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CHAPTER 15.10: USE REGULATIONS

15.10.000 TABLE OF PERMITTED USES

Table 15.10-1 below lists the uses allowed within all base zoning districts. All uses are defined in chapter 15.28, Definitions. Approval of a use listed in Table 15.10-1, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in Table 15.10-1 and approved under the appropriate process is prohibited (Ord. 1659 § 1, 2014).

15.10.000.A Explanation of Table Abbreviations

1. Permitted By-Right Uses

“P” in a cell indicates that the use is permitted by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this Code, including the use-specific standards in this chapter and the requirements of chapter 15.14, Development Standards.

2. Conditional Uses

“C” in a cell indicates that, in the respective zoning district, the use is allowed only if reviewed and approved as a conditional use in accordance with the procedures of subsection 15.06.060.E, Conditional Use Permits. Conditional uses are subject to all other applicable regulations of this Code, including the use-specific standards in this chapter and the requirements of chapter 15.14, Development Standards.

3. Prohibited Uses

A blank cell indicates that the use is prohibited in the respective zoning district.

4. Use-Specific Standards

Regardless of whether a use is allowed by right or permitted as a conditional use, there may be additional standards that are applicable to the use. The existence of these use-specific standards is noted through a cross-reference in the last column of the table. Cross-references refer to Section 15.10.010, Use-Specific Standards. These standards apply in all districts unless otherwise specified.

15.10.000.B Table Organization

In Table 15.10-1, land uses and activities are classified into general “use categories” and specific “use types” based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within the categories, and specific uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended merely as an indexing tool and are not regulatory.

15.10.000.C Classification of New and Unlisted Uses

The city recognizes that new types of land use will develop and forms of land use not anticipated in this Code may seek to locate in the city. When application is made for a use category or use type that is not specifically listed in Table 15.10-1, the City Manager's Office shall make a determination as to the appropriate classification of any new or unlisted form of land use in the following manner:

1. The City Manager's Office shall provide an interpretation as to the zoning classification into which such use should be placed. In making such interpretation, the City Manager's Office shall consider the nature of the use and whether it involves dwelling activity; sales; processing; type of product, storage and amount, and nature thereof; enclosed or open storage; anticipated employment; transportation requirements; the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated; and the general requirements for public utilities such as water and sanitary sewer.
2. Standards for new and unlisted uses may be interpreted as those of a similar use.
3. Appeal of the City Manager's Office's decision shall be made to the planning commission following procedures under subsection 15.06.030.G. (Ord. 1728 § 16, 2017)

15.10.000.D Allowed Uses in Overlay Zone Districts

Uses allowed in all overlay districts in the city are set forth in Section 15.08.040 of this Code. Where uses are not listed for an overlay district, the allowed uses in the base zone district shall take precedence. Uses in the Airport Influence Area (AIA) may also contain use regulations as set forth in subsection 15.08.040.F of this Code.

15.10.000.E Table of Allowed Uses

		TABLE 15.10-1: TABLE OF ALLOWED USES																		
		P = Permitted, C = Conditional Use Permit Required																		
Use Category	Use Type	Residential and Agriculture								Non-Residential										Use-Specific
		AG	RR	LR	R1	R2	R2M	R3	NB	B1	B2	DC	C2	LM	IP	I1	I2	O	TO	Regulations
	RESIDENTIAL USES																			
Household Living	Dwelling, Single-Family Detached	P	P	P	P	P	P	P												
	Dwelling, Single-Family Attached					P	P	P												
	Dwelling, IBC/IRC Modular Home	P	P	P	P	P	P	P												
	Dwelling, Manufactured Home	P	P				P													
	Dwelling, Mobile Home																			
	Dwelling, Two-Family					P	P	P												
	Dwelling, Multi-Family					P	P	P	C	C	C	P	C							
	Dwelling, Townhouse					P	P	P	C	C		P								
	Dwelling, Live/Work							C	P	C	C	P	C	C					C	
	Dwelling, Commercial								P	P	P	P	P							
	Modular Home Community						C	C												Section 15.14.140

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		AG	RR	LR	R1	R2	R2M	R3	NB	B1	B2	DC	C2	LM	IP	I1	I2	O		TO
	Manufactured Home Community						C													Section 15.14.150
Group Living	Boarding, Lodging, or Rooming Houses							C		C	C		C						C	
	Fraternity or sorority Houses							C		C	C		C						C	
	Group Homes	C	C	C	C	C	C	C		C	C	C							C	
	Retirement Home							P		P	P	P	C						C	
	Nursing home, or assisted living facility							P		C	P	P	C						C	
	Hospice Care Facility	C	C	C	C	C	C	C		P	P	C	P						C	
	PUBLIC AND INSTITUTIONAL USES																			
Community Services	Art gallery or museum, public	C	C	C	C	C	C	C	P	P	P	P	P		P				P	
	Cemeteries	C						C					P						P	

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Community Services (cont.)	Community buildings	C	C	C	C	C	C	P	P	P	P	P	P							
	Community centers	C	C	C	C	C	C	P	C	P	P	C	P		P			P		
	Homeless Shelters								C		C	C	C	C		C	C			
	Jails and prisons	C												C		C	C			
	Library	C	P	P	P	P	P	P	P	P	P	P	P		P			P		Subsection 15.10.010.A.2
	Government services, offices & facilities	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	C	Subsection 15.10.010.A
	Post office branches	C	C	C	C	C	C	C	P	P	P	P	P		P			P		
	Churches and places of worship	C	C	C	C	C	C	P	P	P	P	C	P		C			P		
Child Care	Child Care Center, Nursery or Preschool.						C	C	P	P	P	P	P					P		
	Child Care Center, Family	C	C	C	C	C	C	C		P*	P*	P	P					P		*Subsection 15.08.040.E.4

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	Child care home (type 1)	P	P	P	P	P	P	P		P*	P*	P*	P*							*Subsection 15.08.040.E.4	
	Child care home (type 2)	C	C	C	C	C	C	C		P*	P*	C	P*							*Subsection 15.08.040.E.4	
Educational Facilities	College or university (non-exempt)		C	C	C	C	C	C	C	P	P	P	P	P				P	C	Subsection 15.10.010.A.4	
	Student centers	C	C	C	C	C	C	C	C	P	P	P	P					P		Subsection 15.10.010.A.4	
	School resource center	C	C	C	C	C	C	C	C	C	C	C	C	P				C		Subsection 15.10.010.A.4	
	School -Public, Private and Parochial	C	C	C	C	C	C	C	C	P	P	P	P	P					P		Subsection 15.10.010.A.4

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	School – vocational/ technical/trade	C						C	C	C	P	C	P		C			C	C	Subsection 15.10.010.A.4
Health Care Facilities	Hospitals	C						C		C	P	C	C					P		
	Urgent care facility									P	P	C	P							
	Rehabilitation Center	C	C	C	C	C	C	C	P	P	P	P	P	P				P		

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	Medical and dental clinics and offices							C	P	P	P	P	C					P		
Parks and Open Space	Arboretum or botanical garden	C	C	C	C	C	C	P	P	P	P		P	P	P	P	P	P		
	Community garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Community playfields and parks	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	
	Golf course	P	C	C	C	C	C	C		C	C		C	C		C	C	C	C	
	Parks and forest preserves (private, not-for-profit)	P	P	P	P	P	P	P	P	P	P		P	P		P	P	P	P	
Transportation	Airport														C	C	C	C		
	Bus terminal							C	C	C	P	P	P	P		P	P			
	Rail terminal (passenger)										C	P	C	P		P	P			

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	Transportation or trucking yards or terminals												C	C		P	P				
Utility	Major energy facilities	C												C	C	P	P		C		
	Public utility substations where no public office, repair, or storage facilities are maintained	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	Public utility mains & lines	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Small wind energy systems	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Subsection 15.14.030.B
	Solar access systems	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Subsection 15.14.030.A
	Wireless communication tower and/or antenna, freestanding	C							C	C	C	C	C	C	C	C	C	C	C	C	Section 15.14.130

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	Wireless communication tower and/or antenna, collocation on existing tower or similar structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 15.14.130
	Wireless communication tower and/or antenna, placement on existing structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 15.14.130

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	COMMERCIAL USES																			
Adult Business	Sexually Oriented Business												C				P	P		Subsection 15.10.010.B.3
Agriculture	Farming	P																	P	Subsection 15.10.010.B.1
	Ranching	P																	P	Subsection 15.10.010.B.1
Animal Sales and Service	Livestock boarding	P															P	P	P	Subsection 15.10.010.C.1
	Animal research facility	P											C		C	C			C	
	Animal Daycare	P								C	P	C	P							
	Animal Training, small	P							P	P	P	C	P							
	Animal Training, Large	P									C		P			P	P			
	Livestock confinement	C																		

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Animal Sales and Service (cont.)	and feed operations																			15.10.010.C.1
	Kennel	P								C	C		P				P	P	P	Subsection 15.10.010.B.2
	Pet shops								P	P	P	P	P							Subsection 15.10.010.B.2
	Veterinary clinic, small	P							P	P	P	C	P				P	P	P	Subsection 15.10.010.B.2
	Veterinary clinic, large	P									C		C				P	P	P	Subsection 15.10.010.B.2
Assembly	Auction House	C									P	P	P	P		P	P			
	Auction Yard	C											P			P	P			
	Membership clubs	C								P	P	P	P	P		P	P			
Financial Service	Financial Institution, with drive-thru								C	P	P	C	P		C					

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Financial Service (cont.)	Financial Institution, without drive-thru								P	P	P	P	P								
Food and Beverage Services	Bakery -Retail							C	P	P	P	P	P								
	Bakeries -Commercial								C		P		P	P	P	P	P				
	Bars or taverns								C	C	P	P	P								
	Coffee shops							C	P	P	P	P	P		P					C	
	Restaurant, with drive-in or drive-thru									P	P		P								
	Restaurant, without drive-in or drive-thru							C	P	P	P	P	P		P					C	
Office and Technology	Administrative and professional offices							C	P	P	P	P	P	P	P	P	P			C	
	Business Incubation							C	C	C	C		C	P						P	
	Data Center													C	P	C	C			P	

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	Medical Research Company												C	P	C	C	P		P	
	Office with showroom and/or warehouse facilities											C		P		C	P	P		C
	Research Facility	C												C	P	C	C	P		P
	Pharmaceutical Company													C	P	C	C	P		P
	Professional Office Complex									P	P	P	P	P	P	C	C	C	C	P
Recreation and Entertainment, Outdoor	Outdoor commercial recreation	C	C										C		C				C	
	Racing facilities, non-motor sports	C											C			C	C	C		
	Racing facilities, motor sports	C											C			C	C	C		

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	Riding academies	P											P						C	
Recreation and Entertainment, Indoor	Art gallery or museum, private	C							P	P	P	P	P		P				P	
	Indoor commercial recreation/entertainment	C							C	P	P	P	P	P					P	
	Off track betting facility								C	C	P	P	P							
	Theaters/Performance Hall								C	C	P	P	P							
Personal Services	Barber shops and beauty parlors							C	P	P	P	P	P							
	Dry cleaners, retail and laundry service							C	P	P	P	P	P							
	General personal services							C	P	P	P	P	P							
	Massage Parlor/Spa								P	P	P	P	P							

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Retail Sales	Art Studio							C	P	P	P	P	P							
	Firewood storage and sales (no cutting on site)												C	C	P	P	P			
	Grocery stores <5,000 gross sq. ft.					C	C	C	P	P	P	P	P							
	Grocery stores >5,000 gross sq. ft.								P	P	P	P	P							
	Nursery and Landscaping Supply (Indoor),									C	P	C	P			P	P	P		
	Nursery and Landscaping Supply (outdoor)										P		P			P	P	P		

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	Liquor stores (no drive-thru)								P	P	P	P	P							
	Liquor stores (with drive-thru)								C	C	P	P	P							
	Pawn Shop										P		P	P						
	General Merchandise Stores <35,000 sq. ft.								P	P	P	P	P							Subsection 15.10.020.D.2
	General Merchandise Stores, >35,000 sq. ft. and < 80,000 sq. ft.								C	C	P	C	P							Subsection 15.10.020.D.2
	General Merchandise Stores, >80,000 sq. ft.								C	C	C	P	C							Subsection 15.10.020.D.2
	Retail sales associated with wholesaling, production or storage										C		P	P	P	P	P			
Wholesale Business	Wholesale business										P	C	P	P	P	P	P			
Vehicles and Equipment	Automobile sales (includes automobile,									C	P		P	P		P	P			

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Vehicles and Equipment (cont.)	trailer and recreational vehicle sales)																			
	Automobile Car wash								C	C	P		P	P		P	P			
	Automotive Equipment and Supply Stores										P		P	P		P	P			
	Automobile, rental and leasing									C	P		P	P		P	P			
	Equipment Rental (indoor)									C	P		P	P		P	P			
	Equipment Rental (Outdoor)										C		P	P		P	P			
	Fueling stations								P	P	P	C	P	P		P	P			
	Farm Machinery Sales	C									P		P	P		P	P			
	Parking lot commercial								C	C	C	C	P			P	P			

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	Automobile Service stations (Minor repairs included)										C	C	P	P		P	P				
	Trailer, Truck Sales and Service										C		P	P		P	P				
	Trailer and Truck Wash												C			P	P				
	Vehicle Charging Stations								P	P	P	C	P		P	P	P		P		
	Vehicle or automobile wrecking or salvage yard (including outdoor storage of inoperable vehicles)																C	P			
	Vehicle storage (Operable vehicles only)											C		P	P	P	P	P			
	Vehicle towing services											C		P	P	P	P	P			

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	Major Vehicle/equipment repair (Includes auto body repair, paint shops, and incidental sales of parts)										C		P	C	P	P	P			
	Minor vehicle repair (includes minor repair where vehicles are not stored in an inoperable or unlicensed condition)										C		P	P	P	P	P			
	Vehicle/equipment sales and rentals (other than motor vehicles)										C	C	P	P	P	P	P			
Visitor Accommodation	Bed and breakfast inns	C	C		C	P	P	P	P	P	P	P	P							
	Hotels and motels	C							P	P	P	P	P		C					
	Travel Trailer Park / Recreational Vehicle Park	C	C								C		C					C		Section 15.14.160

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	Campground	C	C									C		C					C		Section 15.14.160
	Truck Stops, travel centers											P		P			P	C			
	INDUSTRIAL USES																				
Industrial Service																					
	Builders supply yards												P	C		P	P				
	Construction industry related businesses such as general contractors, electrical contractors, plumbing contractors, and their accessory and incidental uses											C		P	P		P	P			

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P = Permitted, C = Conditional Use Permit Required																					
Use Category	Use Type	Residential and Agriculture							Non-Residential										Use-Specific Regulations		
		AG	RR	LR	R1	R2	R2M	R3	NB	B1	B2	DC	C2	LM	IP	I1	I2	O		TO	
	Firewood storage yard, and production														C	C	P	P			Subsection 15.10.010.C.1
	Heavy industrial																	P			
	Junkyards																	C			
	Light industrial												C	P		P	P		C		
	Lumberyards (except when indoors as part of a hardware store)												C	C		P	P				
	Mining/mineral extraction																C	C			
Manufacturing and Production	Chemical plants																	C			
	Cabinet making and carpenter shops											C		P	P	P	P				
	Dairy processing and distribution plants																	P			
	Machine and welding											C		P	P	P	P				

TABLE 15.10-1: TABLE OF ALLOWED USES																				
P = Permitted, C = Conditional Use Permit Required																				
Use Category	Use Type	Residential and Agriculture							Non-Residential										Use-Specific Regulations	
		AG	RR	LR	R1	R2	R2M	R3	NB	B1	B2	DC	C2	LM	IP	I1	I2	O		TO
Manufacturing and Production (cont.)	shops																			
	Heavy Manufacturing or Processing																	C		
	Light Manufacturing or Processing											C		P	P	P	P		C	
	Petroleum refining																	C		
	Slaughterhouses and packinghouses (less than 4,000 sq. ft. GFA)											C	P		P	P		P		
	Slaughterhouses and packinghouses (greater than 4,000 GFA)	P											C		C			C	C	
	Stockyards and tanneries	P																C	C	
Warehouse and Freight Movement	Ice and cold storage plants													C	P	C	P	P		
	Storage of oil, gasoline,																P	P		

TABLE 15.10-1: TABLE OF ALLOWED USES																				
P = Permitted, C = Conditional Use Permit Required																				
Use Category	Use Type	Residential and Agriculture							Non-Residential										Use-Specific Regulations	
		AG	RR	LR	R1	R2	R2M	R3	NB	B1	B2	DC	C2	LM	IP	I1	I2	O		TO
	and petroleum products																			
	Storage warehouses													P		P	P			
	Mini storage									C	P		P	P	P	P				
	Storage Yard												C	C		P	P			
	Warehousing											C		P	P	P	P			
Waste and Salvage	Garbage, offal, or dead animal dumping or reduction operations																	C		
	Landfill	C														C	C			
	Recycling center (indoor or outdoor)										C		C	C		P	P			
	Recycling facilities, drop-off					P	P	P	P	P	P	C	P	P	P	P	P			

((Ord. 1721 § 1, 2016Ord. 1706 § 1-2, 2016; Ord. 1690 § 1-10, 2015; Ord. 1596 § 2, 2011, Ord. 1637 § 2, 2013, Ord. 1659 § 3, 2014)

15.10.010 CHANGE OF USE

LMC 15.10.000.E identifies separate Use Categories within Table 15.10-1. Each “Use Category” of Table 15.10-1 is hereby categorized into Use Levels as shown in Table 15.10-2, Use Levels. Change of Use outside of the existing Use Level requires conformance with the development standards of this chapter as indicated in LMC 15.14.010.B.4.

Table 15.10-2 Use Levels	
Use Category	Use Level
Agriculture	1
Household Living	1
Group Living*	2
Animal Sales and Service	3
Transportation	3
Utility	3
Assembly	3
Community Services	4
Educational Facilities	4
Health Care Facilities	5
Child Care*	6
Financial Service	6
Office and Technology	6
Personal Services	6
Retail Sales	6
Food and Beverage Services	7
Recreation and Entertainment, Outdoor	7
Recreation and Entertainment, Indoor	7
Wholesale Business	8
Visitor Accommodation	9
Vehicles and Equipment	10
Industrial	11
Adult Business	12
Manufacturing and Production	13
Warehouse and Freight Movement	13
Waste and Salvage	14

*excluding residential structures

(Ord. 1706 § 3-4, 2016; Ord. 1671 § 18, 2014)

15.10.020 USE-SPECIFIC REGULATIONS**15.10.020.A Public and Institutional Uses****1. Library**

In all residential zone districts, the use shall abut a collector or arterial street.

2. Public Service

In all residential zone districts, the use shall abut a collector or arterial street.

3. Schools

All uses under the educational facilities category in Table 15.10-1 shall have their principal vehicular entrance and exit on a collector or arterial street; vehicular ingress and egress to local streets is prohibited. Other access options may be considered, pending a satisfactory traffic impact analysis pursuant to 15.14.060 and appropriate mitigations of traffic hazards as determined by the City Manager's Office.

(Ord. 1728 § 16, 2017; Ord. 1659 § 4, 2014)

15.10.020.B Commercial Uses**1. Agricultural Uses**

Uses listed in the agriculture use category in Table 15.10-1 may include necessary accessory uses for treating or storing of produce and parking of equipment. However, the operation of any such accessory uses shall be secondary to that of normal agricultural activities and shall not include:

- a. Retail commercial activity; or
- b. The storage of vehicles or equipment for retail commercial purposes.

2. Animal Boarding, Animal Hospitals, Kennels, and Veterinarian Clinics

All of the above uses shall have their principal entrance and exit on a collector or arterial street and, if serving large animals (larger than domestic dogs), shall be located on a site no less than five acres. There shall be no ingress or egress to local streets.

a. Outdoor Activity Areas

Any outdoor activity areas such as kennels, runs, or exercise areas shall be subject to the following. The facilities shall:

- (i) Only be used between the hours of seven a.m. to seven p.m.;
 - (ii) Be supervised by qualified personnel;
 - (iii) Be located at least 300 feet from any residential zone;
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- (iv) Not cause loud and incessant noise or fouling of the air by odor thereby creating annoyance or discomfort to the neighbors or others in close proximity;
- (v) Not foster an excessive number of flies or other insects; and
- (vi) Not otherwise cause any unsanitary conditions in the enclosure(s) or the surroundings where the animals are kept.

3. Sexually-Oriented Businesses

- a. Sexually-oriented businesses shall not be permitted on any property within 500 feet, as measured from property lines, of the following:
 - (i) A building , church, mosque, synagogue, or temple used primarily for religious worship and related religious activities;
 - (ii) A public or private child-care or educational facility, including, but not limited to, child care facilities; continuing, elementary, high, intermediate, junior high, middle, nursery, secondary, special education, or vocational schools; kindergartens; preschools, private schools, post-secondary educational institutions, and the grounds of any such facility, provided that the requirement shall not apply to facilities used primarily for another purpose and only incidentally as a school.
 - (iii) A boundary of any residential zoning district or the property line of a lot devoted to a residential use.
 - (iv) A public park or recreational area that has been designated for park or recreational activities, including, but not limited to, an athletic field, basketball court, bicycle/pedestrian path, nature trail, park, playground, swimming pool, tennis court, wilderness areas, or similar public land that is under the control, management, or operation of any government park and recreation authority;
 - (v) An entertainment business that is oriented primarily towards entertainment for children or families;
 - (vi) Any packaged liquor store; or
 - (vii) A crematory, funeral home, or mortuary facility.
(Ord. 1671 § 7, 2014)
- b. Measurements related to this subsection shall be made in a straight line, without regard to intervening objects or structures, from the nearest portion of the building or structure used as part of the premises where an sexually-oriented establishment is conducted to the nearest property line of the premises of a use listed in Table 15.10-1 above. The presence of a city jurisdictional boundary shall be irrelevant for the purposes of calculating and applying the distance requirements of this subsection.
- c. Any sexually-oriented establishment lawfully operating as a conforming use shall not be rendered a nonconforming use by the location, subsequent to the commencement of operations

of said establishment, of a use listed in subsection a. above within 500 feet of the sexually-oriented establishment.

- d. No sexually-oriented establishment may be established or operated within 500 feet of another sexually-oriented establishment. This distance requirement shall be measured in a straight line, without regard to the intervening objects, political boundaries, or structures, from the closest exterior wall of the structure in which each business is located.
- e. No sexually-oriented establishment may be enlarged so as to violate the provisions of this ordinance. (Ord. 1659 § 2, 2014)

15.10.020.C Industrial Uses

1. Mitigation of Impacts

All industrial uses shall be subject to the following standards:

- a. All traffic hazards shall be minimized;
- b. Lights shall be directed away from adjoining residential areas;
- c. Off-street loading areas shall be available as needed; and
- d. No dust, smoke, fumes, gas, noxious odor, excessive noise, or other atmospheric effluent shall exceed in intensity at the boundary of the lot the conditions normally found in a residential neighborhood as adopted by Wyoming Department of Environmental Quality (DEQ).

2. Radioactive Wastes

Disposal of radioactive wastes shall not be permitted in any zoning district.

15.10.030 ACCESSORY USES AND STRUCTURES

15.10.030.A Purpose

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses, provided that the accessory use complies with all applicable standards in this section.

15.10.030.B Approval of Accessory Uses and Structures

All principal uses allowed in a zoning district shall be deemed to include those accessory uses, structures, and activities typically associated with the use, unless specifically prohibited in this Code. No accessory use may be established prior to establishment of the principal use with which such accessory use is associated. All accessory uses shall be subject to the standards in this Section 15.10.020, as well as any use-specific standards applicable to the associated principal use as set forth in Section 15.10.010 above.

15.10.030.C General Standards

All accessory uses and structures shall comply with the following general standards:

1. Compliance with this Code

- a. All accessory uses and structures shall be subject to the dimensional requirements of chapter 15.12 Development Standards. In the case of any conflict between the accessory use/structure standards of this section and any other requirement of this Code, the more restrictive standards shall control.
- b. Accessory uses shall comply with all standards of this Code applicable to the principal use with which they are associated. Parking requirements shall be met for both the principal use and any accessory use.

2. Location

The accessory use or structure shall be conducted or located on the same lot(s) as the principal use and to the rear of the front setback line, unless otherwise approved by the City Manager's Office. No accessory structure shall be located within five feet of the site's principal structure unless otherwise specified in this section. (Ord. 1728 § 16, 2017)

3. Size and Quantity

The following standards shall apply to accessory buildings in the RR, LR, R1, R2, R2M, and R3 Districts: The maximum total building footprint of all accessory buildings shall be either: (a) one thousand (1,000) square feet, or (b) the building footprint of the principal structure, whichever is less. Larger accessory building footprint(s) may be approved by conditional use permit, subject to the approval process and applicable criteria as specified in Sec. 15.06.060.E. A maximum of two (2) accessory buildings shall be permitted on a site. Additional accessory buildings may be approved by conditional use permit, subject to the approval process and applicable criteria as specified in Sec. 15.06.060.E. No accessory building shall exceed the height of the site's principal structure or the maximum accessory-building height limitations in subsection 15.12.000.B (Table 15.12-2), whichever is less (Ord. 1596 § 39, 2011).

4. Same Ownership Required

The principal use and the accessory use shall be under the same ownership.

5. Same Utility Meter Required

The principal use and the accessory use shall utilize the same utility meter, with the exception of an approved accessory dwelling unit.

15.10.030.D Additional Standards for Specific Accessory Uses and Structures**1. Home Occupations**

A home occupation shall be considered as a permitted accessory use in any residential zoning district provided the home occupation is subject to the following limitations:

- a. The use shall be conducted entirely within a dwelling and carried on by the inhabitants living there and no others.
- b. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character thereof.
- c. The total area used for the home occupation shall not exceed one-half the floor area of the user's living unit.
- d. There shall be no exterior advertising or other commercial display, except as provided in subsection (e) below.
- e. Home occupation signage shall conform to sign standards of Section 15.14.120.
- f. There shall be only incidental sale of stocks, supplies, or products (Ord. 1744 § 20, 2018).
- g. There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
- h. There shall be no offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
- i. A home occupation, including studios or rooms for instruction, shall provide additional off-street parking area adequate to accommodate needs created by the home occupation;
- j. The home occupation shall not create traffic or parking congestion.
- k. In particular, a home occupation may include, but is not limited to the following, provided all requirements contained in this section are met:
 - (i) Art studio
 - (ii) Beauty shop
 - (iii) Dressmaking or millinery work
 - (iv) Office for insurance or real estate sales
 - (v) Office for professional services
 - (vi) Teaching
- l. Ordinarily, a home occupation shall not be interpreted to include the following:
 - (i) Clinic
 - (ii) Nursing home
 - (iii) Tourist home
 - (iv) Animal hospital
 - (v) Restaurant (Ord. 1596 § 40, 2011)

2. Outdoor Display and Sales

Outdoor display and/or sales may be allowed as an accessory use for all commercial uses, provided that the display of such items does not impede the flow of pedestrian or vehicular traffic or create an unsafe condition. These provisions are not intended to apply to permanent outdoor display and sales, such as vehicle sales, that must be approved as part of the development site plan review plan. The accessory outdoor display of goods shall meet all of the following requirements (Ord. 1671 § 21, 2014):

- a. Outdoor display or sale shall require approval of the City Manager's Office and may be subject to appropriate conditions by the City Manager's Office to ensure compliance with the provisions of this subsection 3. (Ord. 1728 § 16, 2017)
- b. Display of goods shall not be in drive aisles, loading zones, or fire lanes and shall not obstruct any entrance to the building.
- c. The total area for display or sale of goods in the front of the building shall be limited to an area that measures five percent of the net square footage of the main building.
- d. The outdoor display area may be located in a parking lot provided that the parking available does not fall below 80 percent of the off-site parking required for the building.
- e. No goods shall be attached to a building's wall surface.
- f. The outdoor display area shall take place on an improved surface such as the sidewalk or pavement.
- g. No outdoor displays shall be allowed in required landscape areas.
- h. At least five feet along the parking lot side of the display shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to walk around the display.

3. Outdoor Storage

Outdoor storage is a permitted accessory use in the I1 and I2 zone districts without restriction. In the B2, C2, LM, and IP zone districts, outdoor storage is permitted through the site plan review process and subject to compliance with the following requirements (Ord. 1671 § 21, 2014):

- a. Except for outdoor storage associated with industrial or agricultural uses, each outdoor storage area shall be incorporated into the overall site design of the primary structure on the site and shall be located at the rear of the primary structure.
 - b. Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way way at the property line, by an opaque fence or wall between six and eight feet in height. Fences and walls shall meet the development standards of LMC 15.14.100, Fences and Walls, however, the fence may exceed eight feet in height where the difference in grade between the right-of-way and the outdoor storage area makes a taller
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fence necessary to effectively screen the area. Materials may shall not be stored higher than the height of the primary structure unless stored in accordance with subsection 15.10.030.D.3.g.

- c. A landscaped earthen berm may be used instead of or in combination with a required fence or wall.
- d. If the outdoor storage area is covered, then the covering shall include at least one of the predominant exposed roofing colors on the primary structure.
- e. No materials may be stored in areas intended for vehicular or pedestrian circulation.
- f. No storage of any items may occur within the front setback area or within the one-half of the each side setback nearest the street.
- g. Rooftop outdoor storage is permitted at the discretion of the City Manager's Office when the storage can be completely screened from view from all elevations. (Ord. 1728 § 16, 2017; Ord. § 1728 14, 2017)

4. Fences, Hedges, and Walls

a. Standards

Fences, hedges, trees, and walls shall be considered as permitted accessory uses provided that all standards in chapter 15.14 are met.

15.10.030.E Shipping Containers

1. Applicability

Shipping container placement on any property shall comply with the provisions of this subsection. Look-alike shipping container buildings or metal buildings marketed as "containers" or "portable storage units" shall be regulated as shipping containers to which this section shall apply.

2. Exceptions

- a. Portable moving containers/moving pods placed on private property in accordance with LMC 15.10.040 (Minor Temporary Uses) shall not be regulated by this chapter.
- b. Shipping containers shall be permitted on construction sites provided there is an active building permit and placement is ancillary to a project on site. Such shipping containers shall be removed within 30-days of completion of work associated with the building permit.

3. Occupation

Shipping containers shall not be used as dwellings, sleeping quarters or for occupancy for any period of time unless established per the requirements of this section and all other requirements of Chapter 15, including Chapter 15.24: Buildings and Construction.

4. District Specific Standards

a. RR, LR, R1, R2, R2M, R3, NB, O and DC Districts.

(i) Shipping containers are prohibited.

(ii) Exception

Up to 1 (one) shipping container, per property, may be approved in conjunction with a non-residential use provided the shipping container is approved in conjunction with an application for Site Plan Review; subordinate to the principal use; is not located within any required setback, bufferyard, fire lane or landscape area; parking or loading area; is screened from all public and private rights-of-way and adjacent uses by a sight-obscuring fence, landscaping or other means approved by the City.

b. B1, B2, C2, LM and TO Districts

(i) Up to 3 (three) shipping containers, per property are permitted provided they are approved in conjunction with application for Site Plan Review.

(ii) Shipping containers shall be subordinate to the principal use; not located within any required setback, bufferyard, fire lane or landscape area, parking or loading area; screened from all public and private rights-of-way and adjacent uses by a sight-obscuring fence, landscaping or other means approved by the City; and located on a paved surface.

(iii) Placement of a shipping container for permanent or semi-permanent use exceeding 6-months shall require a building permit, shall have an engineered foundation and shall meet all other applicable codes for placement on the property.

(iv) Shipping containers shall not be allowed on non-residential zoned property on which the primary use is a nonconforming use.

(v) Shipping containers shall not be allowed on property where a principal use has not been established.

c. IP, I1, I2, AG, AV and AE Districts

(i) Shipping containers shall be for the use of the business or accessory to the principal use of property.

(ii) Shipping containers shall not be allowed on Industrial, Aviation or Airport Enterprise zoned property on which the primary use is a nonconforming use.

(iii) Shipping containers shall not be allowed on property where a principal use has not been established.

(iv) Shipping containers shall not be placed within any required setback, bufferyard, fire lane or landscape area; or parking or loading area.

(v) Containers Allowed Outside Approved Storage Yards

(1) Up to 5 (five) shipping containers per property shall be permitted provided they are approved in conjunction with application for Site Plan Review.

(2) Placement of a shipping container(s) for permanent or semi-permanent use exceeding 6-months shall require a building permit, shall have an engineered foundation, and shall meet all other applicable codes for placement on the property.

(vi) Containers Allowed Within Approved Storage Yards

(1) More than 5 (five) containers may be permitted on a property provided the shipping containers are located within an approved storage yard. Storage yards shall be either the primary or accessory use on the property, shall have been approved through the Site Plan Review process and shall meet the screening and buffering standards of LMC Chapter 15.14.

15.10.040 TEMPORARY USES AND STRUCTURES

15.10.040.A Purpose

This Code allows for the establishment of certain temporary uses for limited duration, provided that such uses comply with the general and specific standards of this section.

15.10.040.B Temporary Uses and Structures Allowed

The following temporary uses are allowed provided they comply with the general standards of subsection 15.10.040.E below. Temporary uses are categorized as major or minor subject to the procedures set forth in section 15.10.040. Temporary uses shall not be established for a period exceeding three (3) months in any given calendar year, however, a three (3) month extension may be granted upon application and approval by the City Manager's Office. Minor Temporary Uses shall be considered as a permitted accessory use subject to the limitations of subsection 15.10.040.E. Temporary Uses may be approved on property of which a principal use has not been established provided said Temporary Use is approved by the City Manager or his/her designee and complies with the general standards of subsection 15.10.040.E. Questions about the definition of an event as a special event may be determined by the department in the

same manner as provided for in subsection 15.10.000.C, Classification of New and Unlisted Uses (Ord. 1744 § 21, 2018; Ord. 1671 § 2, 2014).

1. Minor Temporary Uses

The following uses shall be classified as minor temporary uses:

- a. Temporary seasonal and holiday sales (e.g., bazaars, tree lots, wreath sales)
- b. Temporary real estate sales office (including Model Homes)
- c. Contractor's office/temporary construction uses
- d. Off-site auto sales
- e. Temporary Travel trailer assembly not to exceed 5 days.
- f. Farmer's market held on private property
- g. Temporary sales (parking lot, vacant lot, roadside)
- h. Seasonal outdoor garden nursery
- i. Retail encroachment into required parking
- j. Fruit/vegetable stands
- k. Storage/shipping containers
- l. Auctions
- m. Roadside stand

2. Major Temporary Uses

The following uses shall be classified as major temporary uses:

- a. Temporary special events held on private property
- b. Circuses, festivals, carnivals, and fairs held on private property
- c. Temporary lodging facilities
- d. Temporary campground (Ord 1625 § 10, 2012)

15.10.040.C Exemptions

The regulations in this Section 15.10.030 shall not apply to the following uses:

1. Funeral processions;
2. Garage or estate sales;
3. Regularly scheduled school events such as athletic events that use existing parking, traffic controls, and public safety support;
4. Natural disasters and emergencies, staging and assembly grounds;
5. A governmental agency acting within the scope of its functions; and
6. Any section or part of any public park or public building declared closed to the public by the director of the parks and recreation department or the city manager for any interval of time. Such use may be either temporary or at regular and stated intervals, daily or otherwise, and either entirely or merely applicable to certain uses, as the city manager or the director of the parks and recreation department finds reasonably necessary.

15.10.040.D Permits for Special Events on Public Property

All special events on any street, alley sidewalk, public building, or public park shall be subject only to the standards and procedures set forth in the special event regulations of the municipal code. Such special events may include, but are not limited to:

1. Malt beverage permits for special events (Section 5.09.350)
2. Catering permits for special events (Section 5.09.355)
3. Open containers permits (Section 5.09.360)
4. Facilities use park permits (Section 12.48.020 – 12.48.110)
5. Special event permits on public property (Section 12.60.010 – 12.60.130)

15.10.040.E General Requirements For All Temporary Uses and Structures

All temporary uses or structures shall meet the following general requirements, unless otherwise specified in this Code:

1. The temporary use or structure shall not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare.
 2. The temporary use shall comply with all applicable general and specific regulations of this Section 15.10.030, other city ordinances, and state law unless otherwise expressly stated.
 3. Permanent alterations to the site are prohibited.
 4. All temporary signs associated with the temporary use or structure shall be properly permitted and removed when the activity ends or permit expires, whichever occurs first.
 5. The temporary use or structure shall not violate any applicable conditions of approval that apply to a principal use on the site.
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6. The temporary use regulations of this section do not exempt the applicant or operator from any other required permits, such as food service or building permits.
 7. If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic circulation as required that may be associated with the temporary use, without disturbing sensitive or protected resources, including required buffers, 100-year floodplains, and required landscaping. At the conclusion of the temporary use or at expiration of the permit, whichever occurs first, all disturbed areas of the site shall be restored or improved to the condition that existed prior to the use.
 8. If the property is developed, the temporary use shall be located in an area that is not actively used by an existing approved principal use and that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.
 9. Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property, shall be anchored, and meet the requirements of the building official, including fire rating.
 10. Off-street parking shall be adequate to accommodate the proposed temporary use.
 11. Applications for temporary structures to be located in the 100-year floodplain shall be required to submit a plan to the City Manager's Office for the removal of such structure(s) in the event of a flood notification. The plan shall include the following information:
 - a. The name, address, and phone number of the individual responsible for the removal of the temporary structures and the property owner;
 - b. The time frame prior to the event at which a structure will be removed; and
 - c. A plan to remove the temporary use earlier than the scheduled removal date, if required. (Ord. 1728 § 16, 2017)
 12. The conduct of the temporary use will not require the diversion of so great a number of police officers of the city to restrict the ability to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;
 13. The conduct of such temporary use will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of movement and the areas contiguous thereto;
 14. The conduct of such temporary use will not interfere with the movement of firefighting equipment in route to a fire;
 15. The size, nature, or location of the temporary use or structure is not reasonably likely to cause a clear and present danger of injury to persons and property;
 16. Another temporary use permit application has not been received prior in time or has already been approved for the same time and place requested by the applicant or so close in time and place to
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that required by the applicant that the issuance of both permits would cause undue traffic congestion, or cause the city police or fire departments to be unable to meet the needs for police or fire services for both events; and

17. The location of the temporary use or structure will not substantially interfere with any construction or maintenance work scheduled to take place upon city streets.

(Ord 1625 § 11, 2012)

15.10.040.F Conditions of Approval--Major Temporary Use Permits

In addition to general conditions of approval that may be imposed pursuant to subsection 15.10.030.F, the decision-making authority may impose the following conditions on major temporary use permits to assure that such uses are not detrimental to the public health safety and welfare:

1. Alteration of the route of the event;
 2. Requirements concerning the area of assembly;
 3. Requirements concerning accommodation of pedestrian or vehicular traffic;
 4. Requirements for the use of traffic cones, barricades, or other traffic-control devices to be provided, placed, and removed by the permittee at his or her expense;
 5. Requirements for provision of first aid or sanitary facilities;
 6. Requirements for arrangement of supplemental fire protection personnel to be present at the use or structure at the permittee's expense;
 7. Requirements for use of monitors for the use or structure and providing notice of temporary use permit conditions to event participants;
 8. Restrictions on the number and type of vehicles, animals, or structures relating to the temporary use and inspection and approval of the use or structure for fire safety by the city fire department;
 9. Requirements for use of garbage containers, cleanup, and restoration of city property;
 10. Restrictions on use of amplified sound;
 11. A requirement that the applicant and authorized officer of the sponsoring organization, if any, possess or obtain public liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the event. If insurance coverage is required as a condition of issuance of a temporary use permit, the city manager shall detain the amount of insurance required, based upon the considerations routinely taken into account by the city in evaluating loss exposures, including, but not limited to, whether the temporary use or structure poses a substantial risk of damage or injury due to the anticipated number of participants, the nature of the use or structure, and activities involved and the physical characteristics of the proposed site. Such insurance shall name on the policy or by endorsement as additional insured, the city, its officers, employees, and agents. A certificate of insurance coverage must be filed with the city Manager no less than five days before the date of the
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temporary use permit unless the city Manager changes the filing deadline, in which event such documents shall be provided prior to the event;

12. A requirement that the applicant and authorized officer of the sponsoring organization, if any, sign an agreement for the permittee to reimburse the city for any costs incurred by it in repairing damage to city property occurring in connection with the permitted temporary use proximately caused by the actions of the permittee, his or her officers, employees, or agents, or any person who was under the permittee's control. Any such agreement may also provide that the permittee shall defend the city against, and indemnify and hold harmless, the city, its officers, employees, and agents from all causes of action, claims, or liabilities occurring in connection with the permitted use, except those which occur due to the city's sole negligence; and
13. Compliance with any relevant law and obtaining any legally required permit or license, including, without limitation, alcohol permits or vendor licenses.

15.10.040.G Revocation of Temporary Use Permits

The city manager shall have the authority at any time to revoke or terminate a temporary use permit issued under this Code upon violation of the standards for issuance as set forth in this section or conditions placed on the issuance of the temporary use permit.