

**352 RURAL COMMERCIAL DISTRICT (R-COM)**

**352-1 Intent and Purpose**

The intent and purpose of the Rural Commercial District is to implement the rural commercial policies of the Comprehensive Plan and to meet convenience goods and service needs of rural residents while protecting the historic character of rural centers and the agricultural or forestry character of the area.

Rural Commercial centers shall be designed to be compatible with the surrounding environment and generally not to exceed five (5) acres.

**352-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

352-2.1 Accessory Uses and Structures - Section 430-1.

352-2.2 Bus Shelters - Section 430-23.

352-2.3 Residential use in conjunction with a permitted commercial use provided:

- A. The residence is situated on the principal lot;
- B. The residence has an approved sanitary sewage disposal system; and
- C. There is only one (1) dwelling structure per lot.

352-2.4 Temporary Uses - Section 430-135.1 A., B., C. (4 and 5), D., E., F., and H.

352-2.5 Facility 3 and 4 Communication Towers that:

- A. Do not exceed a maximum height of seventy-five (75) feet; and
- B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site- Section 430-109.

352-2.6 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

352-2.7 Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:

- A. Do not exceed a maximum height of seventy-five (75) feet; and

- B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

### **352-3 Uses Which May Be Permitted Through a Type II Procedure**

The uses listed in Section 352-3.1 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 352-3.2. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

#### **352-3.1 Permitted Uses:**

- A. Ambulance Service - Section 430-9.
- B. Auto Repair within an enclosed building.
- C. Bus and Train Terminals.
- D. Church – Section 430-29.
- E. Commercial Recreation Facilities such as indoor theaters, bowling alleys, indoor skating rinks or similar uses when:
  - (1) The use is conducted wholly within a fully enclosed building; and
  - (2) Yards are no less than fifty (50) feet from any abutting residential, agriculture and forest, or natural resource district boundaries.
- F. Contractor's establishment for such things as installation of drain tiles, logging contractor, farming contractor and similar uses – Section 430-34.
- G. Eating and Drinking Establishments.
- H. Fabrication, Processing and Repair Facilities, appropriate for the rural community and which serve the rural/natural resource population base. These uses are exempt from Section 352-3.2.
- I. Farm or forest related equipment, machinery or truck repair, including associated service parts facilities, within an enclosed building. These uses are exempt from Section 352-3.2.

- J. Farm or forest implement equipment and related merchandise sales when the sales area is fenced or a landscaped buffer is provided. These uses are exempt from Section 352-3.2.
- K. Institutional uses, including institutions for human care, educational, social institutions including but not limited to grange hall, community center, public buildings and service institutions, serving the local area, when the application includes:
  - (1) A total site plan indicating any proposed buildings, parking, landscaping and future phased development; and
  - (2) A schedule for development.
- L. Lumber Yard, provided there is:
  - (1) A site obscuring fence no higher than eight (8) feet; or
  - (2) A Type #3 landscape buffer approved through Development Review.
  - (3) This use is exempt from Section 352-3.2.
- M. Offices.
- N. Open air businesses, except as provided for by Section 430-135.1 B. (1) and (2), for the sale of farm or forest products for such uses as plant material, produce and firewood. These uses are exempt from Section 352-3.2.
- O. Personal Service Establishment.
- P. Public Building, limited to governmental structures, community buildings and museums, serving the local area - Section 430-103.
- Q. Public Utility - Facilities necessary for public service (except commercial facilities for the purpose of generating power for public use by sale) - Section 430-105.3 through 430-105.7.
- R. Private Club - Section 430-99.
- S. Radio Station.
- T. Recycling Center - Section 430-115.
- U. Sale of merchandise in an enclosed building.
- V. Service Station and/or Car Wash - Section 430-123.
- W. Temporary Use - Section 430-135.2 A. This use is exempt from Section 352-3.2.
- X. A Type I or Type II Home Occupation in a nonconforming residence as an interim temporary use subject to the standards of Section 430-63.1 - Type I Home

Occupation or Section 430-63.2 - Type II Home Occupation. This use is exempt from Section 352-3.2.

- Y. Veterinarian or Animal Hospital.
- Z. Winery, including a tasting room and sales - Section 430-145.2.
- AA. Communication Towers greater than seventy-five (75) feet and up to two-hundred (200) feet in height - Section 430-109.
- BB. Uses Accessory and Incidental to an Allowed Use:
  - (1) Garages for storage and maintenance of motor vehicles used by the principal use.
  - (2) Storage of motor fuels and lubricating oils for vehicles used by the principal use.
  - (3) Maintenance and utility shops for equipment used by the principal use.
  - (4) Central heating, air conditioning and refrigeration plants.
  - (5) Water storage, drainage and treatment facilities.
  - (6) Buildings for storage of documents, records, testing and research equipment, experimental models and other personal property related to the principal use.
  - (7) Day care facilities primarily for employees.
  - (8) Electrical substations.
- CC. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

**352-3.2 Required findings:**

- A. That the proposed use will support the needs of the rural residents and agricultural and forest uses;
- B. That the proposed use meets the criteria of being small in size, rural in character and that it does not require urban services; and
- C. That the proposed use is limited to basic convenience and service needs of the rural and natural resource community and will not cause adverse impacts on surrounding farm and forest activities.

**352-4 Uses Which May Be Permitted Through a Type III Procedure**

The uses listed in Section 352-4.1 may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article

IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 352-4.2.

352-4.1 Uses which may be allowed:

- A. Special Recreation Uses - Section 430-131.
- B. Communications Towers greater than two-hundred (200) feet in height - Section 430-109.
- C. Broadcast Towers – Section 430-109.

352-4.2 Required findings:

- A. That the proposed use will support the needs of the rural residents and agricultural and forest uses;
- B. That the proposed use meets the criteria of being small in size, rural in character and that it does not require urban services;
- C. That the proposed use is limited to basic convenience and service needs of the rural and natural resource community without adverse impact on surrounding farm and forest activities; and
- D. That the applicant has signed and recorded in the Deed Records of the County, a waiver of the right to remonstrate against customarily accepted farm or forestry practices.

**352-5 Prohibited Uses**

352-5.1 Structures or uses of land not specifically authorized by Section 352.

352-5.2 The use of a recreational vehicle for a residence.

352-5.3 The location of service facilities which house groups of people and public assembly facilities in airport approach zones. Such facilities shall be avoided within any existing June, 1983 Airport Year 2000 LDN fifty-five (55) contour.

352-5.4 Auto wrecking yards.

**352-6 Dimensional Requirements**

352-6.1 Lot Area:

The minimum lot area shall be twenty-thousand (20,000) square feet where a community water system is available, and two (2) acres where a community water system is not available.

352-6.2 Yard Requirements:

The minimum yard requirements shall be as follows:

- A. Twenty (20) foot front yard;
- B. Side and Rear Yards:
  - (1) When abutting a district which is not a commercial or industrial district, the side or rear yard shall be no less than required by the abutting district;
  - (2) On corner lots, the side or rear yard adjacent to the street shall be twenty (20) feet;
  - (3) Except as in (1) and (2) above, there is no required side or rear yard; and
  - (4) The side or rear yard may be eliminated where the side or rear yard is adjacent to a railroad;
- C. Additional setbacks may be required as specified in Sections 411 and 418; and
- D. Front yards and street side yards existing before March 26, 1984 which are made nonconforming by the provisions of this Section shall be deemed in conformity with the provisions of this Section relating to front and street side yards for the purpose of otherwise lawful changes or alterations in the structures or use thereof provided the structure or use is not made more nonconforming by the change or alteration.

352-6.3 Height:

- A. The maximum building height shall be seventy-five (75) feet except as may be modified by Section 419.
- B. No structure or structural part shall exceed height standards established for any airport in the County established in accordance with Federal Aviation Administration's Aviation Regulations.
- C. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

352-6.4 Minimum Lot Width and Depth:

- A. The minimum average lot width shall be one-hundred (100) feet;
- B. The minimum average lot depth shall be one-hundred (100) feet; and
- C. The minimum lot width at the street shall be forty (40) feet or as approved through Development Review.

352-6.5 Access:

All lots in this District shall abut a public street or have access as approved through Development Review.

**352-7 Article IV - Development Standards**

In addition to the requirements of this district, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-4.

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