**, the Mayor and City Council wish to revise Article 4, Sec. 46-1125 Use Table (Table 4.1) by adding a line item for hookah/vapor bar, as shown in Exhibit A; and

**WHEREAS**, the Mayor and City Council wish to revise the supplemental regulations in Article 4, Sec. 46-1145 regarding the yard/setbacks and material requirements for accessory buildings, structures, and uses, as shown in Exhibit A; and

**WHEREAS**, the Mayor and City Council wish to revise the supplemental regulations in Article 4, Sec. 46-1146 regarding the location for detached accessory dwelling units, as shown in Exhibit A; and

**WHEREAS**, the Mayor and City Council wish to provide clarifying language and correct typographical errors in Article 4, Sec. 46-1157, as shown in Exhibit A; and

**WHEREAS**, the Mayor and City Council wish to amend Article 4 to add Sec. 46-1204 Hookah/Vapor Bar or Lounge and Sec. 46-1205 Special Event Facilities, including supplemental regulations; and to amend the number for the reserved sections; as shown in Exhibit A; and

**WHEREAS**, the Mayor and City Council wish to amend the numbering for the reserved sections in Article 4, as shown in Exhibit A; and

**WHEREAS**, the Mayor and City Council wish to amend Article 5, Sec. 46-1340 to add clarifying language and amend regulations for walls, fences, and retaining walls, as shown in Exhibit A; and

**WHEREAS**, the Mayor and City Council wish to amend Article 5, Sec. 46-1416 to amend accessory structure material language to reflect the changes made to Article 4, Sec. 46-1145, as shown in Exhibit A; and

**WHEREAS**, the Mayor and City Council wish to revise Article 9, to add the definition of fleet vehicle and hookah, as shown in Exhibit A; and

**WHEREAS**, Notice to the public regarding said amendment has been duly published in The Champion, the Official News Organ of Tucker; and

**WHEREAS**, A Public Hearing was held by the Mayor and City Council of Tucker on October 12, 2021 and November 8, 2021; and

**WHEREAS**, The Mayor and City Council is the governing authority for the City of Tucker;

**NOW THEREFORE**, the Mayor and City Council of the City of Tucker while in Regular Session on November 8, 2021, hereby ordains and approves the amendment of Article 3, 4, 5, and 9 as shown in Exhibit A, which is attached to this ordinance.

So effective this 8<sup>th</sup> day of November 2021.

Approved by:

  
\_\_\_\_\_  
Frank Auman, Mayor

Attest:

  
\_\_\_\_\_  
Bonnie Warne, City Clerk



SEAL

Exhibit A for O2021-10-21  
TA-21-0007

**Sec. 46-985. Use regulations.**

- (a) Table 3.1 indicates the permitted uses within DT districts.
- (b) The uses listed in table 3.1 are only permitted in the district identified, and no use may be established and no structure associated with such use may be erected, structurally altered or enlarged unless the use is permitted as:
  - (1) A permitted use (P);
  - (2) A special use (SP) subject to the special land use permit application procedures specified in article VII;
  - (3) An administratively approved use (SA) subject to the special administrative permit procedures specified in article VII;
  - (4) An accessory use (Pa) as regulated by article IV or the applicable DT district. Table 3.1 does not list all accessory uses but clarifies uses acceptable as accessory, though not typically considered principal uses for the zoning classification.
  - (5) Uses lawfully established prior to the effective date of this Division or this Zoning Ordinance, as applicable.
- (c) Multiple uses are allowed in a single building and on a single site.
- (d) Any use not listed in table 3.1 or interpreted to not be allowed by the community development director by section 46-1124 is not allowed. Any applicant denied a permit to allow a use of property in a DT district other than as provided in this section may file an appeal before the zoning board of appeals as provided in article VII.
- (e) Uses subject to additional regulations in article IV, division 2 of this chapter are indicated. Unless otherwise expressly stated, compliance with these regulations is required regardless of whether the use is permitted as-of-right, as an accessory use, by special administrative permit, or by special land use permit.

<b>Table 3.1 Downtown District Allowed Uses</b>				
Use	Downtown District			See Art. IV, Div. 2
	DT-1	DT-2	DT-3	
<b>AGRICULTURAL</b>				
<b>Agriculture and Forestry</b>				
Commercial greenhouse or plant nursery	P	P	P	✓
Temporary or portable sawmill	SA	SA	SA	✓
Urban, community garden, up to 5 ac.	P	P	P	✓
Urban, community garden, over 5 ac.	SA	SA	SA	
<b>Animal Oriented Agriculture</b>				
Dairy				
Keeping of livestock	Pa [1]	Pa [1]	Pa [1]	✓
Keeping of poultry/pigeons	Pa [1]	Pa [1]	Pa [1]	✓
Livestock sales pavilion				
Riding academies or stables	P			✓
<b>RESIDENTIAL</b>				
<b>Dwellings</b>				

Dwelling, cottage home	P	P	P	✓
Dwelling, mobile home				
Dwelling, multi-family (24 units per acre or less)		P [4]	P [4]	
Dwelling, multi-family (over 24 units per acre)		SP	SP	
Dwelling, multi-family (supportive living)		P	P	✓
Dwelling, townhouse	P	P	P	✓
High-rise apartment				
Dwelling, single-family (attached)	P	P	P	
Dwelling, single-family (detached)	P	P	P	
Dwelling, three-family	P	P	P	
Dwelling, two-family	P	P	P	
Dwelling, single-family, accessory (guesthouse, in-law suite)	Pa	Pa	Pa	✓
Home occupation, no customer contact	P	P	P	✓
Home occupation, with customer contact	SP	SP	SP	✓
Live/work unit	P [3]	P	P	✓
Mobile home park				
Accessory uses or structures	Pa	Pa	Pa	✓
<b>Housing and Lodging</b>				
Bed and breakfast	SP	P	P	✓
Boarding/rooming house		SP	SP	
Convents or monasteries	SP	SP	SP	✓
Dormitory		Pa	Pa	
Extended stay hotel				
Fraternity house or sorority house				
Hotel/motel		P	P	
Nursing care facility or hospice		P	P	
Personal care home, community, 7 or more persons		SP	SP	✓
Personal care home, group, 4-6 persons	SP	SP	SP	✓
Child caring institution, group, 4-6	SP	SP	SP	✓
Child caring institution, community, 7 or more		SP	SP	✓
Shelter for homeless persons, 7-20 persons				
Shelter for homeless persons for no more than 6 persons				
Transitional housing facility, 7-20 persons				
<b>INSTITUTIONAL/PUBLIC</b>				
<b>Community Facilities</b>				
Cemetery, columbarium, mausoleum				
Club, order or lodge, fraternal, non-commercial	SP	P	P	
Coliseum or stadium/not associated with church or school		P	P	✓
Funeral home, mortuary		P	P	
Golf course or clubhouse, public or private				
Government facilities	P	P	P	
Hospital		P		
Library or museum	P	P	P	

Cultural facilities		SP	SP	
Recreation club	SP	SP	SP	✓
Neighborhood or subdivision clubhouse or amenities	Pa	Pa	Pa	✓
Places of worship	P	P	P	✓
Recreation, outdoor	P	P	P	✓
Swimming pools, commercial	Pa	Pa	Pa	✓
Tennis courts, swimming pools, play or recreation areas, community	Pa	Pa	Pa	✓
<b>Education</b>				
Colleges, universities, research and training facilities		P	P	
Private educational services, home occupation	Pa	Pa	Pa	✓
Private kindergarten, elementary, middle or high schools	SP	SP	SP	✓
Vocational schools	SP	P	P	✓
Specialized schools	SP	P	P	✓
<b>COMMERCIAL</b>				
<b>Automobile, boat and trailer sales and service</b>				
Automobile or truck rental or leasing facilities				
Automobile brokerage				
Auto recovery, storage				
Automobile repair or maintenance, minor				
Automobile repair, major				
Automobile sales or truck sales				
Automobile service stations				
Automobile upholstery shop				
Boat sales				
Car wash, hand wash				
Car wash, automatic				
Emission station				
Retail automobile parts or tire store				
Service area, outdoor				
Trailer or RV salesroom and lot				
Used Part Dealer				
<b>Office</b>				
Accounting office	P [2]	P	P	
Building or construction office	P [2]	P	P	✓
Building, landscape, heavy construction contractor office (material, equipment, storage)				
Engineering or architecture office	P [2]	P	P	
Finance office or banking	P [2]	P	P	
General business office	P [2]	P	P	
Insurance office	P [2]	P	P	
Legal office	P [2]	P	P	
Medical office	P [2]	P	P	
Real estate office	P [2]	P	P	
<b>Recreation and Entertainment</b>				

Adult entertainment establishments				
Adult service facility				
Drive-in theater				
Fairground or amusement park				✓
Indoor recreation (bowling alleys, movie theatres and other activities conducted wholly indoors)		P	P	
Nightclub or late night establishment		SP	SP	✓
Outdoor recreation (miniature golf, batting cages, tennis, go-cart, and other outdoor activities)				
Special events facility		P	P	
Theaters with live performance, assembly or concert halls, or similar entertainment within an enclosed building		P	P	
<b>Retail</b>				
Alcohol outlet, retail sales, primary or accessory (excludes wine retailer)				
Retail sales	P [2]	P	P [5]	
Apparel or accessories store	P [2]	P	P [5]	
Art gallery	P [2]	P	P [5]	
Book, greeting card, or stationery store	P [2]	P	P [5]	
Camera or photography	P [2]	P	P [5]	
CBD Shop				
Computer or computer software store	P [2]	P	P [5]	
Convenience store (see related uses e.g., alcohol outlet, fuel pumps accessory)		P	<del>P [5]</del>	
Drive-through facilities (other than restaurants)		SP		✓
Farm or garden supply store	P [2]	P	P [5]	
Farmer's market, permanent	P [2]	P	P [5]	
Farmer's market, temporary/seasonal	SA	SA	SA	✓
Florist	P [2]	P	P [5]	
Fortune telling				
Specialty food stores (e.g., coffee, ice cream) (see alcohol outlet)	P [2]	P	P [5]	
Fuel dealers, manufacturers or wholesalers				
Fuel pumps, accessory		SP	SP	✓
Gift, novelty, or souvenir store	P [2]	P	P [5]	
Gold buying, precious metals	P [2]	P	P [5]	
Grocery stores (see alcohol outlet)	P [2]	P	P [5]	
Hardware store or other building materials store	P [2]	P	P [5]	
Hobby, toy or game store	P [2]	P	P [5]	
Jewelry store	P [2]	P	P [5]	
Music or music equipment store (retail)	P [2]	P	P [5]	
News dealer or news store	P [2]	P	P [5]	
Office supplies and equipment store	P [2]	P	P [5]	
Outdoor display (not including seating)		P	P	✓
Pawn shop, title loan				
Pet supply store	P [2]	P	P [5]	
Pharmacy or drug store (see alcohol outlet)	P [2]	P	P [5]	

Radio, television or consumer electronics store	P [2]	P	P [5]	
Retail warehouses/wholesales providing sales of merchandise with no outdoor storage		SP		
Specialty store	P [2]	P	P [5]	
Sporting goods or bicycle sale	P [2]	P	P [5]	
Tattoo establishment and piercing studio				
Thrift, secondhand, antique store	P [2]	P	P [5]	
Trade shops: electrical, plumbing, heating/cooling, roofing/siding, with no outside storage				
Vape shop				
Variety store	P [2]	P	P [5]	
Wine retailer (< 5,000 sq. ft.)		P	P [5]	
<b>Temporary Commercial Uses</b>				
Temporary outdoor sales, seasonal	SA	SA	SA	✓
Temporary produce stand	SA	SA	SA	✓
Temporary outdoor retail sales	SA	SA	SA	✓
Temporary outdoor events	SA	SA	SA	✓
Temporary trailer, as home sales office or construction trailer	SA	SA	SA	✓
<b>Restaurant/Food establishments</b>				
Brewpub/beer growler		P	P [5]	
Catering establishments		P	P [5]	
Outdoor seating		P	P	✓
Restaurants (non-drive-thru)	P [2]	P	P [5]	
Restaurants with a drive-thru configuration		SP		✓
<b>Hookah/vapor bar or lounge</b>				
<b>Transportation and Storage</b>				
Bus or rail stations or terminals for passengers		SP	SP	
Heliport		SP	SP	✓
Parking, commercial lot	Pa	Pa	Pa	✓
Parking, commercial garage	Pa	Pa	Pa	
Taxi, ambulance or limousine service, dispatching or storage				
Taxi, ambulance, limousine dispatch office only (no vehicle parking)				
Taxi stand		P	P	
Transit shelter				
<b>Services</b>				
Adult day care center - 7 or more persons		SP	SP	✓
Adult day care facility - up to 6 persons		SP	SP	✓
Animal care specialist	P	P	P	
Animal hospitals, veterinary clinic		P	P	✓
Animal shelter/rescue center (4 or more)		P	P	✓
Banks, credit unions or other similar financial institutions	P	P	P	
Barbershop/ beauty salon or similar establishments	P	P	P	

Check cashing establishment, primary				
Check cashing establishment, accessory				
Child day care center (Kindergarten) - 7 or more persons		P	P	✓
Child day care facility - up to 6 persons	SP	SP	SP	✓
Coin laundry		P		
Pet daycare		P		✓
Pet grooming	P	P	P	✓
Dry cleaning agencies, pressing establishments, or laundry pick-up stations		P	P	
Fitness center	P	P	P	
Health spa		SP	SP	✓
Kennel, breeding or boarding				✓
Kennel, commercial				✓
Kennel, noncommercial				
Landscape business with no outdoor storage		P		
Massage establishment		SP	SP	✓
Mini-warehouse				
Multi-warehouse				
Outdoor storage, commercial				
Personal services establishment	P	P	P	
Photoengraving, typesetting, electrotyping	P	P	P	
Photographic studios	P	P	P	
Plumbing, HV/AC equipment establishments with no outdoor storage		P		
Publishing or printing establishments	P	P	P	
Quick copy printing store	P	P	P	
<b>Services, Medical and Health</b>				
Ambulance service or emergency medical services, private		P		✓
Health services clinic	P	P	P	
Home healthcare service	P	P	P	
Kidney dialysis center	P	P	P	
Medical or dental laboratories	P	P	P	
<b>Services, Repair</b>				
Furniture upholstery or repair; home appliance repair or service	P	P	P	
Personal service, repair (watch, shoes, jewelry)	P	P	P	
Service area, outdoor				
<b>INDUSTRIAL</b>				
Alcohol Manufacturing (brewery)		P	P	
Alcohol Manufacturing (distilled spirits)		P	P	
All other industrial uses not listed above				
<b>COMMUNICATION — UTILITY</b>				
Amateur radio service or antenna	P	P	P	✓

Electric transformer station, gas regulator station or telephone exchange				
Radio or television broadcasting studio	P	P	P	
Radio or television broadcasting transmission facility	P	P	P	
Satellite television antennae	P	P	P	✓
<b>WIRELESS TELECOMMUNICATION (cell tower)</b>				
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residential)	SP [6]	SP [6]	SP [6]	✓
Wireless Telecommunications (small cell structures)	P	P	P	✓
Stealth design up to 150'				
New support structure or stealth design up to 199'				
COWs (non-emergency or event, no more than 120 days)	SA	SA	SA	✓
COWs (declared emergency)	P	P	P	✓
Attached wireless telecommunication facility	P	P	P	✓
Monopole or attached facility in utility company's easements or rights-of-way				
<b>CERTAIN ACCESSORY USES</b>				
Drive-thru facilities (other than restaurants)		SP	SP	✓

Table 3.1 Notes:

- [1] Only allowed on lots used for a single-family detached dwelling that meet the applicable minimum lot size requirements of article IV, division 2 of this chapter.
- [2] Not to exceed 5,000 square feet per use.
- [3] Permitted uses include all office uses, tutorial/educational services, retail, fine arts studios and/or galleries, and photographic studios. The minimum size of the live-work unit is 1,200 square feet with at least one-third of the unit must be designated for residential space.
- [4] A special land use permit is required when a multi-family use abuts a residential zoning district.
- [5] Uses along Main Street shall not exceed 10,000 square feet per use. Uses not along Main Street may not exceed 10,000 square feet per use unless approved by a special land use permit, however, special land use permits can only be requested for up to 15,000 square feet per use.
- [6] Telecommunications antennas must be incorporated in architectural features such as steeples, clock towers, water towers and attached to the top of high-rise buildings subject to the requirements of section 46-1194.

(Ord. No. O2019-04-15, exh. A(3.2.5), 6-26-2019; Ord. No. O2020-03-07 , exh. A, 3-23-2020)

**Sec. 46-1035. Use regulations.**

- (a) Table 3.9 indicates the permitted uses within the NL districts.
- (b) The uses listed in table 3.9 are only permitted in the district identified, and no use may be established and no structure associated with such use may be erected, structurally altered or enlarged unless the use is permitted as:
  - (1) A permitted use (P);
  - (2) A special use (SP) subject to the special land use permit application procedures specified in article VII;
  - (3) An administratively approved use (SA) subject to the special administrative permit procedures specified in article VII;
  - (4) An accessory use (Pa) as regulated by article IV or the applicable NL district. Table 3.9 does not list all accessory uses but clarifies uses acceptable as accessory, though not typically considered principal uses for the zoning classification.
  - (5) Uses lawfully established prior to the effective date of this Division or this Zoning Ordinance, as applicable.
- (c) Multiple uses are allowed in a single building and on a single site.
- (d) Any use not listed in table 3.9 or interpreted to not be allowed by the community development director by section 46-1124 is not allowed. Any applicant denied a permit to allow a use of property in an NL district other than as provided in this section may file an appeal before the zoning board of appeals as provided in article VII.
- (e) Uses subject to additional regulations in article IV, division 2 of this chapter are indicated. Unless otherwise expressly stated, compliance with these regulations is required regardless of whether the use is permitted as-of-right, as an accessory use, by special administrative permit, or by special land use permit.

<b>Table 3.9 Northlake District Allowed Uses</b>					
Use	Northlake District				See Art. IV, Div. 2
	NL-1	NL-2	NL-3	NL-4	
<b>AGRICULTURAL</b>					
<b>Agriculture and Forestry</b>					
Commercial greenhouse or plant nursery	P	P	P	P	✓
Temporary or portable sawmill	P	P	P	P	✓
Urban, community garden, up to 5 ac.	P	P	P	P	✓
Urban, community garden, over 5 ac.	SA	SA	SA	SA	
<b>Animal Oriented Agriculture</b>					
Dairy					
Keeping of livestock	Pa [1]	Pa [1]	Pa [1]	Pa [1]	✓
Keeping of poultry/pigeons	Pa [1]	Pa [1]	Pa [1]	Pa [1]	✓
Livestock sales pavilion					
Riding academies or stables					
<b>RESIDENTIAL</b>					
<b>Dwellings</b>					
Dwelling, cottage home				P	✓
Dwelling, mobile home					

Dwelling, multi-family (24 units per acre or less)	P	P	P	SP	
Dwelling, multi-family (over 24 units per acre)	SP	SP	SP		
Dwelling, multi-family (supportive living)	P	P	P	SP	✓
Dwelling, townhouse				P	✓
Dwelling, single-family (attached)				P	
Dwelling, single-family (detached)				P	
Dwelling, three-family				P	
Dwelling, two-family				P	
Dwelling, single-family, accessory (guesthouse, in-law suite)				Pa	✓
Home occupation, no customer contact	P	P	P	P	✓
Home occupation, with customer contact	SP	SP	SP	SP	✓
Live/work unit	P	P	P	P	✓
Mobile home park					
Accessory uses or structures	Pa	Pa	Pa	Pa	✓
<b>Housing and Lodging</b>					
Bed and breakfast	P	P		P	✓
Boarding/rooming house					
Convents or monasteries		P			✓
Dormitory	Pa	Pa	Pa	Pa	
Extended stay hotel					
Fraternity house or sorority house		Pa		Pa	
Hotel	SP	SP			
Nursing care facility or hospice	P	P		P	
Personal care home, community, 7 or more persons	SP	SP	SP		✓
Personal care home, group, 4-6 persons				SP	✓
Child caring institution, group, 4-6	SP	SP	SP	SP	✓
Child caring institution, community, 7 or more	SP	SP	SP		✓
Shelter for homeless persons, 7-20 persons					
Shelter for homeless persons for no more than six (6) persons					
Transitional housing facility, 7-20 persons					
<b>INSTITUTIONAL/PUBLIC</b>					
<b>Community Facilities</b>					
Cemetery, columbarium, mausoleum	SP	SP			✓
Club, order or lodge, fraternal, non-commercial	P	P	P	P	
Coliseum or stadium/not associated with church or school	P	P			✓
Funeral home, mortuary	P	P			
Golf course or clubhouse, public or private	P	P	P		✓
Government facilities	P	P	P	P	
Hospital or accessory ambulance service		P	P		
Library or museum	P	P	P	P	
Cultural facilities	P	P	P	P	
Recreation club	P	P	P	P	✓

Neighborhood or subdivision clubhouse or amenities	Pa	Pa	Pa	Pa	✓
Places of worship	P	P	P	P	✓
Recreation, outdoor	P	P	P	P	✓
Swimming pools, commercial	Pa	Pa	Pa	Pa	✓
Tennis courts, swimming pools, play or recreation areas, community	Pa	Pa	Pa	Pa	✓
<b>Education</b>					
Colleges, universities, research and training facilities	P	P	P	P	
Private educational services, home occupation	Pa	Pa	Pa	Pa	✓
Private kindergarten, elementary, middle or high schools	P	P	P	P	✓
Vocational schools	P	P	P	P	✓
Specialized schools	P	P	P	P	✓
<b>COMMERCIAL</b>					
<b>Automobile, boat and trailer sales and service</b>					
Automobile or truck rental or leasing facilities					
Automobile brokerage					
Auto recovery, storage					
Automobile repair or maintenance, minor	SP	SP	SP	SP	✓
Automobile repair, major			SP		✓
Automobile sales or truck sales					
Automobile service stations	SP	SP	SP		✓
Automobile upholstery shop	P	P	P		
Boat sales					
Car wash, hand wash	SP	SP	SP		✓
Car wash, automatic	SP	SP	SP		✓
Emission station					
Retail automobile parts or tire store	P	P	P	P	✓
Service area, outdoor					
Trailer or RV salesroom and lot					
Used Parts Dealer					
<b>Office</b>					
Accounting office	P	P	P	P	
Building or construction office	P	P	P	P	✓
Building, landscape, heavy construction contractor office (material, equipment, storage)	P	P	P	P	✓
Engineering or architecture office	P	P	P	P	
Finance office or banking	P	P	P	P	
General business office	P	P	P	P	
Insurance office	P	P	P	P	
Legal office	P	P	P	P	
Medical office	P	P	P	P	
Real estate office	P	P	P	P	
<b>Recreation and Entertainment</b>					
Adult entertainment establishments					

Adult service facility					
Drive-in theater		P	P		✓
Fairground or amusement park					
Indoor recreation (bowling alleys, movie theatres and other activities conducted wholly indoors)	P	P	P	P	
Nightclub or late night establishment	SP	SP	SP		✓
Outdoor recreation (miniature golf, batting cages, tennis, go-cart, and other outdoor activities)					
Special events facility	SP				
Theaters with live performance, assembly or concert halls, or similar entertainment within an enclosed building	P	P	P	P	
<b>Retail</b>					
Alcohol outlet, retail sales, primary or accessory (excludes wine retailer)	SP		P		✓
Retail sales	P	P	P	SP [2]	
Apparel or accessories store	P	P	P	SP [2]	
Art gallery	P	P	P	SP [2]	
Book, greeting card, or stationery store	P	P	P	SP [2]	
Camera or photography	P	P	P	SP [2]	
CBD Shop					
Computer or computer software store	P	P	P	SP [2]	
Convenience store (see related uses e.g., alcohol outlet, fuel pumps accessory)	P	P	P	SP [2]	
Drive-through facility (other than restaurants)	SP	SP	SP		✓
Farm or garden supply store	P	P	P	SP [2]	
Farmer's market, permanent	P	P	P	SP [2]	
Farmer's market, temporary/seasonal	SA	SA	SA	SA	✓
Florist	P	P	P	SP [2]	
Fortune telling			P		
Specialty food stores (e.g., coffee, ice cream) (see alcohol outlet)	P	P	P	SP [2]	
Fuel dealers, manufacturers or wholesalers					
Fuel pumps, accessory	SP	SP	P		✓
Gift, novelty, or souvenir store	P	P	P	SP [2]	
Gold buying, precious metals	P	P			
Grocery stores (see alcohol outlet)	P	P	P	SP [2]	
Hardware store or other building materials store	P	P	P	SP [2]	
Hobby, toy or game store	P	P	P	SP [2]	
Jewelry store	P	P	P	SP [2]	
Music or music equipment store (retail)	P	P	P	SP [2]	
News dealer or news store	P	P	P	SP [2]	
Office supplies and equipment store	P	P	P	SP [2]	
Outdoor display	P	P	P		✓
Pawn shop, title loan					
Pet supply store	P	P	P	SP [2]	
Pharmacy or drug store (see alcohol outlet)	P	P	P	SP [2]	

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Radio, television or consumer electronics store	P	P	P	SP [2]	
Retail warehouses/wholesales providing sales of merchandise with no outdoor storage	P		P		
Shopping center	P	P	P	P	
Specialty store	P				
Sporting goods or bicycle sale	P				
Tattoo establishment and piercing studio					
Thrift, secondhand, antique store					
Trade shops: electrical, plumbing, heating/cooling, roofing/siding, with no outside storage	P	P	P	SP [2]	
Vape shop					
Variety store	P	P	P	SP [2]	
Wine retailer (< 5,000 sq. ft.)	P	P	P	SP [2]	
<b>Temporary Commercial Uses</b>					
Temporary outdoor sales, seasonal	SA	SA	SA	SA	✓
Temporary produce stand	SA	SA	SA	SA	✓
Temporary outdoor retail sales	SA	SA	SA	SA	✓
Temporary outdoor events	SA	SA	SA	SA	✓
Temporary trailer, as home sales office or construction trailer	SA	SA	SA	SA	✓
<b>Restaurant/Food establishments</b>					
Brewpub/beer growler	P	P	P	SP [2]	
Catering establishments	P	P	P	SP [2]	
Outdoor seating	P	P	P		✓
Restaurants (non-drive-thru)	P	P	P	SP [2]	
Restaurants with a drive-thru configuration	SP	SP	SP		✓
<b>Hookah/vapor bar or lounge</b>					
<b>Transportation and Storage</b>					
Bus or rail stations or terminals for passengers	SP	SP	SP		
Heliport					
Parking, commercial lot	Pa	Pa	Pa	Pa	✓
Parking, commercial garage	Pa	Pa	Pa	Pa	
Taxi, ambulance or limousine service, dispatching or storage					
Taxi, ambulance, limousine dispatch office only (no vehicle parking)					
Taxi stand	P	P	P	P	
Transit shelter					
<b>Services</b>					
Adult day care center - 7 or more persons	P	P	P	P	✓
Adult day care facility - up to 6 persons	P	P		P	✓
Animal care specialist	P	P	P		
Animal hospitals, veterinary clinic	P		P	P	✓
Animal shelter/rescue center					
Banks, credit unions or other similar financial institutions	P	P	P	P	

Barbershop/ beauty salon or similar establishments	P	P	P	P	
Check cashing establishment, primary					
Check cashing establishment, accessory					
Child day care center (Kindergarten) - 7 or more children	P	P	P	P	✓
Child day care facility - up to 6 children	P	P	P	P	✓
Coin laundry	P	P	P	P	
Pet day care		SP	SP		✓
Pet grooming	P		P	P	✓
Dry cleaning agencies, pressing establishments, or laundry pick-up stations	P	P	P	P	
Fitness center	P	P	P	P	
Health spa	SP	SP	SP	SP	✓
Kennel, breeding or boarding					✓
Kennel, commercial					
Kennel, noncommercial					
Landscape business with no outdoor storage	P	P	P	P	
Massage establishment	SP	SP	SP	SP	✓
Mini-warehouse					
Multi-warehouse		SP	SP		✓
Outdoor storage, commercial					
Personal services establishment	P	P	P	P	
Photoengraving, typesetting, electrotyping	P	P	P	P	
Photographic studios	P	P	P	P	
Plumbing, HV/AC equipment establishments with no outdoor storage	P	P	P	P	
Publishing or printing establishments	P	P	P	P	
Quick copy printing store	P	P	P	P	
<b>Services, Medical and Health</b>					
Ambulance service or emergency medical services, private	P	P	P	P	
Health services clinic	P	P	P	P	
Home healthcare service	P	P	P	P	
Kidney dialysis center	P	P	P	P	
Medical or dental laboratories	P	P	P	P	
<b>Services, Repair</b>					
Furniture upholstery or repair; home appliance repair or service	P	P	P	P	
Personal service, repair (watch, shoes, jewelry)	P	P	P	P	
Service area, outdoor					
<b>INDUSTRIAL</b>					
Contractor, general (See also Building or Construction Office)			P		✓
Industrial, light			P		
Alcohol Manufacturing (brewery)	P	P	P		
Alcohol Manufacturing (distilled spirits)	P	P	P		

All other industrial uses not listed above					
<b>COMMUNICATION — UTILITY</b>					
Amateur radio service or antenna	P	P	P	P	✓
Electric transformer station, gas regulator station or telephone exchange	P	P	P	P	
Radio or television broadcasting studio	P	P	P	P	
Radio or television broadcasting transmission facility	P	P	P	P	
Satellite television antennae	P	P	P	P	✓
<b>WIRELESS TELECOMMUNICATION (cell tower)</b>					
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residential)	P	P	P	P	✓
Wireless Telecommunications (small cell structures)	P	P	P	P	✓
Stealth design up to 150'	P	P	P	P	✓
New support structure or stealth design up to 199'	P	P	P	P	✓
COWs (non-emergency or event, no more than 120 days)	P	P	P	P	✓
COWs (declared emergency)	P	P	P	P	✓
Attached wireless telecommunication facility	P	P	P	P	✓
Monopole or attached facility in utility company's easements or rights-of-way	P	P	P	P	✓
<b>CERTAIN ACCESSORY USES</b>					
Drive-thru facilities (other than restaurants)	SP	SP	SP		✓

Table 3.9 Notes:

- [1] Only allowed on lots used for a single-family detached dwelling that meet the requirements of article IV, division 2 of this chapter.
- [2] Not to exceed 5,000 square feet per use unless approved by special land use permit. Not to exceed 10,000 square feet by special land use permit.

(Ord. No. O2019-04-15, exh. A(3.3.5), 6-26-2019; Ord. No. O2020-03-07 , exh. A, 3-23-2020)

**Sec. 46-1125. Use table.**

Table 4.1 indicates the permitted uses within the base zoning districts. Even though a use is listed as an allowable use within a particular base zoning district, additional use restrictions may apply based on the applicable overlay zoning district requirements specified in article III of this chapter.

- (1) The uses listed in table 4.1 shall be permitted only within the zoning districts identified, and no use shall be established and no structure associated with such use shall be erected, structurally altered or enlarged unless the use is permitted as:
  - a. A permitted use (P);
  - b. A special use (SP) subject to the special land use permit application procedures specified in article VII of this chapter;
  - c. An administratively approved use (SA) subject to the special administrative permit procedures specified in article VII of this chapter;
  - d. An accessory use (Pa) as regulated by this article IV of this chapter. Table 4.1 does not list all accessory uses but clarifies uses acceptable as accessory, though not typically considered principal uses for the zoning classification;
  - e. Uses lawfully established prior to the effective date of the ordinance from which this chapter is derived.
- (2) Any use not listed in table 4.1 or interpreted to be allowed by the planning and zoning director pursuant to section 46-1224 is prohibited. Any applicant denied a permit to allow a use of property in a zoning district other than as provided in this section may file an appeal before the zoning board of appeals as provided in article VII of this chapter.
- (3) If there is a conflict between table 4.1 and the text of this chapter, the text shall prevail.

Table 4.1. Use Table

Key:

P—Permitted use; SA—Special administrative permit from director of planning; Pa—Permitted as an accessory use; SP—Special land use permit from BoC (SLUP)

Table 4.1. Use Table																										
Use	R E	R L G	R- 10 0	R- 8 5	R- 75	R- 6 0	R S M	M R- 1	M R- 2	H R- 1, 2, 3	M H P	R N C	O I	O I T	N S	C - 1	C - 2	O D	M	M - 2	M U - 1	M U - 2	M U- 3	M U- 4, 5	See div. 2 of this article	
Restaurant/Food Establishments																										
Brewpub/beer growler																P	P	P		P		P	P	P	P	
Catering establishments													P	P		P	P		P		P	P	P	P		
Outdoor seating													P		P	P	P	P								✓
Restaurants (acc. to hotel/motel)													P			P	P	P					P	P	P	
Restaurants (non-drive-thru)								Pa	Pa	Pa		Pa	Pa	Pa	P	P	P		P		P	P	P	P		
Restaurants with a drive-thru configuration																P	P				P					✓
<u>Hookah/vapor bar or lounge</u>																<u>S</u> <u>P</u>	<u>S</u> <u>P</u>									✓

## *DIVISION 2. SUPPLEMENTAL USE REGULATIONS*

### **Sec. 46-1145. Accessory buildings, structures and uses: location, yard and building restrictions.**

The following provisions apply to accessory buildings, structures, and uses of land that are incidental to authorized and permitted uses:

- (1) All accessory buildings, accessory structures, and accessory uses of land, including off-street parking, shall be located on the same lot as the principal building to which they are accessory.
- (2) All accessory structures in which effluent is produced shall be connected to water and sewer if the primary structure is connected to water and sewer.
- (3) Yard and setbacks.
  - a. All accessory buildings or structures shall be located in the rear yard of the lot, with the exception of:
    - i. ATM bank machines which are also allowed in the front or side yard;
    - ii. Detached garages and accessory dwelling units which are also allowed in the side interior yard.
  - b. Accessory structures must not encroach in the minimum yard setbacks for the district in which they are located.
  - c. Accessory buildings or structures shall meet the minimum side yard setback for the district or ten feet, whichever is less, and shall not be located closer than ten feet to a rear lot line in any district.
  - d. Basketball goals attached to the principal residential structure or erected adjacent to and abutting the driveway of the principal residential structure shall be allowed in the front yard but not within the right-of-way of a public street. No basketball goal shall be erected in such a manner that the play area for the basketball goal is located within any portion of a public right-of-way.
  - e. Additional supplemental regulations in this division regarding minimum yards and setbacks for specific accessory buildings, structures, or uses of land may also apply.
- (4) Corner lot, rear yards. Where the rear yard of a corner lot adjoins the side yard of a lot in a residential or special district, no accessory building or structure shall be located closer than 15 feet to the rear property line and no closer to the side street right-of-way line than the principal building.
- (5) Materials. ~~Accessory structures that are buildings or sheds shall be constructed out of a material similar to the principal structure.~~
  - a. Accessory buildings or structures greater than 200 square feet in floor area shall be constructed out of a material similar to the principal structure.
  - b. All accessory structure materials shall comply with Section 46-1416.

- (6) No accessory building or structure in a nonresidential district shall be used by anyone other than employees of the owner, lessee or tenant of the premises, unless otherwise allowed by provisions of this division.
- (7) Where an accessory building or structure is attached to the principal building by a breezeway, passageway or similar means, the accessory building or structure shall comply with the yard setback requirements of the principal building to which it is accessory.
- (8) Setbacks for swimming pools, as accessory structures in a residential or special district, shall be measured from the edge of the decking to the applicable property line. No part of the decking for an accessory swimming pool shall be within five feet of a side or rear property line.
- (9) Except as expressly provided elsewhere in this chapter, an accessory structure shall be limited to the lesser of 24 feet in height or the height of the principal structure, whichever is less.
- (10) The floor area of an accessory building that is accessory to a single-family, two-family, or three-family residential structure shall not exceed the maximum floor areas set forth in table 4.2 below.

Table 4.2. Maximum Accessory Building Floor Area—Select Residential Structures

<i>Property Size</i>	<i>Maximum Floor Area</i>
0 to 0.999 acres	900 sq. ft.
1 to 4.999 acres	1,200 sq. ft.
5 to 9.999 acres	2,000 sq. ft.
10 or more acres	No size limit

(Ord. No. 2016-06-07, att. (4.2.2), 7-11-2016; Ord. No. O2020-03-07 , exh. A, 3-23-2020)

**Sec. 46-1146. Accessory dwelling unit, guesthouse, in-law suite.**

- (a) On parcels zoned for residential single-family dwellings as a principal use, an accessory dwelling unit may be allowed as one of the following:
  - (1) Attached (addition to existing building);
  - (2) Detached permanent structure; or
  - (3) Within existing house (renovations to basements, wings or attics converted into separate living unit).
- (b) The heated floor area of a dwelling unit shall not include the square footage of the garage or shed.
- (c) Attached and detached accessory dwelling units are permitted by right, subject to the following:
  - (1) The minimum lot size shall be 10,000 square feet.
  - (2) The accessory dwelling unit shall conform to applicable standards of the state and city building codes for residential units as principal uses.
  - (3) The property owner, who shall include titleholders and contract purchasers, must occupy either the principal dwelling unit or the accessory dwelling unit as their residence, and possess a homestead exemption.
  - (4) The appearance of the accessory dwelling unit shall be similar to that of the principal residence. Building materials must comply with Section 46-1416.

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- (5) Only one accessory dwelling unit of any type shall be permitted on a lot.
  - (6) Prior to issuance of a building permit for an accessory dwelling unit, an applicant must provide evidence to the community development director showing that existing or proposed septic tank facilities, as applicable, are adequate to serve both the principal dwelling and the accessory dwelling unit.
  - (7) Any detached accessory dwelling unit shall be located in the rear or side interior yard.
  - (8) A second kitchen facility may be constructed and used within a single-family residence.
  - (9) Paved off-street parking shall be provided for one additional vehicle.
  - (10) Accessory dwelling units shall not exceed 900 square feet of heated floor area and shall not exceed 24 feet in height.
  - (11) The main entrance for a detached accessory dwelling unit, guesthouse, or in-law suite shall not face the closest property line. Windows, doors, balconies, porches and decks shall be sited to ensure the privacy of neighbors.
  - (12) For parcels located in a designated historic district and individually designated historic structures, the placement of an accessory dwelling unit and its architectural design shall require a certificate of appropriateness from the historic preservation commission.

(Ord. No. 2016-06-07, att. (4.2.3), 7-11-2016; Ord. No. O2020-03-07 , exh. A, 3-23-2020)

**Sec. 46-1157. – Automotive sales and service; boat, trailer sales and service; other automotive related uses.**

(q) Additional supplemental regulations for all ~~auto uses in this Section~~ other automotive related uses.

1. All vehicles shall be parked in striped spaces of standard size and shall not extend into any drive aisle.
2. No more than two rows of stacking shall be permitted.
3. Drive aisles shall be provided for access to buildings and all parking spaces.
4. Vehicles shall not block the safe access of pedestrians, cars, or emergency vehicles.
5. All vehicles shall be parked on a paved surface that is connected to and has continuous paved access to a public ~~of or~~ private street.
6. All vehicles shall have a state issued license plate or a dealer tag that identifies vehicle ownership.
7. Site and parking area landscaping shall comply with Section 46-1337.
8. Properties with more than one business shall provide a floor plan showing the designated lease area, including parking area, for each space/business.
9. No vehicles, boats, trailers, or trucks that are being serviced, sold, rented, or leased by the business shall be parked or stored in the right-of-way.

**Sec. 46-1204. Hookah/Vapor Bar or Lounge.**

**(a) Hours of Operation. No hookah/vapor bar or lounge shall remain open past 12:30 a.m.**

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(b) Smoking of hookah or vapor in any establishment that serves alcohol or food shall be prohibited.

**Sec. 46-1205. Special Event Facilities.**

Special event facilities shall be subject to all of the following standards:

- (a) The special event facility shall comply with parking standards stated in Article VI of this chapter. Valet parking shall not be used to satisfy the off-street parking requirements.
- (b) A traffic control plan to ensure an orderly and safe arrival, parking, and departure of all vehicles and to ensure that traffic will not back-up or block private easement, city, county, or state roads, intersections, or private driveways shall be submitted and subject to the review and approval of the city engineer.
- (c) Noise shall be contained within the subject suite or standalone structures. The facility shall comply with the noise ordinance.
- (d) No special event facility boundary line shall be located within 1,500 feet from the boundary line of property zoned or used for residential purposes.
- {a}(e) Hours of operation. No special event facility shall be authorized to remain open past 12:30 a.m. without obtaining a Special Land Use Permit for a late-night establishment.

**Secs. 46-~~1204~~1206—46-1222. Reserved.**

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**Sec. 46-1340. Walls, fences, and retaining walls.**

(a) *General.*

- (1) When this chapter requires a wall or fence to be constructed, the wall or fence shall be completed prior to the issuance of a certificate of occupancy for the principal structure.
- (2) No wall or fence shall be constructed in any public right-of-way.
- (3) See table 5.3 for additional requirements.

(b) *Single-family residential standards.*

- (1) Fences or free-standing walls constructed in a front yard shall not exceed four feet in height. Fences or free-standing walls constructed in a side corner yard shall not exceed four feet in height if said fence or free-standing wall is located between the street and the side corner façade of the structure. Fences or free-standing walls in line with the side corner façade shall not exceed six feet in height.
- (2) No freestanding wall or fence shall be more than eight feet high from finished grade.
- (3) Subdivision or project identification monuments at the entrance to a subdivision or residential development that incorporates a wall or fence shall only be located in a common area or private easement and shall not exceed six feet in height.
- (4) Retaining walls on lots developed with single-family dwellings or part of a single-family development shall abide by the following:
  - a. The entire wall structure, including footer, shall not encroach on adjacent property;
  - b. Drainage shall be properly conveyed on both sides of the wall in conformance with state, county, and city codes; and
  - c. A construction/maintenance easement shall be obtained from the adjoining property owner, if applicable. Newly constructed retaining walls shall not be higher than four feet; however, existing retaining walls may be repaired and replaced so long as the height of the repaired or replaced wall is no greater than the original height of the wall.
    1. If exceptional topographical restrictions exist that were not created by the owner or his agent on a lot, and it is established to the reasonable satisfaction of the planning and zoning director that no practical alternative design of such wall is feasible, then the planning and zoning director may, upon application therefor, grant an administrative variance allowing up to two additional feet in the applicable retaining wall maximum height limitation set forth in this subsection (b)(4) of this section. An applicant for a retaining wall administrative variance shall include with the application a certified field-run site plan or a topographical map certified by an engineer or landscape architect.
    2. If exceptional topographical restrictions exist that were not created by the owner or his agent on the lot, and it is established to the satisfaction of the zoning board of appeals that no practical alternative design of such wall is feasible, the zoning board of appeals may, upon application therefor, grant a variance allowing newly constructed retaining walls to be greater than six feet. Notwithstanding any provision in this chapter to the contrary, no variance may be granted to allow the height of a retaining wall above eight feet. In addition to the materials otherwise required for a variance in division 5 of article VII of this chapter, an applicant for a retaining wall variance shall provide a certified field-run site plan or a topographical map certified by an engineer or landscape architect with the application for the variance.

(c) *Height and length.*

- (1) The height of a freestanding wall or fence is measured from the finished grade of the subject property.
- (2) The total retaining wall height is ~~considered to be the average of the vertical distance between finished grade level at the front of the wall and the grade level at the back of the wall at the same section, measured from the finished grade on the non-retained side to the top of highest point of the wall.~~

~~(3) The maximum length of continuous, unbroken, and uninterrupted retaining walls equal to or greater than 6 feet in height is 100 feet. For walls greater than 100 feet in length, breaks shall be provided through the use of columns or other architectural detailing.~~

(d) *Material composition and design.*

- (1) No freestanding walls, retaining walls or fences may be composed of exposed common concrete block, tires, junk, pallets, railroad ties, loose stone, tarps, vinyl and other discarded materials.
- (2) ~~With the exception of M and M-2 zoning districts,~~ fences, freestanding walls or retaining walls erected within the front yard ~~or along the right-of-way~~ shall be constructed of brick, stone, wood, wrought iron, or aluminum that looks like wrought iron. Any other material, including, but not limited to, chain-link and other wire fences are prohibited in the front yards of all districts, ~~with the exception of M and M-2 zoning districts.~~
- (3) All chain-link fences shall be vinyl coated.
- (4) Walls and fences shall be constructed with the finished or decorative side facing outward from the property.

~~(5) Tiered retaining walls shall be separated horizontally by a minimum of 4 feet and the area between the walls shall be vegetated and maintained with a mix of native evergreen and deciduous shrubs, subject to the review and approval of the city arborist.~~

(e) *Security gates.* Entrance gates for vehicles shall be located at least 50 feet from the property line in order to ensure safe queuing, and ingress to and egress from the property.

(f) *Fencing.* Temporary fencing may be erected during construction for security and public safety purposes.

~~(g) *Exemptions.* Fences and walls in the M and M-2 zoning districts are exempt from regulations governing the height and materials of fences and walls.~~

(h) *Freestanding wall height.* No freestanding wall or fence in a multifamily, nonresidential or mixed-use zoning district may be more than ten feet in height.

(i) *Retaining wall height.* No retaining wall shall be more than ten feet in height.

Table 5.3. ~~Fence and Wall Standards Reserved.~~

<i>Use</i>	<i>Height</i>	<i>Setbacks</i>	<i>Variance Allowed</i>
Single-family fences in the front yard	Up to four feet from finished or street grade	Outside right-of-way	May apply for a variance from zoning board of appeals to increase height
Single-family fences in side or rear yards	Up to eight feet	Fences may be on property line; retaining walls, including	No variance can be approved to exceed eight foot height

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		footings, must not encroach over property line	
Single family fences in side corner lots:	Up to four feet if between the street and the side corner façade; up to six feet if in line with the side corner façade	Fences may be on property line; retaining walls, including footings, must not encroach over property line	No variance can be approved to exceed six foot height
Single family retaining walls	Up to four feet from finished or street grade. Cannot exceed eight feet on side or rear property line	Retaining walls, including footings, shall not encroach over property line	Administrative variance allowed to increase wall from four to six feet based on topography
Single and Multifamily identification monument walls	In front yard, cannot exceed ten feet in height	Cannot be located in right of way. Setback varies, depends on sight visibility	May apply for a variance from zoning board of appeals to increase height
Nonresidential, multifamily and mixed-use zoning districts	Up to ten feet	Cannot be located in right of way. Setback varies, depends on sight visibility	May apply for a variance from zoning board of appeals to increase height
Industrial	No limit	No limit	N/A

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(Ord. No. 2016-06-07, att. (5.4.7), 7-11-2016; Ord. No. O2020-03-07, exh. A, 3-23-2020)

**Sec. 46-1416. Materials.**

(a) *Exterior building materials.*

- (1) Except for exempted buildings described in subsection (a)(5) of this section, exterior wall materials of primary buildings shall consist of any of the following types:
  - a. Brick masonry;
  - b. Stone masonry;
  - c. Cement wood or fiber cement siding, including simulated half-timbering;
  - d. Hard coat stucco;
  - e. Cedar shingles or fiber cement;
  - f. Textured face concrete block;
  - g. Architectural concrete;
  - h. Precast or tilt-up panel (for industrial buildings only);

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- i. Glass;
  - j. Material not listed in this section, which shall contribute to innovative design or green construction as determined by the planning and zoning director on a case by case basis; and/or
  - k. Architectural accent materials as approved by the planning and zoning director.
- (2) Exterior building material requirements do not preclude solar panel installation on building roofs.
- (3) The following materials may be used as secondary building material or siding, up to 40 percent of total facing:
- a. Standing seam or corrugated metal siding;
  - b. Exterior insulation and finish system (EIFS). If within three feet of grade or within six feet of grade adjoining a public right-of-way or a parking area, the EIFS shall have ultra-high impact resistance in accordance with ASTM E2468. EIFS is prohibited for use on single-family, two-family, and three-family dwellings.
  - c. Vinyl siding and other polymeric siding, provided the siding shall:
    - 1. Be installed by a certified installer or an individual certified as trained through the VSI certified installer program sponsored by the Vinyl Siding Institute, Inc. (VSI) or an approved equivalent program;
    - 2. Be certified and labeled as conforming to the requirements of ASTM D3679 standard specifications for rigid poly (vinyl chloride) (pvc) siding by an approved quality control agency;
    - 3. Have a minimum thickness of 0.046 inches;
    - 4. Have panel projections of no less than five-eighths inch for clapboard and Dutchlap styles;
    - 5. Have double (rolled over) nail hem, up to 0.92 inches nominal thickness strength;
    - 6. Meet or exceed the color retention requirement of ASTM D6864, 3679 or D7251;
    - 7. Be installed in accordance with the manufacturers' instructions and in accordance with ASTM D4756. Polypropylene siding shall be certified and labeled as conforming to the requirements of ASTM D7254 standard specification for polypropylene (PP) siding by an approved quality control agency. Insulated vinyl siding shall be certified and labeled as conforming to the requirements of ASTM D7793 standard specification for insulated vinyl siding by an approved quality control agency.
- (4) The following exterior building materials shall be prohibited on all buildings:
- a. Plywood;
  - b. Common concrete block;
  - c. Oriented strand board (OSB).
- (5) Universities, and structures located in M or M-2 zoned districts shall be exempt from the requirements of subsections (a)(1) and (a)(3) of this section, provided:
- a. Such structures are located interior to the site with an intervening building facing the street.
  - b. If materials in subsection (a)(3) of this section are used as primary exterior building materials, at least 30 percent of total facade area shall be brick or stone masonry.
- (b) *Arrangement of materials.*

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- (1) Where two or more materials are proposed to be combined on a facade, the heavier and more massive material shall be located below the lighter material.
  - (2) Material changes on a facade shall occur along a continuous horizontal line or where two building forms meet. Secondary building materials may be used as trim, around windows, doors, cornices, at corners, or as a repetitive pattern within a wall covered in a primary building material.
  - (3) Buildings on corner lots shall have the same primary facade materials on the front and side corner elevations.
- (c) *Roof-and-accessory-structure-materials.*
- (1) Sloped roofs on primary buildings shall be clad in wood shingles, standing seam metal, clay or concrete tile, stone coated metal tile, painted metal tile, recycled rubber tile, slate, asphalt shingles or similar material or combination of materials. This regulation does not prohibit the application of solar panels, which shall not be considered an architectural material for purposes of building form regulations.
  - ~~(2) The exterior of accessory buildings shall be constructed of materials that are similar to those used on the principal structures.~~
- (d) *Shade structures.*
- (1) Material used as overhead shade structures must be maintained and shall be made of fade-resistant, water-resistant, mildew-resistant, and UV-resistant fabric.

(Ord. No. 2016-06-07, att. (5.7.4), 7-11-2016; Ord. No. O2020-03-07 , exh. A, 3-23-2020)

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## Sec. 46-1775. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Flea market* means an occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

*Fleet vehicles* are groups of motor vehicles owned or leased by a business, government agency or other organization rather than by an individual or family. Fleet vehicles do not include box trucks, 18 wheelers, moving trucks, dump trucks, or other large commercial vehicles with a gross vehicle weight of ten thousand pounds or more.

*Floodplain* means land within the special flood hazard area (SFHA) or covered by the "future-conditions" flood as defined in chapter 22.

*Home stay bed and breakfast residence* means a single-family dwelling in which is provided not more than two rooms for not more than four people for overnight rental and a morning meal to transient persons for compensation on a nightly basis by the occupant of said dwelling.

*Hookah* means a single or multi-stemmed water pipe and any associated products and devices which are used to produce fumes, smoke and/or vapor from the burning of material including, but not limited to, tobacco products, shisha or other plant materials.

*Hospice* means any facility that provides coordinated program of home care with provision for inpatient care for terminally ill patients and their families. This care is provided by a medically directed interdisciplinary team, directly or through an agreement under the direction of an identifiable hospice administration. A hospice program of care provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of patients and their families, which are experienced during the final stages of terminal illness and during dying and bereavement.