

CHAPTER 10: USE STANDARDS

6-10-1 USE OF LAND AND BUILDINGS

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

6-10-2 USE STANDARDS

In addition to the use standards below, all uses are required to comply with the provisions of this Ordinance including, but not limited to, Chapter 11: Site Development Standards, Chapter 12: Off-Street Parking and Loading, Chapter 13: Signs, and Chapter 14: Landscaping and Screening, as well as all applicable Village ordinances.

A. Residential Uses

1. Dwelling, Multi-Unit and Dwelling, Townhouse

- a. All townhouse developments and multi-unit dwellings shall be designed with the front facade facing the street. When the side walls of a townhouse development and multi-unit dwelling also face the street, building facades shall be designed with elements of a front façade, including doors and/or windows, to avoid the appearance of blank walls.
- b. There shall be a minimum separation of ten (10) feet between sidewalls among rows of townhouse developments and multi-unit dwellings. (See [Figure 1: Sidewall Separation](#)) Where the front or rear wall of a row of townhouse developments and multi-unit dwellings faces the front or rear wall of another row of townhouse developments and multi-unit dwellings, the minimum required separation between such buildings shall be a minimum of thirty (30) feet. Driveways and parking areas may be located within this minimum separation area. The minimum separation at the ground-floor may be reduced to twenty (20) feet for interior drives with garage doors facing garage doors, provided that the upper-story living spaces comply with the thirty (30) foot separation requirements. (See [Figure 2: Upper-Floor Separation](#))

FIGURE 1: SIDEWALL SEPARATION

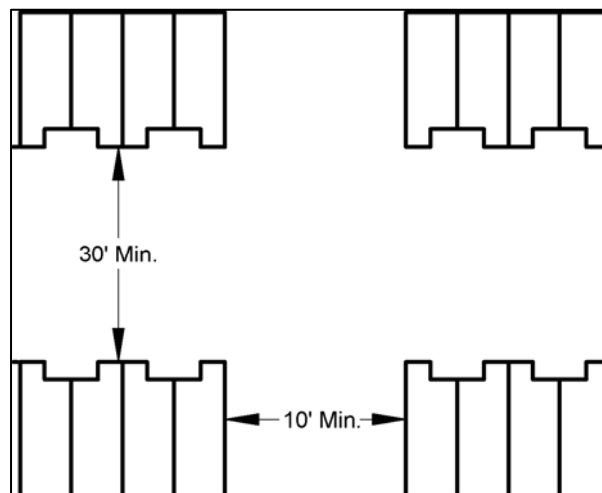
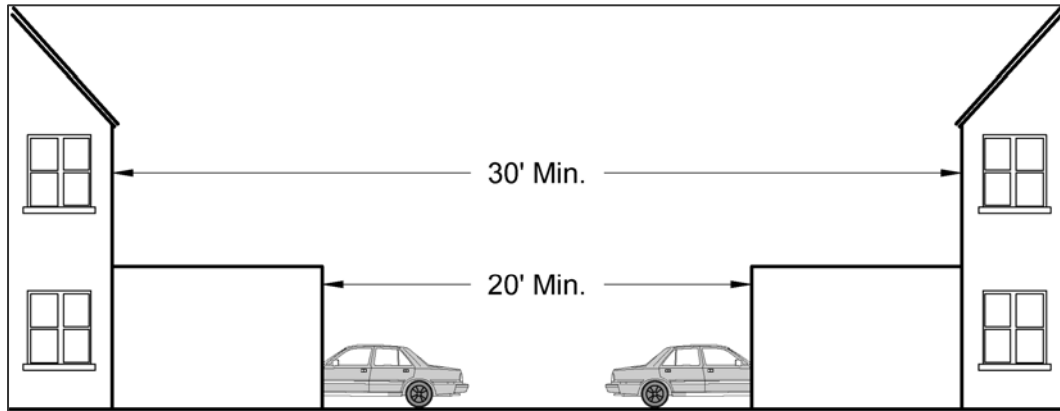


FIGURE 2: UPPER-FLOOR SEPARATION

- c. No more than six (6) townhouse dwelling units shall be attached to one another in a row.
- d. Townhouses should be designed with either detached garages located in the rear yard, or attached garages oriented to the rear or side of the units.
- e. Private yards a minimum of two hundred (200) square feet in area shall be required for each townhouse dwelling unit. This private yard may be located adjacent to a front wall, rear wall, or side wall, provided that it is immediately adjacent to the townhouse unit it serves and directly accessible from the townhouse unit by way of a door or stair. Required private yards must be at-grade or, if located on a terrace or patio, within four (4) feet of grade. All private yards must be landscaped with turf, groundcover, shrubs, trees or other landscape improvements, including hardscape such as patios.

2. Group Home

Group homes shall meet all federal, state and local requirements including, but not limited to, licensing, health, safety and building code requirements. In addition, the following criteria shall be considered.

- a. The cumulative affect of such uses will not alter the residential character of the neighborhood.
- b. The facility shall retain a residential, rather than institutional, character.
- c. The operation of the facility shall not adversely impact surrounding properties.
- d. Each operator shall make available to the Village Fire Department and Police Department, upon request, a list indicating the names, addresses and phone numbers of all residents within the group home.

3. Live/Work Dwelling

Any use permitted in the district in which the live/work dwelling is located is permitted as part of the live/work dwelling. In addition, arts-related activities, such as painting, photography, sculpture, music and film, conducted within a dwelling and where one-third ($\frac{1}{3}$) of the gross floor area is devoted to such work or studio space are also permitted. All live/work dwellings are subject to the standards for the individual uses

contained within this Section and this Ordinance, as well as the requirements of Section 6-11-5 (Environmental Performance Standards).

B. Cultural and Religious Uses

1. Cultural Facility

Cultural facilities shall be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties.

2. Place of Worship

Places of worship shall be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties.

C. Recreational and Entertainment Uses

1. Social Club or Lodge

a. Social clubs or lodges shall be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties.

b. No more than twenty percent (20%) of the gross floor area may be used as office space.

c. Social clubs and lodges are permitted to serve food and meals on the premises provided that adequate dining room space and kitchen facilities are available.

d. The sale of alcoholic beverages to members and their guests is permitted provided it is secondary and incidental to the promotion of some other common objective by the organization, and further provided that such sale of alcoholic beverages is in compliance with all applicable federal, state and local laws.

2. Indoor Entertainment and Indoor Recreation

Indoor entertainment and indoor recreation facilities shall be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties.

3. Outdoor Entertainment and Outdoor Recreation

Outdoor entertainment and outdoor recreation facilities shall be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties.

D. Retail and Service Uses

1. Adult Use

Adult uses shall be subject to the following standards:

- a. No adult use shall be located within one thousand (1,000) feet of any residential district, school, place of worship, or other adult use.
- b. The adult use shall be so designed, located and proposed to be operated so that the public health, safety, comfort, convenience and general welfare will be protected.
- c. It shall not cause substantial injury to the value of other property in the neighborhood in which it is located.
- d. It shall not unduly increase traffic congestion in the public streets and highways in the area in which it is located.
- e. It shall not cause additional public expense for fire or police protection.
- f. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" from any public way or from any adjacent property. This provision shall apply to any display, decoration, sign, show window or other opening.

2. Assisted Living Facility, Independent Living Facility, and Nursing Home

Assisted living facilities, independent living facilities, and nursing homes shall meet all federal, state and local requirements including, but not limited to, licensing, health, safety and building code requirements. Upon request, each operator shall provide the Village Fire Department and/or Police Department a list of all residents of the facility. In addition, the following criteria shall be considered:

- a. The location, design, and operating characteristics of the facility shall be compatible with, and shall not adversely affect, adjacent properties and the surrounding area.
- b. The facility shall be harmonious with surrounding buildings with respect to scale, architectural design, and building placement.
- c. The street network shall be capable of accommodating the traffic generated by the facility.

3. Currency Exchange

Currency exchanges shall be located one-thousand five-hundred (1,500) feet from any existing currency exchange or payday or title loan agency.

4. Day Care Center, Adult and Day Care Center, Child

Day care centers shall meet all federal, state and local requirements including, but not limited to, licensing, health, safety and building code requirements. Upon request of the Village Fire Department and/or Police Department, each operator shall provide

the Village Fire Department and/or Police Department a list of all adults or children being cared for, including names, addresses and phone numbers. In addition, the following criteria shall be considered:

- a. The provision of adequate on-site drop-off zones, sidewalks, and exterior lighting.
- b. The amount of traffic or noise to be generated.
- c. The provision of adequate open space.

5. Day Care Home, Adult and Day Care Home, Child

Day care homes shall meet all federal, state and local requirements including, but not limited to, licensing, health, safety and building code requirements. Upon request of the Village Fire Department and/or Police Department, each operator shall provide the Village Fire Department and/or Police Department a list of all adults or children being cared for, including names, addresses and phone numbers. In addition, the following criteria shall be considered:

- a. The provision of adequate on-site drop-off zones, sidewalks, and exterior lighting.
- b. The amount of traffic or noise to be generated.
- c. The provision of adequate open space.
- d. The day care home shall retain a residential character and the affect of the day care home will not alter the residential character of the neighborhood.
- e. The operation of the day care home shall not adversely impact surrounding properties.

6. Drive-Through Facility

A drive-through facility is considered a separate use, rather than accessory to the principal use. For the purposes of this Ordinance, car washes, gas stations and motor vehicle service and repair facilities shall exempt from the following standards.

- a. Drive-through facilities shall provide adequate stacking spaces, in accordance with Chapter 12: Off-Street Parking and Loading.
- b. All drive-through lanes must be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets.
- c. The volume on all intercom menu displays shall be maintained at a level so as not to create a public nuisance for adjoining residential districts.
- d. The operator of the drive-through facility shall provide adequate on-site outdoor waste receptacles and shall provide daily litter clean-up along the rights-of-way abutting the property.

7. Gas Station

- a. Gas station canopies shall be designed with luminaires recessed under the canopy to minimize light pollution. Light intensity directly under the canopy shall not exceed ten (10) footcandles at any location. All lighting mounted under the

canopy, including auxiliary lighting within signage and panels over the pumps, shall be included in the ten (10) footcandle limit.

- b. All gas station driveways must be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets.
- c. Gas stations may offer convenience items for sale as a secondary activity and may also include an automatic car wash.
- d. In addition, gas stations may be included as part of a minor motor vehicle repair and service shop. These gas stations shall be subject to the provisions of this Section and the standards of Paragraph 11 (Motor Vehicle Repair and Service, Minor) below.

8. Home Occupation

The following standards are intended to ensure that home occupations, conducted in a dwelling unit, are compatible with the neighborhoods in which they are located and do not interfere with the rights of the surrounding property owners to enjoy the established character of the neighborhood.

- a. The home occupation shall be conducted entirely within the dwelling unit.
- b. A home occupation shall not be established prior to the member(s) of the family conducting the home occupation taking possession of, and residing in, the dwelling unit.
- c. Only one (1) non-resident of the premises may be employed to work at or from the premises.
- d. The home occupation shall not generate excessive vehicular or pedestrian customer traffic.
- e. A home occupation shall not generate noise, solid waste, vibration, glare, fumes, odors or electrical interference beyond what normally occurs in a residential use.
- f. No outside storage or display of materials, merchandise, inventory or heavy equipment shall be permitted.
- g. No exterior building signs shall be permitted unless authorized by the sign regulations for the district.
- h. Any type of motor vehicle service and repair is a prohibited home occupation.
- i. Day care homes are not considered a home occupation and are subject to the standards of Paragraph 5 (Day Care Home, Adult and Day Care Home, Child) above.

9. Kennel

- a. Enclosures and runs shall provide protection against weather extremes. Floors of runs shall be made of impervious material to permit proper cleaning and disinfecting.

- b. Kennels shall provide an exercise area of a size equal to that required by the maximum number of animals that can be kept on premises at one time.
- c. All animal quarters and runs are to be kept in a clean, dry, and sanitary condition.
- d. Fencing surrounding exercise areas and/or runs shall be of a sufficient height to discourage jumping and shall be buried (as part of installation) to discourage digging beneath the fence posts.

10. Motor Vehicle Dealership and Motor Vehicle Rental Establishment

Newly established motor vehicle dealerships or rental establishments shall have a minimum lot size of fifteen-thousand (15,000) square feet.

11. Motor Vehicle Service and Repair, Major and Motor Vehicle Service and Repair, Minor

- a. Minor motor vehicle service and repair shops may not store the same vehicles outdoors on the site for longer than five (5) days. Major motor vehicle service and repair shops may not store the same vehicles outdoors on the site for longer than thirty (30) days.
- b. All driveways must be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets.
- c. All repair operations shall be fully enclosed. Wrecked or junked vehicles shall not be stored for longer time periods than those specified above and shall be screened from the public right-of-way and any adjacent residential districts.
- d. Minor motor vehicle service and repair shops may also include gas stations as a secondary use. All gas stations which are part of such an establishment must comply with the regulations of Paragraph 7 (Gas Station) above.

12. Outdoor Dining

Outdoor dining is considered a separate use, rather than accessory to the principal use.

- a. Outdoor dining areas shall not interfere with the use of parking spaces and aisles.
- b. Outdoor dining areas shall not be located in any required yard that abuts a residential use or district, unless an alley is located between an abutting commercial use and a residential use or district.
- c. Outdoor dining is permitted on a public sidewalk, subject to approval by the Planning and Zoning Administrator. Any property owner requesting an outdoor dining area on a public sidewalk shall provide proof of insurance, naming the Village as additionally insured in the form and amount acceptable to the Village Attorney.

13. Payday or Title Loan Agency

Payday or title loan agencies shall be located one-thousand five-hundred (1,500) feet from any existing payday or title loan agency or currency exchange.

14. Tattoo Parlors and/or Body Piercing Studios

Tattoo parlors and/or body piercing studios shall be subject to the following standards:

- a. Tattoo parlors and/or body piercing studios shall comply with all state, county and municipal regulations.
- b. No tattoo parlor and/or body piercing studio shall be located within one-thousand (1,000) feet of any residential district, school, or other tattoo parlor and/or body piercing studio.

E. Transportation Uses

1. Motor Vehicle Operations Facility

All repair operations and service bays shall be fully enclosed.

2. Parking Structure

- a. Parking structures located in the C1 or C2 Districts shall be faced with commercial uses along seventy-five percent (75%) of the length of the façade adjacent to the public right-of-way
- b. Where there is no storefront, parking structures shall provide a landscaped yard of ten (10) feet along any façade adjacent to a public right-of-way.

F. Manufacturing, Storage and Research Uses

1. Manufacturing, Light and Manufacturing, Medium

All manufacturing activities shall be conducted within completely enclosed buildings.

G. Other

1. Wireless Telecommunications Antenna, Facility and Tower

a. Purpose

The following standards for wireless telecommunications antennas, facilities, and towers are intended to:

- i. Ensure public health, safety, convenience, comfort, and general welfare.
- ii. Ensure access to reliable wireless telecommunications services throughout all areas of River Grove.
- iii. Encourage the use of existing towers and other structures for the collocation of wireless telecommunications antenna.
- iv. Encourage the location of towers, to the extent possible, in areas where the adverse impact on the Village will be minimal and preferably in non-residential, as opposed to residential, districts.

- v. Minimize the potential adverse effects associated with the construction of wireless telecommunications towers through the implementation of reasonable design, landscaping, and construction practices.

b. Application Requirements

In addition to the requirements for a special use permit, all applications to erect, construct or modify any part of a wireless telecommunications antenna, facility, or tower shall include the following items, unless waived by the Village:

- i. A site plan showing:
 - (A) The location, size, screening, and design of all buildings and structures, including fences.
 - (B) The location and size of all outdoor equipment.
 - (C) The location, number, and species of proposed landscaping.
- ii. A maintenance plan, and any applicable maintenance agreement, designed to ensure long-term, continuous maintenance to a reasonably prudent standard.
- iii. A disclosure of what is proposed, demonstrating the need for the proposed wireless telecommunications tower to be located as proposed based upon one (1) or more of the following factors:
 - (A) Proximity to a major thoroughfare.
 - (B) Areas of population concentration.
 - (C) Concentration of commercial or other business centers.
 - (D) Areas where signal interference has occurred due to buildings, masses of trees, or other obstruction.
 - (E) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
- iv. The reason or purpose for the placement, construction or modification with specific reference to the provider's coverage, capacity, and/or quality needs, goals, and objectives.
- v. The service area of the proposed wireless telecommunications facility.
- vi. The nature and extent of the provider/applicant's ownership, easement or lease interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.
- vii. The identity and address of all owners and other persons with a real property interest in the property, building, or structure upon which facilities are proposed for placement, construction, or modification.

- viii. A map showing existing and proposed wireless telecommunications antennas, facilities and towers within the Village and within areas surrounding the borders of the Village relevant in terms of potential colocation and/or in demonstrating the need for the proposed facility.
- ix. Certification by a State of Illinois licensed and registered professional engineer regarding the manner in which the proposed structure will fail. The certification may be utilized, along with other criteria such as applicable regulations for the district in question, in determining if additional setback should be required for the structure and other facilities.
- x. The Village Board shall have the discretion to require the applicant to provide a visual simulation or rendering of the proposed support structure that illustrates the relationship between the height and the visual appearance of the structure. If required, the visual simulation shall be provided from two different perspectives and accurately depict the scale of the proposed structure in the context of the surrounding area.
- xi. Colocation shall be deemed to be feasible for purposes of this Section where all of the following are met:
 - (A) The wireless telecommunications provider under consideration for colocation will provide fair compensation for colocation.
 - (B) The site on which colocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
 - (C) The colocation being considered is technologically feasible, where the colocation will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the tower, antenna and the like.
 - (D) The height of the structure necessary for colocation shall not exceed the maximum height allowed by this Section.

c. Setback

- i. Wireless telecommunications towers shall be set back from all property lines a distance equal to their height as measured from the base of the structure to its highest point. The Village Board may reduce or waive any required setback, upon the request of the applicant, if the tower will be less visible as a result. The Village Board must find that the reduction or waiver of the setback is consistent with the purposes and intent of this Section and this Ordinance. In all cases, the tower must at least meet the underlying setback requirements of the zoning district in which it is located.
- ii. Wireless telecommunications facilities shall be setback from all property lines in accordance with the minimum setback requirements in the zoning district.

d. Height

The maximum height of a wireless telecommunications tower shall not exceed one-hundred fifty (150) feet, including all attachments (antennas, lightening rods, arrays, etc.). A special use application for approval of a wireless telecommunications tower shall demonstrate that the tower does not exceed the minimum height requirement necessary to function satisfactorily.

e. Lighting and Marking

Wireless telecommunications antennas, towers and facilities shall not be lit or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

f. Landscaping

Landscaping is required to enhance compatibility with adjacent land uses. A fence six (6) feet in height must be erected around the wireless telecommunications tower and/or facility. Landscaping shall be installed on the outside of fencing in accordance with the following:

- i. One (1) shade tree shall be provided for every twenty-five (25) feet of fence length, not including gates or other fence openings.
- ii. One (1) shrub for every five (5) linear feet of fence length, not including gates or other fence openings.
- iii. The landscaping may be flexible in its arrangement by appropriately aggregating the required plant materials and maintaining open areas around gates or other fence openings.

g. Additional Standards for Wireless Telecommunications Antennas

- i. Wireless telecommunications antennas do not include satellite dishes, as regulated in Section 6-11-3 J (Satellite Dish Antenna) of this Ordinance.
- ii. Antennas shall be of a color that is identical or similar to the color of the supporting structure to make the antenna visually unobtrusive.
- iii. No antenna shall increase the height of any structure on which it is mounted by more than ten percent (10%), or ten (10) feet, whichever is less.

h. Additional Standards for Wireless Telecommunications Facilities

- i. Any buildings, cabinets, or shelters shall only house equipment and supplies for operation of the wireless telecommunication tower. Any equipment not used in direct support of such operation shall not be stored on the site.
- ii. Signs for the wireless telecommunications facility shall be limited to ownership and contact information, FCC antenna registration number (if required), and any other information required by government regulation. Commercial advertising is strictly prohibited.

i. Additional Standards for Wireless Telecommunications Towers

- i. Wireless telecommunications towers shall be designed to accommodate at least three (3) telecommunications providers.
- ii. The area surrounding a tower must be of a sufficient size to accommodate wireless telecommunications facilities for at least three (3) telecommunications providers.
- iii. Unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration or the Village, towers shall have a galvanized silver or gray finish.

j. Stealth Design

Stealth design is encouraged and shall comply with the following regulations:

- i. To qualify as a stealth design, wireless telecommunications antennas and towers must be enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a causal observer.
- ii. Antennas located on structures already permitted within zoning districts, such as flagpoles, bell towers, clock towers, crosses, monuments, smoke stacks, parapets and steeples, and designed to blend in to the structure are considered stealth design.
- iii. Setbacks for the any stealth design tower shall be governed by the setback requirements of the zoning district.
- iv. Stealth design shall accommodate the colocation of other antenna where economically and technically feasible or aesthetically appropriate, as determined by the Village Board.

k. Abandonment

Any wireless telecommunications tower or facility that is not operated for a period of twelve (12) consecutive months shall be considered abandoned. The owner shall remove the tower or facility within six (6) months of its abandonment. The Village shall ensure and enforce removal by means of its existing regulatory authority.

l. Nonconformities

i. Nonconforming Wireless Telecommunications Antenna or Facilities

Ordinary maintenance may be performed on nonconforming antenna or facilities. However, if the proposed alteration would intensify a nonconforming characteristic of the antenna or facility, a special use permit is required.

ii. Nonconforming Telecommunications Towers

(A) Ordinary maintenance may be performed on nonconforming towers.

(B) Colocation of antenna on an existing nonconforming tower is permitted upon approval of the Building Commissioner, provided that the addition of the antenna and any additional wireless telecommunications facilities do not intensify the nonconformity.

6-10-3 TEMPORARY USES

A. Temporary Use Permit Application

1. Any person, firm, or corporation desiring to obtain a temporary use permit, as required by this Ordinance, shall file a written application with the Building Commissioner on a form provided by the Village, together with an application fee as required by Appendix B (Fee Schedule).
2. The Building Commissioner shall grant temporary use permits for those uses listed in Paragraph C below so long as he/she determines that the proposed use, including the erection of any temporary building or structure, complies with the requirements of this Section and this Ordinance. Unless expressly provided in this Section, every temporary use shall comply with the bulk requirements applicable in the district in which the temporary use is located.
3. Temporary uses not specifically listed here shall require the specific approval of the Village Board. Such uses may be allowed in any zoning district, provided that such temporary use is consistent with the purpose and intent of this Ordinance and the zoning district in which it is located.
4. Every temporary use shall comply with, and the Building Commissioner or Village Board may impose, such other conditions, as part of the temporary use permit approval, as may reasonably be necessary to achieve the purposes of this Ordinance, and to protect the public health, safety, comfort, convenience and general welfare. No temporary use shall be permitted in any district if it would have a significant negative impact on any adjacent property or on the area as a whole.

B. General Provisions

Every temporary use shall comply with all the requirements listed below.

1. No temporary use shall be permitted that causes, or threatens to cause, an on-site or off-site threat to the public health, safety, comfort, convenience and general welfare.
2. Every temporary use shall be operated in accordance with such restrictions and conditions as the Fire Department may require. If required by the Village, the operator of the temporary use shall employ appropriate security personnel.
3. No temporary use shall be permitted if the additional vehicular traffic reasonably expected to be generated by such use would have undue detrimental effects on surrounding streets and uses.

4. No temporary use shall be authorized that would unreasonably reduce the amount of parking spaces available for use in connection with permanent uses located on the lot in question. The Building Commissioner may make an assessment of the total number of parking spaces that will be reasonably required in connection with a proposed temporary use, on the basis of the particular use, its intensity and the availability of other parking facilities in the area. The Building Commissioner shall approve such temporary use only if such parking spaces are provided.
5. No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.
6. Signs shall be permitted only in accordance with the Chapter 13: Signs.

C. Permitted Temporary Uses

1. Carnivals/Circuses

Carnivals/Circuses are allowed in any zoning district. Any such use shall be evaluated on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties. Such use need not comply with the yard requirements and the maximum height requirements of this Ordinance. The concessionaire responsible for the operation of any such use shall:

- a. Submit, in advance of the event, a site layout displaying adequate ingress and egress routes for emergency vehicles with no dead-end aisles.
- b. Provide fire extinguishers of a type, and at site locations, approved by the Fire Department.
- c. Provide, and service, refuse containers in the number and locations required by the Building Commissioner.
- d. Provide for thorough clean-up of the site at the completion of the event.
- e. Provide proof that all amusement devices have been State inspected.
- f. Upon written notice from the Village, immediately stop the use of any amusement device or structure found by the Village to pose a threat to the public safety.

2. Christmas Tree Sales Lot and Pumpkin Sales Patch

Christmas tree sales and pumpkin sales patches are allowed in any non-residential zoning district. Any such use shall be evaluated based on the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact on other properties. Such use shall be limited to a period not to exceed forty-five (45) days. Display of Christmas trees need not comply with the yard requirements of the district in which the lot is located.

3. Farmstands and Farmers Markets

Farmstands and farmers markets are allowed in any non-residential district. No product may be exhibited or offered for sale except the following: fresh dairy goods, fruits, vegetables, juices, flowers, plants, herbs, and spices produced or grown by the vendor and baked goods made by the vendor(s).

4. House, Apartment, Garage and Yard Sales

Such sales are allowed in any residential district, but only when limited to personal possessions of, or arts and crafts made by, the owner or occupant of the dwelling unit where the sale is being conducted. Such use shall be limited to a period not to exceed three (3) consecutive days and no more than two (2) such sales shall be conducted from the same residence in any twelve (12) month period.

5. Arts and Crafts Shows, and Plant Shows (Indoor and Outdoor)

Such sales are allowed in any zoning district. Any such sale shall be evaluated based on the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact on other properties. In residential districts, such sales shall be limited to a period not to exceed three (3) days and no more than two (2) such sales shall be permitted in any twelve (12) month period.

6. Sidewalk Sales

Sidewalk sales must be in conjunction with, and clearly incidental to, an existing permanent use on-site. Sidewalk sales are allowed in any non-residential district, and are permitted to display and sell merchandise that is found in stores participating in the sidewalk sale only. No such sale shall be permitted for a period of more than five (5) successive days and no more than two (2) such sales shall be permitted in any twelve (12) month period.

7. Temporary Contractor Trailers and Real Estate Model Units

Contractor trailers and real estate model units are allowed in any zoning district when accessory to a construction project or a new development, respectively. Such use shall be limited to a period not to exceed the duration of the active construction phase of such project or the active selling and leasing of space in such development, respectively. No such use shall contain any sleeping or cooking accommodations, except those located in a model unit used for demonstration purposes only. No such trailer, unit, or office shall be used as the general office or headquarters of any firm.

8. Temporary Outdoor Sales and Display

Retail goods establishments are permitted temporary outdoor sales and display of merchandise, by either a storeowner or occupant, outside the store and within the same lot. Any lawfully existing commercial use shall be permitted to display and sell its merchandise outdoors under the following conditions:

- a. No display, sales or additional parking is permitted in any street right-of-way. In addition, no display, sales or additional parking shall obstruct pedestrian or vehicular traffic.
- b. All display and sales areas shall comply with the minimum required yard setbacks
- c. No more than ten percent (10%) of the required parking area for the existing commercial use may be used for the temporary outdoor sales and display, unless approved by the Building Commissioner. The use of the parking area for such outdoor sales and display shall only be used on a temporary basis.

9. Temporary Storage Trailers and Temporary Storage Containers

- a.** Temporary storage trailers and temporary storage containers shall not be used for permanent storage. They shall not serve as a substitute for permanent storage needs on the site on which they are located.
- b.** Temporary storage trailers and temporary storage containers shall not be permanently attached to the ground, serviced with permanent utilities or stacked on the site.
- c.** Temporary storage trailers are not permitted in residential districts. Temporary storage trailers shall only be permitted when they are located within a loading dock or bay or within the rear yard, or are in the process of being loaded or unloaded within an approved designated loading area. If a business is in need of any additional accommodations for temporary storage trailers, they can request a variation to these standards from the Plan Commission/Zoning Board of Appeals.
- d.** Temporary storage containers are permitted in any district. Such containers shall be permitted within the driveway or on the street for no longer than twenty-four (24) hours. Temporary storage containers may not encroach into front, corner side or interior side yards, except on pre-existing driveways or other paved surfaces. Temporary storage containers are permitted in rear yards for no longer than five (5) days only if they are screened from view and are located five (5) feet from any lot line. However, temporary storage containers shall not serve as a substitute for permanent storage needs on the site on which they are located.