

## **Article 7 Conditional Uses**

Section 7.1	Issuance of Conditional Uses
Section 7.2	Specific District Requirements

### **7.1 Issuance of Conditional Uses**

- A. Intent. The purpose of this article is to provide for certain uses, which; because of their unique characteristics cannot be distinctly listed as a permitted use in a particular zoning district. The Planning Commission may recommend approval of these conditional uses to the Governing Body after consideration in each case, of the impact of such uses upon neighboring uses; the surrounding area and the public need for the particular use at the particular location. Limitations and standards are herein established to insure the use's consistency with the character, uses and activities in the zoning district. Before any conditional use shall be approved, the Governing Body shall review the record of the public hearing held by the Planning Commission.
- B. Standards. The Planning Commission, in accordance with the procedures and standards of this UDC, may recommend the Governing Body authorize buildings, structures, and uses as conditional uses in the specific instances and particular districts set forth provided that the location is appropriate, consistent with the Comprehensive Plan, that the public health, safety, morals, and general welfare will not be adversely affected, and that necessary safeguards will be provided surrounding property, persons, and neighborhood values, and further provided that the additional standards of this Article specified as a condition of approval. Unless otherwise specified in this Article or as a condition of approval, the height, yard, lot area, design, environmental, and sign requirements shall be the same as other uses in the district in which the conditional use is located. No conditional use shall be authorized unless the Planning Commission finds that the establishment, maintenance, or operation of the Conditional Use meets the standards set forth in this Article. The burden of proof is on the applicant to bring forth the evidence and the burden of persuasion on all questions of fact that are determined by the Planning Commission.
- C. Criteria. In order to recommend approval or disapproval of a proposed conditional use permit, both the Planning Commission and Governing Body shall determine whether the proposed use is found to be generally compatible with surrounding development and is in the best interest of the City. In making such determination, the Planning Commission and Governing Body may consider all factors they deem relevant to the questions of compatibility and the best interest of the City, including the following:
1. The extent to which there is a need in the community for the proposed use.
  2. The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
  3. The nature and intensity of the proposed use and its compatibility with the zoning and uses of nearby properties. Such determination should include the location, nature, and height of structures, walls, fences, and other improvements

connected with the proposed use, their relation to adjacent property and uses, and the need for buffering and screening.

4. Suitability of the uses of the property without the proposed conditional use permit.
5. Length of time the subject property has remained vacant without the proposed conditional use permit.
6. The extent to which the proposed use may detrimentally affect nearby property.
7. The adequacy of ingress and egress to and within the site of the proposed use, traffic flow and control, the adequacy of off-street parking and loading areas, the adequacy of required yard and open space requirements and sign provisions.
8. The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services.
9. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the proposed use, or present parking problems in the vicinity of the property.
10. The environmental impacts that the proposed use would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm.
11. The economic impact of the proposed use on the community.
12. The relative gain (if any) to the public health, safety, and welfare from a denial of the application for conditional use permit as compared to the hardship imposed upon the conditional use applicant from such denial.
13. Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton, and the general safety, health, comfort and general welfare of the community.
14. The recommendation of professional staff. (Ord. 798; 2005)

## 7.2 Specific District Requirements

In addition to the specific use requirements outlined by zoning district and use type listed below, the applicant **must provide a site plan for review and approval** with special emphasis given to parking, circulation, loading, landscaping, screening, and barrier separation. Staff may request additional information deemed necessary to provide a comprehensive review of the conditions listed in Section 7.1.C above.

### A. AG District

1. E.C.H.O. (Elderly Cottage Housing Opportunity) accessory residential design dwelling unit for care of family, elderly or disabled. The accessory residence may be a 16 foot or wider residential design manufactured dwelling unit, a site built accessory dwelling unit, or a slide-in manufactured ECHO unit, provided that such additional unit complies with the Sanitary Code.
2. Bed and Breakfast:
  - a. Conditions listed in 7.1 (C) above.
  - b. No more than four (4) units for rent.

- c. Proprietor must reside on the premises.
- d. Food service limited to a breakfast meal.
- e. No change or adaptation to the exterior of the structure that would alter the residential appearance.
  - f. Advertising limited to one monument sign which is subject to the limitations of Article 12 related to "Home Based Businesses."
- 3. Conversion or adaptation of existing non-residential buildings for office, crafts, hobbies or studio.
- 4. Golf courses and clubhouses (except miniature golf courses, driving ranges and other similar activities operated as a business.)
- 5. Public and private schools, and institutions of higher learning, including stadium and dormitories in conjunction, if located on the campus.
- 6. Communications Towers Over 60' in Height.
  - a. Facility must not be located in an area used or planned for residential purposes.
  - b. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human habitation (other than the principal use), and/or any road.
  - c. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
  - d. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
  - e. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.
- 7. Airport or Landing Strip.
- 8. Commercial Kennel or Animal Sanctuary:
  - a. Facility must be located a minimum of 1,000 feet from the nearest residence.
  - b. Operator must maintain a current license.
  - c. Facility is subject to inspection by Codes Enforcement/Animal Control Officer twice per calendar year following the provision of reasonable notice.
- 9. Quarries and Sand/Gravel Extraction:
  - a. Facility must be located a minimum of 1,000 feet from the nearest residence.
  - b. The road network must be capable of supporting the anticipated truck traffic.
- 10. Asphalt or Concrete Plant.
- 11. Oil and Gas Drilling.
- 12. Camps, Travel Trailer, or RV Parks.
- 13. Child or elder care for six (6) persons or more. Included in this category are the following types of day care operations as defined by the State of Kansas: family day care homes, licensed; group day care homes; child care centers and preschools. (See K.S.A. 65-517, K.A.R 28-4-113, and K.A.R. 28-4-420).
  - a. For In Home Child Care or Elder Care Facilities, the following conditions apply:
    - 1. Approved state operating permit.
    - 2. No more than 12 children and two supervisors may be employed on the premises.
    - 3. The operation must be located in a safe and convenient area that will facilitate the delivery of and pickup of clients.

14. Attendant Care or Nursing Home. Included in this category are the following types of operations as defined by the State of Kansas (See K.S.A. 39-923): Nursing facility, nursing facility for mental health, intermediate care facility for people with intellectual disability, assisted living facility, residential health care facility, boarding care home and adult day care facility.

**B. R-1, Single Family Residences District**

1. Bed and Breakfast facility.
  - a. Conditions listed in 7.1 (C) above.
  - b. No more than four (4) units for rent.
  - c. Proprietor must reside on the premises.
  - d. Food service shall be limited to a breakfast meal.
  - e. No change or adaptation to the exterior of the structure that would alter the residential appearance shall be permitted.
  - f. Advertising is limited to one monument sign which is subject to the limitations of Article 12 related to "Home Based Businesses."
2. Golf courses and clubhouses (except miniature golf courses, driving ranges and other similar activities operated as a business).
3. Public and private schools, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on the campus.
4. E.C.H.O. (Elderly Cottage Housing Opportunity) accessory residential design dwelling unit for care of family, elderly or disabled. The accessory residence may be a site built accessory dwelling unit, or a slide-in manufactured ECHO unit.
5. Libraries and museums.
6. Hospitals and health clinics.
7. Communications towers over 60 feet in height.
  - a. Facility must not be located in an area used or planned for residential purposes.
  - b. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human habitation (other than the principal use), and/or any road.
  - c. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
  - d. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
  - e. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.
8. Quarries and mining extraction.
  - a. Facility must be located a minimum of 1,000 feet from the nearest residence.
  - b. The road network must be capable of supporting the anticipated truck traffic.
9. Oil and gas drilling.
10. Attendant care homes. Included in this category are the following types of operations as defined by the State of Kansas (See K.S.A. 39-923): Nursing facility, nursing facility for mental health, intermediate care facility for people with

intellectual disability, assisted living facility, residential health care facility, boarding care home and adult day care facility.

- a. For In Home Elder Care Facilities, the following conditions apply:
  1. Approved state operating permit.
  2. No more than 12 children and two supervisors may be employed on the premises.
  3. The operation must be located in a safe and convenient area that will facilitate the delivery of and pickup of clients.
11. Child care for six (6) persons or more. Included in this category are the following types of day care operations as defined by the State of Kansas: family day care homes, licensed; group day care homes; child care centers and preschools. (See K.S.A. 65-517, K.A.R. 28-4-113, and K.A.R. 28-4-420)
  - a. For In Home Child Care Facilities, the following conditions apply:
    1. Approved state operating permit.
    2. No more than 12 children and two supervisors may be employed on the premises.
    3. The operation must be located in a safe and convenient area that will facilitate the delivery of and pickup of clients.

### **C. R-2, Two Family Residence District**

1. Bed and Breakfast facility.
  - a. Conditions listed in 7.1 (C) above.
  - b. No more than four (4) units for rent.
  - c. Proprietor must reside on the premises.
  - d. Food service shall be limited to a breakfast meal.
  - e. No change or adaptation to the exterior of the structure that would alter the residential appearance shall be permitted.
  - f. Advertising is limited to one monument sign which is subject to the limitations of Article 12 related to "Home Based Businesses."
2. Golf courses and clubhouses (except miniature golf courses, driving ranges and other similar activities operated as a business).
3. Public and private schools, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on the campus.
4. E.C.H.O. (Elderly Cottage Housing Opportunity) accessory residential design dwelling unit for care of family, elderly or disabled. The accessory residence may be a site built accessory dwelling unit, or a slide-in manufactured ECHO unit.
5. Libraries and museums.
6. Hospitals and health clinics.
7. Communications towers over 60 feet in height.
  - a. Facility must not be located in an area used or planned for residential purposes.
  - b. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human habitation (other than the principal use), and/or any road.
  - c. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
  - d. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future

- need and will accommodate two co-located antennae requested by public or private concerns.
- e. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.
8. Quarries and mining extraction.
    - a. Facility must be located a minimum of 1,000 feet from the nearest residence.
    - b. The road network must be capable of supporting the anticipated truck traffic.
  9. Oil and gas drilling.
  10. Attendant care homes. Included in this category are the following types of operations as defined by the State of Kansas (See K.S.A. 39-923): Nursing facility, nursing facility for mental health, intermediate care facility for people with intellectual disability, assisted living facility, residential health care facility, boarding care home and adult day care facility.
    - a. For In Home Elder Care Facilities, the following conditions apply:
      1. Approved state operating permit.
      2. No more than 12 children and two supervisors may be employed on the premises.
      3. The operation must be located in a safe and convenient area that will facilitate the delivery of and pickup of clients.
  11. Child care for six (6) persons or more. Included in this category are the following types of day care operations as defined by the State of Kansas: family day care homes, licensed; group day care homes; child care centers and preschools. (See K.S.A. 65-517, K.A.R. 28-4-113, and K.A.R. 28-4-420)
    - a. For In Home Child Care Facilities, the following conditions apply:
      1. Approved state operating permit.
      2. No more than 12 children and two supervisors may be employed on the premises.
      3. The operation must be located in a safe and convenient area that will facilitate the delivery of and pickup of clients.

#### **D. R-3, Multi-Family Zoning District**

1. Places of worship and customary accessory residential uses.
2. Bed and Breakfast facility.
  - a. Conditions listed in 7.1 (C) above.
  - b. No more than four (4) units for rent.
  - c. Proprietor must reside on the premises.
  - d. Food service shall be limited to a breakfast meal.
  - e. No change or adaptation to the exterior of the structure that would alter the residential appearance shall be permitted.
  - f. Advertising is limited to one monument sign which is subject to the limitations of Article 12 related to "Home Based Businesses."
3. Golf courses and clubhouses (except miniature golf courses, driving ranges and other similar activities operated as a business).
4. Public and private schools, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on the campus.
5. E.C.H.O. (Elderly Cottage Housing Opportunity) accessory residential design dwelling unit for care of family, elderly or disabled. The accessory residence may be a site built accessory dwelling unit, or a slide-in manufactured ECHO unit.

6. Libraries and museums.
7. Hospitals and health clinics.
8. Communications towers over 60 feet in height.
  - a. Facility must not be located in an area used or planned for residential purposes.
  - b. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human habitation (other than the principal use), and/or any road.
  - c. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
  - d. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
  - e. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.
9. Quarries and mining extraction.
  - a. Facility must be located a minimum of 1,000 feet from the nearest residence.
  - b. The road network must be capable of supporting the anticipated truck traffic.
10. Oil and gas drilling.
11. Attendant care homes. Included in this category are the following types of operations as defined by the State of Kansas (See K.S.A. 39-923): Nursing facility, nursing facility for mental health, intermediate care facility for people with intellectual disability, assisted living facility, residential health care facility, boarding care home and adult day care facility.
  - a. For In Home Elder Care Facilities, the following conditions apply:
    1. Approved state operating permit.
    2. No more than 12 children and two supervisors may be employed on the premises.
    3. The operation must be located in a safe and convenient area that will facilitate the delivery of and pickup of clients.
12. Child care for six (6) persons or more. Included in this category are the following types of day care operations as defined by the State of Kansas: family day care homes, licensed; group day care homes; child care centers and preschools. (See K.S.A. 65-517, K.A.R. 28-4-113, and K.A.R. 28-4-420)
  - a. For In Home Child Care Facilities, the following conditions apply:
    1. Approved state operating permit.
    2. No more than 12 children and two supervisors may be employed on the premises.
    3. The operation must be located in a safe and convenient area that will facilitate the delivery of and pickup of clients.
13. Professional offices.
14. Clinics and health care services.

**E. C-D, Downtown Commercial District.**

1. Parking lots detached from the principal use. Site plan provided for review and approval should give special emphasis to:
  - a. Parking and circulation as required by Article 16.
  - b. Landscaping Plan as determined by zoning district requirements in Article 4.
  - c. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.
  - d. Onsite signage plan for site circulation shall be provided at time of application.

**F. C-1, General Commercial District.**

1. Parking lots detached from the principal use. Site plan provided for review and approval should give special emphasis to:
  - a. Parking and circulation as required by Article 16.
  - b. Landscaping Plan as determined by zoning district requirements in Article 4.
  - c. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.
  - d. Onsite signage plan for site circulation shall be provided at time of application.

**G. C-2, Heavy Service Commercial District.**

1. Adult Entertainment – Sex-Oriented Businesses:
  - a. Must be located a minimum of 1,000 feet or more from the nearest residential dwelling, school, day care center, church, library, youth center, cemetery, liquor store, or another adult entertainment or sex-oriented business.
  - b. No service of alcoholic or cereal malt beverages is allowed.
  - c. The surrounding land uses, and zoning districts must be provided including distance to nearest structure.
  - d. Additional screening is required on the perimeter of the property. Screening shall be a combination of fencing and landscaping. Berming may be allowed if the topography of the parcel allows for adequate screening as determined by a line of sight drawing from any adjacent right of way. Landscape and screening plan must be submitted at time of application for staff review.
  - e. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.
2. Churches and places of worship
3. Interstate Pole Sign. Applicant must provide the following details in submission materials:
  - a. The use of the proposed development.
  - b. The height of the proposed principal building.
  - c. The surrounding land uses and zoning districts.
  - d. The relationship to the Interstate (the property where the interstate pole sign is to be placed must have 50% of the site within 800 feet of the centerline or 500 feet of the right of way (whichever is less) of an Interstate);
  - e. The elevation of the site in relationship to the elevation of the finished grade of adjacent city roadway.



- f. The proposed height and signable area of the pole sign.
  - g. The applicant shall provide a line of sight drawing which includes evaluation of natural land grade and highway curvature for sign placement. Line of sight vantage should be shown at ½ mile and 1-mile distances from both directions.
  - h. All requirements noted in Article 12 in the UDC related to size, height, number of signs, landscaping, etc. must be met by the proposed pole sign application.
4. Wireless Facilities/Wireless Support Structures:
- a. Facility must not be located in an area used or planned for residential purposes.
  - b. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human habitation (other than the principal use), and/or any road.
  - c. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
  - d. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
  - e. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.

**H. C-3, Highway Service Commercial District.**

1. Wireless Facilities/Wireless Support Structures:
- a. Facility must not be located in an area used or planned for residential purposes.
  - b. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human habitation (other than the principal use), and/or any road.
  - c. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
  - d. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
  - e. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.
2. Campgrounds:
- a. A fully developed Site Plan with requirements as listed in Article 10.
  - b. Parking and circulation as required by Article 16.
  - c. Landscaping Plan as determined by zoning district requirements in Article 4.
  - d. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.
3. Churches and places of worship.

4. Outdoor amusement establishments such as miniature golf, driving ranges, pitch and put courses, amusement parks, and other similar establishments:
  - a. A fully developed Site Plan with requirements as listed in Article 10.
  - b. Parking and circulation as required by Article 16.
  - c. Screening and Landscaping as determined by zoning district requirements in Article 4. Additional screening may be required on the perimeter of the property if adjacent to or across from A-G or any residential zoned districts. Screening shall be a combination of fencing and landscaping. Berming may be allowed if the topography of the parcel allows for adequate screening as determined by a line of sight drawing from any adjacent right of way.
  - d. Additional screening may be required on the perimeter of the property if adjacent to or across from A-G or any residential zoned districts. Screening shall be a combination of fencing and landscaping. Berming may be allowed if the topography of the parcel allows for adequate screening as determined by a line of sight drawing from any adjacent right of way.
  - e. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.
5. Interstate Pole Sign. Applicant must provide the following details in submission materials:
  - a. The use of the proposed development.
  - b. The height of the proposed principal building.
  - c. The surrounding land uses and zoning districts.
  - d. The relationship to the Interstate (the property where the interstate pole sign is to be placed must have 50% of the site within 800 feet of the centerline or 500 feet of the right of way (whichever is less) of an Interstate);
  - e. The elevation of the site in relationship to the elevation of the finished grade of adjacent city roadway.
  - f. The proposed height and signable area of the pole sign.
  - g. The applicant shall provide a line of sight drawing which includes evaluation of natural land grade and highway curvature for sign placement. Line of sight vantage should be shown at ½ mile and 1-mile distances from both directions.
  - h. All requirements noted in Article 12 in the UDC related to size, height, number of signs, landscaping, etc. must be met by the proposed pole sign application.
6. Motor vehicle repair, general:
  - a. A fully developed Site Plan with requirements as listed in Article 10.
  - b. Parking and circulation as required by Article 16.
  - c. Landscaping Plan as determined by zoning district requirements in Article 4.
  - d. Screening and Landscaping as determined by zoning district requirements in Article 4. Additional screening may be required on the perimeter of the property if adjacent to or across from A-G or any residential zoned districts. Screening shall be a combination of fencing and landscaping. Berming may be allowed if the topography of the parcel allows for adequate screening as determined by a line of sight drawing from any adjacent right of way.
  - e. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.
7. Outdoor display and sales of merchandise and equipment:
  - a. A fully developed Site Plan with requirements as listed in Article 10 is required.

- b. If applicable, parking and circulation as required by Article 16. If parking spaces are going to be used for outdoor display/sales area, applicant must provide a parking plan which provides for accommodation of lost spaces.
- c. Signage must be placed in accordance with Article 12.
- d. Screening and Landscaping as determined by zoning district requirements in Article 4. Additional screening may be required on the perimeter of the property if adjacent to or across from A-G or any residential zoned districts. Screening shall be a combination of fencing and landscaping. Berming may be allowed if the topography of the parcel allows for adequate screening as determined by a line of sight drawing from any adjacent right of way.
- e. Exterior Lighting: Facilities shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted and approved.

**I. B-P, Business Park District.**

- 1. Churches and places of worship.
- 2. Communication Transmission Towers Over Sixty (60) Feet in Height:
  - a. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human occupancy (other than the principal use), and/or any road.
  - b. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
  - c. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
  - d. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.

**J. L-P, Logistics Park District**

**All** uses in the L-P (Logistics Park) Zoning District **listed as Conditional Uses** must submit a site plan for review subject to the following requirements:

- 1. Churches and places of worship.
- 2. Communication Transmission Towers Over Sixty (60) Feet in Height
  - a. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human habitation (other than the principal use), and/or any road.
  - b. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
  - c. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
  - d. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.

3. Truck stops with fuel and accessory services
4. Private or public owned playground, playfields, and recreational facilities (e.g. public or private golf courses, tennis or other courts, and swimming pools) open for public or commercial use;
5. Auditoriums, convention centers, and conference facilities
6. Colleges and universities.
7. Transportation storage and trucking yards
8. Cargo container storage, repair or maintenance. All cargo container storage and cargo container repair and maintenance facilities (collectively referred to as “facilities”) shall be subject to the following performance provisions:
  - a. Access: No cargo containers or semi-trailers (either on or off a chassis), or a chassis, may be stored in a manner that impedes access to public rights-of-way, public utility or drainage easements, structures, and buildings.
  - b. Exterior Lighting: Facilities shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted and approved.
  - c. Minimum Lot Size: Facilities shall have a minimum lot size of twenty (20) acres.
  - d. Noise: Noise from businesses and facilities shall not exceed 60 dB(A) in any adjacent residential district or 70 dB(A) in any adjacent commercial or industrial district or property.
  - e. Paving: All interior driveways, parking, loading, and storage areas shall be paved and dust-free. For purposes of this stipulation:
    1. Paving shall mean concrete or asphalt: and
    2. Dust-free shall mean that all interior driveways and storage area surfaces shall be kept free of dust, dirt or other materials to prevent the migration of dust off-site.
  - f. Parking: Facilities shall comply with the Article 5.2 L-P District Off Street Parking and Loading regulations. No portion of any required off-street parking or loading/unloading areas shall be used for the storage of cargo containers, semi-trailers (either on or off a chassis), chassis or similar storage devices.
  - g. Cargo Container Stacking: Cargo containers shall not be stacked more than five (5) in number.
  - h. Chassis Stacking/Racking: Empty chassis may be stored on end (racking), or may be stacked. When stacked, chassis shall not be more than five (5) in number.
  - i. Screening and Landscaping: Screening may be required on the perimeter of the property. Screening shall be a combination of fencing and landscaping or berming and landscaping. Screening shall comply with requirements Article 5.2 L-P District Landscape Standards.
  - j. Setbacks and Separation Distance: All buildings, structures, parking and other uses on the property, shall be subject to the setback requirements in Article 5.2 L-P District Setback, Yard, Area Regulations, except, however, the parking or storage of cargo containers or semi-trailers (either on or off a chassis), and chassis (racked or stacked) shall be subject to the following setback standards that may vary depending upon the difference scenarios set forth below:
    1. When abutting (touching), or across the street from non-residentially zoned property, such parking or storage shall be setback from any

exterior property line of the subject property a distance equal to the height of the cargo container or semi-trailer (either on or off a chassis), and chassis (racked and stacked);

2. When abutting (touching) public right-of-way, such parking or storage shall be setback from any exterior property line of the subject property a distance equal to the height of the cargo containers or semi-trailers (either on or off a chassis), and chassis (racked or stacked);
  3. When abutting (touching), or across the street from, residentially zoned property, such parking and storage shall be setback a minimum of 250 feet from the nearest property line of the residentially zoned property;
  4. When abutting (touching), or across the street from, a habitable dwelling, such parking and storage shall be setback a minimum of 300 feet from the nearest dwelling; and
  5. For purposes of Stipulations 3 and 4 above, measurements shall be made between the nearest property line of the residentially zoned property or the nearest edge of a dwelling, and the nearest cargo container, semi-trailer (either on or off a chassis), or chassis.
- k. Signage: Business signs shall be allowed according to Article 5.2 L-P District Signage regulations. No signage, other than shipping company identification logos and placards, shall be allowed on any cargo container, semi-trailer or chassis.
- l. Site Plan: A site plan shall be submitted with the application. The site plan shall be prepared in accordance with the requirements of Article 9.1 (B) (3) of these regulations.
- m. Other Rules and Regulations. All facilities shall abide by any and all governmental rules, regulations, codes and specifications now in effect or hereafter adopted that would be applicable to this permit or the use of the property by the applicant/landowner.
- n. Deviations: In the event that an applicant desires to deviate from the above performance standards and provisions for certain Conditional Uses, the applicant shall submit written information to the Governing Body indicating the circumstances which are believed to necessitate the need for a deviation(s), and the applicant shall provide a list of alternative materials, designs or methods that are equivalent to the performance standards and provisions for the L-P Zoning District, Section 5.4, Sections G through Q in the regulations. The application may only be approved if findings are made by the Governing Body that 1) due to the circumstances of the application, it would be unnecessary to impose the standards(s) and equivalent alternatives should be allowed, b) that the spirit and intent of the regulations are being met, c) that granting the deviation shall not adversely affect adjacent or nearby property, and d) the application shall otherwise comply with all building code(s) and safety requirements. (Ord. 915, 2012)

**K. I-G, General Industrial District.** *All uses listed below must comply with the conditions listed in Section 7.1.(C) above, and must submit a site plan for review and approval with special emphasis given to parking, site circulation, loading, and screening of outdoor materials.*

1. Communication towers greater than 60 feet in height (exclusive of antenna).
2. Transportation storage and trucking yards.

3. Recycling center.
4. Construction equipment storage.
5. Chemical and allied products – manufacturing and storage.
6. Solid waste transfer stations.
7. Mining or quarrying.
8. Oil and gas extraction.
9. Salvage yards.

**L. I-H, Heavy Industry District.** *All uses listed below must comply with the conditions listed in Section 7.1.(C) above, and must submit a site plan for review and approval with special emphasis given to parking, site circulation, loading, and screening of outdoor materials.*

1. Acid manufacture or reclamation.
2. Pesticide or herbicide manufacture.
3. Explosives manufacture or storage.
4. Slaughtering, rendering, packing operations.
5. Fertilizer manufacture.
6. Petroleum refinery.
7. Smelting of base metals.
8. Adhesive manufacture.
9. Incineration.
10. Stockyards.
11. Wholesale/storage (bulk) of gasoline and other petroleum products.

**M. Additional Regulations for Conditional Uses.**

1. A Conditional Use Fee, established within the Fee Schedule for the Unified Development Code, shall be submitted with the conditional use application.
2. The Governing Body or Planning Commission may impose any additional condition(s) that it deems necessary to preserve the harmonious design of the community, lessen congestion, or preserve the public health, safety, and welfare.
3. The Governing Body or Planning Commission may recommend denial of any conditional use/special use listed in this Unified Development Ordinance that, in its opinion, would adversely impact the public health, safety, or welfare