

### **3.2.3 Commercial Use Standards**

#### **A. Adult Entertainment Establishment**

1. An adult entertainment establishment shall be located a minimum of 1,000 feet, as measured in any direction from property line to property line, from any existing adult entertainment establishment.
2. An adult entertainment establishment shall be located a minimum of 1,500 feet, as measured in any direction from property line to property line, of any residentially-zoned property, church, school, government-owned or managed building open for public assembly or park.
3. Any display, device or sign that depicts or describes specified sexual activities or specified anatomical areas shall be out of view of the public way and surrounding property.
4. Such use shall abut a collector or greater classified street.

#### **B. Auto Repair Garage**

All motor vehicles on the premises must carry a current registration and/or a work order with a completion date not to exceed 90 days. Motor vehicles without valid registration and/or a work order shall be classified as salvage and junk, and may not be kept, stored or worked on in an auto repair shop.

#### **C. Bar, Nightclub or Tavern**

Bars, nightclubs or taverns shall comply with the standards in this section

1. No bar, nightclub or tavern shall be located less than 750 feet from the nearest property line of any existing place of worship, public or private school, or residential district.
2. Such uses shall submit documentation demonstrating compliance with applicable state laws.

#### **D. Bed and Breakfast**

Bed and breakfast establishments shall comply with the standards of this section:

1. Lodging and breakfast may be provided for temporary overnight occupants in no more than 5 separate bedrooms for compensation;
2. One (1) off-street parking space shall be provided per bedroom offered for use for temporary overnight accommodations, in addition to off-street parking otherwise required pursuant to Sec. 4.2, off-street parking standards;
3. All guest rooms shall be located in the principal structure;
4. Structures shall not be altered in a way that changes its general residential appearance;
5. One (1) sign shall be allowed, in accordance with the requirements of Sec. 6.5, Signs, of this LUC;
6. There shall be an on-site resident manager; and
7. Earth-tone colors shall be utilized that minimize contrast with the surrounding landscape.

#### **E. Car Wash**

Self-service and full-service car wash facilities shall comply with the following standards:

1. All washing facilities shall occur under a roofed area with at least 2 walls.
2. Vacuuming facilities may be outside the building but shall not be in the front yard and shall not be closer than 25 feet from any residential district.
3. The building surfaces shall be faced with masonry, porcelanized steel, baked enamel steel or other material equal in durability and appearance.
4. The building shall not be less than 100 feet from any residential district.
5. The building shall be setback not less than 25 feet from the front property line.
6. Off-street parking shall be provided on the property in the ratio of not less than three parking spaces for each washing stall, or five parking spaces for each automobile that may be accommodated on the washing line within a full-service building.
7. All off-street parking areas shall be hard-surfaced and dust-free.
8. A permanent screening fence or wall in accordance with the requirements of Sec. 4.4 and not less than 6 feet in height shall be provided along any property line which abuts a residential district.

#### **F. Dude Ranch or Destination Resort**

All dude ranch or destination resort shall comply with the standards of this section:

1. Accommodation units may be provided for temporary overnight occupants or for employees;
2. Accessory facilities may include restaurants, gift shops, employee housing, equestrian facilities and health spas;
3. Visual impacts of structures and parking as viewed from public rights-of-way and high use areas shall be substantially mitigated through use of building siting, screening, landscaping or increased setbacks;

4. Utilize earth-tone colors with low light reflective values that minimize contrast with the surrounding landscape;
5. The proposed project and accommodations density shall be compatible with the surrounding land uses and suitable for the proposed site;
6. Utilize indigenous, regional architecture styles and materials;
7. Provide adequate public facilities and services based on the type and scope of the development proposed; a private water and/or sewerage system may be required where the capacity of available public water system and/or sewage treatment system is insufficient to serve current zoned density;
8. Provide public trail and/or road right-of-way dedications as necessary to maintain historic access to public lands;
9. Limit the height of all accommodations units to 24 feet and the main lodge structure to 35 feet;
10. Limit the number of primary structures on site to an average of one (1) per 5 acres;
11. Incorporate varied roof lines and wall off-sets as necessary to break-up the perceived mass and scale of all structures larger than a typical single family home;
12. Provide complete food service for all guests;
13. Provide a recreational amenity package suitable for the scale of the project.
14. Signs allowed on site shall comply with the requirements of Sec. 6.5, provided, however, that:
  - a. Maximum allowable signage, defined as the aggregate total square footage of signs onsite, shall be as determined by the Planning Commission up to a maximum of 192 square feet, provided that no individual sign shall be larger than 92 square feet; and
  - b. Signs that are not visible from off-site shall not be considered in the maximum allowable signage.
15. The density of accommodations units shall be limited to one (1) per 2.5 acres, and the average size of all accommodations units shall not exceed 600 square feet; provided, however, that the County may permit bonus density up to one (1) unit per acre and/or bonus average unit size, where the County specifically finds that a proposed development will provide significant and substantial public benefit, as compared to alternative uses for the subject property, by exceeding county standards with respect to:
  - a. Protection of sensitive lands on the site;
  - b. Dedication of view shed easements across the property from high public use areas;
  - c. Dedication of 80 percent or more of the site as open space;
  - d. Protection and enhancement of wildlife habitat; and
  - e. Diversification of the local economy.

#### **G. Flea Market**

Flea markets shall comply with the standards in this section.

1. A site plan, prepared in accordance with the requirements of Sec. 7.17 shall be approved and filed as part of the resolution of approval. Such required site plan and or resolution shall set forth the requirements for:
  - a. Ingress and egress to the property;
  - b. Location and dimensions of structures and signs;
  - c. Specific areas proposed for specific types of land use;
  - d. Parking spaces;
  - e. Rest rooms;
  - f. Topography;
  - g. Outdoor lighting;
  - h. Drainage plan (including calculation of pre- and post- development flows);
  - i. Screening fence or wall (See Sec. 6.4.3F); and
  - j. Landscaping and other development and protective requirements including maintenance considered necessary to create a reasonable transition to and protection of the adjacent property.
2. The sales or parking area shall be setback at least 300 feet from any residential zone district and from a lot or parcel containing a residential use.
3. Adequate screening shall be required to screen the use from view of adjacent and nearby residential uses.
4. Selling area and parking area shall be an all-weather, dust-proof surface and shall be maintained in a usable condition at all times.
5. Adequate traffic access to the flea market shall be available via non-residential streets.
6. The vendor shall hold a valid state sales tax permit.

7. An flea market shall provide one (1) off-street parking space for each employee (typical peak), in addition to off-street parking otherwise required pursuant to Sec. 4.1, Off-street Parking.

8. Overnight lodging or parking of RV's shall not be permitted.

9. The County may regulate the hours in which outdoor lighting may be used.

10. The County may impose any further reasonable conditions necessary to protect the health, safety or welfare of the public.

#### **H. Fuel Service**

Gasoline service stations, convenience stores and other fuel service uses shall comply with the following standards.

1. All gasoline service station dispensers shall be setback at least 20 feet from all property lines.

2. All light fixtures mounted on the lower surface of gas canopies must be fully shielded in-and-of themselves (canopy edges do not qualify as shielding).

3. Comply with all applicable state and federal standards, including EPA.

#### **I. Indoor Recreation Use**

Amusement and recreation uses shall be conducted within a completely enclosed building which shall have no openings, other than stationary insulated glass windows, or required exiting openings, facing any adjacent residentially zoned or developed property.

#### **J. Outdoor Recreational Use**

Outdoor recreational uses shall comply with the following standards:

1. A site plan prepared in accordance with the requirements Sec. 7.17 shall be approved and filed with the findings of fact as part of the approval.

2. Improvements shall be audibly insulated, sited and designed so as to minimize visibility from residential areas, developed property, public use areas and public rights-of-ways.

3. Colors used in improvements shall be of low reflective value so as to not draw undue attention to such uses.

4. Food service and retail uses are permitted only as accessory uses, in accordance with Sec. 3.4.

5. A reclamation bond shall be required sufficient to ensure restoration of the site to a reasonably natural or preconstruction state should the use cease in the future for any reason.

#### **K. Outfitter, Guide Service and Facility**

Outfitters, guide services and facilities shall screen all outdoor storage from view off-site with an 8 foot sight obscuring fence.

#### **L. Recreational Vehicle/Travel Trailer Park**

Recreational vehicle/ travel trailer parks shall comply with the following standards

1. Each space may be occupied only by persons using travel trailers, truck campers, small cabins (traditional KOA-style), and tents for overnight, short duration, or seasonal camping;

2. Each space RV/travel trailer space shall be at least 1200 square feet in area;

3. Each cabin or tent space shall be at least 800 square feet in area;

4. Each space shall be at least 30 feet in width;

5. Each park shall be served by public water and sewer facilities;

6. No space shall be located more than 200 feet from a water and sewage service building;

7. The County may require landscaping and screening pursuant to the provisions of Sec. 6.4, Landscaping and screening; and

8. One (1) tree of a species suitable for the area shall be provided for each 2 spaces, and shall be located in close proximity to those spaces. (Existing trees on the site may be used to satisfy this requirement.)

#### **M. Restaurant**

Restaurants shall comply with the following standards:

1. Drive-up, drive-through facilities shall provide at least 4 vehicle stacking spaces. Where practicable, there shall be at least one (1) temporary vehicle stopping space after the delivery window so motorists may prepare themselves for a safe exit onto the public roadway.

2. Designated outdoor eating areas accessory to restaurants, such as in a courtyard or on a roof or deck, shall be added to the gross floor area of the building for purposes of computing off-street parking requirements. Outdoor eating areas shall not be designated in required parking areas.

#### **N. Kennel**

Dog kennels shall comply with the standards of this section.

1. No outdoor kennel shall be permitted in any zoning district.

2. The kennel shall be located not less than 300 feet from a residential structure that is located on any property in separate ownership. For the purpose of this section, measurement of the 300-foot distance shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of an existing habitation to the nearest portion of the kennel.

3. No outdoor exercise run area shall be permitted less than 50 feet from any land zoned residential.

4. All cages, pens, grooming areas shall be maintained with a completely enclosed, soundproof building; the facility shall conform to the noise restrictions of Sec. 4.12.3.

5. All facilities shall be designed and constructed in a manner that eliminates any emission of odor offensive to persons owning, occupying or patronizing properties adjacent to the use.

#### **O. Telecommunications Tower and Facility**

Telecommunications towers and facilities may be permitted, subject to the following requirements:

##### **1. Minimum Lot Area**

Notwithstanding other provisions to the contrary, the minimum lot area for such uses shall include all lands within the diameter of the fall zone, the radius of which shall be the height of the tower.

##### **2. Co-Location Requirements**

A proposal for a new telecommunication towers shall not be approved unless the County Council finds that the equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within Spanish Valley, or within a 5 mile search of the proposed tower outside of Spanish Valley, due to one (1) or more of the following reasons:

a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost;

b. Existing or approved towers and buildings within Spanish Valley or the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer;

c. All telecommunication towers shall be designed (structurally, electrically, and in all respects) to accommodate both the applicant's antennas and comparable antennas for at least 2 additional users if the tower is to be over 60 feet in height, or for 4 additional users if the tower is over 100 feet in height; and towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights;

d. Other unforeseen reasons make it unfeasible to locate the planned tele-communications equipment upon an existing or approved tower or building.

##### **3. Tower and antenna Design**

Proposed or modified towers and antennas shall meet the following design requirements:

a. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

b. Towers and antennas shall be of monopole design unless the County Council determines that an alternative design would be more appropriate to or better blend in with the surrounding environment.

##### **4. Accessory Structure and Building Design**

The design of accessory or related structures or control buildings shall be architecturally designed to blend in with the surrounding buildings and environment, and they shall meet the minimum setback requirements of the underlying zoning district.

##### **5. Landscaping and Screening**

a. Ground- and rooftop-mounted mechanical equipment shall be screened from view off-site

in accordance with the requirements of Sec. 6.4.3F, Screening Standards.

**b.** Perimeter trees, landscaping and other screening devices shall be used to help screen the tower from residences in accordance with the requirements of Sec. 6.4.3F, Screening Standards.

#### **6. Tower Siting**

All towers shall be subject to the Ridgeline Standards of Sec. 4.9.8. Towers shall not be located between a principal or accessory structure and a public road or street, except in the LI, Light industrial and the HI, Heavy industrial Zone Districts where towers may be placed within a side yard abutting an internal industrial street.

#### **7. Tower Setbacks**

All towers shall conform to the minimum setback requirements of the underlying zoning district, or as modified below:

**a.** The minimum setback for a tower shall be equal to the height of the tower; provided, however, the minimum setback for a tower from the property line of a property with a residence shall be twice the height of the tower.

**b.** Towers in the LI, Light industrial and the HI, Heavy industrial Zone Districts may encroach into the rear setback area, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easements.

**c.** Notwithstanding other provisions to the contrary, a tower's setback may be reduced or its location in relation to a public street varied at the sole discretion of the County Council, in order to mitigate visual impacts or to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard power line support device or similar structure.

#### **8. Tower Height**

The maximum height of all commercial wireless antennas and supporting towers shall not exceed the minimum that is technically necessary to serve the design purpose; provided, however:

**a.** The maximum height of all commercial wireless antennas and supporting towers shall not exceed the distance to the nearest lot or parcel boundary on the subject lot or parcel or 150 feet, whichever is less.

**b.** No tower shall be in excess of a height equal to the distance from the base of the antenna and tower to the nearest overhead electrical power line, less 5 feet.

**c.** Co-location requirements notwithstanding, co-location shall not automatically be considered justification or grounds for a proposed height. In all cases, the County reserves the right to limit height of a proposed tower as necessary to insure compatibility with the neighborhood.

#### **9. Lights and Other Attachments**

**a.** Towers shall not be artificially illuminated or display strobe lights unless the Federal Aviation Administration or other federal or state authority for a particular tower specifically requires such lighting when incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

**b.** No tower shall have constructed on, or attached to, any additional platform, catwalk, crow's nest, or like structure (other than those required by industry Standards or Federal Regulations), except during periods of construction or repair.

#### **10. Signs and Advertising**

The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

#### **11. Interference with Public Safety Telecommunications**

No telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an inter-modulation study, which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of new service or changes in existing

service, telecommunication providers shall notify the Council at least 10 calendar days in advance of such changes and allow the Council to monitor interference during the testing process. At the Council's discretion, such new service or changes may be required to obtain a new permit.

#### **12. Performance Standards**

All towers must conform to the applicable Operational Performance Standards of Sec. 6.12.

#### **13. Tower Construction Requirements**

All towers erected, constructed or located within the County, and all wiring therefore, shall comply with the requirements of all current Construction Codes.

#### **14. Annual inspections**

After approval of a permit for a telecommunications or microwave tower, the tower owner shall promptly submit copies of any and all inspection reports that may be required by the FCC.

#### **15. Additional Submittal Requirements**

In addition to the information required elsewhere in this LUC, development applications for towers shall include a report from a qualified and licensed professional engineer that:

**a.** Includes any and all technical information and design requirements, including co-location requirements, necessary to evaluate the request;

**b.** Describes the tower height and design including a cross section and elevation;

**c.** Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;

**d.** Describes the tower's capacity, including the number and type of antennas that it can accommodate;

**e.** Documents what steps the applicant will take to avoid interference with established public safety telecommunication;

**f.** Includes an engineer's stamp and registration number;

**g.** A letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions of shared use; and

**h.** Proof that the proposed tower complies with regulations administered by Federal Aviation Administration.

#### **P. Telecommunications Towers and Facilities on an Existing Tower or Other Structure**

Telecommunications towers and facilities may be installed on an existing tower or structure, subject to the following requirements.

**1.** The antenna(s) shall be no higher than the existing tower or structure; provided, however, that if the antenna is installed on top of an interstate power transmission tower, such an antenna and tower may be up to 150 feet in height;

**2.** Such antenna(s) shall be subject to all terms and conditions imposed on the existing tower or structure;

**3.** All towers shall be subject to the Ridgeline Standards of Sec. 4.9.8; and

**4.** The impacts of the new antenna(s) on the surrounding neighborhood shall be no greater than the existing tower or structure.

#### **Q. Telecommunications and Facilities in a Tower Campus**

Telecommunications towers and facilities may be permitted in the tower campus on Bald Mesa, subject to the following requirements:

**1.** Towers shall be installed in close proximity, at a similar height, and in a manner similar to that of existing towers and antennas in the immediate area; and

**2.** Such towers exempt from the Ridgeline Standards of Sec. 4.9.8.

#### **R. Utility Substation**

Electricity regulating substations, gas pressure control stations or similar utility substations shall be subject to the following standards.

**1.** Any structure shall be set back not less than 25 feet from all property lines or the minimum setback requirements of the applicable zoning district, whichever is greater.

**2.** The uses shall be enclosed by a screen and landscaped as required by Sec. 4.4F.

**3.** The storage of equipment on the premises shall be shielded from view offsite.