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**To:** Planning Commission  
**From:** Comprehensive Planning Committee  
**Date:** December 12, 2014  
**Subject:** Minor Zoning Text Amendments to Driveway Setback Requirements, Land Use Standards, and B, I, and T District Uses and Standards – Public Hearing Testimony and Recommendation

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### **Background**

On July 25, 2014, the Planning Commission initiated a zoning study on minor text amendments to a driveway setback requirement, land use standards, and B, I, and T district uses and standards. After review and recommendations by the Comprehensive Planning Committee, the Planning Commission released the draft amendments for public review and comment, and set a public hearing for November 14, 2014.

### **Public Hearing**

On November 14, 2014, the Planning Commission held a public hearing on a series of minor text amendments at which Thomas Nelson of Exeter Realty, the developer of the Custom House project, spoke in support of the proposed amendment pertaining to rental storage facilities and the allowance of this use within the B4 central business and B5 central business service districts.

### **Recommendation for Planning Commission Action**

The Comprehensive Planning Committee recommends forwarding this report and approval of the attached draft resolution pertaining to a driveway setback requirement, land use standards, and B, I, and T district uses and standards to the City Council.

## **Summary, Background, and Reason for Draft Amendments**

### **1. Driveway Setback Amendment**

#### Change Driveway Setback Requirement for Uses Adjacent to RL-RT2 Districts

§63.310(c) requires that entrances and exits from a parking facility<sup>1</sup> in zoning districts other than RL-RT2 must be located 25 feet from any adjoining<sup>2</sup> property in the RL-RT2 districts. This means, for example that a driveway to a four-car garage in an RM or T district would have to be 25 feet from property with a four-plex in an RT2 district. The reverse is not the case; a driveway for a four-plex in an RT2 district does not have a setback requirement from property with a single-family house in an RM or T district. Reviewing City zoning records, there have been at least eight requests for a variance to this regulation, which ranged from a zero- to seven-foot setback, and all eight were granted without any additional requirements.

The requirement, as currently written, does not make sense, wastes space, and creates problems for best placement of buildings closer to the street with parking in the rear. A driveway is not much different than an alley, which does not have a setback requirement. Six feet is enough to accommodate visual screening and landscaping.

The recommendation is to change the requirement to six feet from RL-RT2 districts for commercial or industrial uses in commercial or industrial districts. §§63.313-63.314 requires visual screening and landscaping of the parking facility in the setback area so no further screening requirements are needed as a result of the proposed amendment.

### **2. Land Use Standard Amendments**

#### Green Space for Nursing Home and Assisted Living Facilities in T Districts

Under §65.182(c), nursing homes and assisted living facilities, by reference, in traditional neighborhood districts must provide 150 square feet of green space per resident, which can include outdoor seating areas, gardens, and/or recreation facilities to meet the outdoor space needs of the residents. A public park within 300 feet of the site may be used to meet this requirement. The Planning Commission recently granted a variance to this requirement based on evidence from nursing home and assisted living providers that it is excessive and misses the mark regarding the type of outdoor space residents need.

Because of limited independent mobility and high incidents of wheel chair use by residents of these facilities, yard areas without hardscaping do not fully serve residents' needs. Public parks and plazas may not meet the needs of residents of these facilities, especially when up to 300 feet away.

If the City continues to feel that regulation of outdoor space of nursing home and assisted living facilities is necessary in T districts, the recommendation is to reduce the amount of space needed per resident to 50 square feet, but require that it be wheelchair accessible space, which could be in common or private areas, such as porches, patios, sitting areas, lawns and gardens adjacent to hardscaping, rooftop gardens, terraces, balconies, and pathways.

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<sup>1</sup> Off-street parking facility is defined in the code as: "All areas, spaces and structures designed, used, required or intended to be used for the parking of more than three (3) motor vehicles. This definition is intended to include adequate driveways, accessways, parking bays, garages, of a combination thereof, but does not include public roads, streets, highways and alleys.

<sup>2</sup> Adjoin is defined in the code as: "having a common boundary or relationship at a common property line."

### Traditional Neighborhood Establishment Size CUP

Since the most recent revisions to the T districts took effect in 2011, there have been three applications seeking conditional use permits for uses over 15,000 sq. ft. (Mississippi Market grocery store, a Goodwill store with a second floor office space, and a service business with a showroom use). All were nonissues and were approved by the Planning Commission. This requirement was also recently problematic for a business producing small medical products to expand within an existing building in T4.

Neighborhood grocery stores and drug stores, which commonly may be 15,000 – 20,000 sq. ft., are encouraged in these districts and should be permitted by right. It is unnecessary to regulate use of space within an existing building based on the size of an individual business in the building. T district standards for floor area, building dimensions, setbacks, and design all work to ensure size and design compatibility, and reduce the need to require a CUP for that purpose.

The following is a table that identifies the section of the code with the CUP requirement in traditional neighborhood districts, identifies the affected districts, describes the regulation, and then provides a recommendation.

<i>Section</i>	<i>Affected Districts</i>	<i>Size Restriction/ CUP Trigger</i>	<i>Recommendation</i>
65.510 General retail	T2-T4	CUP required for establishments greater than 15,000 sq. ft.	Change the CUP trigger to new buildings and building expansions with a footprint greater than 20,000 sq. ft.
65.532 Photocopying	T1-T4	T1 – Limited to establishments under 2,500 sq. ft. T2-T4 – CUP for establishments greater than 15,000 sq. ft.	Eliminate as a specific use and replace as an element of service business. Photocopying shops have evolved into a basic office support service in connection with a retail storefront.
65.534 Service business with showroom or workshop	T2-T4	CUP required for establishments greater than 15,000 sq. ft.	Change the CUP trigger to new buildings and building expansions with a footprint greater than 15,000 sq. ft. Eliminate from T4.
65.614 Restaurants	T2-T4	CUP required for establishments greater than 15,000 sq. ft.	Eliminate CUP requirement from T4.
65.774 Brewery, craft	T2-T4, B2	CUP required for establishments greater than 15,000 sq. ft.	Maintain as is
65.775 Distillery, craft	T2-T4, B2	CUP required for establishments greater than 15,000 sq. ft.	Maintain as is
65.780 Ltd. production & processing	T2-T3	CUP required for establishments greater than 15,000 sq. ft.	Change the CUP trigger to new buildings and building expansions with a footprint greater than 15,000 sq. ft. Eliminate from T4.
65.789. Winery, craft	T2-T4, B2	CUP required for establishments greater than 15,000 sq. ft.	Maintain as is
65.782 Printing and publishing	T2-T4	CUP required for establishments greater than 15,000 sq. ft.	Change the CUP trigger to new buildings and building expansions with a footprint greater than 15,000 sq. ft. Eliminate from T4.

### **3. Zoning District Uses and Standards Amendments**

#### Commercial Surface Parking in T2 Traditional Neighborhood District

The issue of commercial surface parking in a T2 traditional neighborhood district arose during the review of The Vintage project at the intersection of Selby and Snelling Avenues. The code currently permits commercial underground/and or structured parking in T3 and T4 traditional neighborhood districts with a conditional use permit, but does not permit it in T2. T2 zoning is often applied to parcels within or adjacent to Mixed-Use Corridors and to a more limited extent in Residential Corridors, as designated in the City's Comprehensive Plan.

Existing developments and new projects alike often find it difficult to accommodate the parking demand generated by their use, which is often one of the primary concerns voiced by project neighbors. Under §63.304(b), a nonresidential use in T2 would be able to accommodate parking as a principle use on a separate lot within 300 feet of the principal use as long as the lot is zoned vehicular parking, T2, or a something less restrictive than T2. The parking could also be located in a more restrictive district as long as the use it is supporting is also permitted in that district. The number of parking spaces a developer is allowed to construct for a principal use is constrained by §63.207(c) Off-street parking maximums. This restriction can be modified by seeking a conditional use permit and undertaking a transportation demand management study or by providing additional spaces in structured parking. Unless existing and proposed uses partnered together to create a larger parking facility to accommodate multiple uses, it would be difficult to provide a parking lot for a commercial district in a T2 zoning district.

To allow for needed parking within mixed-use areas that include T2 zoning and taking into consideration that structured parking is not financially feasible in these smaller commercial nodes, the recommendation is to permit commercial surface parking in the T2 district through a conditional use permit. The area within 0.25 miles of the Green Line would be excluded from this as surface parking is generally discouraged in this area to maximize transit-oriented development potential. The committee thinks ownership and management of commercial parking by a nonprofit organization would not work very well, so recommends not requiring it. A private owner would set rates based on demand. Requiring a CUP would ensure conformance with the Comprehensive Plan, character of the area, and orderly development and improvement of surrounding property.

#### Increase Maximum Setback in T1 for Nonresidential or Mixed uses

The front yard setback for nonresidential and mixed use buildings in the T1 traditional neighborhood district is 0 to 15 feet. T1 districts are often in areas with less intensity of development than other traditional neighborhood districts and located in close proximity to single-family homes. Footnote i, which explains the front yard setback further explains that "the minimum front yard setback shall not exceed the maximum front yard setback requirement." The minimum setback is calculated based on the average setback of the existing structures where at least 50% of the front footage of the block is built up with principal structures. In order to increase flexibility of the design of these buildings zoned T1 and allow new buildings to fit in character of the area, the recommendation is to increase the front yard setback to a maximum of 25 feet.

### Reception Hall as Use in T2 Traditional Neighborhood District

Reception hall was added as a use in T3-T4 districts as part of the Central Corridor Zoning Study in 2011. Councilmember Stark has requested that allowing reception halls in the T2 district also be considered.

The reception hall use is permitted in T3 and T4 traditional neighborhood districts with the approval of a conditional use permit and is a permitted use in the B2 community business district through the B5 central business-service district, as well as the IT - I2 industrial districts. The areas that are typically zoned B2 or T2 are similar, and the commercial uses allowable in each of those districts is fairly similar with some instances of B2 being more restrictive as well as instances where T2 is more restrictive. Currently there are two licensed rental halls<sup>3</sup> within the B2 zoning district and two within the T3 and T4 districts. In total, there has been only one noise complaint made against one of the licensed rental halls recorded in the City's property information database. Rental halls have not had significant negative impact on neighboring residential properties.

Based on the similarity between the T2 and B2 districts and the limited conflicts between residential uses and licensed rental halls in the B2, T3, and T4 districts, the recommendation is to permit reception halls within the T2 district with a conditional use permit, as in the T3 and T4 districts, in order to ensure that it meets the standards set through that process. Should concerns be raised by nearby property owners or residents, the conditional use process allows for site-specific conditions to be required for a particular reception hall. In addition, there should be a closer connection between the reception hall use in zoning and rental hall license. Instead of the use just being called out as reception hall in the use tables, it should be listed as reception hall/rental hall in the use tables.

After reviewing uses within the commercial recreation, entertainment, and lodging section, the definition for dance hall seems unnecessary as this use is not specifically called out in the land use tables. Dance hall is called out as a use within the indoor recreation use definition. The recommendation is to eliminate § 65.642 from the code.

### Permit Theater/Assembly Hall Use in T2 -T4 with Standards

Theaters and assembly halls are allowed as a conditional use in T2 -T4 districts. The recommendation is to allow theaters under 500 seats as a permitted use with development standards in these districts; larger theaters would require a conditional use permit. The need for this revision was prompted by a Cultural STAR application in the Raymond Station Area to establish a small theater for live plays, a type of business that is promoted for the Creative Enterprise Zone.

Existing development standards for theaters and assembly halls in T districts limit new theaters to 1,000 seats in no more than three separate theater/auditorium areas, consistent with theaters that currently exist in neighborhoods, such as the Highland (550 seats) and Grandview (580 seats) theaters that are both in a T2 district. Larger theaters and assembly halls may be appropriate, with a CUP, in T4. The CUP process is unnecessary for smaller theaters and creates a level of uncertainty that could be onerous for a new business trying to establish or reestablish a theater, such as the Victoria Theater (T2).

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<sup>3</sup> In order to operate a reception hall, a rental hall license must be issued by the Department of Safety and Inspections. A rental hall is defined under §405.01(b) as: "any building, room, premises, facility, or portion thereof, which is available for use by any person or persons upon the payment of a fee." Banquet rooms in restaurants, for example, are not considered rental halls.

#### Rental Storage in B4 Central Business District and B5 Central Business-Service District

This proposed amendment is being triggered by the conversion of the downtown Post Office into the Custom House, which will contain approximately 200 apartments, 150 hotel rooms, retail/commercial space, and parking. The parcel is zoned B4. The total square footage of the 1934/1939 main building and 1961 addition is approximately 750,000 square feet. Due to the sheer size of the building, the developers anticipate phasing in new uses over the next few years, consistent with market demand. They would like the option of using a portion of the six-story 1961 addition on the south side of the parcel as a storage facility for both tenants and non-tenants. Storage is a permitted use in the B5 district, but is not permitted in B4. A rental storage facility is not permitted in either B4 or B5. Rental storage facilities are an appropriate complimentary use, especially given the continued growth in downtown housing, and that allowing a rental storage facility in the B4 and B5 districts is reasonable with the following recommended conditions and standards:

- Must be within a mixed-use building;
- Shall not comprise more than 15% of the gross floor area of the building; and
- Shall not be located within the first floor or skyway level of the building.

#### Allow for T1, T2, and IT with Master Plan

Currently, the Zoning Code allows only the T3 and T4 districts to carry the designation “M,” indicating that there is a master plan guiding their future use and development. The proposed text amendment is being triggered by proposed rezonings in the West Side Flats Master Plan and Development Guidelines study area, where zoning districts other than T3 and T4 are included in the area covered by the Master Plan. While this is unique to the West Side Flats at this time, it is conceivable that future master plans could cover areas zoned other than T3 and T4. The intent is to allow for any T district or contiguous IT district covered by a master plan meeting the requirements of Sec. 66.344 to be guided by that master plan and to carry the moniker of “M” after the zone designation.

## Proposed Zoning Text Amendments

### Sec. 63.310. Entrances and exits.

Adequate entrances and exits to and from the parking facility shall be provided by means of clearly defined and limited drives. The number of curb cuts shall be minimized, and shared curb cuts for adjacent parking areas are encouraged. When driveways no longer lead to legal off-street parking, the driveway and curb cut shall be removed and landscaping and curbing shall be restored.

- (a) Entrances and exits to and from a parking facility on residentially zoned land shall not be across land in a more restrictive residential zoning district.
- (b) Entrances and exits to and from a parking facility in a commercial or industrial zoning district shall not be across land in a residential district.
- (c) Entrances and exits to and from all parking facilities for commercial or industrial uses located in commercial, industrial, or traditional neighborhood districts ~~land zoned other than RL—RT2~~ shall be at least six (6) ~~twenty-five (25)~~ feet from any adjoining property in RL—RT2 zoning districts.

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### Sec. 65.182. Nursing home.

A building or structure where aged or infirm persons reside on a twenty-four-hour basis in order to receive nursing care and related services.

#### *Standards and conditions:*

- (a) The yard requirements for multiple-family use in the district apply.
- (b) In traditional neighborhood ~~development~~ districts, a facility located within a predominantly residential or mixed-use area shall have direct access to a collector or higher classification street.
- (c) In traditional neighborhood ~~development~~ districts, the site shall contain a minimum of fifty one hundred (50+100) square feet of wheelchair-accessible green outdoor and garden space per resident; ~~consisting of outdoor seating areas, gardens and/or recreational facilities. Public parks or plazas within three hundred (300) feet of the site may be used to meet this requirement.~~

*[Outdoor space for nursing home and assisted living facilities in T districts.]*

### Sec. 65.510. General retail.

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#### *Standards and conditions:*

In traditional neighborhood districts, a conditional use permit is required for new construction covering establishments of more than twenty fifteen thousand (20+15,000) square feet of land in floor area to ensure size and design compatibility with the particular location.

(Ord. No. 11-27, § 1, 4-20-11)

### Sec. 65.532. Photocopying Reserved.

#### *Standards and conditions:*

~~In the T1 traditional neighborhood district, the total floor area shall not exceed two thousand five hundred (2,500) square feet. In T2-T4 traditional neighborhood districts, a conditional use permit is required for establishments of more than fifteen thousand (15,000) square feet.~~

~~(Ord. No. 11-27, § 1, 4-20-11)~~

**Sec. 65.533. Service business.**

Service businesses include provision of services to the general public that produce minimal off-site impacts. Service businesses include but are not limited to the following:

- (a) Barber and beauty shops;
- (b) Dry-cleaning pick-up station;
- (c) Interior decorating/upholstery;
- (d) Locksmith;
- (e) Mailing and packaging services;
- (f) Photocopying
- (~~g~~) Radio and television service and repair;
- (~~g~~h) Shoe repair;
- (~~h~~i) Tailor shop; and
- (~~i~~j) Watch repair, other small goods repair.

**Sec. 65.534. Service business with showroom or workshop.**

Service businesses with showroom or workshop include such things as an office of a contractor (electrical, heating, air conditioning, mechanical, painter, plumber, etc.) along with a showroom and/or workshop.

*Standards and conditions in traditional neighborhood districts:*

- (a) In T2-T3 traditional neighborhood districts, a conditional use permit is required for new construction covering ~~establishments of~~ more than fifteen thousand (15,000) square feet of land ~~in floor area~~.
- (b) The showroom or sales area shall be located at the front of the building and designed in a manner consistent with traditional storefront buildings. All storage and workshop activities shall be done within a completely enclosed building.

(Ord. No. 11-27, § 1, 4-20-11)

**Sec. 65.614. Restaurant.**

...

*Standards and conditions:*

In T2-T3 traditional neighborhood districts, a conditional use permit is required for establishments of more than fifteen thousand (15,000) square feet in floor area to ensure size and design compatibility with the particular location.

(Ord. No. 11-27, § 1, 4-20-11; Ord. No. 12-26, § 1, 5-23-12)

*[T4 is used for high-density mixed-use locations where larger restaurants would be compatible and a CUP is not necessary.]*

**Sec. 65.642. Reserved ~~Dance hall~~.**

~~Any room, place or space open to the general public in which is carried on dancing wherein the public may participate, whether or not a charge for admission for dancing is made (see section 65.644, indoor recreation.)~~

*[Dance hall is included in the definition of "indoor recreation" and does not need a separate definition.]*



**Sec. 65.647. Theater, assembly hall.**

*Development standards and conditions in traditional neighborhood districts:*

- (a) A conditional use permit is required for a facility with a total seating capacity of more than five hundred (500).
- (b) In T2-T3 traditional neighborhood districts, total seating capacity shall not exceed one thousand (1000), and the facility shall not be divided into more than three (3) separate theater/auditorium areas.

**Sec. 65.731. Parking facility, commercial.**

An off-street parking facility, not accessory to any principal use, for which a fee is charged for the privilege of parking.

*Standards and conditions in traditional neighborhood and IT industrial districts:*

- ~~(a) In T3M districts, the facility shall be in a mixed use area identified in the master plan for the district.~~
- ~~(a)~~ (b) At least fifty (50) percent of the length of any parking structure facade adjacent to a public street shall consist of retail, office, civic, institutional, residential, or other similar non-parking uses at street level.
- ~~(b)~~ (e) Except in the T2 district, all parking spaces shall be underground or within a parking structure. Thirty (30) percent of the floor area of the commercial parking facility may be counted toward meeting the minimum floor area ratio.
- (c) In the T2 district, commercial surface parking facilities shall not be located within one-quarter (1/4) mile of University Avenue.

(Ord. No. 11-27, § 1, 4-20-11; Ord 13-22, § 5, 8-21-13)

*[Addition of surface parking lot within the T2 district. The requirement of the T3M, with which everything must conform, is covered by the master plans themselves. It is redundant, and may create confusion to state master plan requirements here.]*

**Sec. 65.780. Limited production and processing.**

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*Standards and conditions:*

- (a) In T2-T3 traditional neighborhood districts, a conditional use permit is required for new construction covering ~~establishments of~~ more than fifteen thousand (15,000) square feet of land ~~in floor area~~ to ensure size and design compatibility with the particular location.
- (b) All such uses are intended to be compatible with adjacent commercial and service uses. Odors, noise, vibration, glare and other potential side effects of manufacturing processes shall not be discernable beyond the property line.

(Ord. No. 11-27, § 1, 4-20-11; Ord 13-57, § 2, 12-4-13)

**Sec. 65.782. Printing and publishing.**

*Standards and conditions:*

In T2-T3 traditional neighborhood districts and B2 business districts, a conditional use permit is required for new construction covering ~~establishments of~~ more than fifteen thousand (15,000) square feet of land ~~in floor area~~ to ensure size and design compatibility with the particular location.

(Ord. No. 11-27, § 1, 4-20-11; Ord 13-57, § 2, 12-4-13)

**Sec. 65.785 Storage facility, rental.**

**Standards and conditions in B4 – B5 business districts:**

The facility shall be located within a mixed-use building, shall not exceed 15% of the gross floor area of the building, and shall not be located on the first floor (except for access) or skyway level.

**Sec. 65.78~~65~~. Warehousing and storage.**

**Sec. 65.78~~86~~. Winery, craft.**

**Sec. 66.221. Principal uses.**

Table 66.221, principal uses in residential districts, lists all permitted and conditional uses in the RL—RM3 residential districts, and notes applicable development standards and conditions.

Table 66.221. Principal Uses in Residential Districts

Use	RL	R1-R4	RT1	RT2	RM1	RM2	RM3	<u>Definition (d)</u> <del>Development</del> <u>Standards (s)</u>
<b>Residential Uses</b>								
<i>Dwellings</i>								
One-family dwelling	P	P	P	P	P	P		<u>(d)</u>
Two-family dwelling			P	P	P	P		<u>(d)</u>
Three-and four-family dwelling				P	P	P	P	<u>(d)</u>
Townhouse				P	P	P	P	<del>✓</del> <u>(d), (s)</u>
Multiple-family dwelling					P	P	P	<u>(d)</u>
Carriage house dwelling	C	C	C	C	C	C	C	<del>✓</del> <u>(d), (s)</u>
Cluster development	C	C	C	C	C	C		<del>✓</del> <u>(d), (s)</u>
Housing for the elderly					P	P	P	<u>(d)</u>
Reuse of large structures	C	C	C	C	C	C	C	<del>✓</del> <u>(d), (s)</u>
<i>Mixed Commercial-Residential Uses</i>								
Home occupation	P	P	P	P	P	P	P	<del>✓</del> <u>(d), (s)</u>
<i>Congregate Living</i>								<u>(d)</u>
Foster home, freestanding foster care home	P	P	P	P	P	P	P	<u>(d)</u>
Community residential facility, licensed human service	P	P	P	P/C	P/C	P/C	P/C	<del>✓</del> <u>(d), (s)</u>
Community residential facility, licensed correctional					C	C	C	<del>✓</del> <u>(d), (s)</u>
Community residential facility, health department licensed					C	C	C	<del>✓</del> <u>(d), (s)</u>
Emergency housing facility					C	C	C	<del>✓</del> <u>(d), (s)</u>
Shelter for battered persons	P/C	P/C	P/C	P/C	P/C	P/C	P/C	<del>✓</del> <u>(d), (s)</u>
Sober house	P	P	P/C	P/C	P/C	P/C	P/C	<del>✓</del> <u>(d), (s)</u>
Transitional housing facility	P/C	P/C	P/C	P/C	P/C	P/C	P/C	<del>✓</del> <u>(d), (s)</u>
Roominghouse, boarding house					C	C	C	<del>✓</del> <u>(d), (s)</u>
Nursing home, boarding care home, assisted living						C	P	<del>✓</del> <u>(d), (s)</u>
Hospice	P	P	P	P	P	P/C	P	<del>✓</del> <u>(d), (s)</u>

Use	RL	R1-R4	RT1	RT2	RM1	RM2	RM3	Definition (d) Development Standards (s)
Dormitory	P	P	P/C	P/C	P/C	P/C	P/C	✗(d), (s)
Fraternity, sorority	P	P	P/C	P/C	P/C	P/C	P/C	✗(d), (s)
<b>Civic and Institutional Uses</b>								
<i>Educational Facilities</i>								
Day care	P	P	P	P	P	P	P	✗(d), (s)
School, grades K—12	P	P	P	P	P	P	P	✗(d), (s)
College, university, seminary, etc.	C	C	C	C	C	C	C	✗(d), (s)
<i>Social, Cultural, and Recreational Facilities</i>								
Cemetery, mausoleum	C	C	C	C	C	C		✗(s)
Golf course	C	C	C	C	C	C		✗(s)
Public library	P	P	P	P	P	P	P	
Public and private park, playground	P	P	P	P	P	P	P	
Recreation, noncommercial	C	C	C	C	C	C	C	✗(d), (s)
<i>Religious Institutions</i>								
Church, chapel, synagogue, place of worship	P	P	P	P	P	P	P	
Rectory, parsonage	P	P	P	P	P	P	P	✗(s)
Convent, monastery, religious retreat	P	P	P	P	P	P	P	✓(s)
<b>Public Services and Utilities</b>								
Antenna, cellular telephone	P/C	P/C	P/C	P/C	P/C	P/C	P/C	✗(d), (s)
Municipal building or use	P	P	P	P	P	P	P	✗(d), (s)
Utility or public service building	C	C	C	C	C	C	C	✗(d), (s)
Yard waste site, municipal	C	C	C	C	C	C	C	✗(d), (s)
<b>Commercial Uses</b>								
<i>Retail Sales and Services</i>								
Farmers Market	P/C	P/C	P/C	P/C	P/C	P/C	P/C	✗(d), (s)
<i>Commercial Lodging</i>								
Bed and breakfast residence	P	P	P/C	P/C	P/C	P/C		✗(d), (s)
<i>Parking Facilities</i>								
Shared commercial parking in institutional lots	C	C	C	C	C	C	C	✗(d), (s)
<i>Transportation</i>								
Railroad right-of-way	C	C	C	C	C	C	C	✗(s)
<i>Limited Production</i>								
Agriculture	P/C	P/C	P/C	P/C	P/C	P/C	P/C	✗(d), (s)
<b>Accessory Uses</b>								
Accessory use	P	P	P	P	P	P	P	(d), (s)
Accessory retail service and office						C	C	✗(s)
Support services in housing for the elderly						P	P	✗(d), (s)

Notes to table 66.221, principal uses in residential districts:

(d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.

(s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

(C.F. No. 08-640, § 3, 7-9-08; Ord. No. 11-27, § 1, 4-20-11; Ord 13-51, § 4, 11-13-13)

*[Addition of this table to the zoning text amendments is to add definition and standard notes in the right column.]*

**Sec. 66.321. Principal uses.**

Table 66.321, principal uses in traditional neighborhood districts, lists all permitted and conditional uses in the T1-T4 traditional neighborhood districts, and notes applicable development standards and conditions.

Table 66.321. Principal Uses in Traditional Neighborhood Districts

Use	T1	T2	T3	T4	Definition (d) Development Standards (s)
<b>Residential Uses</b>					
<i>Dwellings</i>					
One-family dwelling	P	P	P		✓(d), (s)
Two-family dwelling	P	P	P		(d)
Townhouse	P	P	P	P	(d)
Multiple-family dwelling	P	P	P	P	(d)
Carriage house dwelling	C	C	P		✓(d)
Housing for the elderly	P	P	P	P	(d)
<i>Mixed Commercial-Residential Uses</i>					
Home occupation	P	P	P	P	✓(d), (s)
Live-work unit	P	P	P	P	✓(d), (s)
Mixed residential and commercial use	P	P	P	P	
<i>Congregate Living</i>					
Foster home, freestanding foster care home	P	P	P	P	(s)
Community residential facility, licensed human service	P	P	P	P	✓(d), (s)
Community residential facility, licensed correctional	C	C	C	C	✓(d), (s)
Community residential facility, health department licensed	C	C	C	C	✓(d), (s)
Emergency housing facility	C	C	C	C	✓(d), (s)
Shelter for battered persons	P/C	P/C	P/C	P/C	✓(d), (s)
Transitional housing facility	P/C	P/C	P/C	P/C	✓(d), (s)
Sober house	P/C	P/C	P/C	P/C	✓(d), (s)
Roominghouse, boardinghouse	C	P	C	C	✓(d), (s)
Nursing home, boarding care home, assisted living	P	P	P	P	✓(d), (s)
Hospice	P	P	P	P	✓(d), (s)
Dormitory	P/C	P	P	P	✓(d), (s)
Fraternity, sorority	P/C	P	P	P	✓(d), (s)

Use	T1	T2	T3	T4	Definition (d) Development Standards (s)
<b>Civic and Institutional Uses</b>					
<i>Educational Facilities</i>					
Day care	P	P	P	P	↘(d), (s)
School, grades K—12	P	P	P	P	↘(s)
College, university, seminary, etc.	P	P	P	P	↘(d), (s)
Trade school, arts school, dance school, etc.	P	P	P	P	
<i>Social, Cultural, and Recreational Facilities</i>					
Club, fraternal organization, lodge hall		P	P	P	(d)
Museum	P/C	P	P	P	↘(s)
Public library	P	P	P	P	
Public and private park, playground	P	P	P	P	
Recreation, noncommercial	P	P	P	P	(d)
<i>Religious Institutions</i>					
Church, chapel, synagogue, place of worship	P	P	P	P	
Rectory, parsonage	P	P	P	P	(s)
Convent, monastery, religious retreat	P	P	P	P	
<b>Public Services and Utilities</b>					
Antenna, cellular telephone	P/C	P/C	P/C	P/C	↘(d), (s)
Municipal building or use	P	P	P	P	↘(s)
Utility or public service building	C	C	C	C	↘(d), (s)
<b>Commercial Uses</b>					
<i>Offices</i>					
Administrative office	P	P	P	P	
Artist, photographer studio, etc.	P	P	P	P	(d)
Insurance office, real estate office, sales office	P	P	P	P	
Professional office	P	P	P	P	(d)
<i>Medical Facilities</i>					
Clinic, medical or dental	P	P	P	P	(d)
Hospital		C	C	C	↘(d)
Medical laboratory	P	P	P	P	
Veterinary clinic		P	P	P	↘(d), (s)
<i>Retail Sales and Services</i>					
General retail		P/C	P/C	P/C	↘(d), (s)
Bank, credit union	P	P	P	P	
Business sales and services		P	P		(d)
Drive-through sales and services, primary and accessory		C			↘(s)
Dry cleaning, commercial laundry		P	P	P	↘(s)
Farmers market	P/C	P/C	P/C	P/C	↘(d), (s)

Use	T1	T2	T3	T4	Definition (d) Development Standards (s)
Food and related goods sales		P/C	P/C	P/C	↘(d), (s)
Food shelf	P	P	P	P	(d)
Garden center, outdoor		P	P	P	↘(d), (s)
Laundromat, self-service		P	P	P	
Liquor store		P/C	P/C	P/C	↘(s)
Massage center	P	P	P	P	(d)
Mortuary, funeral home		P	P	P	
<del>Photocopying</del>	<del>P</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	↘
Post office	P	P	P	P	
Service business	P	P	P	P	(d)
Service business with showroom or workshop		P/C	P/C	P/C	↘(d), (s)
Small appliance repair		P	P	P	
Tattoo shop		P	P	P	
Tobacco products shop		P/C	P	P	↘(d), (s)
<i>Food and Beverages</i>					
Bar		P/C	P/C	P/C	↘(d), (s)
Brew on premises store		P	P	P	↘(d), (s)
Catering		P	P	P	
Coffee shop, tea house	P/C	P/C	P/C	P/C	↘(d), (s)
Restaurant		P/C	P/C	P/C	↘(d), (s)
Restaurant, carry out, deli		P/C	P/C	P/C	↘(d), (s)
Restaurant, fast food		P/C	P/C	P/C	↘(d), (s)
Restaurant, outdoor		P	P	P	↘(s)
<i>Commercial Recreation, Entertainment and Lodging</i>					
Bed and breakfast residence	P	P	P	P	↘(d)
Hotel, inn		P	P	P	
Health/sports club		P	P	P	(d)
Indoor recreation		C	C	C	↘(d), (s)
Reception hall/ <u>rental hall</u>		<u>C</u>	C	C	
Theater, assembly hall		<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	↘(s)
<i>Automobile Services</i>					
Auto body shop				C	↘(d), (s)
Auto convenience market		C	C		↘(d), (s)
Auto service station		C	C		↘(d), (s)
<i>Parking Facilities</i>					
Parking facility, commercial		<u>C</u>	C	C	↘(d), (s)
<i>Transportation</i>					
Bus or railroad passenger station			C	C	

Use	T1	T2	T3	T4	<u>Definition (d)</u> <del>Development</del> <u>Standards (s)</u>
Railroad right-of-way	C	C	C	C	<del>✓</del> (s)
<i>Limited Production and Processing</i>					
Agriculture	P/C	P/C	P/C	P/C	<del>✓</del> (d), (s)
Brewery, craft		P/C	P/C	P/C	<del>✓</del> (d), (s)
Distillery, craft		P/C	P/C	P/C	<del>✓</del> (d), (s)
Limited production and processing		P/C	P/C	P/C	<del>✓</del> (d), (s)
Mail order house		P	P	P	
Printing and publishing		P/C	P/C	P/C	<del>✓</del> (s)
Winery, craft		P/C	P/C	P/C	<del>✓</del> (d), (s)
<b>Accessory Uses</b>					
Accessory use	P	P	P	P	(d), (s)

P – Permitted use      C – Conditional use requiring a conditional use permit

Notes to table 66.321, principal uses in traditional neighborhood districts:

(d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.

(s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

**Sec. 66.331. Density and dimensional standards table.**

Table 66.331, traditional neighborhood district dimensional standards, sets forth density and dimensional standards that are specific to traditional neighborhood districts. These standards are in addition to the provisions of chapter 63, regulations of general applicability. Where an existing building does not conform to the following requirements, the building may be expanded without fully meeting the requirements as long as the expansion does not increase the nonconformity.

Table 66.331. Traditional Neighborhood District Dimensional Standards

Building Type by Zoning District	Density	Lot Size Minimum (per unit)		Building Height (feet)		Yard Setbacks (feet)		
	Min. - Max. (a)	Area (sq. ft.) (a)	Width (feet)	Min.	Max.	Front Min.-Max.	Side Min.	Rear Min.
<b>T1</b>								
1-family dwelling	6 - 12 units/acre (b)	3500 (b)	30	none	35 (e)	15 – 25 (i)	(k)	15
2-family/townhouse	8 - 20 units/acre (b)	2000 (b)	20	none	35 (e)	10 – 25 (i)	(k)	15
Multifamily	10 - 25 units/acre (b)	1700 (b)	n/a	none	35 (e)	10 – 25 (i)	(k)	(k)
Nonresidential or mixed use	0.3 - 1.0 FAR	n/a	n/a	none	35 (e)	0 - <del>45</del> <u>25</u>	(k)	(k)
<b>T2</b>								
1-family dwelling	6 - 12 units/acre (b)	3500 (b)	30	none	35 (e)	15 – 25 (i)	(k)	15
2-family/townhouse	8 - 20 units/acre (b)	2000 (b)	20	none	35 (e)	10 – 25 (i)	(k)	15
Multifamily	FAR as for mixed use	n/a	n/a	none	35 (e), (f)	10 – 25 (i)	(k)	(k)
Nonresidential or mixed use	0.3 - 2.0 FAR with surface parking and 0.3 - 3.0 FAR with structured parking (c)	n/a	n/a	none	35 (e), (f)	0 – 10 (j)	(k)	(k)
<b>T3</b>								
1-family dwelling	8 - 12 units/acre (b)	3500 (b)	30	25	35 (e)	15 – 25 (i)	(k)	15
2-family/townhouse	10 - 20 units/acre (b)	2000 (b)	20	25	35 (e)	10 – 25 (i)	(k)	15
Multifamily	0.5 - 3.0 FAR (d)	n/a	n/a	25	45 (e),(g),(l)	10 – 25 (i)	(k)	(k)
Nonresidential or mixed use	0.5 - 3.0 FAR (d)	n/a	n/a	25	55 (e),(g),(l)	0 – 10 (j)	(k)	(k)
<b>T4</b>								
Multifamily	0.5 min. FAR (d)	n/a	n/a	25	75 (e), (h)	10 – 25 (i)	(k)	(k)
Nonresidential or mixed use	0.5 min. FAR (d)	n/a	n/a	25	75 (e), (h)	0 – 10 (j)	(k)	(k)

Min. - Minimum      Max. - Maximum      FAR - Floor Area Ratio      n/a - not applicable

**Sec. 66.344. Traditional neighborhood ~~T3-T4~~ district planning requirements.**

...

- (b) *Master plan.* For a contiguous area ~~any T3 or T4 district~~ of at least fifteen (15) acres ~~or more in area in~~ traditional neighborhood districts, a master plan may be provided for review and recommendation by the planning commission and approval by city council resolution. The master plan may be already in existence, or it may be prepared by city staff or by the applicant or developer. A ~~T3 or T4~~ traditional neighborhood area for which a master plan has been adopted by the city council shall be designated as a T1M, T2M, T3M, and/or T4M district. The master plan may include the following information.



## Sec. 66.421. Principal uses.

Table 66.421, principal uses in business districts, lists all permitted and conditional uses in the OS—B5 business districts, and notes applicable development standards and conditions.

Table 66.421. Principal Uses in Business Districts

Use	OS	B1	BC	B2	B3	B4	B5	Definition (d) Development Standards (s)
<b>Residential Uses</b>								
<i>Dwellings</i>								
One-family dwelling			P					(d)
Two-family dwelling			P					(d)
Townhouse			P					(d)
Multiple-family dwelling	P		P			P	P	(d)
Carriage house dwelling			C					↘(d), (s)
Housing for the elderly	P		P			P	P	(d)
<i>Mixed Commercial-Residential Uses</i>								
Home occupation	P	P	P	P	P	P	P	↘(d), (s)
Live-work unit			P					↘(d), (s)
Mixed residential and commercial use	P	P	P	P	P	P	P	↘(d), (s)
<i>Congregate Living</i>								
Foster home, freestanding foster care home	P	P	P	P	P	P	P	↘(d), (s)
Community residential facility, licensed human service	P	P	P	P	P	P	P	↘(d), (s)
Community residential facility, licensed correctional			C	C	C	C	C	↘(d), (s)
Community residential facility, health department licensed			C	C	C	C	C	↘(d), (s)
Emergency housing facility			C	C	C	C	C	↘(d), (s)
Overnight shelter							C	↘(d), (s)
Shelter for battered persons	P/C	P/C	P/C	P/C	P	P	P	↘(d), (s)
Transitional housing facility	P/C	P/C	P/C	P/C	P	P	P	↘(d), (s)
Sober house	P/C	P/C	P/C	P/C	P/C	P/C	P/C	↘(d), (s)
Roominghouse, boardinghouse			C			P	P	↘(d), (s)
Nursing home, boarding care home, assisted living			C			P	P	↘(d), (s)
Hospice	C	C	P/C	C	P	P	P	↘(d), (s)
Dormitory			P/C			P	P	↘(d), (s)
Fraternity, sorority			P/C					↘(d), (s)
<b>Civic and Institutional Uses</b>								
<i>Educational Facilities</i>								
Day care	P	P	P	P	P	P	P	(d), (s)
School, grades K-12	P	P	P	P	P	P	P	(s)
College, university, seminary, etc.	P	P	P	P	P	P	P	↘(d), (s)
Trade school, arts school, dance school, etc.	P	P	P	P	P	P	P	
<i>Social, Cultural, and Recreational Facilities</i>								

Use	OS	B1	BC	B2	B3	B4	B5	Definition (d) Development Standards (s)
Club, fraternal organization, lodge hall				P	P	P	P	(d)
Museum						P	P	
Public library	P	P	P	P	P	P	P	
Public and private park, playground	P	P	P	P	P	P	P	
Recreation, noncommercial	P	P	P	P	P	P	P	(d)
<i>Religious Institutions</i>								
Church, chapel, synagogue, place of worship	P	P	P	P	P	P	P	
Rectory, parsonage	P	P	P	P	P	P	P	(s)
Convent, monastery, religious retreat	P	P	P	P	P	P	P	(s)
<b>Public Services and Utilities</b>								
Antenna, cellular telephone	P/C	P/C	P/C	P/C	P/C	P/C	P/C	✗(d), (s)
Electric transformer or gas regulator substation		C	C	C	P	P	P	✗(s)
Municipal building or use	P	P	P	P	P	P	P	✗(s)
Public utility heating or cooling plant							P	
Utility or public service building	C	P	P	P	P	P	P	✗(d), (s)
<b>Commercial Uses</b>								
<i>Offices</i>								
Administrative office	P	P	P	P	P	P	P	
Artist, photographer studio, etc.	P	P	P	P	P	P	P	(d)
Insurance office, real estate office, sales office	P	P	P	P	P	P	P	
Professional office	P	P	P	P	P	P	P	(d)
<i>Medical Facilities</i>								
Clinic, medical or dental	P	P	P	P	P	P	P	(d)
Hospital					P	P	P	(d)
Medical laboratory	P	P	P	P	P	P	P	
Veterinary clinic				P	P	P	P	✗(d), (s)
<i>Retail Sales and Services</i>								
General retail		P	P	P	P	P	P	(d)
Alternative financial establishment					C	P	P	✗(d), (s)
Bank, credit union	P	P	P	P	P	P	P	
Business sales and services					P	P	P	(d)
Drive-through sales and services, primary and accessory	C	C		C	P	P	P	✗(s)
Dry cleaning, commercial laundry		P	P	P	P	P	P	✗(s)
Farmers market	P/C	P/C	P/C	P/C	P/C	P/C	P/C	✗(d), (s)
Food and related goods sales		P	P	P	P	P	P	(d)
Food shelf	P	P	P	P	P	P	P	(d)
Garden center, outdoor			C	C	P			✗(d), (s)
Greenhouse					C			✗(d), (s)

Use	OS	B1	BC	B2	B3	B4	B5	Definition (d) Development Standards (s)
Laundromat, self-service		P	P	P	P	P	P	
Liquor store		P	P	P	P	P	P	
Massage center	P	P	P	P	P	P	P	
Mortuary, funeral home					P	P	P	
Outdoor uses, commercial					C			↖(s)
Outdoor uses, commercial sales of consumer fireworks					C			↖(d), (s)
Package delivery service					P	P	P	(d)
Pawn shop					C	P	P	↖(d), (s)
<del>Photocopying</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	
Post office		P	P	P	P	P	P	
Service business	P	P	P	P	P	P	P	(d)
Service business with showroom or workshop			P	P	P	P	P	(d)
Small appliance repair				P	P	P	P	
Small engine repair, automotive bench work					P	P	P	
Tattoo shop			P	P	P	P	P	
Tobacco products shop			P/C	P	P	P	P	↖(d), (s)
<i>Food and Beverages</i>								
Bar				P/C	P	P	P	↖(d), (s)
Brew on premises store				P	P	P	P	↖(d), (s)
Catering				P	P	P	P	
Coffee kiosk				P	P	P	P	↖(d), (s)
Coffee shop, tea house		P/C		P	P	P	P	↖(d), (s)
Restaurant				P	P	P	P	(d)
Restaurant, carry-out, deli		P		P	P	P	P	(d)
Restaurant, fast-food				P/C	P/C	P	P	↖(d), (s)
Restaurant, outdoor				P	P	P	P	↖(s)
<i>Commercial Recreation, Entertainment and Lodging</i>								
Bed and breakfast residence		P	P	P	P			↖(d), (s)
Bingo hall, auction hall				C	P	P	P	
Health/sports club				P	P	P	P	(d)
Hotel, inn, motel					P	P	P	
Indoor recreation				C	P	P	P	↖(d), (s)
Reception hall/ <u>rental hall</u>				P	P	P	P	
Steam room/bathhouse facility			P	P	P	P	P	(d)
Theater, assembly hall, concert hall				P	P	P	P	
<i>Adult Entertainment</i>								
Adult use					C	C	C	↖(d), (s)
<i>Automobile Services</i>								

Use	OS	B1	BC	B2	B3	B4	B5	Definition (d) Development Standards (s)
Auto convenience market				C	C		P	✗(d), (s)
Auto service station				C	C		P	✗(d), (s)
Auto specialty store				C	C		P	✗(d), (s)
Auto repair station					C		P	✗(d), (s)
Auto sales, indoor					P	P	P	
Auto sales and rental, outdoor					C			✗(d), (s)
Car wash					C			✗(s)
<i>Parking Facilities</i>								
Parking facility, commercial						P	P	✗(d)
<i>Transportation</i>								
Bus or railroad passenger station					P	P	P	
Helistop					C	C	C	✗(d), (s)
Railroad right-of-way	C	C	C	C	C	P	P	✗(s)
<i>Limited Production, Processing and Storage</i>								
Agriculture	P/C	P/C	P/C	P/C	P/C	P/C	P/C	✗(d), (s)
Brewery, craft				P/C	P/C	P/C	P/C	✗(d), (s)
Distillery, craft				P/C	P	P	P	✗(d), (s)
Finishing shop					P		P	✗(d), (s)
Limited production and processing					P		P	✗(d), (s)
Mail order house			P	P	P	P	P	
Plastic products							P	(d)
Printing and publishing				P/C	P	P	P	(s)
Recycling collection center					P			✗(d), (s)
Recycling drop-off station			P	P	P	P	P	✗(d), (s)
<u>Storage facility, rental</u>						P	P	(s)
Toiletries and cosmetic manufacturing							P	
Warehousing and storage							P	✗(s)
Wholesale establishment					P	P	P	✗(d), (s)
Winery, craft				P/C	P/C	P/C	P/C	✗(d), (s)
<b>Accessory Uses</b>								
Accessory use	P	P	P	P	P	P	P	(d), (s)

P – Permitted use      C – Conditional use requiring a conditional use permit

Notes to table 66.421, principal uses in business districts:

(d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.

(s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

**Sec. 66.521. Principal uses.**

Table 66.521, principal uses in industrial districts, lists all permitted and conditional uses in the IT—I3 industrial districts, and notes applicable development standards and conditions.

Table 66.521. Principal Uses in Industrial Districts

Use	IT	I1	I2	I3	Definition (d) Standards (s)
...					
<i>Retail Sales and Services</i>					
General retail	P	P	P		(d)
Alternative financial establishment		C	P		(d), (s)
Bank, credit union	P	P	P		
Business sales and services	P	P	P		(d)
Drive-through sales and services, primary and accessory	P	P	P		(s)
Dry cleaning, commercial laundry	P	P	P		
Farmers market	P/C	P/C	P/C		(d), (s)
Food and related goods sales	P	P	P		(d)
Food shelf	P	P	P		(d)
Garden center, outdoor	P	P	P		(d), (s)
Greenhouse	P	P	P		(d), (s)
Gun shop, shooting gallery		C	P	P	(d), (s)
Laundromat, self-service	P	P	P		
Liquor store	P	P	P		
Massage center	P	P	P		(d)
Mortuary, funeral home		P	C		
Outdoor uses, commercial		C	P		(s)
Outdoor uses, commercial sales of consumer fireworks		C	C		(d), (s)
Package delivery service	P	P	P		(d)
Pawn shop		C	P		(d), (s)
<del>Photocopying</del>	<del>P</del>	<del>P</del>	<del>P</del>		
Post office	P	P	P		
Service business	P	P	P		(d)
Service business with showroom or workshop	P	P	P		(d)
Small appliance repair	P	P	P		
Small engine repair, automotive bench work	P	P	P		
Tattoo shop	P	P	P		
Tobacco products shop	P	P	P		(d), (s)
...					
<i>Commercial Recreation, Entertainment and Lodging</i>					
Bingo hall, auction hall	P	P	C		
Health/sports club	P	P	P		(d)

Use	IT	I1	I2	I3	Definition (d) Standards (s)
Hotel, inn, motel	P	P	P		
Indoor recreation	P	P	P		(d), (s)
Outdoor sports/entertainment		C	P	P	
Reception hall/ <u>rental hall</u>	P	P	C		
Steam room/bathhouse facility	P	P	P		(d)
Theater, assembly hall, concert hall	P	P	C		
...					

P – Permitted use            C – Conditional use requiring a conditional use permit

Notes to table 66.421, principal uses in industrial districts:

- (d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.
- (s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

**Sec. 66.544. IT transitional industrial district master plan.**

For an IT transitional industrial district contiguous to a T1M-T4M district, a master plan may be adopted under the provisions of section 66.344(b) and may be amended under the provisions of section 66.344(c). An IT transitional industrial area for which a master plan has been adopted by the city council shall be designated as an ITM district.