

ARTICLE XVII

Additional Use Regulations

Article 17: Additional Use Regulations

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17.1. INTENT.

These provisions apply to additional use regulations in addition to those guidelines set forth in the zoning district regulations. In event of any conflict in provisions, the more restrictive provision shall apply unless specifically indicated to the contrary.

17.2. MULTIPLE PRINCIPAL STRUCTURES PER LOT.

Except in the SR, RS, and MH residential districts, more than one principal permitted or permissible structure or use, not intended to be a single family residential structure, may be erected on a single lot subject to the following conditions.

- 1) Provided that yard setbacks and other requirements of this article are met for each structure as though it were on an individual lot.
- 2) No principal building or structure shall be located closer than twenty-five feet (25') in relation to another principal building or structure on the same lot, so as to cause danger from fire;
- 3) All principal buildings or structures on a lot shall be served by access ways suitable for police, fire, and emergency vehicles.
- 4) All of the multiple principal buildings on the same lot shall be accessible via pedestrian walkways connected to the required parking and emergency accesses for the premises, and to each principal building.

17.3. ACCESSORY BUILDINGS.

The purpose of these provisions is to establish the relationship among principal and accessory uses and to establish provisions governing the conduct of accessory uses.

Principal uses specified as permitted uses or special exception uses for a district shall be deemed to include accessory buildings and uses identified by these regulations and such other accessory uses that are necessary and customarily associated with and are appropriate, incidental, and subordinate to such principal or special exception uses. Accessory buildings and uses shall be subject to the same regulations as apply to principal uses in each district, except as otherwise provided in these regulations.

Accessory buildings and uses customarily incidental to that of the principal building may be erected

or established as permitted, provided they comply with the following limitations:

- 1) Accessory buildings that are structurally part of or attached to the principal building shall conform to the site development regulations of the principal building.
- 2) Accessory buildings shall not be erected in any front yard.
- 3) Accessory buildings located in the CR, AC, BC, BP, LI and HI zoning districts may be allowed as the only principal structure on a separate platted lot so long as the accessory building and property is located no more than 300 feet from the lot of the principal structure it is associated with.
- 4) Site development regulations for detached accessory buildings in residential districts are:
 - a. Residential accessory buildings shall be limited to a maximum of three (3) total buildings, including a detached garage, of which all total accessory buildings in any required yard area shall not occupy more than thirty percent (30%) of the required rear yard area or not more than 1,200 square feet for the principal accessory structure and one accessory storage building not to exceed 120 square feet. However, in the event of unusually small rear yards, the 30% regulation shall not prohibit the construction of at least one garage not to exceed 600 square feet and at least one accessory storage building not to exceed 120 square feet.
 - b. No detached accessory building on a corner lot may be placed in any rear or side yard nearer to a public street right-of-way than the principal building on the same lot.
 - c. Accessory buildings shall not be erected within five feet (5') of any main (principal) building or structure, or within five feet (5') of the side or rear property line. Accessory buildings may be built up to but not on or over any utility or permanent easement.
 - d. If a garage door directly faces an alley, there must be a fifteen (15) feet minimum setback.
- 5) No accessory building shall be constructed, including siding and roofing materials, from galvanized metal, but not to exclude the use of standing seam metal roofs or other fabricated or painted metal roof shingles. Accessory buildings should be built of similar materials and of a similar appearance to the principal building on the lot.
- 6) Detached accessory buildings shall not exceed a height of 18 feet.
- 7) No accessory building shall be constructed upon a lot or used until construction of the main building has been commenced, and no accessory building shall be used unless the main building on the lot is also being used.
- 8) Accessory buildings shall not be used for dwelling purposes.
- 9) For the purposes of this ordinance, a gasoline dispensing pump shall not be classified as an accessory structure.
- 10) Satellite dishes are subject to the accessory building rules above.

17.4. PORTABLE ACCESSORY BUILDINGS AND STORAGE STRUCTURES.

1) “Storage Structure” shall mean one of the following definitions:

Membrane storage structure: A structure consisting of a frame covered with a plastic, fabric, canvas, aluminum or other non-permanent material, which is used to provide storage for vehicles, boats, recreational vehicles or other personal property. The term also applies to structures commonly known as hoop buildings, canopy carports or tent garages; but shall not apply to temporary tents or canopies used for special events such as weddings or celebrations.

On-demand or on-site storage structure: Any portable or permanent storage container, storage pod, storage unit, receptacle or other portable structure that is used for the storage of personal property, which is located outside an enclosed building. The term does not include normal sheds, garages, outbuildings or membrane storage structures.

2) The term “storage structure” shall not apply to a truck trailer or semi-trailer while it is actively being used for the transportation of materials, inventory or equipment and is temporarily located adjacent to a loading dock. A storage structure may be used as a construction site trailer but only during construction on the site.

3) *All Residential and Conservation Zoning Districts.*

Temporary membrane storage structures are not permitted on any residential properties. A permanent membrane storage structure with a hard roof (such as a carport structure) may be permitted on any property if the structure is permanently attached to the ground, concrete driveway or hard surface, or permanently attached to a principal or accessory structure. A temporary portable on demand or on-site storage structure may be kept within the yard areas on any residential property for a maximum of 7 days for purposes of packing, shipping or moving materials from a permanent structure.

4) *All Commercial, Industrial and Agricultural Zoning Districts.*

A permanent storage structure for other than residential or commercial purposes is permitted but shall be located on the property within the permitted rear or side yard areas so as not to obstruct any drive access or block required parking spaces.

17.5. TEMPORARY USES.

Provisions authorizing temporary uses are intended to permit occasional, temporary uses when consistent with the purposes of these zoning regulations and when compatible with other nearby uses.

1) *Temporary Use Types:* The following types of temporary use may be authorized, subject to specific limitations herein and such additional conditions as may be established by the zoning administrator.

a. Contractor's office, storage yard, and equipment parking and servicing on the site of an active construction project may be permitted in any district during the period that the construction work is in progress, but such temporary building(s) shall be removed within thirty (30) days after completion or abandonment of the construction work.

b. Religious, patriotic, or historic assemblies, displays, or exhibits.

- c. Circuses, carnivals, rodeos, fairs, or similar transient amusement or recreational activities not closer than 200 feet to an existing dwelling.
- d. Outdoor art and craft shows and exhibits.
- e. Christmas tree sale lots.
- f. Temporary signs relating to temporary uses.
- g. Outdoor special sales, including swap meets, flea markets, parking lot sales, or similar activities, limited to locations in commercial or industrial districts, and when operated not more than 3 days in the same week or more than 5 days in the same month.
- h. Temporary use of trailer units or similar portable structures for nonresidential uses, and limited to a maximum period of 6 months per calendar year.
- i. Additional similar uses determined to be temporary by the zoning administrator.

2) *Required Conditions of Temporary Use:*

- a. Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of temporary use upon completion or removal of the use.
- b. The zoning administrator may establish such additional conditions as deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses, including but not limited to time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or enclosure, and guarantees for site restoration and cleanup following temporary use.

3) *Determination:* The zoning administrator may authorize a temporary use only when, in his judgement, the following determination can be made:

- a. The temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site.
- b. The temporary use will be compatible with nearby uses in the general vicinity.
- c. The temporary use will not impact public health, safety, or convenience, or create traffic hazards or congestion or otherwise interrupt or interfere with the normal conduct of uses and activities in the vicinity.

4) *Application and Authorization:*

- a. Application to conduct a temporary use shall be made to the zoning administrator, and shall include a site plan and description of the use and such additional information as the zoning administrator may require to evaluate the use and to make the determination.
- b. Authorization of a temporary use shall be by issuance of a zoning permit.
- c. A temporary use authorized pursuant to these provisions shall not be exempt or relieved from compliance with any other ordinance, law, permit, or license applicable to such use.

17.6. HOME OCCUPATIONS.

Home occupations as an accessory to residential uses shall be subject to the following limitations.

- 1) The use must be clearly incidental and secondary to the use of the dwelling unit for residential purposes and in such a manner as not to give an outward appearance nor manifest any characteristics of a business in the ordinary meaning of the term. The home occupation shall be conducted entirely within a residential dwelling unit that is the bona fide residence of the practitioner(s), or entirely within an attached or detached garage (not to include a carport, driveway, yard or outside area).
- 2) Is carried on by a member of the family residing in the dwelling unit.
- 3) Does not employ more than one (1) full time employee outside the immediate family residing on the premises, except by special exception by the Board of Adjustment;
- 4) Have no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building.
- 5) Home occupations may have one (1) exterior, flush mounted, non-illuminated sign located on private property, off of the public right-of-way; in which sign shall not exceed four (4) square feet in area, shall not exceed four (4) feet in height.
- 6) The home occupation shall not occupy more than 30 percent of the main floor area. Any extension of the home occupation beyond 30 percent of the floor area shall only be approved by special exception of the Board of Adjustment. However, this regulation shall not apply to day care services.
- 7) Does not produce offensive or objectionable noise, vibration, fumes, smoke, dust, odors, heat, glare or waste run off rendering such building or premises objectionable to the residential character of the neighborhood.
- 8) No traffic shall be generated in greater volumes that would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be met by providing off-street parking and shall not be in a required front yard. No pedestrian traffic shall be generated into the home occupation more than the customer being served.
- 9) No equipment or materials associated with the home occupation shall be displayed or stored where visible from anywhere off the premises.
- 10) The use must not infringe upon the right of neighbors to enjoy peaceful and healthy occupancy of their home for which purpose the residential district was created and primarily intended.
- 11) Nothing herein shall be construed to allow the following businesses or occupations as home occupations: animal hospitals, animal breeding, clinics, hospitals, contractor's yards, junk yards, restaurants, rental outlets, automotive repair, vehicle repair shops or massage parlors.

17.7. RECREATIONAL VEHICLES.

- 1) Recreational vehicles may be parked for seasonal use (short term use) on a driveway within a front yard, but not upon the right-of-way, in residential districts provided the view of the street is not obstructed as to vehicular ingress and egress. Recreational vehicles, including campers, boats, personal watercraft, snowmobiles, trailers, and other recreational based vehicles not intended for permanent occupancy, may be parked or stored (long term use) within the side yard or rear yard of a residential lot, or within an enclosed garage.
- 2) For purposes of long term storage, all year long, or a period of time exceeding 30 consecutive days, recreational vehicles parked within side yards of a property shall not be located in front of a line parallel to the front of the principal structure on the lot.
- 3) Recreational vehicles shall be customarily or ordinarily used for vacation or recreation purposes and not used as a place of human habitation for more than fourteen (14) consecutive days in any three (3) month period.
- 4) Recreational vehicles shall not be used for permanent human occupancy in any district.
- 6) Recreational vehicle shall not be used for business purposes.

17.8. ADULT ENTERTAINMENT ESTABLISHMENT REGULATIONS.

- 1) *Purpose.* The City of Sheldon finds:
 - a. Adult entertainment establishments require special consideration in order to protect and preserve the health, safety, and welfare of the patrons of such establishments as well as the citizens of Sheldon;
 - b. Adult entertainment establishments, because of their very nature, have a detrimental effect on both existing establishments around them and surrounding residential areas adjacent to them;
 - c. The concern over sexually transmitted diseases is a legitimate health concern of the city that demands reasonable regulation of adult entertainment establishments in order to protect the health and well-being of the community;
 - d. Adult entertainment establishments, due to their very nature, have serious objectionable operational characteristics, thereby contributing to blight and downgrading the quality of life in the adjacent area;
 - e. The City of Sheldon wants to prevent these adverse effects and thereby protect the health, safety, and welfare of its residents; protect residents from increased crime; preserve the quality of life; preserve the property values and character of the surrounding neighborhoods; and deter the spread of blight;
 - f. It is not the intent of this ordinance to suppress any speech activities protected by the First Amendment, but to enact content neutral regulations that address the secondary effects of adult entertainment establishments as well as the health problems associated with such establishments.

2) *Definitions Related to Adult Entertainment Establishments.*

- a. ***ADULT BOOKSTORE:*** An establishment that has a facility or facilities, including but not limited to, booths, cubicles, rooms or stalls for the presentation of “adult entertainment,” including adult-oriented films, movies, or live performances for observation by patrons therein; or an establishment having a substantial or significant portion of its stock-in-trade for sale, rent, trade, lease, inspection, or viewing of books, films, video cassettes, magazines, or other periodicals, which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified anatomical areas or specified sexual activities as defined below.
- b. ***ADULT ENTERTAINMENT:*** Any exhibition of any motion picture, live performance, display, or dance of any type, which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated specified sexual activities or specified anatomical areas as defined below.
- c. ***ADULT MOTION PICTURE THEATER:*** An enclosed building used for presenting material having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined below for observation by patrons of the building.
- d. ***ADULT ESTABLISHMENT:*** Any premises including, without limitation, "adult bookstores," or "adult motion picture theaters." It further means any premises to which public patrons or members are invited or admitted and which are physically arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member, where such adult entertainment is held, conducted, operated, or maintained for a profit, direct or indirect. Adult Entertainment Establishment further includes, without limitation, any premises physically arranged and used as such whether advertised or represented as an adult entertainment studio, exotic dance studio, encounter studio, sensitivity studio, or any other term of like import.
- e. ***OPERATORS:*** Any person, partnership, or corporation operating, conducting, maintaining or owning any adult entertainment establishment.
- f. ***SPECIFIED ANATOMICAL AREAS:*** Less than completely and opaquely covered female or male genitals or buttocks, and the fully exposed female breasts.
- g. ***SPECIFIED SEXUAL ACTIVITIES:*** Simulated or actual acts of:
 - (i) showing of specified anatomical areas in a state of sexual stimulation or arousal;
 - (ii) actual or simulated acts of sexual intercourse, sodomy, sado-masochism; or
 - (iii) fondling or erotic touching of specified anatomical areas.

3) *Location Restrictions.*

An adult entertainment establishments shall be permitted within the City of Sheldon only in the Heavy Industrial (HI) District upon receipt of a site plan (Article XVIII) and special exception use permit in accordance with the procedures set forth in Article XXVI, and only if it meets all of the location requirements set forth below. Distances provided hereafter shall be

measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed adult entertainment business is to be located, to the nearest point of the parcel of property or zoning district boundary line from which the proposed adult entertainment business is to be separated.

- a. Adult entertainment establishments shall be prohibited in or within one thousand (1,000) feet of the borders of a residential district.
- b. Adult entertainment establishments shall be prohibited within one thousand (1,000) feet of any church, synagogue, mosque, temple, or other place of religious worship.
- c. Adult entertainment establishments shall be prohibited within one thousand (1,000) feet of any public or private school offering general education for students between the years of Kindergarten and Twelfth grade.
- d. Adult entertainment establishments shall be prohibited within one thousand (1,000) feet of any daycare home or daycare business.
- e. Adult entertainment establishments shall be prohibited within one thousand (1,000) feet of any public park or playground. For purposes of this section, bike paths, trails, waterways, and boat launches shall not be deemed a public park.
- f. Adult entertainment establishments shall be prohibited within one thousand (1,000) feet of any other adult entertainment business.
- g. Adult entertainment establishments shall be prohibited within one thousand (1,000) feet of any existing establishment selling alcoholic beverages for consumption on premises.

4) *Development Design Standards.*

- a. *Exterior.* It shall be unlawful for an owner of an adult entertainment establishment to allow the merchandise or activities of the establishment to be visible from a point outside the establishment. Furthermore, the exterior portion of the adult-oriented establishment shall not have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representation of any manner depicting specified anatomical areas or specified sexual activities.
- b. *Signage.* The operator shall comply with Article XX of this ordinance. Additionally, the display surfaces of the sign shall not contain any flashing lights or photographs, silhouettes, drawings, or pictorial representations of any manner, except for the name of the enterprise.

5) *Responsibilities of the Operator.* Every act or omission by an employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

6) *Minors.* It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of an adult entertainment establishment at any time that the establishment is open for business. The operator must ensure that an attendant is stationed at