



Date April 21, 2025

RESOLUTION SCHEDULING HEARING ON PROPOSED AMENDMENTS TO ZONING ORDINANCE

WHEREAS, on April 25, 2016, by Roll Call No. 16-0717, the City Council adopted the PlanDSM: Creating Our Tomorrow Plan as the comprehensive plan for the City of Des Moines; and

WHEREAS, on October 16, 2019, by Roll Call No. 19-1683, the City Council approved Ordinance No. 15,816 adopting the Zoning Ordinance, which repealed and replaced previous Chapter 134 of the Des Moines Municipal Code and Article 5 of which repealed and replaced the City’s Wireless Telecommunications Facility Policy adopted on April 8, 2019 by Roll Call No. 19-0580, and certain ordinances amending the City’s Zoning Ordinance have been approved by City Council thereafter; and

WHEREAS, the Neighborhood Services Department and the Development Services Department and staff have prepared further amendments to Sections 134-3.3.2.F, 134-9.7, 134-9.9, 134-9.21, 134-9.22, and Table 134-3.1-1 of the Zoning Ordinance, which such amendments are intended to clarify group living use language to assist with code administration; and

WHEREAS, the Neighborhood Services Department and the Development Services Department and staff have prepared further amendments to Sections 134-5.1.4, 134-5.2.A.O, 134-5.2.A.R, 134-5.3.5, 134-5.4.7, 134-5.6.7.A, 134-5.6.7.C and 134-6.6.2.1 of the Zoning Ordinance, which such amendments are intended to clarify coordination with additional chapters of the Des Moines Municipal Code, clarify zoning relief, and allow fuel canopy signage to be illuminated; and

WHEREAS, the Neighborhood Services Department and the Development Services Department and staff have prepared a further amendment to Section 134-3.6.2 of the Zoning Ordinance, which that amendment is intended to notate general contractors in the Industrial Services use category to assist with code administration; and

WHEREAS, the Neighborhood Services Department and the Development Services Department and staff have prepared further amendments to Sections 134-3.6.3 and 134-3.1-1 of the Zoning Ordinance, which such amendments are intended to clarify use categories to assist with code administration and eliminate overlap between sub-categories; and

WHEREAS, the Neighborhood Services Department and the Development Services Department and staff have prepared a further amendment to Section 134-9.4 of the Zoning Ordinance, which that amendment is intended to clarify the definition of accessory buildings, by specifying that storage containers are not an accessory building, which will assist with code administration; and

WHEREAS, the Neighborhood Services Department and the Development Services Department and staff have prepared a further amendment to Section 134-3.9.6 of the Zoning Ordinance, which that amendment is intended to clarify when storage containers can be utilized for outdoor storage; and

Date April 21, 2025

WHEREAS, on April 3, 2025, the City Plan and Zoning Commission voted 10-0 to **APPROVE** the above proposed amendments to the Zoning Ordinance; and

WHEREAS, the proposed amendment to the Zoning Ordinance is on file and available to the public for viewing in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The attached communication from the Plan and Zoning Commission is hereby received and filed.
2. The City Council shall consider the proposed amendment to the Zoning Ordinance at a public hearing to be held at 5:00 p.m. on May 5, 2025, in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at which time the City Council will hear both those who oppose and those who favor the proposed amendment.
3. The City Clerk is hereby authorized and directed to publish notice of said hearing in the form hereto attached, in accordance with §362.3 of the Iowa Code.

Moved by _____ to adopt. Second by _____.

Approved as to Form:

/s/ Chas M. Cahill

Chas M, Cahill, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
COLEMAN				
GATTO				
MANDELBAUM				
SIMONSON				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

CERTIFICATE

I, Laura Baumgartner, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ Mayor

_____ City Clerk

April 10, 2025

Communication from the City Plan and Zoning Commission advising that at their April 3, 2025 meeting, the following action was taken on consideration of the following amendments to Chapter 134 and Chapter 135 of the Des Moines Municipal Code:

- A) Amendments to Chapter 134 modifying group living descriptions, defining camping and emergency shelter as temporary accessory uses to a place of worship use, signage regulations, industrial use categories, the accessory building definition and the outdoor storage description.
- B) Amendments to Chapter 135 establishing an industrial accessory building type and modifying site plan review procedures.

COMMISSION RECOMMENDATION: 10-0

After public hearing, the members voted as follows:

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi	X				
Kayla Berkson	X				
Chris Draper	X				
Laura Kessel	X				
Todd Garner	X				
Johnny Alcivar					X
Justyn Lewis					X
Carolyn Jenison	X				
William Page					X
Andrew Lorentzen					X
Emily Webb	X				
Katie Gillette	X				
Rick Trower					X
Jane Rongerude	X				

Approval of the proposed Zoning Ordinance and Planning and Design Ordinance amendments with the recommendation that the temporary unhoused provisions be expanded to include all non-profit or benefit corporations with social interest in addition to places of worship.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the proposed Zoning Ordinance and Planning and Design Ordinance amendments.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

The following tables summarize the proposed amendments. A redline version of the relevant code sections and tables are included in the Commission's packet. The proposed signage changes include corresponding amendments in Chapter 26 of the Municipal Code. A redline of these changes is included in the Commission's packet for reference. The Commission will not act on Chapter 26 amendments.

Chapter 134 Amendments:

SUBJECT	CODE SECTION	ACTION/PURPOSE
Group Living uses	134-3.3.2.F 134-9.7 134-9.9 134-9.21 134-9.22 Table 134-3.1-1	Clarify group living use language for ease of code administration. This includes definition updates and replacing the "Group Living Not Otherwise Categorized" sub-category with more definitive language.
Place of Worship, temporary accessory uses	134-3.10.6 134-3.10.7	Establish language that explicitly permits Place of Worship uses to accommodate unhoused populations.
Signage	134-5.1.4 134-5.2.A, O & R 134-5.3.5 134-5.4.7 134-5.6.7.A & C 134-6.6.2.1	Clarify coordination with Chapter 26 of Municipal Code and zoning relief language. Allowing fuel canopy signage to be lit.
Industrial Service uses	134-3.6.2	Provide a specific reference to general contractors in this use category for ease of code administration.
Storage, Distribution and Wholesaling uses	134-3.6.3 Table 134-3.1-1	Clarify category for ease of code administration by eliminating overlap between sub-categories.
Accessory Buildings	134-9.4	Address enforcement issue by clarifying definition to specifically mentioning that storage containers are not an accessory building.

Outdoor Storage use	134-3.9.6	Address enforcement issue by clarifying when and how storage containers can be used for outdoor storage.
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Chapter 135 Amendments:

SUBJECT	CODE SECTION	ACTION/PURPOSE
Industrial Accessory Building	135-2.22.2.1 Table 135-2.22-1	Establish an accessory building type that is a better match to expected development patterns for industrial uses.
Site Plan Review Triggers	135-6.1.2 135-7.1.2 135-9.1.2 135-9.1.3.A.2	<p>Move all general review procedures to a single location in Article 9.</p> <p>Eliminate the need to comply with site plan regulations when a property has been vacant for 6 months or more.</p> <p>Establish groups of uses that are similar in operation and impact that can be interchanged without a site plan.</p> <p>Adjust project value-based site plan requirement from “50% of total assessed property value” to “50% of total assessed property value or \$500,000, whichever is greater” providing greater flexibility to small businesses/property owners.</p>

II. ANALYSIS

- 1. Amendments:** Most of the proposed changes to the Zoning Ordinance are clarifications that would assist in the administration of the code. This includes addressing the use of temporary storage containers as accessory buildings, which has been an ongoing enforcement challenge. The proposed amendments to Section 134-3.10 would explicitly permit camping and emergency shelter functions as temporary accessory uses to a principal Place of Worship use.

The proposed changes to Chapter 135 include reducing the events that require a site plan and site improvements. This includes eliminating vacancy as a site plan trigger, establishing groups of uses that can be interchanged without a site plan, and providing a base project value threshold to offset impacts to owners of small businesses and limited value properties. Non-conforming use (aka, grandfathered) provisions in the Zoning Ordinance would not be impacted by these changes. Vacancy or a change of use may result in the loss of non-conforming use rights as it does currently.

- 2. PlanDSM: Creating Our Tomorrow Plan:** PlanDSM: Creating Our Tomorrow is the City’s Comprehensive Plan. The proposed amendments are consistent with many of the goals and policies of PlanDSM, including the following:
 - *Land Use Goal 1* - Develop new land development regulations consistent with this Comprehensive Plan, include development standards, provide for a mixture

of land uses, mandate protection of natural resources, and promote flexible approaches to implementing the Plan.

- *Land Use Goal 2* – Direct new growth and redevelopment to areas with existing infrastructure and nodes and corridors based on proximity to transit, shopping, services, and public amenities.
- *Land Use Goal 4* – Continue to embrace the district character of Des Moines' neighborhoods while allowing for new development and redevelopment.
- *Land Use Goal 7* – Maintain the existing industrial designated areas to provide appropriate locations for industrial uses.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendations.

Jane Rongerude asked about group living and using churches to shelter the unhoused. She wondered if there had been instances where this had come up in the past.

Jason Van Essen stated they are two different things and two different codes sections. The group living amendments are in response to ongoing challenges in implementing the code. It can be challenging to determine what category a group living use belongs in based on the current code language. The proposed amendments provide clearer, more specific definitions of group living within the zoning code to aid in consistent interpretation and application. Recent rezoning requests have raised concerns and highlighted ambiguities in the current code, particularly around how group living is defined and understood. These gaps can lead to misinterpretation and uncertainty. The goal of the updated language is to close these gaps and ensure the code is better aligned with the city's regulatory needs and legal obligations, making enforcement and decision-making more straightforward.

Jane Rongerude requested specific examples of group living situations to better understand the reasoning behind the proposed code changes. She sought clarification on what exactly is being regulated and why these updates are necessary.

Chris Draper also requested examples of the new definitions, such as dormitories or rooming houses, and how these updates would affect areas like the Drake neighborhood, which contains old fraternity houses. He sought to understand how the revised regulations would apply to these specific types of properties.

Jason Van Essen explained that the group living code updates involve two key aspects. First, the category previously labeled "Group Living Not Otherwise Categorized" has been renamed to "Other Group Living Uses" for clarity. This new structure provides a general overview, while detailed definitions are now provided separately for specific uses like Fraternity/Sorority Houses, Dormitories, and Rooming Houses—making it easier to determine what fits within each category. Second, the definition of a "single housekeeping unit" has been refined to help distinguish between group living and household living. These

changes are focused solely on clarifying definitions for better administration and do not alter the zoning tables or where these uses are allowed.

Jane Rongerude commented on the definition, pointing out language regarding stable and transient household members. Arguments could easily be made either way about whether someone is stable or transient.

Leah Rudolphi asked about the change in site plan triggers when a property has been vacant for more than six months. She questioned if she were to purchase a building and wanted to a large-scale renovation, would she no longer be required to go through the site plan process.

Jason Van Essen clarified that vacancy alone would not trigger a site plan requirement; rather, the determining factor is the dollar value of the project. He explained that additions, expansions, and renovations still require a site plan, but the intent is to allow for the reuse if no substantive changes are being made. He noted that this trigger only impacts around 4% of the site plans that staff currently reviews.

Todd Garner brought up the impediments the site plan triggers for going over 50% of the assessed value are putting on small businesses. As an example, he shared doing a TI project inside of a building space and then not getting a building permit issued because ownership hasn't shared their cumulative improvements with a prospective tenant and then it requires a site plan. This can kill projects and they have already spent a lot of money on plans.

Jason Van Essen explained that the city already has a process in place to help manage these situations. Staff can and often does issue a warning letter to the property owner and tenant while still approving the building permit, with clear notice that any further improvements will require an updated site plan. He noted that it's common practice to approve permits even when projects slightly exceed the 50% threshold in this manner.

Todd Garner noted that the current site plan requirements frequently create challenges for developers and commercial real estate professionals trying to market space. He emphasized that these requirements often hinder small businesses and place additional burdens on those attempting to occupy new spaces, as property owners can become entangled in the site plan process. While acknowledging that opinions may vary, he stated that this has been, and could continue to be, a significant impediment. He also questioned the overall goal and intent behind the existing language in the code.

Jason Van Essen stated that staff is working to find a balance among the various City goals. He emphasized that this is an ongoing process, with continuous monitoring and adjustments to refine procedures and improve outcomes over time.

Chris Draper asked for clarification on if the cumulative permit value requirement was based on a static date.

Jason Van Essen stated that there have been no changes to the date since the standard was established in 2004. The proposed change is focused on changing "50% of accessed value" to "50% of assessed value or \$500,000, whichever is greater."

Chris Draper questioned whether the intent of the regulations was to prevent property owners from making incremental improvements over time to avoid the requirement. He suggested it might be worth considering a time-based approach, where improvements made within a set period could be combined to determine if they meet the threshold for triggering a site plan requirement.

Jason Van Essen acknowledged that there are multiple ways to approach the issue and confirmed that a revolving time frame for aggregating improvements has been considered. He emphasized that the goal is to evolve the process to better support small businesses while maintaining the integrity of the overall site plan requirements.

Chris Draper suggested that we consider setting time-weight restrictions and consider what strategy we are trying to achieve.

Jason Van Essen assured the Commission that numerous strategic discussions have taken place regarding how to manage site plan triggers. He explained that the current change addresses what was identified as the most pressing issue. While this is a step forward, he emphasized that future changes are possible and welcomed input to help develop effective solutions moving forward.

Todd Garner acknowledged that while he doesn't have a clear solution, the current process consistently impacts small businesses. He pointed out that even a modest tenant improvement (TI) project—such as a 3,500 sq ft office buildout—can easily exceed \$500,000, potentially triggering site plan requirements. If tenants are unaware that the property owner has exceeded the cumulative project value, it can cause significant delays. He stressed that speed is critical in these situations.

Jason Van Essen noted that these situations are regularly reviewed, and property owners are issued a notice and the building permit is approved, with the understanding that a site plan will be required for further improvements.

Todd Garner acknowledged that having a clear threshold, such as the \$500,000 limit, provides more clarity going into the process. He emphasized that the City Council will need to carefully consider this issue moving forward.

Jason Van Essen reiterated that the document is a living document that will evolve and change over time. Adjustments are being made and will continue to be made with additional amendments as necessary. He welcomes input.

Chris Draper asked about the group living definition and wondered if the “We Live” model would fit into the current listings.

Jason Van Essen stated that would likely fall under the boarding house description.

Chris Draper asked for clarification on the deletion of site plan procedures in certain sections of the code.

Jason Van Essen explained that the goal was to consolidate all the general review procedures under a single article to reduce confusion and make it easier to find. He clarified that nothing has changed in the process itself.

Chris Draper recommended changing the language for the homeless, didn't think the provision should be limited to a house of worship. Suggested any nonprofit be included and to not tie it to religious entities only.

Jason Van Essen stated the Commission could consider making that type of recommendation in a motion.

COMMISSION ACTION

Chris Draper made a motion for approval of the proposed Zoning Ordinance and Planning and Design Ordinance amendments with the recommendation that the temporary unhoused provisions be expanded to include all non-profit or benefit corporations with social interest in addition to places of worship.

THE VOTE: 10-0 (Will Page had left the meeting)

Respectfully submitted,



Jason Van Essen

Planning & Urban Design Administrator

JMV:mrw

CHAPTER 26. BUILDINGS AND BUILDING REGULATIONS

ARTICLE VIII. SIGNS AND BILLBOARDS

Sec. 26-802. - Sign and billboards permits required.

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(b) A sign permit shall not be required for the following:

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(8) Horizontal directional signs painted on or installed flush with paved areas.

(9) Non-illuminated real estate signs with an area of six square feet or less.

~~(9)~~(10) Any signs used on a temporary basis, as defined in Chapter 135-5.4.6, that are fifteen (15) square feet or smaller.

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CHAPTER 134 AMENDMENTS

GROUP LIVING

134-3 USES

134-3.3.2 GROUP LIVING

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F. Other Group Living Not Otherwise Categorized Uses

This category includes Fraternity/Sorority Houses, Dormitories, and Rooming Houses. These Any group living facility other than an assisted living facility, correctional placement residence, family home, home- and community-based services-waiver recipient residence or temporary shelter. gGroup living uses ~~not otherwise categorized~~ are subject to the following supplemental use regulations:

1. The proposed location must provide residents with adequate access to public transportation.

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134-9. DEFINITIONS

134-9.7 Terms Beginning with "D"

Development: Any building, construction, renovation, mining, extraction, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of household units in a structure or a change to a commercial or industrial use from a less intensive use; any activity that alters a shore, river, stream, lake, pond, woodlands, wetland, endangered species habitat, aquifer or other resource area.

Dormitory: a residential structure that is not a Fraternity/Sorority consisting of one or more rooming or dwelling units providing living and sleeping accommodations for more than eight individuals constructed on the campus of, or primarily used to house the students of, a college, university, or other educational institution and that is owned by such institution.

Dwelling: any building or portion thereof which is designed or used exclusively for residential purposes but not including a tent, cabin, trailer, camper, motor home or mobile home. May also be referred to in this chapter as "household".

Dwelling unit: See "Household unit".

134-9.9 Terms Beginning with "F"

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Foot-candle: a measure of illumination, the amount of light falling onto a surface. One lumen of light, shining evenly across one square foot of surface, illuminates that surface to one foot-candle.

Fraternity/Sorority House: a structure used for group living by a chapter of a nonprofit fraternity or sorority recognized by a college or university. Uses within the Fraternity/Sorority may include residential and related non-residential activities such as meetings and events hosted by the Fraternity/Sorority.

134-9.21 Terms Beginning with "R"

Rooming House: a structure containing rooming units used for residential occupancy. Each person occupying a room in a rooming house must arrange residence within the rooming house on a month-to-month or longer basis. Meals may or may not be provided in conjunction with the residency within the rooming house.RESERVED

Rooming Unit: any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living that does not contain Cooking Facilities.

134-9.22 Terms Beginning with "S"

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Single housekeeping unit: an interactive group of persons with established ties and familiarity with each other, jointly occupying a single household, including joint access to and use of all common areas including living, kitchen and eating areas within the household unit, and sharing household activities and responsibilities such as chores, expenses, meals and maintenance. Residence in the household is fairly stable as opposed to transient and members of the household have some control over who becomes a member of the household. Factors that a residence is not operating as a single housekeeping unit may include, but are not limited to: the residents do not share a lease agreement or ownership of the property; members of the household have separate, private entrances from other members; members of the household have separate food storage facilities, such as separate refrigerators.

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PLACE OF WORSHIP TEMPORARY CAMPING

134-3.10 TEMPORARY USES

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3.10.6 CAMPING

Subject to the approval process set forth in this Article, camping is allowed as a temporary accessory use on lots occupied by any principal Place of Worship use.

The neighborhood services director is authorized to impose conditions on the temporary camping use necessary to mitigate adverse impacts or protect the health, safety, and welfare of the campers, adjoining property owners, and the general public. In addition to the conditions authorized by Section 134-3.10.3, the neighborhood services director may impose conditions related to the following:

- A. Sanitation, including, but not limited to: trash removal; toilets; shower, hand-washing, or other hygiene facilities; and recycling or garbage facilities;
- B. Areas where tents may be set up and space requirements for each tent;
- C. Size limitations for tents or occupancy limits for each tent;
- D. How long the temporary camping use may be permitted;

Items in subsections A – D above are merely illustrative and are not meant to be interpreted as required conditions the neighborhood services director must impose nor be interpreted as exhaustive or otherwise place limitations on the type of conditions the neighborhood services director is authorized to impose on this temporary use.

3.10.7 EMERGENCY SHELTER – PLACE OF WORSHIP

- A. Notwithstanding any other provision of this code to the contrary, including specifically section 134-3.3.2(E), any principal structure with a Place of Worship use categorization may be used as a temporary emergency shelter if any of the following conditions exist:
 - 1. The Mayor of the City of Des Moines, the Iowa Governor, or the United States President or any other person possessing and exercising necessary authority issues an Emergency Declaration for the area containing the structure;
 - 2. The ambient air temperature or wind chill factor as measured at the Des Moines International Airport is less than 32 degrees Fahrenheit (0 degrees Celsius); or
 - 3. The ambient air temperature or heat index as measured at the Des Moines International Airport is greater than 90 degrees Fahrenheit (0 degrees Celsius).
- B. Whenever a temporary emergency use is authorized under subsection A, above, the use may continue so long as the qualifying condition continues.
- C. Whenever a temporary emergency use is authorized under subsection A, above, the use is not required to request or receive approval under section 134-3.10.2(A).
- D. The neighborhood services director or their designee is authorized to direct the termination of any temporary emergency shelter use under this section if such use presents an imminent threat to the health, safety, or welfare of the structure being used or the occupants thereof, any neighboring persons or property, or the general public.
- E. The neighborhood services director may impose any conditions on such temporary emergency shelter use they deem necessary to mitigate potential adverse impacts or protect the health, safety, and welfare of occupants, structures, or the general public.

SIGNAGE

134-5 SIGNS

134-5.1.4 SCOPE AND APPLICABILITY

All signs are subject to the regulations of this article, ~~and~~ all other applicable provisions of this chapter ~~and~~ the design regulations of chapter 135 of this code, and the signs and billboard permitting regulations of chapter 26, Article VIII of this code. Signs erected, maintained, or otherwise posted, owned, or leased by local, state, or federal governmental entities in the public right-of-way are not subject to the regulations of this article.

134-5.2 Prohibited Signs and Sign Characteristics

The following signs and sign characteristics are prohibited:

- A. Signs for which a required permit under Chapter 26 of this code has not been issued;
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- O. Signs attached to or painted on an inoperable or unlicensed vehicle, motorized or non-motorized including trailers;
.....
- R. Painted signs, other than historic signs, artistic murals, and signs in or on windows;
.....

134-5.3.5 ZONING RELIEF

Exclusive of sections 134-5.2, 134-5.7 and 134-5.8 of this article, and unless otherwise expressly specified in this article, all signage regulations of this article are eligible for Type 1 zoning exceptions when applicable pursuant to section 134-6.5 of this chapter, ~~and~~. When Type 1 relief is not applicable, signage regulations of this article are eligible for Type 2 zoning exceptions pursuant to section 134-6.6 of this chapter ~~when Type 1 relief is not applicable~~.

134-5.4.7 SIGNS REQUIRED FOR PUBLIC SAFETY OR GOVERNMENTAL INTEREST

Signs that are an important component of measures necessary to serve the compelling governmental interest of protecting public safety, public regional transit services, traffic safety, complying with legal requirements, serving the requirements of emergency response and protecting property rights or the rights of persons on property, including, but not limited to, the following:

134-5.6.7 AWNING AND CANOPY SIGNS

- A. ~~Non-illuminated a~~awnings or canopies with no more than six square feet of sign area on awning or canopy may be used in addition to wall signs. Other awning signs or canopy signs may be substituted for allowed wall signs, provided that the total combined number of wall signs, projecting signs, awning signs and canopy signs may not exceed the maximum number of wall signs allowed in accordance with Table 134-5.6-1 of this article.
- B. Awning and canopy signs that encroach into the public right-of-way are subject to chapter 102 of this code.
- C. A canopy accessory to a fuel station may contain one ~~non-illuminated~~, static sign per street frontage, which sign shall not exceed thirty square feet of sign area, in addition to wall signs. Such

canopy sign shall not project more than 2.5 feet above the top of the canopy. A canopy accessory to a fuel station that is installed in free-standing sections shall be considered one canopy for purposes of this section.

134-6. REVIEW AND APPROVAL PROCEDURES

134-6.6.2 AUTHORIZED TYPE 2 ZONING EXCEPTIONS

Unless otherwise allowed by this ordinance, only the following may be approved as Type 2 zoning exceptions:

1. Exceptions to any numerical regulation established in this chapter, when the exception does not exceed 50% of the applicable numerical regulation, other than the following: separation distance requirements; sign numerical regulations set out in Article 5 of this chapter (can exceed 50% of the applicable numerical regulations as Type 2 zoning exceptions); ~~and other than~~ use requirements set forth in section 134-3.8 of this chapter; and estimated cost percentages related to exceptions to allow nonconforming residential uses within an one-household or two-household residential structure to expand or extend and occupy land outside said structure by addition thereto.

INDUSTRIAL USES CATEGORY

134-3. USES

134-3.6.2 INDUSTRIAL SERVICE

Uses engaged in the construction, maintenance, ~~repair~~ or servicing of residential, commercial, or industrial, ~~business or consumer buildings~~, machinery and materials.

A. Light.

Uses involved in construction, repair and maintenance, but not involving outdoor storage areas. Examples include janitorial, carpet cleaning, extermination, plumbing, electrical, window cleaning, general contracting services and similar building maintenance services.

B. Intensive.

Light uses involving outdoor storage areas and uses involved in repair and maintenance directly to business consumers or involving large equipment. Examples include welding shops; machine shops; publishing and lithography; redemption centers; laundry, dry-cleaning, and carpet cleaning plants; photofinishing laboratories; and construction, maintenance and repair services that are not otherwise classified.

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INDUSTRIAL USES CATEGORY

134-3. USES

134-3.6.3 STORAGE, DISTRIBUTION AND WHOLESALING

Principal uses involved in the storage or movement of goods for themselves or other firms or the sale, lease, or rental of goods primarily intended for industrial, institutional, or commercial businesses.

- A. Equipment and Materials Storage, Outdoor. Uses, excluding junk and salvage yards, that constitute outdoor storage of equipment, products or materials, whether or not stored in containers. All such uses shall comply with the requirements of subsections B, C, D, and E of section 134-3.9.6 of this article.
- ~~B. Trucking and Transportation Terminals, Minor. Uses engaged in the sales, rental, dispatching, servicing and repair, or long-term or short-term storage of medical transport vans, large trucks, buses, construction equipment, agricultural equipment and similar large vehicles, including parcel service delivery vehicles, taxis and limousines. Also includes uses engaged in the moving of household or office furniture, appliances and equipment from one location to another, including the temporary on-site storage of those items.~~
- ~~B.C. Trucking and Transportation Terminals, Major. Uses engaged in the sales, rental, dispatching, servicing and repair, or long-term or short-term storage of large trucks, buses, construction equipment, agricultural equipment and similar large vehicles, including parcel service delivery vehicles. Also includes uses engaged in the moving of household or office furniture, appliances and equipment from one location to another, including the temporary on-site storage of those items.~~
- C. Warehouse. Uses conducted within a completely enclosed building that are engaged in long-term and short-term storage of goods, including wholesale sales and distribution of goods, and that do not meet the definition of “self-service storage” use or a “trucking and transportation terminal.” Such uses may include incidental retail sales and wholesale showrooms. Expressly includes the following uses: bottled gas and fuel oil sales, flea markets, ice distribution centers, monument sales, portable storage building sales, vending machine sales, auctioneers, and frozen food lockers.
- D.
- ~~E. Wholesale Sales and Distribution. Uses engaged in the wholesale sales, bulk storage and distribution of goods. Such uses may also include incidental retail sales and wholesale showrooms. Expressly includes the following uses: bottled gas and fuel oil sales, flea markets, ice distribution centers, monument sales, portable storage building sales, vending machine sales, auctioneers, and frozen food lockers.~~

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STORAGE CONTAINERS

134-9. DEFINITIONS

134-9.4 Terms Beginning with “A”

Abut (or abutting): to touch or share a contiguous boundary or border.

Accessory building: a structure on the same lot with, separate from, and of a nature customarily incidental and subordinate to the principal structure and intended for the storage of equipment and materials of the principal use. Trailers, semi-trailers, storage containers, tents, motor vehicles and component parts thereof are not accessory buildings.

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134-3.9.6 OUTDOOR STORAGE

~~Permanent~~ Outdoor storage of goods, materials and equipment ~~not typically housed or sold indoors, such as including but not limited to: large-scale materials; recreational vehicles and boats when in connection with self-service storage; storage containers; and building and landscape supplies, but excluding~~ Outdoor Storage does not include junk and salvage yards.

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134-3. USES

Principal Uses

TABLE 134-3.1-1. PRINCIPAL USE TABLE

USE CATEGORY	DISTRICTS																			Reference		
	A	DX1	DX2	DXR	MX1	MX2	MX3	RX1	RX2	CX	EX	I1	I2	N1, N2, N3, N4, N5	NX1	NX2, NX2a	NX3	NM	P1		P2	F
RESIDENTIAL																						
Household Living																						
1 household (per lot)	●	○	○	●	○	○	○	●	●		-	-	-	●	●	●	●	●	-	-	-	134-3.3.1
2 households (per lot)	-	○	○	●	○	○	○	●	●		-	-	-	②	●	●	●	-	-	-	-	134-3.3.1
3 to 4 households (per lot)	-	○	○	●	○	○	○	●	●		-	-	-	④	●	●	●	-	-	-	-	134-3.3.1
5 to 8 households (per lot)	-	○	●	●	●	●	●	●	●	●	-	-	-	-	●	●	●	-	-	-	-	134-3.3.1
9 or more households (per lot)	-	○	●	●	●	●	●	●	●	●	-	-	-	-	-	●	●	-	-	-	-	134-3.3.1
Mobile home park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	-	-	-	134-3.3.1
Group Living																						
Assisted living facility	-	○	●	●	●	●	●	●	●	●	-	-	-	-	-	●	●	-	-	-	-	134-3.3.2
Correctional placement residence	-	○*	○*	○*	○*	○*	○*	○*	○*	○*	-	-	-	-	-	○*	○*	-	-	-	-	134-3.3.2
Family home	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	-	●*	●*	●*	●*	●*	-	-	-	134-3.3.2
Home and community-based services waiver recipient residence	●*	○*	●*	●*	●*	○*	●*	●*	●*	○*	-	-	-	●*	●*	●*	●*	-	-	-	-	134-3.3.2
Shelter, temporary	-	○*	●*	●*	○*	○*	○*	●*	●*	○*	-	-	-	-	-	●*	●*	-	-	-	-	134-3.3.2
Other group living uses Group living not otherwise classified	-	○	○	○	○	○	○	○	○	○	-	-	-	-	-	○	○	-	-	-	-	134-3.3.2
PUBLIC, CIVIC AND INSTITUTIONAL																						
Airport	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	-	●	○	134-3.4.1
Assembly																						
Place of Worship	-	●	●	○	●	●	○	●	●	●	-	-	-	-	○	○	-	-	●	-	-	134-3.4.2
Place of Assembly	-	●	●	○	●	●	○	●	●	●	-	-	-	-	○	○	-	-	●	-	-	134-3.4.2
Cemetery																						
City-owned	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	-	-	134-3.4.3
Non-city-owned	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	○*	-	134-3.4.3
College or University	-	●	●	○	-	-	●	●	●	●	-	-	-	-	-	-	-	-	-	●	-	134-3.4.4
Fraternal Organization	-	○	○	●	○	○	●	●	○	●	-	-	-	-	-	-	-	-	-	●	-	134-3.4.5
Government Administration	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	-	134-3.4.6
Hospital	-	●	●	○	-	-	●	●	●	●	-	-	-	-	-	-	-	-	-	●	-	134-3.4.7
Library or Cultural Exhibit	-	●	●	○	●	●	○	●	●	●	-	-	-	-	-	-	-	-	-	●	-	134-3.4.8
Public Recreation Areas	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	○	134-3.4.9
Postal Service	-	●	●	○	●	●	○	●	●	●	-	-	-	-	-	-	-	-	-	●	-	134-3.4.10
Safety Service	●	●	●	○	●	●	○	●	●	●	-	-	-	-	-	-	-	-	-	●	-	134-3.4.11
School	-	●	●	○	●	●	○	●	●	●	-	-	-	-	-	-	-	-	-	●	-	134-3.4.12



TABLE 134-3.1-1. PRINCIPAL USE TABLE

USE CATEGORY	DISTRICTS																				Reference		
	Use Subcategory	A	DX1	DX2	DXR	MX1	MX2	MX3	RX1	RX2	CX	EX	I1	I2	N1, N2, N3, N4, N5	NX1	NX2, NX2a	NX3	NM	P1		P2	F
Utilities																							
Minor	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	○	134-3.4.13	
Major	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	134-3.4.13	
COMMERCIAL																							
Adult Entertainment	-	-	-	-	-	-	-	-	-	-	-	○*	○*	-	-	-	-	-	-	-	-	134-3.5.1	
Animal Service																							
Boarding	●	-	-	-	-	-	●	-	-	●	●	●	-	-	-	-	-	-	-	-	134-3.5.2		
Grooming	●	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	134-3.5.2		
Stable	●	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	134-3.5.2		
Veterinary	●	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	134-3.5.2		
Assembly and Entertainment																							
Small	-	●	●	●	○	●	●	○	●	●	●	-	-	-	-	○	○	-	-	○	134-3.5.3		
Large	-	●	●	●	-	●	●	-	●	●	●	-	-	-	-	-	○	-	-	○	134-3.5.3		
Events Center	-	●	●	●	-	●	●	-	●	●	●	-	-	-	-	-	○	-	-	○	134-3.5.3		
Broadcast or Recording Studio	-	●	●	-	-	●	-	●	●	●	●	●	-	-	-	-	-	-	-	●	134-3.5.4		
Business or Trade School	-	●	●	●	○	○	●	●	●	●	●	●	-	-	-	-	-	-	-	-	134-3.5.5		
Commercial Service																							
Consumer Maintenance and Repair*	-	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	134-3.5.6		
Personal Service	-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	134-3.5.6		
Studio or Instructional Service	-	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	134-3.5.6		
Data Center*																							
Minor	-	●	●	-	-	-	●	-	-	●	●	●	-	-	-	-	-	-	-	-	134-3.5.7		
Major	-	-	-	-	-	-	-	-	-	-	●	●	●	-	-	-	-	-	-	-	134-3.5.7		
Day Care*																							
Day Services, Adult*	-	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	●	134-3.5.9		
Eating and Drinking Places																							
Restaurant*	-	●	●	●	●	●	●	●	●	●	●	●	-	-	-	Ⓡ	-	-	○	○	134-3.5.10		
Bar*	-	○	○	○	-	○	○	-	-	○	○	○	-	-	-	-	-	-	-	○	134-3.5.10		
Financial Service (except as below)																							
Bail Bonds*	-	-	-	-	-	-	●*	-	-	●*	-	-	-	-	-	-	-	-	-	-	134-3.5.11		
Delayed Deposit Service*	-	-	-	-	-	-	●*	-	-	●*	-	-	-	-	-	-	-	-	-	-	134-3.5.11		
Pawnbroker*	-	-	-	-	-	-	●*	-	-	●*	-	-	-	-	-	-	-	-	-	-	134-3.5.11		
Funeral or Mortuary Service																							
Funeral or Mortuary Service	-	-	-	-	-	-	●	-	●	●	●	●	-	-	-	-	-	-	-	-	134-3.5.12		
Lodging*																							
Bed & Breakfast	○*	○*	○*	○*	○*	○*	○*	○*	○*	○*	○*	-	-	-	○*	○*	○*	○*	-	-	134-3.5.13		
Hotel/Motel	-	●	●	●	-	○	●	●	●	●	●	●	-	-	-	-	-	-	-	-	134-3.5.13		
Office																							
Business or Professional	-	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	●	134-3.5.14		
Medical*	-	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	●	134-3.5.14		



TABLE 134-3.1-1. PRINCIPAL USE TABLE

USE CATEGORY	DISTRICTS																			Reference		
	A	DX1	DX2	DXR	MX1	MX2	MX3	RX1	RX2	CX	EX	I1	I2	N1, N2, N3, N4, N5	NX1	NX2, NX2a	NX3	NM	P1		P2	F
Parking, Non-Accessory																						
Surface Parking Lot	-	○*	○*	○*	○*	○*	○*	-	○*	●	●	●	●	-	-	-	-	-	○*	○*	○*	134-3.5.15
Parking Structure	-	●	●	●	●	●	●	-	●	●	●	●	●	-	-	-	-	-	-	○*	-	134-3.5.15
Retail Sales																						
Limited	-	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	134-3.5.16
General	-	●	●	●	-	●	●	-	-	●	●	●	-	-	-	-	-	-	-	-	-	134-3.5.16
Large-Format	-	●	○	-	-	-	-	-	-	●	●	●	-	-	-	-	-	-	-	-	-	134-3.5.16
Liquor Store	-	-	○	○	○	○	○	-	-	○	○	○	○	-	-	-	-	-	-	-	-	134-3.5.16
Tobacco Store	-	-	○	○	○	○	○	-	-	○	○	○	○	-	-	-	-	-	-	-	-	134-3.5.16
Self-Service Storage	-	-	●	●	-	○*	○*	-	-	●	●	●	●	-	-	-	-	-	-	-	-	134-3.5.17
Sign, General Advertising	-	-	-	-	-	(M)	(M)	-	-	(M)	(M)	(M)	(M)	-	-	-	-	-	-	-	-	134-3.5.18
Sports & Recreation, Private/Participant																						
Indoor	-	●	●	●	●	●	●*	-	-	●*	●	●	●	-	-	-	-	-	○	○	-	134-3.5.19
Outdoor	-	-	-	●	-	-	●*	-	-	●*	●	●	●	-	-	-	-	-	○	○	○	134-3.5.19
Vehicle Sales and Service																						
Fuel Station	-	-	○	○	-	○	●	-	-	●	●	●	●	-	-	-	-	-	-	-	-	134-3.5.20
Vehicle Sales	-	-	-	-	-	-	(V)	-	-	(V)	-	(V)	(V)	-	-	-	-	-	-	-	-	134-3.5.20
Vehicle Rental	-	(V)	(V)	(V)	-	(V)	(V)	-	-	(V)	(V)	(V)	(V)	-	-	-	-	-	-	-	-	134-3.5.20
Vehicle Maintenance/Repair, Minor	-	-	-	-	-	-	●*	-	-	●*	●*	●*	●*	-	-	-	-	-	-	-	-	134-3.5.20
Vehicle Maintenance/Repair, Major	-	-	-	-	-	-	-	-	-	●*	-	●*	●*	-	-	-	-	-	-	-	-	134-3.5.20
INDUSTRIAL																						
Fabrication and Production																						
Artisan	●*	●*	●*	●*	●*	●*	●*	-	-	●*	●*	●*	●*	-	-	-	-	-	-	-	-	134-3.6.1
Limited	-	-	○*	○*	○*	○*	●*	-	-	●*	●*	●*	●*	-	-	-	-	-	-	-	-	134-3.6.1
General	-	-	-	-	-	-	-	-	-	-	●*	●*	-	-	-	-	-	-	-	-	-	134-3.6.1
Intensive	-	-	-	-	-	-	-	-	-	-	-	○*	-	-	-	-	-	-	-	-	-	134-3.6.1
Industrial Service																						
Light	-	-	-	-	-	-	●*	-	-	●*	●*	●*	●*	-	-	-	-	-	-	-	-	134-3.6.2
Intensive	-	-	-	-	-	-	-	-	-	-	-	●*	●*	-	-	-	-	-	-	-	-	134-3.6.2
Storage, Distribution and Wholesaling																						
Equipment & Material Storage, Outdoor	-	-	-	-	-	-	-	-	-	-	●*	●*	-	-	-	-	-	-	-	○*	-	134-3.6.3
Trucking & Transportation Terminal, Minor	-	-	-	-	-	-	(V)*	-	-	(V)*	(V)*	(V)*	(V)*	-	-	-	-	-	-	○*	-	134-3.6.3
Trucking & Transportation Terminal, Major	-	-	-	-	-	-	-	-	-	-	(V)*	(V)*	-	-	-	-	-	-	-	○*	-	134-3.6.3
Warehouse	-	-	-	-	-	-	-	-	-	●*	●*	●*	●*	-	-	-	-	-	-	-	-	134-3.6.3
Wholesale sales and distribution	-	-	-	-	-	-	-	-	-	●*	●*	●*	●*	-	-	-	-	-	-	-	-	134-3.6.3
Junk or Salvage Yard	-	-	-	-	-	-	-	-	-	-	-	○*	-	-	-	-	-	-	-	-	-	134-3.6.4
Mining or Mineral Processing	-	-	-	-	-	-	-	-	-	-	-	○	-	-	-	-	-	-	-	-	○	134-3.6.5
AGRICULTURAL																						



TABLE 134-3.1-1. PRINCIPAL USE TABLE

USE CATEGORY	DISTRICTS																			Reference		
	A	DX1	DX2	DXR	MX1	MX2	MX3	RX1	RX2	CX	EX	I1	I2	N1, N2, N3, N4, N5	NX1	NX2, NX2a	NX3	NM	P1		P2	F
Aquaculture, Aquaponics, Aeroponics, or Hydroponics	●*	○*	○*	-	-	-	○*	-	-	●*	●*	●*	●*	-	-	-	-	-	●*	●*	-	134-3.7.1
Greenhouse, Nursery, Orchard or Truck Farm	●	-	-	-	-	-	-	-	-	○	○	○	○	-	-	-	-	●	●	●	-	134-3.7.2
Row Crop Production	●	-	-	-	-	-	-	-	-	○	○	○	○	-	-	-	-	●	●	●	-	134-3.7.3
Urban Garden	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	134-3.7.4
Urban Farm	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	○*	○*	○*	○*	○*	●*	●*	●*	134-3.7.5
OTHERS																						
Consumer Fireworks Sales	-	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	-	-	-	-	-	-	134-3.8.1
Wireless Telecommunications	Refer to Article 4 of this chapter.																					
Key:																						
● = permitted by right																						
○ = permitted on upper floors only within primary frontage, and in ground floor within non-primary frontage																						
○ = requires conditional use approval unless eligible for Type 1 Zoning Exception																						
* = supplemental use regulations apply																						
- = prohibited																						
② = permitted by right where district includes "-2" extension																						
④ = permitted by right where district includes "-4" extension																						
⑤ = permitted except where district includes "-V" extension																						
Ⓜ = permitted with conditional use approval in NX2a district only																						
Ⓜ = permitted on major commercial corridors only																						

CHAPTER 135 AMENDMENTS

INDUSTRIAL ACCESSORY BUILDINGS

Article 2. Building Types

135-2.22 Accessory Structures

135-2.22.2 ACCESSORY BUILDINGS

Accessory buildings shall be fully enclosed, unless otherwise stated. The following are classified as accessory buildings:

.....

I. Industrial Accessory Building. A non-enclosed or enclosed accessory building on the same lot as a principal industrial use. A principal structure is required, unless otherwise stated.

1. Side and Rear Setback. Minimum side and rear setback of an industrial accessory building shall be five feet.
2. Alley. Where an industrial accessory building is accessed off an alley with pavement narrower than 20 feet, the building shall be set back from the alley lot line to allow 24 feet from the opposite edge of alley pavement to the building.
3. Height. The maximum height of the industrial accessory building may not be taller than 75 feet.
4. Character. The outbuilding shall be compatible in color and character with the primary structure on the lot.
- 1.5. Wheels and chassis on mobile industrial accessory buildings shall be screened from the street by skirting.

SITE PLAN REVIEW TRIGGERS

ARTICLE 6 - PARKING

135-6.1.2 APPLICABILITY

.....

E. Maintenance

Off-street parking spaces required by this article must be maintained for the life of the principal use.

F. Damage or Destruction

When a use that has been damaged or destroyed by any means, including repair, alteration, replacement or upgrade, is re-established, off-street parking or loading facilities must also be re-

~~established or continued in operation in an amount equal to the number maintained at the time of such damage or destruction. Parking or loading facilities in excess of those required by this article shall either be maintained or converted to open space in compliance with the landscape standards of Article 7 of this chapter.~~

GE. Alternative Parking Ratios

The parking ratios of this article are not intended to be a barrier to development or redevelopment or to make development and redevelopment economically impractical or negatively impact the viability of businesses. In order to allow for flexibility in addressing the actual expected parking demand of specific uses, alternatives to the parking ratios of this article may be approved through the Type 1 design alternative procedures of section 135-9.2 of this chapter. In reviewing requests for authorization of alternative parking ratios, the authorized review and decision-maker may consider generally available parking information or data provided by the applicant. In order to approve such alternative ratios, the authorized decision-maker must determine that:

.....

ARTICLE 7 – LANDSCAPE AND STREETScape

135-7.1.2 APPLICABILITY

A. General. The landscape and streetscape regulations shall be provided and followed in accordance with the provisions of this article. Unless otherwise expressly stated, the regulations apply to all zoning districts and uses.

~~**B. New Uses and Development.** The landscape and streetscape regulations of this article apply to all new buildings constructed and all new uses established in all zoning districts.~~

~~**C. Discontinued Uses; Change of Use.** If the use of a property is discontinued for a period of more than six months, or if a new or amended site plan is required by a change of use on the premises, the landscape and streetscape regulations of this article shall apply.~~

~~**D. Enlargements and Expansions**~~

~~1. Structures. The landscape and streetscape regulations of this article apply whenever a building is enlarged by over 50% of the existing building gross floor area, or when renovations to an existing building, including a building addition, have an estimated cost for building permit purposes that exceeds 50% of the total assessed property value. Estimated building permit valuation is cumulative from March 22, 2004, using all building permits issued by the city's permit and development center, county assessor's records, insurance records if no assessor's records are available, and other documentation as determined by the development services director.⁴~~

~~2. Parking Lots. The landscape and streetscape regulations of this article shall be fulfilled as follows:~~

~~a. When any existing surface parking lot is reconfigured or reconstructed, the lot shall comply with this article.~~

~~b. When any existing surface parking lot is expanded in area or number of stalls by less than 50% of the original lot area, the area of expansion shall comply with this article.~~

~~c. When any existing surface parking lot is expanded in area or number of stalls by 50% or more of the original lot area, the original lot area and the area of expansion shall comply with this article.⁴~~

~~d. When compliance is triggered for existing parking lots, landscape improvements shall take precedence over parking requirements of this chapter.~~

~~E. **Vacant Buildings.** If a building or parking lot is vacant for six months or longer, the landscape and streetscape regulations of this article shall apply.~~

~~F. **Maintenance.** Landscape and streetscape required by this article shall be maintained for the life of the principal use. Damaged or dead streetscape and landscape shall be replaced or repaired so that the requirements of this article are met at all times.~~

G.B. Buffer Exceptions. Landscape buffers are required according to the provisions in this article with the following exceptions:

1. Shared Driveways. Buffers shall not be required along a property line where a curb cut or aisle is shared between two adjoining lots.
2. Points of Access. Buffering is not required at driveways or other points of access to a lot, unless otherwise addressed by this article.

~~H. **Temporary Uses.** This article does not apply to temporary uses, unless determined otherwise by the development services director.~~

I.C. Council-Approved Streetscape. For all developments which are located within a streetscape corridor as approved by city council prior to the effective date of this chapter, compliance with the council-approved streetscape standards shall be required. At the discretion of the development services director, any properties which are contiguous or in close proximity to such council-approved streetscape corridors may also be required to comply with the council-approved streetscape standards.

J.D. Increased Setbacks. Increased setbacks or build-to zones may be required when additional right-of-way or street widening is planned, as determined by the development services director or city engineer.

ARTICLE 9 - REVIEW AND APPROVAL PROCEDURES

135-9.1.2 APPLICABILITY

~~The construction, reconstruction, extension, or alteration of any building, structure, site, change of use, use subcategory or specific use type, use of land, resumption of use following a six-month vacancy, or any~~

amendment to an existing site plan, is subject to the site plan review procedures of this section except as otherwise expressly stated.

A. General. The construction, reconstruction, extension, or alteration of any building, structure, site, change of use, use subcategory or specific use type, use of land, or any amendment to an existing site plan, is subject to the site plan review procedures of this section except as otherwise expressly stated.

B. New Uses and Development. The regulations of this chapter apply to all new buildings constructed and all new uses established in all zoning districts.

C. Change of Use. Subject the exceptions listed below, the regulations of this chapter apply to all site elements if the use subcategory or specific use type of a property changes. Changes from one legally established use to another legally established use within the same use group listed below are not considered a change of use for the purposes of this chapter, unless the new use requires the provision of additional parking to comply with Article 6 of this chapter.

1. Use Group A: animal service, broadcast studio, commercial service, financial service, office, and retail;
2. Use Group B: assembly and entertainment small, business or trade school, day care, day service adult, fraternal organization, funeral or mortuary service, place of worship, place of assembly, school, and sports and recreation; or
3. Use Group C: fabrication and production; industrial service; and storage, distribution and wholesaling.

D. Renovation and Expansion.

1. Structures. The regulations of this chapter apply whenever a building is enlarged by over 50% of the existing building gross floor area, or when renovations to an existing building, including a building addition, have an estimated cost for building permit purposes that exceeds 50% of the total assessed property value or \$500,000, whichever is greater. Estimated building permit valuation is cumulative from March 22, 2004, using all building permits issued by the city's permit and development center, county assessor's records, insurance records if no assessor's records are available, and other documentation as determined by the development services director.

2. Site Improvements. The regulations of this article shall be fulfilled as follows:

- a. When any existing surface parking lot, outdoor storage area or vehicle maneuvering area is reconfigured or reconstructed, the lot shall comply with this chapter.
- b. When any existing surface parking lot, outdoor storage area or vehicle maneuvering area is expanded in area or number of stalls by less than 50% of the original lot area, the area of expansion shall comply with this chapter.

c. When any existing surface parking lot, outdoor storage area or vehicle maneuvering area is expanded in area or number of stalls by 50% or more of the original lot area, the original lot area and the area of expansion shall comply with this chapter.

d. When compliance is triggered for existing parking lots, landscape improvements shall take precedence over parking requirements of this chapter.

E. Maintenance. Site improvements required by this chapter must be maintained for the life of the principal use. Damaged or dead plant material shall be replaced so that the requirements of Article 7 of this chapter are met at all times. Damaged site improvements must be repaired or replaced so that the requirements of this chapter are met at all times. Any damaged improvement that is no longer necessary for compliance with this chapter must be maintained or removed and converted to open space in compliance with the landscape standards of Article 7 of this chapter.

135-9.1.3 EXEMPTIONS

A. The following are exempt from submitting a formal site plan in accordance with this article:

1. Projects that comply with all applicable zoning and design regulations and that will result in the cumulative addition of no more than 500 square feet of floor area, not to exceed 10% of the existing floor area;
2. Interior alterations that do not alter the footprint, height, exterior or use of a building, except if the cumulative valuation of interior alterations, not including fire suppression systems, exceeds 50% of the total assessed property value or \$500,000, whichever is greater, conformance with the landscape requirements is required and, therefore, a new site plan would be needed;

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135-2. BUILDING TYPES

Accessory Structures

TABLE 135-2.22-1. ACCESSORY STRUCTURE TABLE

CATEGORY	DISTRICTS																				Reference	
	A	DX1	DX2	DXR	MX1	MX2	MX3	RX1	RX2	CX	EX	I1	I2	N1, N2, N3, N4, N5	NX1	NX2, NX2a	NX3	NM	P1	P2		F
ACCESSORY BUILDINGS																						
Construction Structures	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.2
Kiosk	-	-	-	-	-	-	-	-	-	●*	●*	-	-	-	-	-	-	-	●*	●*	●*	135-2.22.2
Outbuilding and Detached Garages	●*	-	-	-	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.2
Parking Structure	-	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	-	-	-	-	-	-	135-2.22.2
Temporary Building	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.2
Accessory Household Unit	●*	-	-	●*	-	-	-	●*	●*	-	-	-	-	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.2
Seasonal Building	-	-	-	-	●*	●*	●*	-	-	●*	●*	●*	●*	-	-	-	-	-	●*	●*	●*	135-2.22.2
Seasonal Agricultural Building	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.2
Industrial Accessory Building	-	-	-	-	-	-	-	-	-	-	-	●*	●*	-	-	-	-	-	-	-	-	135-2.22.2
ACCESSORY OUTDOOR PAVING & STRUCTURES																						
Ball Court	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Deck & Patio	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Dog Run	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	●*	●*	●*	●*	●*	●*	135-2.22.3
Drive-Through Facility	-	-	-	-	-	-	●*	-	-	●*	●*	●*	-	-	-	-	-	-	-	●*	-	135-2.22.3
Flag Pole	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Fuel Station	-	-	●*	●*	-	●*	●*	-	-	●*	●*	●*	●*	-	-	-	-	-	-	-	-	135-2.22.3
Gazebo	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	
Landscape Feature	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Temporary Storage Container	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Scoreboard	-	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	-	-	-	●*	●*	●*	135-2.22.3
Bus Shelter or Bench for Public Transit Agency	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Outdoor Automated Accessory Structures	-	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	-	-	-	-	-	-	-	135-2.22.3
ACCESSORY UTILITY STRUCTURES																						
Antenna & Satellite Dish	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
EV Charging Stations	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Mechanical Equipment	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Rainwater Collection/Cisterns	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Solar - Building-mounted	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Solar - Freestanding	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Wind - Roof-mounted	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Wind - Freestanding	●*	-	-	-	-	-	-	-	-	●*	●*	●*	-	-	-	-	-	-	●*	●*	-	135-2.22.4
KEY:																						
●* = permitted with development standards																						
- = permitted by Type 2 Design Alternative																						