

Article 14. Use Standards

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14.1 PURPOSE

The purpose of this Article is to set forth additional requirements for specified uses of land. These standards are intended to ensure that the use is compatible with and minimizes the impact upon the surrounding area.

14.2 USE OF LAND AND STRUCTURES

No land or structure may be used or occupied except in conformity with the regulations for the zoning district in which it is located. No structure may be erected, reconstructed, extended, enlarged, altered or moved except in conformity with the regulations of the zoning district in which it is located.

14.3 USE STANDARDS

In addition to the use standards below, all uses are required to comply with the provisions of this Code including, but not limited to, Article 15 (On-Site Development Standards), Article 16 (Off-Street Parking and Loading), Article 17 (Landscaping and Screening), and Article 18 (Signs), and all other City regulations.

A. Adult Use

1. Purpose

- a.** The purpose and intent of the adult use regulations set forth in this Code is to serve a substantial government interest by attempting to preserve the quality and vitality of neighborhoods, curtail the depression of property values, restrain increased criminal activity, and slow the spread of sexually transmitted diseases.
- b.** Adult use establishments, as defined in this Code, because of their very nature, are recognized as having serious objectionable operational characteristics that have a deleterious effect upon the use and enjoyment of adjacent areas. These secondary effects are especially evident where such uses are concentrated.
- c.** The secondary effects associated with adult uses include an increased level of criminal activity, increased risk of exposure to sexually transmitted diseases, depression of property values, and a significant change in the character of surrounding neighborhoods.
- d.** One of the Code's objectives is to disperse adult uses by separation requirements from other adult uses and from other significantly incompatible uses. The Code allows adult uses only in the I-1 and I-2 Districts. In this

community, those areas are located throughout the City and provide opportunity for sites with good visibility and access to major streets and highways.

- e. It is recognized that such regulations cannot de-facto approach prohibition, otherwise a protected form of expression would vanish. The adult use regulations set forth in the Code represent a balancing of competing interests: reduction of objectionable secondary effects through the regulation of adult uses versus the protected rights of the owners, operators, performers and patrons of those adult uses.

2. Use Standards

An adult use establishment must be separated at least one-thousand three-hundred twenty (1,320) feet from any other adult use establishment and three-hundred fifty (350) feet from any hotel/motel, nursing home, senior housing, day care facility, place of worship, school and/or any residential district.

B. Amusement Center

In the C-3 District, amusement centers must be separated a minimum of three-hundred fifty (350) feet from a hotel/motel, nursing home, convalescent home, assisted living facility, independent living facility, or any residential district.

C. Bed and Breakfast Facility

Bed and breakfast facilities are subject to the following:

1. A minimum of twenty-five percent (25%) of the lot area must be landscaped.
2. A guest register showing the name, permanent address, motor vehicle license number, and date of lodging of all guests of the bed and breakfast and subject to hotel/motel tax is required.
3. The sale or service of intoxicating and non-intoxicating liquor is prohibited. However, a bed and breakfast facility may provide, at no additional charge, to a person renting a room at the facility, no more than two (2) glasses of wine containing not more than four (4) fluid ounces of wine to be consumed only on the premises.
4. Bed and breakfast facilities must have a minimum of one-thousand five-hundred (1,500) square feet of land per bed and breakfast sleeping room.
5. There must be a one-thousand (1,000) foot separation between bed and breakfast facilities in all districts, except in the RR, R-3 and R-3A Districts where there is no separation requirement.
6. Bed and breakfasts are limited to five (5) or fewer sleeping rooms except in the R-1, R-1A and R-2 Districts. In the R-1 and R-1A Districts, bed and breakfasts are limited to three (3) or fewer sleeping rooms. In the R-2 District, bed and breakfasts are limited to four (4) or fewer sleeping rooms.

7. Sleeping rooms may only be offered to overnight lodging guests for a maximum of fourteen (14) days during any consecutive thirty (30) day period.
8. No provisions for cooking may be provided in any of the sleeping rooms.

D. Car Wash

1. Car wash establishments are subject to the same limitations and conditions as service stations (Paragraph U).
2. All wash water disposal facilities including sludge, grit removal and disposal equipment are subject to the sewer use ordinance.
3. Total site area of a car wash must not exceed eighty-thousand (80,000) square feet.

E. Cemetery

In the R-3 District, commercial districts and industrial districts, no cemetery or contiguous individual cemeteries may contain less than fifty (50) acres.

F. Commercial Kennel

1. Commercial kennels must be located at least one-thousand three-hundred twenty (1,320) feet from any residential district.
2. In commercial districts, commercial kennels may not have outdoor runs.

G. Drive-In Establishment

1. Drive-in establishments are subject to the same limitations and conditions as service stations (Paragraph U).
2. Total site area of drive-in establishments must have a minimum total site area of not less than twenty-thousand (20,000) square feet or six-hundred (600) square feet per drive-in stall, whichever is greater, and a maximum site area of eighty-thousand (80,000) square feet.
3. If adjacent to an R-1 or R-1A District, a drive-in restaurant may not be operated between the hours of one (1) AM and eight (8) AM.

H. Dwelling Unit

1. All residential dwellings, with the exception of dwelling units within multi-family structures and mixed-use buildings, used for living purposes must be at least twenty-one (21) feet wide and at least thirty (30) feet long and placed on a permanent foundation as prescribed in the Building Code. The exterior material must extend to within eight inches (8") of the ground and an opaque surface extend from the bottom of the exterior material to the ground level, except that when a solid concrete or masonry perimeter foundation is used the exterior covering material need not extend below the top of foundation. The exterior

material skirting of a piered or wood foundation must be securely fastened to the foundation via a frame or similar construction to the walls of the dwelling.

2. No more than one (1) family may be permitted to occupy a dwelling unit at one time. See Article 21 for the definition of "family."

I. Essential Services and Essential Service Structures

In the Scenic Rivers Overlay District, essential services and essential service structures are subject to the following:

1. Distribution lines do not require a Scenic Rivers Construction Site Permit. "Distribution lines" mean lines, cables or conduits, or mains or pipelines used to distribute power, water, gas or other essential services to the utility customers. It is recommended, however, that construction of distribution lines consider the provisions of NR 79 for route design.
2. Essential service structures, such as electric substations, may not be constructed without the prior written approval of the City Council.

J. Homeless Day Center

Homeless day centers are subject to the following:

1. There must be a minimum separation of at least one-thousand three-hundred twenty (1,320) feet between homeless day centers.
2. On-site supervision and staffing is required during all hours of operation.
3. The applicant must submit a communications plan that describes how the provider will communicate with local community, neighborhood and business organizations, and with adjacent neighbors on a regular basis, and how community issues or concerns will be addressed.
4. A plan to minimize loitering in the vicinity of the facility (e.g., posting of hours of operation, appointment hours and set schedules for deliveries, interior waiting areas prior to food service), and a litter control plan to provide for the removal of litter in the vicinity of the facility on a regular basis (e.g., trash receptacles at entrances, staff inspections of sidewalks and alleys) must be provided.
5. All storage of donated goods must occur within a completely enclosed building.

K. Grading and Filling Activity

Any grading and filling work done within the Scenic Rivers Overlay District must comply with the following:

1. Grading and filling of the natural topography, which is not accessory to a permitted or conditional use, is prohibited.

2. Grading and filling of the natural topography, which is accessory to a permitted or conditional use, is permitted by a conditional use permit and must meet the following conditions:
 - a. Grading and filling of the natural topography must be performed in a manner which minimizes earth moving, erosion, tree clearing and the destruction of natural amenities.
 - b. The smallest amount of bare ground is exposed for as short a time as feasible.
 - c. Temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted.
 - d. Methods to prevent erosion and to trap sediment are employed.
 - e. Fill is stabilized to accepted engineering standards.
3. Excavation of material from or filling in the Scenic Rivers Overlay District, or construction of any permanent structures or navigational obstructions, is prohibited unless authorized by a permit from the Commissioner of Natural Resources pursuant to Minnesota Statutes Section 105.42.

L. Hotel/Motel

Hotels and motels may have one (1) manager's dwelling unit, which may be located on any floor.

M. Industrial Farm

Industrial farms of small poultry and animal farms with over fifty (50) poultry or animals per acre must be located at least one-thousand (1,000) feet from any residential district.

N. Lodging House

A dwelling unit may not be located within the principal building used as a lodging house.

O. Manufactured Home and Manufactured Housing Park

The purpose of this section is to define standards for manufactured housing parks, which will provide the amenities, design and environment desirable for this form of housing.

1. Compliance with Existing Codes

- a. No manufactured home may house more persons than for which originally designed, nor contain a greater density than permitted by other City codes.
- b. All City and state codes governing the construction and installation of sanitary and storm sewer, water and electrical lines must be complied with.

- c. No manufactured home may be located on any lot, tract or parcel of land not designated as a manufactured housing park or manufactured home sales lot, unless otherwise permitted by this Code.

2. Conditional Use Application

In addition to the requirements of this section and the conditional use permit application, an applicant for a manufactured housing park must submit a plan for the proposed park for review by the Planning Commission and approval by the City Council.

3. Minimum Site Standards

- a. A maximum of eight (8) manufactured homes per gross acre of a manufactured housing park is permitted.
- b. There must be a minimum area of eight (8) acres with a minimum width of three-hundred (300) feet for any manufactured housing park.
- c. Manufactured housing parks must contain five-hundred (500) square feet of park/play area for each manufactured home, with a minimum of one (1) park/play area in the manufactured housing park. Said park/play area(s) may not be located in the front, interior or street side, or rear setback of any manufactured home, but must be in a separate area of the manufactured housing park.

4. Lot Coverage and Site Setback Requirements

- a. Minimum distance between manufactured homes must be ten (10) feet.
- b. When a manufactured housing park abuts a residential district, there must be a minimum setback of fifty (50) feet between the residential property line and the manufactured housing park, which acts as a buffer zone and must be landscaped according to a landscape plan to be submitted at the time of application for said park.
- c. There must be a minimum setback of fifteen (15) feet from any lot line abutting a right-of-way.
- d. Lot coverage must not exceed thirty percent (30%).

5. Parking Requirements

At least two (2) off-street parking spaces must be provided for each manufactured home, said space to be adjacent to the manufactured home. Drive area and parking stall dimensions must meet the requirements of this Code.

6. Streets

- a. Two-way streets within a manufactured housing park must be a minimum of twenty-four (24) feet wide. One-way streets must be a minimum of sixteen (16)

feet wide. Streets must be surfaced with a bituminous or concrete surfacing material designed to City standards.

- b. Sidewalks must be a minimum of thirty (30) inches wide and constructed to facilitate safe pedestrian traffic.
- c. Access to and from a manufactured housing park must be the minimum necessary to provide safe vehicle and pedestrian traffic.
- d. All streets must have curbs and gutters and designed to provide drainage away from manufactured homes.

7. Accessory Structures

Storage sheds or garages may be provided either adjacent to the manufactured home or in a common, convenient location within the manufactured housing park. Storage sheds or garages must maintain a ten (10) foot setback from the manufactured home on an adjacent site. Storage of large items such as boats, trailers and similar equipment must not occur at the individual manufactured home site, but rather provided in a separate screened area of the park.

P. Micro-Brewery

The room or rooms containing the preparation and brewing process must not exceed two-thousand four-hundred (2,400) square feet in gross floor area. Taprooms and food service areas are not considered preparation or brewing area. Maximum brewing production may not exceed five-thousand (5,000) barrels per year. Micro-breweries with annual production greater than five-thousand (5,000) barrels are a conditional use.

Q. Office

In the AG District, office use is subject to the following:

- 1. An office must meet the minimum lot size of forty (40) acres.
- 2. A maximum of five (5) non-resident employees in total for all uses are allowed on-site.
- 3. The property owner must live and maintain his/her permanent place of residence on-site.
- 4. The office use must be staffed full time by the property owner.
- 5. Commercial activity is prohibited on-site.
- 6. Permitted hours of operation are six (6) AM to nine (9) PM Monday through Friday, and eight (8) AM to five (5) PM on Saturday.
- 7. One (1) sign is permitted to indicate the office use, which is a non-illuminated nameplate not more than one (1) square foot in area and attached to the building entrance.

8. The office must comply with all other applicable provisions in this Code and other ordinances, including off-street parking requirements.

R. On-Site Rental Office

An on-site rental office within a principal building or in an accessory recreational building with the office area occupying less than fifty percent (50%) of the total square feet of the accessory recreational building are subject to the following:

1. Square footage of office area allowed is based on the number of rental units that are served by the rental office. For each rental dwelling unit served by the rental office, the rental office is allowed three (3) square feet of office area, with a minimum of three-hundred (300) square feet and a maximum of eight-hundred (800) square feet permitted.
2. Office space must be used for those business transactions that are solely and exclusively related to rental activities for those housing units located within the principal building(s) located on the subject zoning lot or that is located within two-thousand five-hundred (2,500) linear feet of the subject zoning lot and is owned by the same entity.

S. Place of Worship

Offices used for religious institutions may not exceed a total of one-thousand five-hundred (1,500) square feet per site. The office must be in conjunction with, accessory to and located on the same premises as the place of worship.

T. Residential Facility

There must be a separation requirement of at least one-thousand three-hundred twenty (1,320) feet from another residential facility or temporary shelter facility. Such separation requirements do not apply to foster family homes.

U. Service Station/Convenience Store (Fuel Sales)

1. No buildings or structures, permanent or temporary, driveway surfaces, parking areas, advertising devices, or other similar site improvements, except driveways traversing a public road or boulevard, may be located within one-hundred ten (110) feet of any part of a residential district boundary which is separated from the service station by a public right-of-way, or within fifty (50) feet of a residential district boundary if not separated by a public right-of-way.
2. Vehicle service stations without service bays and convenience stores must have a minimum total site area of not less than ten-thousand (10,000) square feet. Stations having service bays must have a minimum total site area of not less than twenty-thousand (20,000) square feet.
3. Pump islands and canopies must be set back no less than fifteen (15) feet from any street right-of-way line and no less than twenty-five (25) feet from other property lines. If the site is adjacent to any residential district, a minimum fifty (50) foot setback must be required.

4. Hydraulic hoists, pits and all lubrication, greasing, washing, repair and diagnostic equipment must be operated within an enclosed building.
5. Interior curbs, no less than six (6) inches in height, must be constructed to separate driving surfaces from sidewalks, landscaped areas and streets.
6. No vehicle service station repairs and the sale of fuel on a site contiguous to any residential district may be operated between the hours of 11 PM and 6 AM.
7. All driving surfaces must be constructed and maintained in the same manner as required for parking lots.

V. Temporary Shelter Facility

1. Residential and Industrial Districts

A temporary shelter facility (TSF) permitted in a residential or industrial district is subject to the following:

- a. There must be a separation requirement of at least one-thousand three-hundred twenty (1,320) feet from another temporary shelter facility or residential facility.
- b. An on-site supervisor(s) is required during all hours of operation.
- c. The sale, service or consumption of intoxicating and non-intoxicating liquor is prohibited.
- d. For a temporary shelter facility where no maximum occupancy size is indicated, a temporary fifty percent (50%) increase in maximum occupancy is permitted for up to ten (10) days in any given thirty (30) day time period when it has been determined that all available shelter resources, including appropriate hotel and motel rooms, are at full capacity, as determined by the appropriate county human services department.
- e. A temporary shelter facility may extend the maximum length of stay from 45 days to 90 days for no more than 10% of its occupants at any given time.
- f. All other applicable codes must be complied with to assure protection of public health, safety and welfare.

2. Commercial Districts

A temporary shelter facility permitted in a commercial district is subject to the following:

- a. Rooming units are not permitted below the second floor and non-residential uses are not permitted on any floor above the ground floor.

- b. There must be a separation requirement of at least one-thousand three-hundred twenty (1,320) feet from another temporary shelter facility or residential facility.
- c. An on-site supervisor(s) is required during all hours of operation.
- d. The sale, service or consumption of intoxicating and non-intoxicating liquor is prohibited.
- e. A temporary shelter facility may extend the maximum length of stay from 45 days to 90 days for no more than 10% of its occupants at any given time.
- f. All other applicable codes must be complied with to assure protection of public health, safety and welfare.

W. Transmission Services

In the Scenic Rivers Overlay District, transmission services (i.e., utility service such as electrical power lines of a voltage of sixty-nine (69) kv or greater, or bulk gas or fuel being transferred from station to station, and not intended for in-route consumption) are subject to the following:

1. The owner must file maps indicating the location, alignment and type of service proposed as requested by the Zoning Administrator. The City must act upon all information filings within forty-five (45) days of receipt of a complete application by the Zoning Administrator. Failure to act within the forty-five (45) day period constitutes approval.
2. Maps and accompanying data on location and alignment of any essential services must be submitted to the Planning Commission for review and recommendations regarding the relationship of the essential services to urban growth, land uses, highways, and recreation and park areas. The Planning Commission must make a report of its findings and recommendations and file such report with the City Council.
3. Upon receipt of the Planning Commission report, the City Council must consider the maps and accompanying data and approve or approve with conditions.
4. Notwithstanding any other provisions, no transmission services will be permitted within any area designated in the Scenic Rivers Overlay District until the City is assured that the Department of Natural Resources is aware of any proposed removal of natural vegetation in connection with the construction and maintenance of transmission services.
5. No filing is necessary to maintain, reconstruct or relocate existing lines of facilities where the general line and confirmation remain essentially the same. Emergency work, which would otherwise require a filing, may be accomplished by providing such filings as soon as possible.

X. Utilities

Utilities, including telephone exchange and static transformer stations, and other public utility buildings, must meet the following standards:

1. There is no public business office or storage yard or storage building operated in connection with utility.
2. The exchanges, transformer stations or transformer mats are located fifteen (15) feet from any interior property line and twenty-five (25) feet from any street property line.

Y. Wind Energy Conversion Systems (WECS)

1. Purpose

Regulations governing wind energy conversion systems are established to provide for appropriate locations for wind energy conversion systems, to ensure compatibility with surrounding uses, and to promote safe, effective and efficient use of wind energy conversion systems to increase opportunities for generation of renewable energy. The ordinance is established to regulate the installation of Wind Energy Conversion Systems (WECS) within the City of St. Cloud, not otherwise subject to siting and oversight by the State of Minnesota.

2. Site Design Standards

a. General Siting Standards

- i. **Overlay Districts.** The following standards will apply to WECS in overlay districts.
 - a. WECS are prohibited within the Shoreland Impact Zone and Mississippi Scenic River District Districts.
 - b. Wind energy conversion systems shall comply with applicable regulations as established by the Federal Aviation Administration.
 - c. No wind energy conversion system shall be permitted to be located within Safety Zone A, Safety Zone B, or the vertical plane of Safety Zone C.
 - d. Wind energy conversion systems proposed for any locally designated historic structures or locally designated historic districts shall be subject to all requirements of the City's Heritage Preservation Ordinance.
- ii. **Right-Of-Way Encroachments.** No part of any wind energy conversion system shall extend across or over any part of a public right-of-way.

- b. **Siting of Building Mounted Wind Energy Conversion Systems.** Notwithstanding the height limitations of the zoning district, building mounted wind energy conversion systems shall be subject to the following provisions:

TABLE 14-1 STANDARDS FOR BUILDING MOUNTED WECS			
	WECS HEIGHT (STRUCTURE AND ROTORS)	SETBACK	MAXIMUM NUMBER OF SYSTEMS PER BUILDING
Residential Structures			
Less than four (4) stories and forty-two (42) feet in height	Prohibited	Prohibited	Prohibited
Four (4) or more stories and at least forty-two (42) feet in height	12'	10' from front, side, rear walls of structure upon which it would be mounted	1 per 2,000 sf of roof area
Non-Residential Structures			
Less than four (4) stories and forty-two (42) feet in height	12'	10' from front, side, rear walls of structure upon which it would be mounted	1 per 4,000 sf of roof area
Four (4) or more stories and at least forty-two (42) feet in height	12'	0	1 per 2,000 sf of roof area

c. Siting of Freestanding Wind Energy Conversion Systems

TABLE 14-2: SPECIFIC STANDARDS FOR FREESTANDING WECS				
DISTRICTS	TOWER TYPE	MAXIMUM HEIGHT	MINIMUM SETBACK (x tower height)	MINIMUM LOT AREA PER TOWER ¹
AG	Monopole Self-Support / Lattice Guyed Tower	100'	2.0	Ten (10) acres
RR	Monopole Self-Support / Lattice	100'	1.0	Ten (10) acres
Residential Districts	Monopole	65'	1.0	One (1) acre
C-1	Monopole	65'	1.0	One (1) acre
C-2	Monopole	65'	1.0	One (1) acre
C-5, Industrial Districts	Monopole Self-Support / Lattice Guyed Tower	130'	1.0	Ten (10) acres
Medical Service District	Monopole	65'	2.0	One (1) acre

FOOTNOTES TABLE 14-2

¹Parcels measuring less than the minimum lot area are allowed a single WECS.

- i. All WECSs shall provide a minimum separation of 15' between the ground and the vertical length of any extensions, such as a rotor blade.

- ii. WECSs towers and guy wires shall not be located in any required principal building setback of the underlying zoning district. No WECS shall be permitted to be located between the principal building and a required front and/or side yard.

3. System Design Standards

- a. **Maximum generating capacity.** Wind energy conversion systems shall have a rated capacity of not more than the amount specified for the particular zoning district.
- b. **Compatibility with nearby properties.** Wind energy conversion systems shall utilize building materials, colors and textures that are compatible with the existing principal structure and that effectively blend the system facilities into the surrounding setting and environment to the greatest extent possible. Rotor blades shall be non-metallic to prevent communication signal interference. Metal towers shall be constructed of, or treated with, corrosive resistant material. Outside of the industrial districts, unpainted, galvanized metal, or similar towers shall be prohibited, unless a self-weathering tower is determined to be more compatible with the surrounding area.
- c. **Controls and brakes.** All systems shall contain an internal governor or braking device which engages at wind speeds in excess of forty (40) miles per hour and minimizes the potential for wind damage to the equipment.
- d. **Electrical Wire.** All electrical wires associated with wind energy conversion systems shall be located within the tower and/or underground.
- e. **Security.** Tower shall be designed to discourage unauthorized climbing from ground level to 12' above ground level.
- f. **Signage.** Advertising or identification of any kind on wind energy conversion systems shall be prohibited, except for applicable warning and equipment information signage required by the manufacturer or by federal, state or local regulations.
- g. **Lighting.** Wind energy conversion systems shall not be illuminated by artificial means, except where the illumination is specifically required by the Federal Aviation Administration or other federal, state or local regulations.
- h. **Noise.** Wind energy conversion systems shall not emit noise in excess of the limits established in Minnesota Rules 7030 governing noise and Section 1050 of the St. Cloud City Code, as applicable.
- i. **Structural Stability.** The structure upon which the proposed wind energy conversion system is to be mounted shall have structural integrity to carry the weight and wind loads of the wind energy conversion systems and have minimal vibration impacts on the structure.
- j. **Maintenance required.** All wind energy conversion systems shall be kept in good repair and free from rust, damaged supports, framework or other components.

4. Abandoned or unused WECS.

All abandoned or unused wind energy conversion systems shall be removed within twelve (12) months of the cessation of operations unless an extension is approved by the Zoning Board of Appeals. If an extension is not approved, such wind energy conversion system shall be deemed a nuisance, and the city may act to abate such nuisance and require its removal at the property owner's expense. After the wind energy conversion system is removed, the owner or operator of the site shall restore the site to its original, or to an improved, condition.

5. Review Process.

- a. **In general.** The zoning administrator shall have up to fifteen (15) working days following the submittal of a complete application to approve or deny such application. The zoning administrator may impose such conditions and require such guarantees deemed reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan.
- b. **Submittal requirements.** In addition to the general application requirements of Article 2. Code Administration, Section 2.8 – Zoning Administrator, the applicant shall submit the following:
 - i. Scaled schematic drawings and photographic perspectives showing the structure and the placement of the wind energy conversion system.
 - ii. A written certification from a licensed structural engineer that the structure has the structural integrity to carry the weight and wind loads of the wind energy conversion system and have minimal vibration impacts on the structure.
 - iii. An analysis from a licensed engineer showing how the wind energy conversion system shall be designed, constructed and operated in compliance with all applicable federal, state, and local laws, codes, standards and ordinances.
 - iv. A written certification from a licensed engineer confirming that the wind energy conversion system is designed to not cause electrical, radio frequency, television and other communication signal interference.
 - v. Sufficient information demonstrating that the wind energy conversion system shall be used primarily to reduce on-site consumption of electricity, including but not limited to a complete listing of on-site electrical demands.
 - vi. Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install a wind energy conversion system, unless the applicant does not plan to connect the system to the electricity grid and declares so in the application.

- c. **Appeals.** Notwithstanding the provisions of Article 2. Code Administration, Section 2.8 – Zoning Administrator, decisions of the zoning administrator regarding the administrative review of permitted wind energy conversion systems shall be subject to appeal to the Zoning Board of Appeals.

14.4 TEMPORARY USES

A. Temporary Uses in the C-3, C-4 and C-5 Districts

In the C-3, C-4 and C-5 Districts, temporary uses on the site of a permanent use are permitted, subject to the following:

1. The use must be permitted in the district.
2. Hours of operation of the temporary use must substantially coincide with the permanent use.
3. Structures and equipment for the temporary use should be allowed so long as they meet applicable zoning regulations and all other regulations. Temporary uses and structures are allowed for a maximum of one-hundred twenty (120) days in a calendar year. Temporary structures and equipment must be removed from the site when the temporary use is not in operation.
4. Parking required for the temporary use must be provided on-site.
5. The owner of the permanent use must provide a site plan to the Zoning Administrator for approval and a signed statement identifying the hours and days of operation for both the temporary and permanent use. The site plan must denote the layout of all parking for the permanent use, and the location and size of all structures and equipment for the temporary use. Said approval is valid for one (1) calendar year.

B. Temporary Real Estate Offices in the R-1, R-1A and R-2 Districts

In the R-1, R-1A and R-2 Districts or a residential-only planned unit development, real estate offices are allowed as a temporary use subject to the following conditions:

1. One (1) temporary real estate sales office is permitted in any recorded plat with twenty (20) or more residential lots. The temporary real estate sales office must close when the number of vacant lots remaining in that plat is either ten (10) lots or twenty-five percent (25%) of the total residential lots, whichever is less.
2. The temporary real estate sales office must be located entirely within an unoccupied model home or garage attached to a model home. If an attached garage is utilized for sales purposes, the garage must be remodeled immediately following discontinuance of the real estate sales office so as to meet the minimum off-street parking requirements of this Code.
3. Hours of operation for a temporary real estate sales office are limited from eight (8) AM to eight (8) PM.

4. A maximum of four (4) employees are allowed to work within the temporary real estate sales office.
5. The temporary sales office must be utilized for the sole purpose of facilitating residential sales and coordinating development activities for the subdivision in which it is located. Any developer or building utilizing a temporary real estate office must maintain a primary office location off-site.

C. Temporary Contractor Trailers

Contractor trailers are allowed in any zoning district when accessory to a construction project or a new development. Contractor trailers are limited to a period not to exceed the duration of the active construction phase of such project. These trailers must not contain any sleeping or cooking accommodations. No trailer may be used as the general office or headquarters of any firm.

D. Temporary Storage Trailers

1. Temporary storage trailers, defined as rail shipping containers used for storage, must not be permanently attached to the ground, serviced with permanent utilities or stacked on the site.
2. Temporary storage trailers must be located within the rear yard and fully screened from view from the public right-of-way. Temporary storage trailers cannot be located within required buffer yards.