

**SECTION 24004  
ZONING DISTRICTS**

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## SECTION 24004: ZONING DISTRICTS

### 24004.1 ZONING DISTRICTS - GENERAL

- a. **Establishment of Zoning Districts.** In order to classify and segregate the uses of land and buildings, the following districts are hereby established:

A	Agricultural District
RS	Residential Suburban District
R1	Residential (small lot single family district)
R2	Residential, (two family dwelling district)
R3	Residential, (multi-family planned development)
CO	Nonretail Business District
C-1	General Business District
C-2	Central Business District
M1	Light Industrial District
M2	Heavy Industrial District
F-1	Floodway Overlay District
F-2	Floodway Fringe Overlay District
HPD	Historic Preservation District
PD	Planned Development Overlay District
UG	Underground Space Overlay District

- b. **Zoning Map.**

1. The boundaries of all zoning districts shall be shown on the official Zoning Map of Pleasant Hill, Missouri ("Zoning Map"). The Zoning Map, together with all legends, symbols, notations, references, district boundaries, and other information thereon, is incorporated by reference into this section as if fully set forth, herein.
2. The Zoning Map and a record of all amendments thereto shall be kept on file in the office of the Director and shall constitute the original record, and shall be the final authority as to the current zoning status of all property within the unincorporated portion of Pleasant Hill.
3. Changes in the boundaries of any zoning district, in accordance with the provisions of the UDC shall be reflected on the Zoning Map promptly upon approval of the amendment by the City Council. All amendments to the Zoning Map shall be signed and attested to by the Director.

4. The Zoning Map may be prepared in sections as may be required to adequately portray the boundaries of all zoning districts. The Zoning Map may include supplemental zoning maps to portray street classifications, boundaries of areas subject to specific limitations or exceptions or such other information as may be required by the UDC.
5. In the event that the Zoning Map becomes damaged, destroyed, lost or difficult to interpret by reason of the nature or number of changes and additions, the City Council may, by ordinance, adopt a new Zoning Map, which shall supersede the prior Zoning Map; provided, however, that the new Zoning Map shall reflect the prior zoning district boundaries unless changed pursuant to law.

**c. Zoning District Boundaries.**

1. Wherever a site is divided by a district boundary, the zoning regulations applicable within each district shall apply to each portion of the site situated in a separate district.
2. The following rules shall apply in the determination of the boundaries of any district shown on the Zoning Map:
  - (a) Where boundaries approximate street and alley lines or other identifiable property or boundary lines, such lines shall be construed to be the district boundary. Where such boundaries are shown as being within street and alley lines or within identifiable rights-of-way or creeks, the centerline thereof shall be construed to be the district boundary.
  - (b) Where a district boundary divides an unsubdivided parcel, the location of the district boundary shall be determined by the use of the scale appearing on the Zoning Map unless indicated by dimensions.
  - (c) Map codes or symbols indicating the classification of property on the Zoning Map apply to the entire area within the district boundaries.
  - (d) Where a street, alley or right-of-way is officially vacated or abandoned, the Zoning Regulations applicable to the abutting property shall apply to the centerline of the vacated or abandoned street, alley or right-of-way.
  - (e) Should any uncertainty remain as to the location or meaning of a boundary indicated on the Zoning Map, said uncertainty shall be resolved by the Director, whose decision may be appealed to the BZA.

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3. When regulations refer to the "classification" of property, the term "classification" means the zone or district applicable to the property.

**d. Uses Not Provided for in Zoning District Regulations.**

1. Appendix A summarizes the uses authorized within each zoning district. The appendix should be used for reference purposes only; uses other than those specifically authorized in the district regulations as uses permitted as of right, uses permitted by conditional use permit, accessory uses or planned uses in each district may be allowed only if the Director finds that such uses are:
  - (a) similar in character to an authorized use; and
  - (b) will have no greater adverse effect on adjacent properties or the surrounding area than the authorized uses.
2. Such decisions may be appealed to the City Council by the applicant or adjacent property owners.
3. All interpretations made by the Director pursuant to this section shall be appended to the UDC and introduced before the City Council as amendments to the UDC annually. If, after introduction, the City Council fails to adopt an interpretation of the Director's as an amendment to the UDC, that interpretation shall be null, void and of no legal effect.

**e. Prohibited Conversions.** Unless expressly provided for in these zoning regulations, no land shall be used and no building shall be erected for, or converted to, any use other than those authorized for the district in which the use is located. No building or portion thereof designed and constructed as a residential building shall be changed to an office, retail or business use of any type, except as provided herein

**f. Minimum Dwelling Sizes.** The minimum floor area shall not include open or screened in porches, garages, utility room or finished basements are. The minimum floor area for other dwelling units shall be 900 sq. ft. for duplexes, 750 sq. ft. for apartments and 475 sq. ft. for garden apartments.

Each one-story family dwelling or residence hereafter located or constructed within the City of Pleasant Hill shall contain a minimum floor area of 1080 Sq. ft.

**The Class of Dwelling Sizes are as follows:**

<b>Minimum Ground Floor Area, (in square feet)</b>			
<b>Classification</b>	<b>One story and split level</b>	<b>1½ story</b>	<b>Two story</b>
A	2,500	1,667	1,250
B	2,100	1,400	1,050
C	1,900	1,267	950
D	1,700	1,133	850
E	1,500	1,000	750
F	1,400	933	700
G	1,300	867	650
H	1,200	800	600
J	1,080	720	540

**24004.2 AGRICULTURAL DISTRICT (A)**

- a. Purpose.** The Agricultural District (A) is intended to help retain large tracts of land for agricultural purposes and to minimize conflicts between agricultural uses and adjacent development. The principal purpose of this district is to provide for large tracts of open land (10 acres or more) devoted to active agricultural and open space uses, including crop farming, animal raising, pasture and woodlands with related residential and farm structures and equipment. Land in the A District may be served at rural levels of service.
- b. Permitted Uses.** The following uses are authorized as permitted uses subject to any conditions established in these district provisions:
1. Agricultural uses, including general farming, ranching, animal breeding, horticulture, orchards, vineyards, and poultry farms but not including the feeding or disposal of garbage or waste.
  2. Aviaries.
  3. Bee keeping.
  4. Churches, temples, synagogues, mosques and related community buildings.

5. Dairies and creameries processing milk produced by livestock raised on the property, provided that frontage on a collector or minor arterial road is required for dairies from which more than one commercial vehicle operates.
6. Dwellings, single-family detached.
7. Family day care home, subject to the conditions established in Section 24005.6.
8. Fish hatcheries.
9. Harvesting of agricultural crops, including public harvesting of Christmas trees, fruit and other produce.
10. Livestock raising, excluding commercial feedlots.
11. On and off-premise signs pursuant to Section 24007.
12. Poultry farms, provided that poultry enclosure areas are setback a minimum of 150 feet from every property line plus 10 feet for every 100 fowl in excess of 250.
13. Public parks and recreational facilities.
14. Public service facilities, including, but not limited to park-and-ride areas, safety and emergency service facilities, public works facilities, schools, parks and other uses required to efficiently provide public services to rural residents.
15. Railroad stations and railroad right-of-way, except railway yards.
16. Telephone relay stations, excluding broadcasting facilities.
17. Temporary assembly and amusements, including revivals, carnivals and circuses, subject to the conditions established in Section 24005.20. This section is not intended to permit the establishment of permanent facilities which are temporarily occupied by different groups.
18. Water, wastewater, electric, gas and telecommunications distribution or collection facilities, excluding electric transmission lines.
19. Water storage tanks, fill stations or towers on a site including one (1) acre or more.
20. Wildlife reservations and conservation projects.

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- c. Conditional Uses.** The following conditional uses are authorized, subject to the provisions of Section 24003.21.
1. Airports, airfields and heliports pursuant to Section 24005.3.
  2. Animal exhibits and zoos, pursuant to Section 24005.4.
  3. Bed & Breakfast Inns, pursuant to Section 24005.5.
  4. Chemicals, agricultural - wholesale.
  5. Civic Clubs, private clubs, fraternal or sororal organizations
  6. Compost facilities subject to the conditions established in Section 24005.8.
  7. Day care centers and group day care homes, subject to the conditions established in Section 24005.6.
  8. Electrical transmission lines subject to the provisions of Section 24005.22.
  9. Flea markets and swap meets pursuant to Section 24005.10.
  10. Group quarters and nursing homes subject to the conditions established in Section 24005.11.
  11. Gun clubs, firing ranges, skeet shooting or other activities involving firearms subject to the provisions of Section 24005.9.
  12. Kennels, for more than six (6) dogs provided that all animal enclosures are located not less than 100 feet from any property line.
  13. Retail sale of live plants or animals subject to provision of adequate, dust-free parking facilities and buffering between structures and adjacent property lines.
  14. Sanitary landfills.
  15. Stables.
  16. Telecommunications structures and other transmission facilities subject to the provisions of Section 24005.21.
  17. Temporary sales events pursuant to 24005.20.

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18. Trailer camps and recreational vehicle parks subject to the conditions established in Section 24005.18.
  19. Veterinary clinics.
  20. Wineries and cider mills, subject to the conditions in Section 24005.24.
- d. Accessory Uses.** The following uses are authorized as accessory uses which are customarily incident to the primary use. None of the following uses are authorized in the absence of an authorized permitted use.
1. Accessory dwelling subject to the conditions established in Section 24005.2.
  2. Accessory uses and buildings customarily incident to a single family residence. Including the storage of heavy equipment used in agricultural production.
  3. Decks, gazebos and gardens.
  4. Home occupations subject to the conditions established in Section 24005.13.
  5. Kennels, for no more than five (5) dogs and cats.
  6. Non-commercial storage buildings including garages, sheds, barns and silos.
  7. Non-commercial telecommunications structures, subject to the provisions of Section 24005.21.
  8. Non-retail greenhouses.
  9. On-premise signs, subject to the provisions of Section 24007.
  10. Refreshment stands.
  11. Roadside stands, limited to the temporary sale of unprocessed goods and agricultural products which are grown on the premises, the structure shall be of temporary construction.
  12. Sports courts.
  13. Private Stables. (1 horse per acre of pasture)
  14. Trailer, limited to storage of four cab and six tractor trailers.

- e. **Planned Uses.** The following uses are authorized within a planned development district, subject to the requirements of Section 24003.18.
1. Camps, retreats and resorts subject to provision of adequate access, water supply, wastewater treatment capacity and buffering from adjacent property. Activity areas and buildings shall be located at least 200 feet from the nearest property line.
  2. Cemeteries and burial grounds.
  3. Commercial recreational facilities, including lakes, picnic areas, riding stables, golf courses and private clubs.
  4. Personal service shops on a parcel containing at least five acres and located on a collector or minor arterial street. Total building area on such a parcel, including accessory storage buildings shall not exceed 5,000 square feet GFA.
- f. **Development Performance Standards.**
1. Development in the A district shall meet the standards established in Exhibit 240.8 in addition to the standards established in other sections of the UDC.

**Exhibit 240.8: A District Design Standards**

Minimum lot size (1)	10 acres
Maximum building height	35 feet
Minimum building setbacks	
front	30 feet
side	15 feet
rear	30 feet
street side	30 feet
Minimum lot width	250 feet
Maximum impervious cover	15%

- (1) *Except as otherwise provided in the above district regulations.*
- (2) *Silos and other agricultural structures may be constructed to the height of up to 55 feet provided that they are located a distance equal to or greater than their height from all property lines.*

2. Open storage is prohibited, excepting farm machinery, farm products and temporary storage of road materials.
3. Animal enclosure areas shall be located at least 150 feet from any property line, excepting grazing areas for horses, cattle or other livestock. Animal enclosure areas include, but are not limited to pens for swine, corrals, holding pens, kennels, aviaries, and other animal confinement areas.

**24004.3 RESERVED**

**24004.4 RESIDENTIAL SUBURBAN DISTRICT (RS)**

- a. **Purpose.** The Residential Suburban District (RS) is intended for low-density residential use, with lots consisting of two or more acres of land. This district is appropriate for selected locations where low-density single-family residential development is desired or where terrain or public service capacities necessitate such development.
- b. **Permitted Uses.** The following uses are authorized as permitted uses subject to any conditions established in these district provisions:
  1. Churches, temples, synagogues, mosques and related community buildings.
  2. Agricultural uses, including general farming, ranching, animal breeding, horticulture, orchards and vineyards, but not including poultry farms or the feeding or disposal of garbage or waste.
  3. Dwellings, single-family detached.
  4. Family day care home subject to the conditions established in Section 24005.6.
  5. Fire stations and EMS facilities.
  6. Public parks and streets.
  7. Schools (public or private), and related structures, for grades K - 12.
  8. Utility distribution and collection facilities, excluding production, treatment and electrical transmission facilities.
  9. Water storage tanks, fill stations or towers on a site including two acres or more.

- c. Conditional Uses.** The following conditional uses are authorized, subject to the provisions of Section 24003.21.
1. Bed and Breakfast facilities subject to the conditions in Section 24005.5.
  2. Day care center and group day care homes subject to the provisions of Section 24005.6.
  3. Electricity transmission lines subject to the provisions of Section 24005.21.
  4. Group quarters pursuant to Section 24005.11.
  5. Utility transmission lines pursuant to Section 24005.22.
- d. Accessory Uses.** The following uses are authorized as accessory uses which are customarily incident to the primary use. None of the following uses are authorized in the absence of an authorized permitted use.
1. Decks, gazebos and gardens and other private amenities customary to a single-family residence.
  2. Home occupations subject to the conditions established in Section 24005.13.
  3. Kennels, for no more than six (6) dogs and cats.
  4. Non-commercial greenhouses.
  5. Non-commercial telecommunication structures, subject to the provisions of Section 24005.21.
  6. On-premise signs, subject to the provisions of Section 24007.
  7. Private stable and up to two horses – 1 head per acre of pasture.
  8. Private swimming pools, tennis courts and sports courts.
  9. Refreshment stands, for nonalcoholic drinks only, accessory to playgrounds and outdoor recreation areas;
  10. Storage buildings, including garages and sheds.
  11. Temporary real estate office or model home located on property for sale and limited to the period of sale.

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e. **Planned Uses.** The following uses are authorized within a planned development district, subject to the requirements of Section 24003.18.

1. Clustered subdivisions with an average density of one (1) dwelling unit per two (2) acres, provided that such use is compatible with adjacent uses and that at least twenty (20) percent of the site is reserved as common open space.
2. Commercial recreational facilities, including lakes, picnic areas, riding stables, golf courses and private clubs.

f. **Development Performance Standards.**

1. Development in the RS district shall comply with the standards established in Exhibit 240.10 in addition to other standards established in the UDC.

**Exhibit 240.10: RS District Design Standards**

Minimum lot size (1)	2 acres
Maximum building height	40 feet
Minimum building setbacks	
front	35 feet
side	15 feet
rear	35 feet
street side	35 feet
Minimum lot width	180 feet
Maximum impervious cover	25%

(1) *Except as otherwise provided in the above district regulations. Minimum lot size for new lots using on-site wastewater disposal systems is three acres.*

2. Accessory structures taller than three (3) feet above natural grade shall comply with building setback lines.
3. A minimum of three (3) acres is required for a new lot served by an on-site septic system pursuant to Section 24006.4.
4. Animal enclosure areas shall be located at least 50 feet from every property line.

**24004.5 R-1 DISTRICT (R1)**

- a. Purpose.** The Residential One District (R1) is intended for medium density single family residential uses in an urban setting. The purpose of this district is to provide for a variety of single-family housing types. R1 Districts should have a density of fewer than six dwelling units per acre. Full urban public services will be required for all development in this district.
- b. Permitted Uses.** The following uses are authorized as permitted uses subject to any conditions established in these district provisions:

  - 1. Churches, temples, synagogues, mosques and related community buildings.
  - 2. Dwellings, Single-family detached.
  - 3. Family day care home subject to the conditions established in Section 24005.6.
  - 4. Fire stations and EMS facilities when located on a collector street.
  - 5. Group homes pursuant to Section 24005.11.
  - 6. Public parks and streets.
  - 7. Schools (public or private), and related structures, for grades K - 8, except that high schools with direct access to an arterial street may be permitted
  - 8. Utility distribution and collection facilities, excluding production, treatment and electrical transmission facilities.
  - 9. Water storage tanks, fill stations or towers on a site including one-half acre or more.
- c. Conditional Uses.** The following conditional uses are authorized, subject to the provisions of Section 24003.21.

  - 1. Bed and Breakfast facilities subject to the conditions in Section 24005.5.
  - 2. Cemeteries and burial grounds.
  - 3. Day care centers and group day care homes subject to the provisions of Section 24005.6.
  - 4. Group quarters pursuant to Section 24005.11.
  - 5. Libraries.

6. Museums.
7. Utility transmission lines pursuant to Section 24005.22.
8. Water and wastewater treatment facilities.

**d. Accessory Uses.** The following uses are authorized as accessory uses which are customarily incident to the primary use. None of the following uses are authorized in the absence of an authorized permitted use.

1. Clubhouses and common recreational facilities for Planned Developments.
2. Decks, gazebos and gardens and other private amenities customary to a single-family residence.
3. Home occupations subject to the conditions established in Section 24005.13.
4. Kennels, for no more than three (3) dogs and cats.
5. Non-commercial greenhouses.
6. Non-commercial telecommunication structures, subject to the provisions of Section 24005.21.
7. On-premise signs, subject to the provisions of Section 24007.
8. Private swimming pools, tennis courts and sports courts.
9. Refreshment stands, for nonalcoholic drinks only, accessory to playgrounds and outdoor recreation areas.
10. Storage buildings, including garages and sheds.
11. Temporary real estate office or model home located on property for sale and limited to the period of sale of property within the subdivision in which it is located.



e. **Planned Uses.** The following uses are authorized within a planned development district, subject to the requirements of Section 24003.18.

1. Clustered subdivisions with an average density of up to six (6) dwelling units per acre, provided that such use is compatible with adjacent uses and that at least fifteen (15) percent of the site is reserved as common open space. Housing types within a planned district may include patio homes, zero lot line homes, two-family homes, and attached single family homes with no more than 4 dwelling units within any given building.
2. Commercial recreational facilities, including lakes, picnic areas, riding stables, golf courses and private clubs, provided that active recreation areas, excepting golf courses, shall be located no closer than 200 feet from the nearest residential district.
3. Local retail and services facilities consisting of 10,000 square feet or less of building floor area located at the intersection of two collector or arterial roads.
4. Mixed use developments.

f. **Development Performance Standards.**

1. Development in the R1 district shall comply with the standards established in Exhibit 240.11 in addition to other standards established in the UDC.

**Exhibit 240.11: R1 District Design Standards (1)**

Minimum lot size (2)	7,000 sq. ft.
Maximum building height	35 feet
Minimum building setbacks	
front	25 feet
side	7.5 feet
rear	25 feet
street side	25 feet
Minimum lot width	70 feet
Minimum lot depth	100 feet
Maximum impervious cover	35%

(1) See Section 24006.8 for design standards for compact residential development in a Planned District

(2) Except as otherwise provided in the above district regulations.

2. Open storage is prohibited.
3. Accessory structures taller than 3 feet above natural grade shall comply with building setback lines.
4. Animal enclosure areas shall be at least 15 feet from all property lines.

**24004.6 R-2 DISTRICT (R2) Two Family Residential District**

- a. **Purpose.** The Residential Two District (R2) is intended for medium density single and two family residential uses in an urban setting. The purpose of this district is to provide for a variety of single-family and two-family housing types. R2 Districts should have a density of fewer than six dwelling units per acre. Full urban public services will be required for all development in this district.
- b. **Permitted Uses.** The following uses are authorized as permitted uses subject to any conditions established in these district provisions:
  1. Churches, temples, synagogues, mosques and related community buildings.
  2. Dwellings, Single and two-family attached.
  3. Family day care home subject to the conditions established in Section 24005.6.
  4. Fire stations and EMS facilities when located on a collector street.
  5. Group homes pursuant to Section 24005.11.
  6. Public parks and streets.
  7. Schools (public or private), and related structures, for grades K - 8, except that high schools with direct access to an arterial street may be permitted
  8. Utility distribution and collection facilities, excluding production, treatment and electrical transmission facilities.
  9. Water storage tanks, fill stations or towers on a site including one-half acre or more.
- c. **Conditional Uses.** The following conditional uses are authorized, subject to the provisions of Section 24003.21.

1. Bed and Breakfast facilities subject to the conditions in Section 24005.5.
2. Cemeteries and burial grounds.
3. Day care centers and group day care homes subject to the provisions of Section 24005.6.
4. Group quarters pursuant to Section 24005.11.
5. Libraries.
6. Museums.
7. Utility transmission lines pursuant to Section 24005.22.
8. Water and wastewater treatment facilities.

**d. Accessory Uses.** The following uses are authorized as accessory uses which are customarily incident to the primary use. None of the following uses are authorized in the absence of an authorized permitted use.

1. Clubhouses and common recreational facilities for Planned Developments.
2. Decks, gazebos and gardens and other private amenities customary to a single-family residence.
3. Home occupations subject to the conditions established in Section 24005.13.
4. Kennels, for no more than three (3) dogs and cats.
5. Non-commercial greenhouses.
6. Non-commercial telecommunication structures, subject to the provisions of Section 24005.21.
7. On-premise signs, subject to the provisions of Section 24007.
8. Private swimming pools, tennis courts and sports courts.
9. Refreshment stands, for nonalcoholic drinks only, accessory to playgrounds and outdoor recreation areas.
10. Storage buildings, including garages and sheds.

1. Temporary real estate office or model home located on property for sale and limited to the period of sale of property within the subdivision in which it is located.

**e. Planned Uses.** The following uses are authorized within a planned development district, subject to the requirements of Section 24003.18.

1. Clustered subdivisions with an average density of up to six (6) dwelling units per acre, provided that such use is compatible with adjacent uses and that at least fifteen (15) percent of the site is reserved as common open space. Housing types within a planned district may include patio homes, zero lot line homes, two-family homes, and attached single family homes with no more than 4 dwelling units within any given building.
2. Commercial recreational facilities, including lakes, picnic areas, riding stables, golf courses and private clubs, provided that active recreation areas, excepting golf courses, shall be located no closer than 200 feet from the nearest residential district.
3. Local retail and services facilities consisting of 10,000 square feet or less of building floor area located at the intersection of two collector or arterial roads.
4. Mixed use developments.

**f. Development Performance Standards.**

1. Development in the R2 district shall comply with the standards established in Exhibit 240.11 in addition to other standards established in the UDC

**Exhibit 240.11: R2 District Design Standards (1)**

Minimum lot size (2)	8,000 sq. ft.
Maximum building height	35 feet
Minimum building setbacks	
front	25 feet
side	10 feet
rear	25 feet
street side	15 feet
Minimum lot width	80 feet
Minimum lot depth	100 feet
Maximum impervious cover	35%

- (1) See Section 24006.8 for design standards for compact residential development in a Planned District
- (2) Except as otherwise provided in the above district regulations.

2. Open storage is prohibited.
3. Accessory structures taller than 3 feet above natural grade shall comply with building setback lines.
4. Animal enclosure areas shall be at least 15 feet from all property lines.

**24004.7 R3 DISTRICT (R3), Multi-Family Dwelling District**

- a. **Purpose.** The R3 District (R3) is intended to provide areas for a variety of higher density types of housing types. Multiple-family housing, mixed residential developments, limited office, limited retail and mixed use developments are acceptable in this district as planned use.
- b. **Permitted Uses.** The following uses are authorized as permitted uses subject to any conditions established in these district provisions:
  1. Churches, temples, synagogues, mosques and related community buildings.
  2. Dwellings, two or more-family dwellings, attached.

3. Family day care home subject to the conditions established in Section 24005.6.
  4. Fire stations and EMS facilities when located on a collector or arterial street.
  5. Public buildings, parks and facilities.
  6. Schools (public or private), and related structures, for grades K - 12.
  7. Utility distribution and collection facilities, excluding production, treatment and electrical transmission facilities.
  8. Water storage tanks, fill stations or towers on a site including one-half acre or more.
- c. Conditional Uses.** The following conditional uses are authorized, subject to the provisions of Section 24003.21.
1. Bed & Breakfast inns pursuant to Section 24005.5.
  2. Day care centers and group day care homes subject to the provisions of Section 24005.6.
  3. Utility transmission lines pursuant to Section 24005.22.
- d. Accessory Uses.** The following uses are authorized as accessory uses which are customarily incident to the primary use. None of the following uses are authorized in the absence of an authorized permitted use.
1. Clubhouses and common recreational facilities for Planned Developments.
  2. Decks, gazebos and gardens and other private amenities customary to a single-family residence.
  3. Home occupations subject to the conditions established in Section 24005.13.
  4. Laundry, exercise and office facilities for residents of multi-family developments. Signage for such facilities is limited to one square foot per facility.
  5. Non-commercial greenhouses.
  6. Non-commercial telecommunications structures, subject to the provisions of Section 24005.21.

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7. On-premise signs, subject to the provisions of Section 24007.
  8. Refreshment stands, for nonalcoholic drinks only, accessory to playgrounds and outdoor recreation areas.
  9. Storage buildings, including garages and sheds.
  10. Swimming pools, tennis courts and sports courts.
  11. Temporary real estate office or model home located on property for sale and limited to the period of sale of property within the subdivision.
- e. **Planned Uses.** The following uses are authorized within a planned development district, subject to the requirements of Section 24003.18.
1. Art galleries.
  2. Civic clubs, private clubs, fraternal or sororal organizations.
  3. Group quarters pursuant to Section 24005.11.
  4. Health clubs, gymnasiums and other similar recreational uses.
  5. Hospitals and clinics.
  6. Hotels and motels.
  7. Manufactured home subdivisions, subject to the conditions established in Section 24005.14.
  8. Multi-family developments.
  9. Office and service uses not primarily engaged in the sale of goods or merchandise, limited to 60,000 square feet of building floor area per lot.
  10. Recreational vehicle and travel trailer parks subject to the conditions established in Section 24005.17.
  11. Retail sale of goods, excluding restaurants, and limited to 20,000 square feet per lot.

**f. Development Performance Standards.**

1. Development in the R3 district shall comply with the design standards established in Exhibit 240.12 in addition to other standards established in the UDC.
2. Open storage is prohibited.
3. Accessory structures taller than three (3) feet above natural grade shall comply with building setback lines.
4. All display, storage and sale of goods shall be provided within the primary structure.
5. No vehicle or equipment, other than a passenger car or van may be stored or parked in front of a building for more than 48 hours in a 30 day period.
6. If external lighting is provided, lighting sources shall be designed and located so that the direct source of the light is shielded from view from adjacent residences.
7. Non-residential development shall not have access from a local residential street.
8. Drive-through uses are prohibited, except as permitted through a planned development.



**Exhibit 240.12: R3 District Design Standards**

	Use		
	2 Family Residences	Dense Residences	Non-Residential Development
Minimum lot size	8,000 sq. ft.	15,000 sq. ft.	15,000 sq. ft.
Maximum building height	35 feet	45 feet	45 feet
Minimum building setbacks			
front	25 feet	30 feet	30 feet
side	10 feet	25 feet	25 feet
rear	25 feet	25 feet	25 feet
street side	25 feet	30 feet	30 feet
Minimum lot depth	100 feet	100 feet	100 feet
Minimum lot width	80 feet	150 feet	150 feet
Maximum impervious cover	35%	50%	50%

1. Outdoor storage areas shall be screened by a 6 foot tall solid, opaque fence and limited to a maximum three (3) acres in area.

**24004.8 CO DISTRICT (CO) COMMERCIAL OFFICE DISTRICT**

- a. **Purpose.** The Commercial Office District (CO) is intended to provide limited retail, service and office facilities for the convenience of residents in the vicinity of the district. Uses should be designed and operated to be compatible in scale and appearance with a nearby residential development. CO districts should be located at the intersections of collector or major roads. .
- b. **Permitted Uses.** The following uses are authorized as permitted uses subject to a limitation of 10,000 square feet gross building floor area and any other conditions established in these district provisions:
  1. Art and photographic supplies/sales, developing and studios.
  2. Bakeries.
  3. Banks, savings and loan associations, credit unions and related financial institutions
  4. Car washes, self-service.

5. Churches, temples, synagogues, mosques and related community buildings.
6. Civic clubs, private clubs, fraternal or sororal organizations.
7. Fire stations and EMS facilities.
8. Gasoline sales and service stations.
9. Group day care home or day care center subject to the conditions established in Section 24005.6.
10. Health clubs, gymnasiums and similar recreational uses.
11. Hospitals and clinics.
12. Hotels and motels.
13. Indoor movie or live theaters, excluding adult uses.
14. Libraries.
15. Mortuaries.
16. Museums.
17. Off-premise signs pursuant to Section 24007.
18. Office and service facilities.
19. Personal service shops.
20. Post offices, retail packaging and shipping services.
21. Printing, photocopying and document production/reproduction shops.
22. Public buildings, parks and facilities.
23. Restaurants.
24. Sale, rental and repair of appliances, bicycles and small equipment, conducted within an enclosed building.
25. Schools (public or private), and related structures, for grades K - 12.
26. Sports courts, swimming pools and tennis courts.

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27. Telecommunications facilities pursuant to Section 24005.21.
  28. Trades shops, for the manufacture or repair and sale of goods comprised of metal, wood, glass, plastic or other products, with manufacturing floor area limited to fifty percent (50%) of gross building floor area.
  29. Utility distribution and collection facilities, excluding production, treatment and electrical transmission facilities.
  30. Water storage tanks, fill stations or towers on a site including one-half acre or more.
- c. Conditional Uses.** The following conditional uses are authorized, subject to the provisions of Section 244003.21.
1. Cocktail lounges, bars, taverns, night clubs and other establishments serving alcoholic beverages, excluding adult uses.
  2. Electrical transmission lines pursuant to Section 24005.22.
  3. Pawnshops and short-term loan establishments pursuant to Section 24005.15.
  4. Schools, trade or vocational.
- d. Accessory Uses.** The following uses are authorized as accessory uses which are customarily incident to the primary use. None of the following uses are authorized in the absence of an authorized permitted use.
1. Accessory dwelling, subject to the provisions of Section 24005.2.
  2. Greenhouses.
  3. On or off-premise signs, subject to the provisions of Section 24007.
  4. Storage buildings, including garages, sheds and enclosures for storage
  5. Telecommunications facilities pursuant to Section 24005.21.
- e. Planned Uses.** The following uses may be authorized within a planned development district, subject to the requirements of Section 24003.18.
1. Any permitted use occupying more than 10,000 square feet of gross building floor area.
  2. Cemeteries & burial grounds.

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3. Mixed use developments.
4. Multi-family dwellings.
5. Nursing homes pursuant to Section 24005.11.
6. Recreational vehicle and travel trailer parks subject to the conditions established in Section 24005.17

**f. Development Performance Standards.**

1. Development in the CO district shall comply with the standards established in Exhibit 240.13 in addition to other standards established in the UDC.
2. Open storage is prohibited.
3. All display, storage and sale of goods shall be provided within the primary structure.
4. No vehicle or equipment, other than a passenger vehicle may be stored or parked in front of a building for more than 48 consecutive hours.
5. Lighting sources shall be designed and located so that the direct source of the light is shielded from view at all property lines abutting residential development.
6. Non-residential development shall be located on a collector or arterial road.

**Exhibit 240.13: CO District Design Standards**

Minimum lot size	15,000 sq. ft.
Minimum lot depth	100 feet
Minimum lot width	150 feet
Minimum building setback	
front	30 feet
side	35 feet
rear	25 feet
street side	50 feet
Maximum building height	35 feet
Maximum Impervious cover	50%

1. Outdoor storage area shall be screened by a 6 foot tall solid, opaque fence and limited to a maximum three (3) acres in area.

**24004.9 C1 BUSINESS DISTRICT (C1)**

- a. **Purpose.** The C1 Business District (C1) is intended to provide more intensive retail, service and office uses than the CO district. Site development regulations and performance standards are intended to ensure that uses will be compatible and complementary in scale to adjacent developments. Uses in this District should be located, designed and operated to mitigate the impacts of traffic generation, noise and light on nearby residential neighborhoods. Full urban services are required for most uses in the C1 district.
- b. **Permitted Uses.** The following uses are authorized as permitted uses subject to any conditions established in these district provisions:
  1. Amusements and recreational facilities with an enclosed building.
  2. Any use permitted in the CO district, but not subject to the maximum area limitations.
  3. Assembly, lodge or dance halls.
  4. Automobile/truck/trailer/boat sales, rental and repairs, with all repair facilities contained within a building and no open storage of inoperable vehicles.
  5. Broadcast studios.

6. Chemicals, agricultural - retail.
7. Cocktail lounges, bars and taverns pursuant to 24005.7.
8. Delivery services.
9. Group homes pursuant to Section 24005.11.
10. Lumber yards.
11. Medical marijuana dispensary.
12. Mobile home sale and repair.
13. Museums.
14. Nurseries and greenhouses, retail or wholesale.
15. Off-premise signs, subject to the provisions of Section 24007.
16. Office and service facilities.
17. Printing plants.
18. Restaurants, with sales of alcohol.
19. Retail sale of goods, and limited to 20,000 square feet per lot.
20. Schools, colleges and universities, public or private.
21. Sports courts, swimming pools and tennis courts.
22. Truck stops.
23. Veterinary clinics.
24. Wholesale sales.

**c. Conditional Uses.** The following conditional uses are authorized, subject to the provisions of Section 24003.21.

1. Amusement parks, carnivals or fairgrounds, subject to the conditions established in Section 24005.17.

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2. Animal exhibits or zoos, subject to the conditions established in Section 24005.4.
3. Adult uses, cannot located within 1,500 feet of a church, park, recreational facility, day care or school and subject to the provisions of city and county code. – No alcohol sale, or consumption.
4. Aviaries.
5. Businesses serving alcoholic beverages and providing live entertainment.
6. Commercial telecommunication structures, subject to the provisions of Section 24005.21.
7. Delivery services.
8. Drive-In theaters.
9. Group quarters pursuant to Section 24005.11
10. Outdoor swap meets and flea markets, subject to the provisions of Section 24005.10.
11. Pawnshops and short-term loan establishments pursuant to Section 24005.15.
12. Recreational facilities pursuant to Section 24005.17.

**d. Accessory Uses.** The following uses are authorized as accessory uses which are customarily incident to the primary use. None of the following uses are authorized in the absence of an authorized permitted use.

1. Accessory buildings, subject to the provisions of Section 24005.2
2. On or off-premise signs subject to the provisions of Section 24007.
3. Sports courts, swimming pools and tennis courts - private.
4. Storage buildings.
5. Telecommunications receiving or transmitting structures used in conjunction with a permitted use, subject to the provisions of Section 24005.21.
6. Temporary sales events pursuant to Section 24005.20.
7. Temporary assembly and amusement pursuant to Section 24005.20.

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8. Other uses customarily incident to authorized uses.

**e. Planned Uses.** The following uses are authorized within a planned development district, subject to the requirements of Section 24003.18.

1. Dwellings, multi-family.

2. Mixed use developments.

**f. Development Performance Standards.**

1. Development in the C1 district shall comply with the standards established in Exhibit 240.14 in addition to other standards established in the UDC.

2. Sales areas shall not be located within required landscaping or parking area.

3. Open storage is prohibited, except that vehicles for sale may be displayed in accordance with other district standards.

4. Lighting shall be designed so that the source is not directly visible from adjacent residential properties or streets.

**Exhibit 240.14: C1 District Design Standards**

Minimum lot size	18,000 sq. ft.
Minimum lot depth	120 feet
Minimum lot width	150 feet
Minimum building setback front side rear street side	25 feet 10 feet 20 feet 25 feet
Maximum building height	45 feet
Maximum impervious cover	70%

1. Outdoor storage areas shall be screened by a 6 foot tall solid, opaque fence and limited to a maximum here (3) acres in area.



**24004.10 C2 DISTRICT – CENTRAL BUSINESS DISTRICT (C2)**

- a. Purpose.** The C2 Central Business District (C2) is established to permit the most intensive use of land that combines a variety of commercial, office, residential, and public uses. The district is designed to have uses that are centrally located and compact so that maximum convenience is afforded to users and occupants of the district. It is the intent of the C2 District to be pedestrian friendly.
- b. Permitted Uses.** The following uses are authorized as permitted uses subject to any conditions established in these district provisions:

  - 1. Any use permitted in the C1 district.
  - 2. Any use permitted in the CO district, but not subject to the maximum area limitations.
  - 3. Dwelling units may be established in buildings in district C-2 provided they are incidental to its use as a commercial property. Dwelling units are limited to upper floors.
  - 4. Vertical mixed-use development is encouraged with combinations of retail, office, and residential uses.
  - 5. Parking structures are allowed as a permitted use or an accessory use.
- c. Conditional Uses.** The following conditional uses are authorized, subject to the provisions of Section 24003.21.

  - 1. Temporary amusement parks, carnivals or fairgrounds, subject to the conditions established in Section 24005.17.
  - 2. Businesses providing live entertainment.
  - 3. Commercial telecommunication structures, subject to the provisions of Section 24005.21.
  - 4. Delivery services.
  - 5. Outdoor swap meets and flea markets, subject to the provisions of Section 24005.10.
  - 6. Temporary recreational facilities pursuant to Section 24005.17.

- d. Accessory Uses.** The following uses are authorized as accessory uses which are customarily incident to the primary use. None of the following uses are authorized in the absence of an authorized permitted use.
1. Accessory buildings, subject to the provisions of Section 24005.2
  2. On or off-premise signs subject to the provisions of Section 24007.
  3. Sports courts, swimming pools and tennis courts - private.
  4. Storage buildings.
  5. Telecommunications receiving or transmitting structures used in conjunction with a permitted use, subject to the provisions of Section 24005.21.
  6. Temporary sales events pursuant to Section 24005.20.
  7. Temporary assembly and amusement pursuant to Section 24005.20.
  8. Other uses customarily incident to authorized uses.
- e. Planned Uses.** The following uses are authorized within a planned development district, subject to the requirements of Section 24003.18.
1. Dwellings, multi-family.
  2. Group quarters pursuant to Section 24005.11.
  3. Mixed use developments.
- f. Development Performance Standards.**
1. Development in the C2 district shall comply with the standards established in Exhibit 240.15 in addition to other standards established in the UDC.
  2. Sales areas shall not be located within required landscaping or parking area, if provided.
  3. Open storage is prohibited, except that vehicles for sales may be displayed in accordance with district standards.

4. Lighting shall be designed so that the source is not directly visible from adjacent residential properties or streets.
5. Dwelling units may be established in buildings in district C2 provided they are incidental to its use as a commercial property. Dwelling units are limited to upper floors.
6. Buildings may be built on street lines, lot lines, or with joint ownership of common walls across lot lines as is permitted in the business district regulations and fire zone ordinances in effect at the time of passage of the ordinance from which this chapter is derived.
7. Minimal or no yard setbacks are encouraged to allow buildings to locate adjacent to the property line and utilize on-street or structured parking to the greatest extent possible.
8. On-street, to-the-rear, or structured parking is encouraged over front or side surface parking lots.
9. Parking Regulations – see Section 24006.7 – Areas that have been designated as HPD shall be exempt from providing new off-street parking.

**Exhibit 240.15: C2 District Design Standards**

Minimum lot size	N/A
Minimum lot depth	N/A
Minimum lot width	N/A
Minimum building setback	
front	<ul style="list-style-type: none"> <li>• If lot is located in the HPD Overlay: Max of 5-15 feet for building</li> <li>• If the lot is not located in the HPD Overlay: Minimum of 30 feet in depth measured from the front lot line</li> </ul> <p>Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of the corner lot, except the buildable width of such lot shall not be reduced to less than 35 feet. No accessory structure shall project beyond the front yard line of either street.</p>
side	<ul style="list-style-type: none"> <li>• If lot is located in the HPD Overlay: no sideyard is required</li> <li>• If the lot is not located in the HPD Overlay: there shall be a sideyard on each side of a structure 35 feet high or less having a width of not less than 10 feet. There shall be a sideyard having a width of not less than 15 feet on each side of a structure in excess of 35 feet in height.</li> </ul>
rear	<ul style="list-style-type: none"> <li>• If lot is located in the HPD Overlay, no rear yard is required.</li> <li>• If the lot is not located in the HPD Overlay: there shall be a rear yard for structures in this district which shall have a depth of not less than 25 feet or 20 percent of the depth of the lot, whichever is greater.</li> </ul>
street side	<ul style="list-style-type: none"> <li>• If lot is located in the HPD Overlay: Max of 5-15 feet for building</li> <li>• If the lot is not located in the HPD Overlay: Minimum of 30 feet in depth measured from the front lot line</li> </ul> <p>Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of the corner lot, except the buildable width of such lot shall not be reduced to less than 35 feet. No accessory structure shall project beyond the front yard line of either street.</p>
Maximum building height	45 feet or three stories
Maximum impervious cover	100% provided stormwater is adequately contained

**24004.11 LIGHT INDUSTRIAL DISTRICT (M1)**

- a. Purpose.** The M1 District (M1) is intended for certain light industrial and warehousing activities in locations where adjacent land uses are compatible, access to arterial roadways and public services and utilities are adequate. Light industrial uses are generally low-intensity, do not have severe impacts on adjacent properties, do not involve large-scale processing or manufacturing, and involve little or no heavy equipment. Location may be appropriate for low intensity uses located on collector or arterial roads that are adequately buffered from adjacent residential districts.
- b. Permitted Uses.** The following uses are authorized as permitted uses subject to any conditions established in these district provisions:
1. Automobile/truck/trailer/boat sales, rental and repairs, with all repair facilities contained within a building and no open storage of inoperable vehicles.
  2. Blacksmith shop.
  3. Bottling works.
  4. Broadcast studios.
  5. Canning or preserving factories.
  6. Chemicals, agricultural wholesale.
  7. Chemical laboratories.
  8. Churches, temples, mosques, etc.
  9. Cleaning, pressing, dying plants.
  10. Cold storage plants.
  11. Dairies and creameries.
  12. Delivery services.
  13. Fish-packing plants.
  14. Freight terminals.
  15. Grain elevators, mills and processing.
  16. Lumber yards.

17. Machine shops, for the manufacture and sale of goods comprised of metal, wood, glass, plastic or other products.
18. Manufacturing.
19. Medical marijuana cultivation facility, medical marijuana-infused products manufacturing facility, medical marijuana testing facility, or medical marijuana transportation.
20. Mobile home sale and repair provided there is no open storage of vehicles needing repairs.
21. Moving, transfer and storage plants.
22. Off-premise signs pursuant to Section 24007.
23. Planing mills.
24. Public utilities and facilities.
25. Poultry killing/dressing.
26. Printing plants.
27. Produce markets (wholesale).
28. Public service facilities.
29. Railroad freight yards.
30. Stone works.
31. Trades shops.
32. Utility transmission lines, pursuant to Section 24005.22.
33. Veterinary hospitals.
34. Warehouse storage, cold storage.
35. Water Treatment Plant
36. Wholesale sales.

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- c. Conditional Uses.** The following conditional uses are authorized, subject to the provisions of Section 24003.2
1. Flea markets and swap meets pursuant to Section 24005.10.
  2. Gun clubs and firing ranges located within an enclosed building and subject to the provisions of Section 24005.9
  3. Telecommunications towers and structures, subject to the provisions of Section 24005.21.
- d. Accessory Uses.** The following uses are authorized as accessory uses which are customarily incident to the primary use. None of the following uses are authorized in the absence of an authorized permitted use.
1. Accessory buildings, subject to the provisions of Section 24005.2
  2. Caretaker or security guard quarters.
  3. On and off-premise signs pursuant to section 24007.
  4. Other uses incident to any authorized use.
  5. Storage buildings.
  6. Telecommunication structures used in conjunction with a permitted use, subject to the provisions of Section 24005.21.
  7. Temporary assembly and amusements pursuant to Section 24005.20.
  8. Temporary sales events pursuant to Section 24005.20.

**e. Development Performance Standards.**

1. Development in the M1 District shall comply with the standards established in Exhibit 240.16 in addition to other provisions of the UDC.

**Exhibit 240.16: M1 District Design Standards**

Minimum lot size	40,000 sq. ft.
Minimum lot depth	200 feet
Minimum lot width	200 feet
Minimum building setback front side rear street side	40 feet 10 feet 20 feet 40 feet
Maximum building height	75 feet
Maximum impervious cover	50%

2. All manufacturing and repair activities shall be conducted within an enclosed building.
3. Outdoor storage areas shall be screened by a 6 foot tall solid, opaque fence and limited to a maximum three (3) acres in area.
4. All uses shall comply with the industrial performance standards listed in Section 24004.12.

**24004.12 HEAVY INDUSTRIAL DISTRICT (M2)**

- a. Purpose.** The Heavy Industrial District (M2) is intended to provide areas for the most intense industrial and manufacturing operations in locations which are suitable based upon adjacent land uses, visual impacts, access to transportation and the availability of public services and utilities. Heavy Industrial Districts are appropriate in areas where uses may adequately be buffered from residential areas and commercial properties that are used by the general public. Site development should ensure that uses will be compatible in scale and appearance with adjoining properties and that adjacent uses will not be adversely affected by industrial activities.



**b. Permitted Uses.** The following uses are authorized as permitted uses subject to any conditions established in these district provisions:

1. Any use permitted in the M1 District.

**c. Conditional Uses.** The following conditional uses are authorized, subject to the provisions of Section 24003.21.

1. Asphalt or concrete batching plants.
2. Chemicals, agricultural - wholesale.
3. Chemical manufacturing plants.
4. Coal distillation plants.
5. Compost facilities pursuant to 24006.8.
6. Electro-plating, enameling and galvanizing works.
7. Foundries.
8. Hazardous materials facilities, subject to the provisions of Section 24005.12.
9. Hazardous waste facility.
10. Lumber Mills
11. Manufacturing, heavy.
12. Metalwork plants.
13. Mining and quarries, subject to the provisions of Section 24005.15.
14. Oil compounding and barreling plants.
15. Packing houses.
16. Power plants.
17. Refineries.
18. Research laboratories.
19. Salvage and reclamation yards, pursuant to Section 24005.19.

- 20. Sanitary landfill subject to State and local regulations.
  - 21. Tanning and curing plants.
  - 22. Textile mills.
  - 23. Water and wastewater treatment facilities.
  - 24. Wood distillation plants.
  - 25. Wholesale sales.
- d. Accessory Uses.** Accessory uses which are customarily incident to the primary use are authorized. None of the accessory uses are authorized in the absence of an authorized permitted use.
- e. Development Performance Standards.** Development in the HI District shall comply with the standards established in Exhibit 240.17 in addition to other provisions of the UDC.

**Exhibit 240.17: M2 District Design Standards**

Minimum lot size	40,000 sq. ft.
Minimum lot depth	200 feet
Minimum lot width	200 feet
Minimum building setback	
front	40 feet
side	10 feet
rear	20 feet
street side	40 feet
Maximum building height	75 feet
Maximum impervious cover	50%

**f. Industrial Performance Standards.**

1. All industrial uses shall be so operated as to comply with the performance standards described in this section below, and, in addition to the performance standards hereinafter specified, all uses shall be so constructed, maintained, and operated as not to be injurious to the use and occupation of the adjacent premises by reason of the emission or creation of noise, vibration, radiation, fire, and explosive hazard or glare. Nothing in this section shall be construed to alter, change, modify or abrogate any authority granted exclusively to any state agency.
2. Outdoor storage areas shall be screened with a solid, opaque six foot tall fence.
3. Smoke, Dust, Particulate Matter, Toxic or Noxious Waste Materials. All uses shall be so operated as to comply with standards of performance or their equivalent which have been or which may be adopted or amended from time to time by the State of Missouri.
4. Radiation Hazards. All uses shall be so operated as to comply with standards of performance or their equivalent which have been or which may be adopted or amended from time to time by the State of Missouri.
5. Vibrations. No use shall be operated so as to produce ground vibration, noticeable without instruments, at the lot line of the premises on which the use is located.
6. Electromagnetic Interference. No use, activity, or process shall be conducted which produces electromagnetic interference with normal radio or television reception in any residential or commercial district.
7. Fire and Explosion Hazards. Each use shall be operated so as to minimize the danger from fire and explosion and to comply with the regulations contained

in the Building Code of Pleasant Hill, Missouri and applicable fire prevention ordinances.

8. Humidity, Heat, or Glare. In any Industrial District, any activity producing humidity in the form of steam or moist air, or producing heat or glare, shall be carried on in such a manner that steam, humidity, heat, or glare is not perceptible at any lot line.

#### **24004.13 OVERLAY DISTRICTS**

The following districts are overlay districts. The provisions of these districts apply in addition to the provisions of the underlying zoning district applicable to a tract of land. The Floodway (FW) and Floodway Fringe (FF) overlay districts restrict the use of land within any district due to the environmental hazards of flooding. The Historic Preservation District conserves the value property values designated as landmarks within the historic district. The Planned Development (PD) district and the Underground (UG) overlay districts provide greater development flexibility than underlying zoning districts.

#### **FLOODPLAIN REGULATIONS**

The Legislature of the State of Missouri has in RSMo 89-110 delegated the responsibility to local governmental units to adopt floodplain management

regulations designed to protect the health, safety, and general welfare. Therefore, the City Council of the City of Pleasant Hill, Missouri ordains as follows:

**24004.14 FLOODPLAIN OVERLAY DISTRICTS**

**a. Findings of Fact.**

Flood losses resulting from periodic inundation. The flood hazard areas of the City are subject to inundation that results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

**b. General Causes of Flood Losses.**

Flood losses are caused by (1) the cumulative effect of obstruction in floodways causing increases in flood heights and velocities; and (2) the occupancy of flood hazard by uses vulnerable to floods or hazardous to others that are inadequately elevated or otherwise protected from flood damages.

**c. Methods Used to Analyze Flood Hazards.**

The Flood Insurance Study (FIS) that is the basis of this section uses standard engineering methods of analyzing flood hazards which consist of a series of interrelated steps.

1. Selection of a regulatory flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this section is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this section. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administration's Flood Insurance Study (FIS), and illustrative Flood Insurance Rate Maps (FIRM) of Pleasant Hill, Missouri, dated January 2, 2013, as amended, and any future revisions thereto.
2. Calculation of water surface profiles based upon hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
3. Computation of the floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.

4. Delineation of the floodway encroachment lines within which no obstruction is permitted that would cause any increases in flood height.
5. Delineation of the floodway fringes, i.e., that area outside the floodway encroachment lines, but that still is subject to inundation by the regulatory flood.

**d. Statement of Purpose.**

It is the purpose of the section to promote the public health, safety, and general welfare and to minimize those losses described above by provisions designed to:

1. Restrict prohibited uses which are dangerous to health, safety, or property in times of flood or cause increased flood heights or velocities;
2. Require that uses vulnerable to floods, including public facilities that serve those uses, be provided with flood protection at the time of initial construction;
3. Protect individuals from buying lands that are unsuited for intended purposes because of flood hazard; and
4. Ensure that eligibility is maintained for property owners in the community to purchase flood insurance in the Federal Flood Insurance Program.

**e. Definitions.**

The following definitions shall apply to this section:

"100-year Flood" *see* "*Base Flood.*"

"Accessory Structure" means the same as "*Appurtenant Structure.*"

"Actuarial Rates" *see* "*Risk Premium Rates.*"

"Administrator" means the Federal Insurance Administrator.

"Agency" means the Federal Emergency Management Agency (FEMA).

"Appeal" means a request for review of the Floodplain Administrator's interpretation of any provision of this section or a request for a variance.

"Appurtenant Structure" means a structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"Base Flood" means a flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means any area of the structure having its floor subgrade (below ground level) on all sides.

"Building" *see "Structure."*

"Chief Executive Officer" or "Chief Elected Official" means the Mayor who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

"Community" means any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Elevated Building" means, for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Eligible Community" or "Participating Community" means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

"Existing Construction" means, for the purposes of determining rates, structures for which the *"Start of Construction"* commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. *"Existing Construction"* may also be referred to as *"Existing Structures."*

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of

utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal waters and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Boundary and Floodway Map (FBFM)" means an official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation, and determination of flood hazards.

"Flood Fringe" means the area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

"Flood Insurance Study (FIS)" means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

"Floodplain" or "Flood-prone Area" means any land area susceptible to being inundated by water from any source (*see "Flood"*).



"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

"Floodplain Management Regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

"Floodway" or "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floodway Encroachment Lines" means the lines marking the limits of floodways on Federal, State, and local floodplain maps.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "*Freeboard*" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of

the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "*Manufactured Home*" does not include a "*Recreational Vehicle*."

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM), or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

"Market Value" or "Fair Market Value" means an estimate of what is fair, economic, just, and equitable value under normal local market conditions.

"Mean Sea Level" means, for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

"New Construction" means, for the purposes of determining insurance rates, structures for which the "*Start of Construction*" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "*New Construction*" means structures for which the "*Start of Construction*" commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete

pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

"NFIP" means the National Flood Insurance Program (NFIP).

"Participating Community" also known as an "*Eligible Community*," means a community in which the Administrator has authorized the sale of flood insurance.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.

"Principally Above Ground" means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

"Recreational Vehicle" means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Remedy A Violation" means to bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

"Risk Premium Rates" means those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. "*Risk Premium Rates*" include provisions for operating costs and allowances.

"Special Flood Hazard Area" *see "Area of Special Flood Hazard."*

"Special Hazard Area" means an area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A and AE.

"Start of Construction" includes substantial-improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements was within 180 days of the permit date. The *actual start* means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, the

installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial-improvement, the *actual start of construction* means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" means that agency of the state government, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

"Structure" means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. "*Structure*" for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "*Start of Construction*" of the improvement. This term includes structures which have incurred "*Substantial Damage*," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "*Historic Structure*," provided that the alteration will not preclude the structure's continued designation as a "*Historic Structure*."

"Variance" means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of

compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.

#### **24004.15 FLOODWAY OVERLAY DISTRICT (FW)**

- a. Purpose.** The areas designated in the Floodway Overlay District (FW) consist of land in drainageway channels where the construction of buildings would create obstructions to drainage or hazard to life or property. The FW District includes land in the floodway as defined by FEMA. It is intended that areas located in the FW District primarily will be used for private or public open space in accordance with the standards in Section 24006.5 of these regulations.
- b. Permitted Uses.** In District FW, any use allowed in the underlying zoning district is permitted if none of these uses, when acting alone or in combination with other uses, will increase the regulatory flood elevation or in any way affect the free flow of floodwater. This effect of any allowed use must be documented by appropriate engineering studies if required by the Director.
- c. Identification of Boundaries.** The boundary limits of the FW District shall be identified and determined by the Flood Insurance Rate Maps (FIRM) for the incorporated area of Pleasant Hill, Missouri published by the Federal Emergency Management Agency dated January 2, 2013; and index panels 29037C0060F, 0067F, 0069F, 0070F, 0090F and 0100F dated January 2, 2013.
- d. Minimum Standards.** No filling or dumping shall be allowed which will increase flood hazard heights beyond existing limits or adversely affect the hydraulic efficiency or capacity of the floodway unless that filling or dumping is compensated by excavation in, or contiguous to, the filled area and does not adversely affect the hydraulic characteristics of the floodway. The term filling as used in this section shall mean the placement of structures, whether temporary or permanent, materials or other matter in which would obstruct the floodway or decrease its capacity.

#### **24004.16 FLOODWAY FRINGE OVERLAY DISTRICT (FF)**

- a. Purpose.** The areas designated in the Floodway Fringe Overlay District (FF) consist of land outside the floodway but located where there is a one percent or greater chance of inundation in any given year. It is intended that areas located in the FF District primarily will be used for private or public open space in accordance with the standards in Section 24006.5 of these regulations.

- b. Permitted Uses.** In the FF District, any use allowed in the underlying zoning district is permitted if none of these uses will adversely affect the capacity of channels or floodways of any tributary to the main stream, drainage ditch or any other drainage facility or system.
- c. Identification of Boundaries.** The boundary limits of FF District shall be identified and determined by the Flood Insurance Rate Maps (FIRM) for the incorporated area of Pleasant Hill, Missouri published by the Federal Emergency Management Agency dated January 2, 2013; and index panel 295269-F.
- d. Minimum Standards.**
1. **Construction of Structures.** All residential and non-residential structures shall be constructed on fill so that the first floor and basement floor are one (1) foot above the regulatory flood protection elevation.
  2. **Fill.** The fill shall at no point be lower than one foot (1') above the regulatory flood protection elevation for the particular area and shall extend at that elevation at least fifteen feet (15') beyond the limits of any structure erected on the fill.
  3. **Certification of Elevation.** When elevation is used as a measure of flood protection, Certification as to the elevation of the lowest floor of a structure after its completion shall be provided to the Director by a qualified individual as defined by FEMA.
  4. **Nonresidential Structures.** Nonresidential structures may be floodproofed to or above the regulatory flood elevation. When floodproofing is utilized for nonresidential structures, the Director shall be presented certification of the floodproofing measures from a qualified individual as defined by FEMA.
  5. **Residences.** All residences permitted in the FF District, whether site built or manufactured, shall be permanently anchored to permanent foundation.
  6. **Utility and Sanitary Facilities.** All utility and sanitary facilities shall be elevated or floodproofed up to regulatory flood protection elevation so that those facilities below the regulatory flood protection elevation are water tight with walls substantially impermeable to water.
  7. **Structural Components.** The structural components of the utility and sanitary facilities shall have the capacity to resist hydrostatic and hydrodynamic loads and the effects of buoyancy.

8. **Certification.** Utilities and pipelines will be permitted on submission to the Director a letter certifying that all facilities will be below grade and that they will in no way affect the free flow of floodwater.
9. **Changes in Topography.** No changes in topography, such as by filling or excavation, will be allowed if these changes will result in a concentration of the natural flow of water so as to cause or increase drainage problems. The grading of any area shall be done in a manner to maintain proper drainage.
10. **Water Supply Systems.** All water supply systems must be designed to eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
11. **On-Site Waste Disposal Systems.** All on-site waste disposal systems must be located or designed so as to eliminate contamination during or subsequent to flooding.

#### **24004.17 Historic Preservation Overlay District (HPD)**

- a. **Purpose.** The **Historic Preservation Overlay District (HPD)** is established for the following purposes:
  1. Providing a mechanism to identify and preserve the distinctive historic, archaeological and architectural characteristics of the city which represent elements of the city's cultural, social, economic, political, and architectural history;
  2. Conserving and improving the value of property designated as landmarks or within historic districts;
    1. Protecting and enhancing the attractiveness of the city to home buyers, tourists, visitors, and shoppers, and thereby supporting and promoting business, commerce and industry, and providing economic benefit to the city;
    4. Fostering and encouraging preservation, restoration, and rehabilitation of the historic Structures, areas and neighborhoods, and thereby preventing future urban blight;
      1. Promoting the use of historic districts and landmarks for the education, pleasure, and welfare of the people of the city;
      2. Promoting the identification, evaluation, protection and interpretation of the prehistoric and historic archaeological resources within the incorporated limits of the city.

**b. Development Performance Standards.**

**Standards for review:** In considering an application for a building or demolition permit or for a certificate of appropriateness, the HPC shall be guided in principal by the Secretary of the Interior's Standards, as follows, in addition to any design guidelines in the ordinance designating the landmark or historic district.

Applications, standards for review and design guidelines shall be available in the office of the city clerk for distribution to the public.

- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- (3) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (4) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterizes a historic property shall be preserved.
- (5) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- (6) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- (7) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (8) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- (9) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.



### C. Design guidelines.

**Design guidelines** for applying the criteria for review of certificates of appropriateness shall, at a minimum, consider the following architectural criteria:

- (1) Height. The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a historic district.
- (2) Proportions of windows and doors. The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark and with surrounding structures within a historic district.
- (3) Relationship of building masses and spaces. The set back and relationship of a structure within a historic district to the open space between it and adjoining structures should be compatible.
- (4) Roof shape. The design of the roof should be compatible with the architectural style and character of the landmark, and with surrounding structures in a historic district.
- (5) Landscaping. Landscaping should be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes in historic districts.
- (6) Scale. The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a historic district.
- (7) Directional expression. Facades in historic districts should blend with other structures with regard to directional expression. Structures in a historic district should be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character.
- (8) Architectural details. Architectural details including materials, colors, and textures should be treated so as to make a landmark compatible with its original architectural style and character and to preserve and enhance the architectural style or character of a landmark or historic district.
- (9) Signage. The character of signs should be in keeping with the historic architectural character of a landmark or historic district. Character of a sign includes the number, size, area, scale, location, type (e.g., off-site advertising signs and on-site business signs), letter size or style, and intensity and type of

illumination.

- (10) **Minimum maintenance.** Significant features should be kept in a condition of good repair and maintenance. All structural and mechanical systems should be maintained in a condition and state of repair that will prevent decay, deterioration or damage to significant features, or otherwise adversely affect the historic or architectural character of structures within a historic district.

#### **24004.18 PLANNED DEVELOPMENT DISTRICT (PD)**

- a. **Purpose.** The Planned Development District (PD) is intended to provide development flexibility for residential and non-residential uses. Many combinations of land uses may be compatible based upon land uses, visual impacts and buffering. Site development regulations and performance standards in Section 24006 combined with the public review of a site development plan as described in Section 24003.18, are intended to ensure that uses will be compatible in scale and appearance with adjoining properties.
- b. **Permitted Uses.** Any use authorized as a planned use within a district may be permitted subject to the procedures established in Section 24003.18.

#### **24004.19 UNDERGROUND SPACE OVERLAY DISTRICT (UG)**

- a. **Purpose.** The Underground Space Overlay District (UG) is established for the following purposes:
  1. To accommodate and permit the reasonable utilization of underground space;
  2. To protect any other properties and persons from adverse effects caused by activities in underground space; and
  3. To protect the health, safety and welfare of persons in or around underground facilities.
- b. **Permitted Uses.** Any use permitted, by right or permit, in the surface area zoning district.
  1. Underground storage facilities.
  2. Underground offices, manufacturing and testing laboratories.

c. **Conditional Uses.** Underground mineral extraction is authorized as a conditional use, subject to the provisions of Section 24003.21.

d. **Development Performance Standards.**

1. The UG Overlay District may be established if usable underground space exists; or a subsurface material is intended to be extracted, and either adjoins an existing UG Overlay District or the surface land at the entrance has been designated M1 or M2.
2. UG Overlay Districts shall apply only to subsurface area, and shall not affect surface area zoning districts.
3. Access to underground space shall be located on surface area property properly zoned to permit the uses applicable to the underground space.
4. The designation, modification, change or amendment of an UG Overlay district may be approved upon application by the property owner to the Planning Commission, accompanied by a registered survey indicating the extent of existing and proposed underground mining, and indicating all points of access to the surface, including vehicle entrances, ventilation or utility entrances, or other entrances as applicable.
5. UG Overlay Districts shall be designated pursuant to periodic amendments of the zoning map.
6. Ingress/egress to all underground space shall be through surface area property owned or controlled by the owners or operators of the subsurface area. Such surface area property must be adjacent to and have direct access to public right-of-way.
7. Safety.
  - (a) All applicants for underground space uses, pursuant to a Building Permit, shall be required to submit a geo-technical engineering study, conducted by a registered engineer, reviewing the structural integrity of the subsurface area; surface and subsurface surveys of all subsurface areas to be utilized, conducted by a registered surveyor, with contours at 2-foot intervals; and a geologic survey, conducted by a registered engineer.
  - (b) All underground space owners engaged in expansion of facilities shall be required to submit an annual geo-technical study conducted by a

registered engineer trained in the field of geotechnical engineering, certifying the structural integrity of the subsurface area and diagramming the mined areas. Such certificate may provide for exceptions or conditions which must be adhered to as a condition of approval, and may be valid for additions or mined-out areas completed within six (6) months of the certification date of the geotechnical study, if it is so described in the certificate.

- (c) Use or storage of hazardous or flammable materials, excluding materials used in conjunction with subsurface mining, shall only be permitted by the Director, subject to the Director finding that such use or storage does not compromise the use of the underground space or above-ground development.
8. Surface and Special Easements. Penetrations from the subsurface area to the surface area property are permitted, provided that such penetrations are for the purpose of connecting utilities, safety, or life-support systems to the subsurface area. All penetrations must be contained within a special easement, to provide and assure perpetuity and continuity of service for the subsurface area.
9. Surface Area Zoning Exclusion. With the exceptions as noted herein, all UG Overlay Districts are separate from the provisions of surface area zoning districts.