

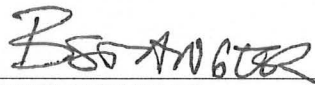
# ORDINANCE NO. 22-06Z

## ZONING TEXT CHANGE

AN ORDINANCE AMENDING TITLE 28, CHAPTERS 2, 12, 13, 14 AND 19 OF THE CLINTON CITY ZONING ORDINANCE REGARDING INTERNAL ACCESSORY DWELLING UNITS (IADU'S) AS PRESCRIBED BY NEW STATE LAW.


- WHEREAS,** Clinton City has established an ordinance regulating zoning within the City; and,
- WHEREAS,** Clinton City desires to update the zoning ordinance to be compliant with current State Law; and,
- WHEREAS,** The Clinton City Planning Commission and City Council has convened public hearings and have determined that changes are needed in this ordinance to promote the health, safety, and general welfare of the citizens;
- NOW THEREFORE,** BE IT ORDAINED BY THE CITY COUNCIL OF CLINTON CITY, DAVIS COUNTY, STATE OF UTAH:
- SECTION 1.** The Clinton City Council voted to adopt Ordinance 22-06Z, attached hereto.
- SECTION 2.** Severability. In the event that any provision of this Ordinance is declared invalid for any reason, the remaining provisions shall remain in effect.
- SECTION 3.** Effective date. This ordinance shall be recorded and become effective upon the date of posting indicated below.

PASSED AND ORDERED RECORDED AND POSTED by the Council of Clinton City, Utah, this 27<sup>th</sup> day of September, 2022.



BRANDON STANGER  
MAYOR

ATTEST:



*Lisa Titensor*  
LISA TITENSOR  
CITY RECORDER

Posted: September 28, 2022

**“Dwelling, Multiple-Family”** means a building designed to be occupied by three (3) or more families.

**“Dwelling Unit”**<sup>67, 126</sup> means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, structure, or vegetation.

**“Dwelling Unit Footprint”**<sup>67, 126</sup> means the finished floor area, measured by taking the outside dimensions of a single family dwelling unit contained within the vertically projected outline of the living space within the surrounding exterior walls. Such space is not to include an attached garage, unfinished basement, covered patios or carports or any type of detached structure.

**“Dwelling Unit Single-Family”**<sup>67, 118</sup> Any building which contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the Building Code for not more than one family, or a congregate residence of 10 or less persons on a separate lot and not sharing any common wall. (Ref. UBC/IBC)

**“Dwelling, Single-Family Row House”** means a building built directly against an adjoining building without an open space between, and containing a one-family dwelling unit extending from basement to roof. Each such single-family attached dwelling shall be considered one structure, for purposes of front, rear, and side yard requirements.

**“Dwelling, Two-Family”** means a building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

~~**“Dwelling Unit, Immediate Family”**<sup>172</sup> means a single dwelling unit, with or without cooking facilities, within the same building as the main dwelling unit designed EXCLUSIVELY for use by one or two immediate family members AND THEIR DEPENDENTS. For the purpose of this ordinance, “immediate family” shall include and be limited to: father, mother, grandfather, grandmother, son, daughter, grandson, granddaughter, brother, sister of the property owner of record. In addition, the main dwelling unit MUST be owner occupied and meet the following stipulations:~~

- ~~(1) The unit must be connected to the main dwelling area.~~
- ~~(2) This unit SHALL not be rented out.~~
- ~~(3) There shall only be one (1) life sustaining utility connections (i.e. water, sewer, electrical, gas).~~
- ~~(4) There shall be 24 hour access between the main residence and this unit.~~

~~(5) There shall only be one (1) dedicated exterior door access into this unit, this is not intended to exclude access to a patio that is not visible from any public way.~~

~~(6) A city inspection of the accessibility between the main residence and this unit shall be conducted at least every five (5) years or upon a legitimate compliant, or change of ownership.~~

~~(7) A document identifying the nature of this unit SHALL be recorded with the county.~~

~~(8) There shall only be one (1) address displayed for the entire structure and one (1) mailbox.~~

**“Dwelling Unit, Internal Accessory”** or **“IADU”** means a residential dwelling unit created within a primary dwelling unit, within the footprint of the primary dwelling unit at the time the IADU is created, and for the purpose of offering a long-term rental of 30 days or longer.

**“Family”**<sup>8,67,158</sup> means an individual or two (2) or more persons related by blood, ~~or~~ marriage, ~~or~~ adoption or a group of not more than ~~five~~ four (4) persons (excluding ~~servants~~ domestic help) who ~~need are not be~~ related by blood or marriage living together ~~in as~~ a single ~~family housekeeping unit in a~~ residential dwelling unit. ~~The term “family” shall not be construed to mean a group home, residential support dwelling, or a boarding house.~~ (Ref UBC/IBC)

**“Family Food Production”** means the keeping of domestic animals and fowl for the production of food for the sole use of the family occupying the premises as provided for in the applicable zone.

**“Fence, Solid”**<sup>199</sup> means a Fence that is intended to significantly block the view of items that are behind or enclosed within the Fence. An example of the minimum standard is considered to be a chain link fence with solid slats.

**“Floor Area”** means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal portion of the roof or floor above (Ref. UBC/IBC)

(1) Exception: Dwelling Unit: For the purpose of this ordinance the area of a dwelling unit not provided with surrounding exterior walls shall not be included in this calculation.

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**Chapter 3. Regulations Applicable to all Zones**

28-3-1	Applicability
28-3-2	Additional Use Regulations
28-3-3	Additional Area Regulations
28-3-4	Additional Yard Regulations <sup>181</sup>
28-3-5	Additional Height Regulations
28-3-6	Fence Regulations
28-3-7	Lighting
28-3-8	Public Utility Substations
28-3-9	Special Provisions Relating to the Keeping of Animals and Fowl <sup>148, 170</sup>
28-3-10	Site Plan and Architectural Approval <sup>147, 150</sup>
28-3-11	Private Swimming Pools, Tennis Courts, and Skateboard Ramps <sup>13, 134, 149, 181</sup>
28-3-12	Above Ground Storage of Flammable, Combustible Liquids <sup>29, 101, 167</sup>
28-3-13	Mail Box <sup>35, 82</sup>
28-3-14	Codes and Standards <sup>183</sup>
28-3-15	Additional Standards <sup>150, 183</sup>
28-3-16	Sexually Oriented Business <sup>71</sup>
28-3-17	Agriculture Protection Area <sup>83</sup>
28-3-18	Telecommunication Structures <sup>95</sup>
28-3-19	Outdoor Storage <sup>134</sup>
28-3-20	Required Commercial Landscaping <sup>137</sup>
28-3-21	Required Residential Landscaping <sup>148</sup>
28-3-22	Financial Guarantee Requirements <sup>137</sup>
28-3-23	Residential Facility for Elderly Persons <sup>134</sup>
28-3-24	Residences for Persons with a Disability <sup>134</sup>
28-3-25	Garage, Accessory Building, Shed, Carport - Single Family Dwelling <sup>169, 183, 192, 198, 199, 213</sup>
28-3-26	Model and Display Homes <sup>175</sup>
28-3-27	<a href="#">Internal Accessory Dwelling Units</a>

**28-3-1 Applicability.** The regulations hereinafter set forth in this Chapter qualify or supplement, as the case may be, the Zone regulations contained elsewhere in this Ordinance.

**28-3-2 Additional Use Regulations.** The requirements of this Ordinance as to minimum building site area shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land existing as a legal conforming lot prior to the adoption of this Ordinance or to subsequent zone changes.

**28-3-3 Additional Area Regulations.**

(1) Every dwelling unit shall be located and maintained on a “buildable lot” as defined in this Ordinance.<sup>67</sup>

(2) In determining compliance with the minimum lot area standards for each zone, buildable area shall be used in all areas, with the following exception:

(a) If a portion of a lot or parcel of land which meets the minimum lot area requirements of a respective zone is acquired for public use in any manner, including dedication, condemnation or purchase, and such acquisition reduces the area below such minimum requirements, the remainder of such lot or parcel shall nevertheless be considered as having the required minimum lot area if all of the following conditions are met:

(i) Such lot or parcel contains a rectangular space of at least thirty (30) by forty (40) feet exclusive of applicable front and side yard requirements, and exclusive of one-half of the applicable rear yard requirements, and such rectangular space is usable for a principal use or structure.

(ii) The remainder of such lot or parcel of land has an area of at least 75% of the required lot area of the zone in which the lot or parcel is located.

(iii) The remainder of such lot or parcel of land has access to a public street with a width of not less than twenty-six (26) feet.

**28-3-4 Additional Yard Regulations.**

(1) No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this Ordinance, shall be considered as providing a yard or open space on an adjoining lot whereon a building is to be erected or established.

(2) On any lot under a separate ownership from adjacent lots and of record at the time of the initial enactment of this provision and such lot having a smaller width than required for the Zone in which it is located, the following regulations shall apply:

(a) For interior lots, each side yard may be equal to but not less than the same percentage of the required

### **28-3-27 – Internal Accessory Dwelling Units.**

(1) Internal accessory dwelling units (“IADUs”) in single-family residential zones are an important tool in the overall housing goals and needs of the city, and allow for alternative and flexible housing options in owner-occupied single-family residences. The purposes of the IADU standards of this chapter are to:

- (a) Preserve and enhance life safety standards required for residential occupancy through the creation of a regulatory process for internal ADUs;
- (b) Provide housing options for individuals and families in all stages of life and/or with moderate income that might otherwise have difficulty finding adequate housing within the city;
- (c) Provide opportunities to offset rising housing costs and promote reinvestment in existing single-family residential zones;
- (d) Preserve the character of single-family neighborhoods through adequate standards governing internal ADUs; and
- (e) Comply with UTAH CODE ANN. 10-9a-530, which designates internal ADUs as permitted uses in all single-family residential zones and imposes limitations on the extent that municipalities may regulate internal ADUs.

### **(2) Where permitted.**

- (a) Internal ADUs are permitted in primary dwellings under owner occupancy on lots containing more than 6,000 square feet located in the city’s R-1 (single-family), and A (agricultural) zones, and on existing single-family lots in the PZ (performance) zone, subject to the approval process detailed in this chapter.
- (b) Internal ADUs are prohibited on any lot containing 6,000 or fewer square feet or on lots where the primary dwelling is served by a failing septic tank. internal ADUs in eligible areas shall be allowed as permitted uses.

### **(3) Approval process.**

- (a) An internal ADU may be allowed as a permitted use upon completion and filing of an internal ADU application form; payment of all applicable fees; completion of a satisfactory

property inspection; the city’s receipt of the completed, signed affidavit required by this chapter; issuance of any necessary building permits; and compliance with all other applicable requirements of this chapter.

(b) Permits for internal, compliant ADUs may be renewed annually upon a satisfactory property inspection and payment of an administrative renewal fee. Internal ADUs shall comply with all other applicable building permit, zoning code, fire code and building code requirements.

(c) If no additional work is proposed or required to ready an internal ADU for occupancy, the applicant shall submit a minimum-fee building permit application, accompanied by an inspection by the city’s building official, to ensure compliance with all applicable standards.

(d) Upon approval and issuance of a building permit for an internal ADU, the city shall record a notice in the office of the county recorder that shall include:

- (i) a description of the primary dwelling;
- (ii) a statement that the primary dwelling contains an internal accessory dwelling unit; and
- (iii) a statement that the internal accessory dwelling unit may only be used in accordance with the city’s land use regulations.
- (iv) The city shall, upon recording the notice, deliver a copy of the notice to the owner of the internal ADU.

### **(4) Development standards.**

- (a) The property’s record owner (including titleholders and contract purchasers) must occupy either the primary dwelling unit or the approved internal ADU as such owner’s permanent residence and at no time receive rent for the owner-occupied unit. An application for an internal ADU permit shall include evidence of owner occupancy in the form of the affidavit required by Section 5 of this chapter and such other verification(s) as the city reasonably may require.
- (b) Internal ADUs shall not be used as short-term rentals.
- (c) Only one internal ADU may be created per lot or property.

(d) The design and size of the internal ADU shall conform to all current applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. When a new internal ADU is proposed in an existing home, the entire internal ADU shall be brought up to all minimum standards, as inspected and approved by city staff.

(e) The installation of separate utility meters for an internal ADU is prohibited.

(f) Each internal ADU shall require one off-street parking space in addition to required parking for the primary dwelling unit. In no case shall fewer than three total off-street parking stalls be provided for any property with an internal ADU. The additional required parking space shall not be located behind or in front of the required parking spaces for the primary dwelling (i.e., tandem parking is prohibited) and shall be located on a drivable surface.

(g) Any parking spaces contained within a garage or carport shall be replaced if an internal ADU is created within the garage or carport.

(h) Each internal ADU shall be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling.

(i) An internal ADU shall maintain the same address as the primary dwelling with the addition of "Unit B."

(j) An internal ADU may not be created within a mobile home as defined in UTAH CODE ANN. 57-16-3, as amended.

(k) An internal ADU shall not be permitted on a property with a failing septic tank.

(l) Detached ADUs are prohibited in any zone in the city.

**(5) Affidavit.**

(a) All applications for internal ADU permits shall include a notarized affidavit, signed by the record owner of the property, that includes a description of the primary dwelling unit; a statement that the primary dwelling unit contains or will contain an internal accessory dwelling unit; and a statement that the internal ADU may only be used in accordance with the city's land use regulations. Change in ownership of the

primary dwelling shall not require any additional zoning approval, but shall require an updated internal ADU permit, site inspection (if applicable), and signed affidavit.

**(6) Inspection.**

(a) Prior to approval of an internal ADU permit, all required building permits shall be completed by the applicant and inspected by the city's building official to verify compliance with all applicable city standards.

**(7) Termination.**

(a) If the primary dwelling's record owner changes and is not accompanied by a new internal ADU application, or if the primary dwelling's record owner is no longer permanently residing in the primary dwelling, then the internal ADU shall be immediately vacated and shall no longer be used as an internal ADU. The city may revoke, or may choose to deny license renewal, to any property with unresolved violations of this code arising from or related to operation of an internal ADU. The city may also hold a lien against a property that contains an internal ADU that violated this chapter pursuant to the procedures detailed in UTAH CODE ANN. 10-9a-530(5), as amended.

**Chapter 12. Agricultural Zone (A-1)**

- 28-12-1 Purpose
- 28-12-2 Permitted Uses <sup>134, 181, 182</sup>
- 28-12-3 Accessory Uses <sup>134, 182</sup>
- 28-12-4 Conditional Uses <sup>126, 134, 199</sup>
- 28-12-5 Minimum Lot Development Standards

**28-12-1 Purpose.** With the establishment of the A-1 Zone, the rural atmosphere of Clinton shall be maintained in areas identified for the least intense residential use.

**28-12-2 Permitted Uses.** <sup>134, 182</sup>

- (1) Agriculture
- (2) Churches, Synagogues and Temples
- (3) Educational Institutions (Elementary and Secondary, including associated grounds and athletic and other facilities)
- (4) Publicly-owned and operated recreation uses and facilities; public buildings; public parks and playgrounds.
- (5) Raising, pasturing, and maintaining of not more than the following animal or fowl units for family food production or pleasure: 2 animal and 1 fowl unit for the first acre, for each additional one-half acre 1 animal and 1 fowl unit, up to a maximum of 2 fowl units.
- (6) Seasonal summer pasturing or grazing of domestic animals upon lots or property of 5 acres or more during the period commencing April 1 and ending October 15 the same year at a maximum density of three head per acre and not to exceed 250 head of livestock confined within the same fenced area.
- (7) Seasonal winter feeding, pasturing, and maintaining of domestic animals upon lots or property of 5 acres or more during the period commencing October 15 and ending April 15 of the following year at a maximum density of six head per acre and not to exceed 250 head of livestock confined within the same fenced area.
- (8) Single-Family Dwelling
- (9) ~~Immediate Family~~ Internal Accessory Dwelling Unit.
- (10) Handicapped Residential Facilities IAW §10-9-605 and this ordinance. <sup>134</sup>
- (11) Household Pets <sup>126</sup>
- (12) Garages, Accessory Buildings, Sheds, and Carports, as defined in this Title, incidental to any

permitted use. <sup>199</sup>

- (13) Residential facilities for elderly IAW §10-9-605 and this ordinance.
  - (14) Home Business <sup>179</sup>
  - (15) Garage and Yard Sales <sup>179</sup>
  - (16) Cemetery
  - (17) Sign - One nameplate and one identification sign as per the Clinton City Sign Ordinance.
  - (18) Accessory buildings and use customarily incidental to any permitted use.
  - (19) Commercial horse training and breeding facility including track on a minimum of 5 acres of land.
  - (20) Equestrian Riding Academies.
  - (21) Temporary residences, renting by the day or month.
  - (22) Temporary, on site, storage containers for emergency construction of repair of residences, with the following stipulations
    - (a) Must place on a hard surface
    - (b) Can only be present for three (3) months out of a twelve (12) month period.
- 28-12-3 Conditional Uses.** <sup>126, 134, 182, 199</sup>
- (1) Animal Hospital or Clinic in a fully enclosed building, including farm animals.
  - (2) Dog Kennel.
  - (3) Cattery.
  - (4) Golf Course.
  - (5) Private Recreation Clubs.
  - (6) Private stables; public stables on a minimum of 5 acres of land; privately owned and operated recreational uses, grounds and facilities not operated as a business and to which no admission charge is made.
  - (7) Public Utility Substations.
  - (8) Bed and Breakfast.
  - (9) Municipal Wells, Reservoir, or Storage Tanks for water. <sup>198</sup>
  - (10) Above ground fuel storage tank
  - (11) Garages, Accessory Buildings, Sheds, and Carports, as defined in this Title incidental to an approved conditional use and approved during site plan review.

**Chapter 13. Agricultural Estate Zone  
(A-E)**

- 28-13-1 Purpose
- 28-13-2 Permitted Uses <sup>134, 199</sup>
- 28-13-3 Accessory Uses <sup>134, 199</sup>
- 28-13-4 Conditional Uses <sup>126</sup>
- 28-13-5 Minimum Lot Development Standards <sup>169</sup>

**28-13-1 Purpose.** The purpose of the Agricultural Estate Zone is to provide an acceptable buffer zone between the rural agricultural areas and the more intense residential areas within Clinton City.

**28-13-2 Permitted Uses.** <sup>134, 181, 182, 199</sup>

- (1) Agriculture
- (2) Single -Family Dwelling
- (3) Publicly-owned and operated recreation uses and facilities; public buildings; public parks and playgrounds.
- (4) Raising, pasturing, and maintaining of not more than the following animal or fowl units for family food production or pleasure: 1 animal and 1 fowl unit for each one-half acre, for each additional one-half acre, 1 animal and 1 fowl unit will be permitted.
- (5) Handicapped Residential Facilities IAW §10-9-605 and this ordinance.
- (6) Household Pets. <sup>126</sup>
- (7) Garages, Accessory Buildings, Sheds, and Carports, as defined in this Title, incidental to any permitted use. <sup>199</sup>
- (8) Residential Facilities for Elderly IAW §10-9-605 and this ordinance.
- (9) ~~Immediate Family~~ Internal Accessory Dwelling Unit
- (10) Home Business <sup>179</sup>
- (11) Garage and Yard Sales <sup>179</sup>
- (12) Cemetery
- (13) Sign – One nameplate and identification sign in accordance with the Clinton City Sign Ordinance.
- (14) Educational Institution (Elementary and Secondary, including associated grounds and athletic and other facilities)
- (15) Churches, Synagogues, and Temples
- (16) Temporary residences, renting by the day or month.

(17) Temporary, on site, storage containers for emergency construction of repair of residences, with the following stipulations

- (a) Must place on a hard surface
- (b) Can only be present for three (3) months out of a twelve (12) month period.

(18) Seasonal summer pasturing or grazing of domestic animals upon lots or property of 5 acres or more during the period commencing April 1 and ending October 15 the same year at a maximum density of three head per acre and not to exceed 250 head of livestock confined within the same fenced area.

(19) Seasonal winter feeding, pasturing, and maintaining of domestic animals upon lots or property of 5 acres or more during the period commencing October 15 and ending April 15 of the following year at a maximum density of six head per acre and not to exceed 250 head of livestock confined within the same fenced area.

**28-13-3 Conditional Uses.** <sup>126, 182, 198</sup>

- (1) Animal
- (2) Golf Course
- (3) Public Utility Substation
- (4) Bed and Breakfast
- (5) Municipal Wells, Reservoir, and Storage Tanks for water. <sup>198</sup>
- (6) Above ground fuel storage tank. <sup>198</sup>
- (7) Garages, Accessory Buildings, Sheds, and Carports, as defined in this Title, incidental to an approved conditional use and approved during site plan review. <sup>199</sup>

**28-13-4 Minimum Lot Development Standards.** <sup>169, 219</sup>

- (1) Area – 21,780 square feet
- (2) Width - 110 feet
- (3) Yard Setback: <sup>169</sup>

TABLE 14.2 <sup>118, 198, 208</sup>		RESIDENTIAL ZONES					
USES		R-1-6	R-1-8	R-1-8a <sup>25</sup>	R-1-9 <sup>21, 24</sup>	R-1-10 <sup>134</sup>	R-1-15 <sup>52</sup>
P = Permitted C = Conditional N = Not Permitted A = Accessory							
1.	Agriculture	P	P	P	P	P	P
2.	Single Family Dwelling						
1.	Site-built <sup>52</sup>	P	P	P	P	P	P
2.	Modular Structures <sup>52</sup>	P	P	P	P	P	P
3.	Manufactured Housing <sup>52</sup>	P	P	P	P	P	P
4.	Camper Trailer	N	N	N	N	N	N
5.	Mobile Home	N	N	N	N	N	N
3.	Household Pets	P	P	P	P	P	P
4.	Garages, accessory buildings, sheds, carports and uses customarily incidental to any permitted use. <sup>169, 199</sup>	P	P	P	P	P	P
5.	Public Building: public park, public recreation grounds and associated buildings.	P	P	P	P	P	P
6.	Raising, pasturing, and maintaining of not more than the following animal and fowl units for family food production or pleasure: 1 animal unit and 1 fowl unit for each one acre in the lot up to a maximum of 5 animal and 2 fowl units.	P	P	P	P	P	N
7.	Residential Chickens (see § 28-2-2 ) Permitted only on lots 10,000 square feet and larger. (All chickens are registered at City) <sup>170, 208</sup>	P	P	P	P	P	P
8.	Family Day Care Center <sup>26</sup>	A	A	A	A	A	A
9.	Home Business <sup>179</sup>	P	P	P	P	P	P
10.	Golf Course	C	C	C	C	C	C
11.	Churches, Synagogues, and Temples <sup>182</sup>	P	P	P	P	P	P
12.	Educational Institution (Elementary and Secondary, including associated grounds and athletic and other facilities) <sup>182</sup>	P	P	P	P	P	P
13.	<u>Immediate Family Internal Accessory</u> Dwelling Unit	P	P	P	P	P	P
14.	Public utility substation	C	C	C	C	C	C
15.	Handicapped Residential Facilities IAW Utah Code § 10-9-610 through §10-9-604. <sup>134</sup>	P	P	P	P	P	P
16.	Residential Facilities for Elderly IAW Utah Code § 1-9-501 through §10-9-504. <sup>134</sup>	P	P	P	P	P	P
17.	Municipal Water Wells, Reservoir, or Storage Tanks for water	C	C	C	C	C	C
18.	Kennels, Private or Commercial	N	N	N	N	N	N
19.	Garage and Yard Sales <sup>179</sup>	P	P	P	P	P	P
20.	Cemetery	P	P	P	P	P	P
21.	Sign – One nameplate or identification sign in accordance with the Clinton City Sign Ordinance <sup>182</sup>	P	P	P	P	P	P
22.	Bed and Breakfast <sup>182</sup>	P	P	P	P	P	P
23.	Temporary residences renting by the day or week <sup>182</sup>	P	P	P	P	P	P
24.	Temporary on site storage containers for emergency construction or repair of residences, with the following stipulations: <sup>182</sup> a. Must be placed on a hard surface b. Can only be present for 3 months out of a 12 month period	P	P	P	P	P	P
25.	Garages, accessory buildings, carports uses customarily incidental to any non-residential use. <sup>169, 199</sup>	Structures will be evaluated along with application for primary use when evaluating a site plan as established in §28-3-10					

offered for sale, and that therefore generate less customer traffic per square foot of floor than stores selling smaller items.<sup>69</sup>

“**Site Area, Base.**” The area of proposed development minus rights-of-way, existing roads, easements, etc. as outlined in 28-19-9.

“**Site Area, Gross.**” The entire acreage of a proposed development.

“**Site Area, Net.**” The area of a proposed development after subtracting required open spaces as outlined in 28-19-10.

**28-19-4 Use Regulations.**<sup>182</sup> In the following list of uses, those designated as "P" will be permitted use. Uses designated "C" will be allowed only when authorized by a conditional use permit obtained as provided in Chapter 5 of this Zoning Ordinance.

TABLE 19.4 <sup>61, 123, 199</sup> PERFORMANCE ZONE USES			DESIGN REVIEW	PERMITTED/ CONDITIONAL	GENERAL USE CATEGORY (SEC. 15)		
1.000	<b>RESIDENTIAL</b>						
1.100	Single-Family Residences (see section 19.29)						
1.150	<del>Immediate Family</del> Internal Accessory Dwelling Unit						
1.200	Two-Family Residences (see section 19.29)						
1.400	Miscellaneous, rooms for rent situations						
	1.410	Bed and Breakfast	DR	P	Commercial		
	1.420	Tourist homes and other temporary residences renting by the day or week	DR	P	Commercial		
	1.430	Hotels, motels, and similar business or institutions providing overnight accommodations	DR	P	Commercial		
1.500	Temporary on site storage containers for emergency construction or repair of residences, with the following stipulations a. Must be placed on a hard surface b. Can only be present for 3 months out of a 12 month period			P	Footnote <sup>a</sup>		
1.600	Home Business <sup>179</sup>			P			
1.700	Garage and Yard Sales <sup>179</sup>			P			
1.800	Garages, accessory buildings, sheds, and carports when associated with a residential use will be evaluated per Table 19.29.2						
2.000	<b>SALES AND RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT</b>						
2.100	No storage or display of goods outside fully enclosed building						
	2.110	High-volume traffic generation					
		2.111	Miscellaneous <sup>88</sup>	DR	P	Commercial	
		2.112	Convenience stores	DR	P	Commercial	
	2.120	Low-volume traffic generation					
		2.121	Wholesale sales	DR	P	Commercial	
		2.122	Retail sales	DR	P	Commercial	
2.200	Storage and display of goods outside fully enclosed building allowed						
	2.210	High-volume traffic generation			DR	C	Commercial
	2.220	Low-volume traffic generation			DR	C	Commercial
	2.230	Wholesale sales			DR	C	Commercial
3.000	<b>OFFICE, CLERICAL, RESEARCH AND SERVICES NOT PRIMARILY RELATED TO GOODS OR MERCHANDISE</b>						
3.100	All operations conducted entirely within fully enclosed building						
	3.110	Operations designed to attract and serve customers or clients on the premises, such as the offices of attorneys, physicians, other professions, insurance and stockbrokers, travel		DR	P	Office	