

**10-1-1503: LOCATION OF AND ACCESS TO LOADING SPACES:**

Loading spaces shall be so located and designed so that it shall not be necessary for vehicles using such space to back into a street. All loading spaces shall have a minimum depth of 30 feet from the property line when adjacent to a street.

Loading areas in commercial and industrial zones may not be located in any required front, street or interior side or rear yard. Loading areas in buildings of greater than 50,000 square feet in commercial and industrial zones must be separate from all required parking spaces and from travel lanes for parking areas. [Formerly numbered Section 31-180; Amended by Ord. No. 3297, eff. 8/15/92; 3058, 2598.]

**ARTICLE 16. GENERAL VEHICULAR ACCESS STANDARDS****10-1-1601: ACCESS TO STREET:**

Every lot shall be provided with permanent vehicular access to a street or an alley upon which it abuts. [Formerly numbered Section 31-181; Renumbered by Ord. No. 3058, eff. 2/21/87.]

**10-1-1602: CURB CUTS:**

No vehicular access way shall be located nearer than 30 feet to the ultimate curb lines of an intersecting street, nor be provided with a curb cut of more than 18 feet in residential zones and 30 feet in other zones. The Public Works Director may permit a curb cut of not more than 38 feet in nonresidential zones if the adjacent parking area is provided with an internal circulation pattern requiring two (2)-way vehicular movement in the driveway. Curb cuts on the same lot shall be separated by at least 20 feet of uncut curb. In residential zones, each lot is limited to one curb cut for each 100 feet of street frontage along any one street except that lots with less than 100 feet of street frontage may provide one curb cut. Minor deviations from the foregoing standards may be authorized by the Public Works Director to accommodate the safe ingress and egress of vehicles. [Formerly numbered Section 31-182; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3676, eff. 8/16/05; 2473.]

**10-1-1603: DRIVEWAY WIDTH:**

Every driveway shall be at least 10 feet wide, and a maximum as approved by the Director. [Formerly numbered Section 31-183; Amended by Ord. No. 3267, eff. 9/28/91; 3200, 3181, 3058.]

**10-1-1604: DRIVEWAY SLOPES:**

The slope of a driveway or driveway ramp shall not exceed a grade of 20 percent. A grade transition shall be provided at each end of a driveway or driveway ramp in accordance with standards prescribed by the Public Works Director. [Formerly numbered Section 31-184; Renumbered by Ord. No. 3058, eff. 2/21/87; 2370.]

**10-1-1605: PROTECTIVE BARRIER IN NONRESIDENTIAL ZONES:**

Where a vehicular access is provided to a street in a nonresidential zone, a barrier consisting of a three (3) foot high masonry wall, or such other protective barrier as may be approved by the Director, shall be constructed along the remaining street frontage of the lot to prevent unchanneled motor vehicle ingress or egress to the property. In commercial zones, the protective barrier shall also have the same aesthetic screening effect as a block wall, as approved by the Director. [Formerly numbered Section 31-185; Renumbered by Ord. No. 3058, eff. 2/21/87; 2930, 2598, 2183.]

**10-1-1606: TURN AROUND AREAS:**

A. IN ALL ZONES.

A 24 foot turning radius shall be provided for access to driveways and right-angle parking stalls. [Formerly numbered Section 31-186; Renumbered by Ord. No. 3058, eff. 2/21/87.]

**10-1-1607: APPROVAL BY PUBLIC WORKS DIRECTOR:**

All vehicular accessways to the street must be approved by the Public Works Director. [Formerly numbered Section 31-187; Renumbered by Ord. No. 3058, eff. 2/21/87.]

**10-1-1608: DRIVE-THROUGH RESTAURANTS:**

1. STACKING DISTANCE. All new drive-through restaurants shall have a drive-up or drive-through bay for in-car service with an on-site vehicular waiting lane. The on-site vehicular waiting lane shall be a minimum length

of 160 feet as measured along the centerline from the point of entry or the beginning of a drive-through lane, to the center of the farthest service window area (the “stacking distance”).

2. SEPARATE WAITING LANE FOR NEW DRIVE-THROUGH RESTAURANTS. The drive-through lane shall be a separate lane from the circulation routes and aisles necessary for ingress to or egress from the property or access to any off-street parking spaces.

3. CONDITIONAL USES. In addition to the above requirements, all new drive-through restaurants shall receive a Conditional Use Permit.

4. EXISTING USES WITH 100 FEET OR MORE OF STACKING LANE. Any drive-through restaurant in existence on or before March 2, 1996, (effective date of this section) which has at least 100 feet on-site stacking distance shall be automatically deemed a permitted use and not subject to this section.

5. EXISTING USES WITH LESS THAN 100 FEET OF STACKING LANE. Any drive-through restaurant in existence on or before March 2, 1996, (effective date of this section) which has less than 100 feet on-site stacking distance may continue operating, but may not be expanded, enlarged, or, otherwise modified until the proposed work has been evaluated by the Building Official. If the Building Official determines that the desired work will 1) prolong the useful life of the service window (s) and/or 2) increase the pre-permit building valuation, as defined herein, by ten percent or more, than the property owner shall obtain an Administrative Use Permit prior to the issuance of any building permits or other development permits. Pre-permit building valuation shall be the value of the building assessed by the Building Official as determined from the most recent edition of the International Conference of Building Officials “Building Valuation Data”.

6. NEW AND EXISTING RESIDENTIALLY ADJACENT DRIVE-THROUGHS MUST COMPLY WITH SECTION 10-1-1609. On and after December 26, 1998, this entire Section 10-1-1608, including the exceptions in Subsection (4) and (5) of Section 10-1-1608 shall not apply to residentially adjacent drive-through restaurants, but rather all new and existing residentially adjacent drive-throughs shall be subject to Section 10-1-1609. [Added by Ord. No. 3431, eff. 3/2/96. Amended by Ord. No. 3503, eff. 12/26/98.]

**10-1-1609: RESIDENTIALLY ADJACENT DRIVE-THROUGH ESTABLISHMENTS:**

A. STACKING DISTANCE.

All new drive-throughs in new or existing residentially adjacent establishments shall have a drive-up or drive-through bay for in-car service with an on-site vehicular waiting lane. The on-site vehicular waiting lane shall be a minimum length of 160 feet as measured along the centerline from the point of entry or the beginning of a drive-through lane, to the center of the farthest service window area (the “stacking distance”).

B. SEPARATE WAITING LANE.

For new drive-throughs in new or existing residentially adjacent establishments, the drive-through lane shall be a separate lane from the circulation routes and aisles necessary for ingress to or egress from the property or access to any off-street parking spaces.

C. CONDITIONAL USE PERMIT REQUIRED.

No new drive-through may be operated in a new or existing residentially adjacent establishment unless a Conditional Use Permit for the drive-through has been granted.

D. MODIFICATION OF BUSINESSES WITH EXISTING DRIVE-THROUGHS.

An existing residentially adjacent establishment with a drive-through legally operating without a Conditional Use Permit for the drive-through prior to December 26, 1998, may continue to operate; provided however that the establishment may not be expanded or enlarged or otherwise modified until the proposed work has been evaluated by the Building Official. If the Building Official determines that the desired expansion, enlargement or modification will 1) prolong the useful life of the service windows(s) and/or 2) increase the pre-permit building valuation by ten percent or more, the property owner must obtain a Conditional Use Permit for the drive-through prior to the issuance of any building permits or other development permits and must comply with subsections 10-1-1608(1) and (2)

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above. Pre-permit building valuation shall be the value of the building assessed by the Building Official as determined from the most recent edition of the International Conference of Building Officials. [Added by Ord. No. 3503, eff. 12/26/98.]

#### **ARTICLE 17. PROTECTION AGAINST NUISANCES**

##### **10-1-1701: COMPLIANCE:**

The requirements of this article shall be complied with notwithstanding the provisions of Article 18 of this chapter. [Formerly numbered Section 31-188; Renumbered by Ord. No. 3058, eff. 2/21/87.]

##### **10-1-1702: FIRE AND EXPLOSION HAZARDS:**

No inflammable or explosive materials shall be stored or handled without the approval of the Fire Chief. [Formerly numbered Section 31-189; Renumbered by Ord. No. 3058, eff. 2/21/87.]

##### **10-1-1703: RADIOACTIVITY AND ELECTRICAL DISTURBANCES:**

Devices which radiate radio-frequency energy shall be so operated as not to cause interference with any activity carried on beyond the boundary line of the property upon which the device is located. Radio-frequency energy is electromagnetic energy at any frequency in the radio spectrum between ten (10) kilocycles and three (3) million megacycles. [Formerly numbered Section 31-190; Renumbered by Ord. No. 3058, eff. 2/21/87.]

##### **10-1-1704: VIBRATIONS:**

Every use shall be so operated that the ground vibration inherently and recurrently generated does not cause a displacement of the earth greater than three thousandths (.003) of one (1) inch as measured at any point along the line of determination as set forth in the specific zone. [Formerly numbered Section 31-191; Renumbered by Ord. No. 3058, eff. 2/21/87.]

##### **10-1-1705: SMOKE AND ODORS:**

The regulations of the County Air Pollution Control District shall be complied with. [Formerly numbered Section 31-192; Renumbered by Ord. No. 3058, eff. 2/21/87.]

##### **10-1-1706: DUST, HEAT AND GLARE:**

Every use shall be so operated that it does not emit dust, heat or glare in such quantities or degree as to be readily detectable on any boundary line of the lot on which the use is located. Glare from arc welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from any point beyond the outside of the property. [Formerly numbered Section 31-193; Renumbered by Ord. No. 3058, eff. 2/21/87.]

##### **10-1-1707: NOISE:**

Every use shall be so operated that it does not produce noise, or sound pressure levels, in violation of Title 9 Chapter 3 of this Code. [Formerly numbered Section 31-194; Renumbered by Ord. No. 3058, eff. 2/21/87; 2338, 2336.]

#### **ARTICLE 18. NONCONFORMING LAND, USES AND STRUCTURES**

##### **DIVISION 1. GENERAL PROVISIONS**

##### **10-1-1801: PURPOSE:**

Within the zones established by this chapter or amendments that may later be adopted there exist or will exist lots, structures, and uses of land and structures, which were lawful before the adoption or amendment of this chapter but which no longer comply. The intent of this article is to permit these nonconformities to continue until they are removed or required to be terminated, but not to encourage their survival. Such uses and structures are declared to be incompatible with permitted uses, structures and standards in the zones involved; and it is intended that they shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone, except as may be expressly permitted in this article. [Formerly numbered Section 31-195; Renumbered by Ord. No. 3058, eff. 2/21/87.]

##### **10-1-1802: REPLACEMENT COST:**

In this absence of proof to the contrary, replacement cost as used in this article shall mean four (4) times the assessed value of the structure. [Formerly numbered Section 31-196; Renumbered by Ord. No. 3058, eff. 2/21/87.]

### **ATTACHMENT 3-3**