

ZONING DISTRICT REGULATIONS

4 ARTICLE FOUR

ZONING DISTRICT REGULATIONS

11.401 Purpose

Article Four presents the Zoning District Regulations. Zoning Districts are established in the Zoning Regulations to promote compatible land use patterns and to establish site development regulations appropriate to the purposes and specific nature of each district.

11.402 Establishment of Districts

The following base districts and overlay districts are hereby established. Table 4-1 displays the purposes of these districts.

<u>BASE ZONING DISTRICTS</u>	<u>DISTRICT NAMES</u>
AG	Agricultural District
RR	Rural Residential District
R-1	Single-Family Residential District (Low-Density)
R-2	Single-Family Residential (Medium-Density)
R-3	Urban Family Residential District
R-4	Multiple-Family Residential District
MH	Mobile Home Residential District
MX	Mixed Use Urban District
LC	Limited Commercial/Office District
CC	Community Commercial District
DC	Downtown Commercial District
GC	General Commercial District
BP	Business Park District
LI	Limited Industrial District
GI	General Industrial District
 <u>OVERLAY DISTRICTS</u>	
MU	Mixed Use District
PUD	Planned Unit Development District
TR	Traditional Residential Overlay District
FP	Salt Creek Valley Floodplain/Floodway Overlay District

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11.403 Application of Districts

A base district designation shall apply to each lot or site within the city and its planning jurisdiction. A site must be in one base district.

Overlay districts may be applied to any lot or site or any portion thereof, in addition to a base district designation. The Mixed Use District may stand alone as a base district.

11.404 Hierarchy

References in the Zoning Ordinance to less intensive or more intensive districts shall be deemed to refer to those agricultural, residential, commercial, and industrial base zoning districts established in Section 4-2, and shall represent a progression from the AG Agricultural District as the least intensive to the GI General Industrial District as the most intensive. The Overlay Districts shall not be included in this reference.

11.405 Development Regulations

For each Zoning District: Purposes are set forth in Table 4-1; Uses permitted are set forth in Table 4-2; Development Regulations are set forth in Tables 4-2 and Site Development Regulations are presented in Table 4-3.

Supplemental Regulations may affect specific land uses or development regulations in each zoning district. The applicable Supplemental Regulations are noted in Table 4-2.

11.406 Zoning Map

a. Adoption of Zoning Map

Boundaries of zoning districts established by this Zoning Regulations shall be shown on the Zoning Map maintained by the City Clerk. This map shall bear the signature of the Mayor attested by the City Clerk under the certification that this is the Official Zoning Map referred to by this Ordinance. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of, and concurrent with these Regulations. Said Zoning Map shall be prominently displayed in the council chambers and/or an area accessible to the public at Waverly City Hall.

b. Changes to the Zoning Map

The Zoning Map may be changed from time to time by ordinance, following the procedure set forth by Article Twelve. Such changes shall be reflected on the Zoning Map. The City Clerk shall keep a complete record of all changes to the Zoning Map.

11.407 Interpretation of District Boundaries

The following rules shall apply in determining the boundaries of any zoning district shown on the Zoning Map.

- a. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be considered the district boundaries.
- b. Where district boundaries are indicated as within street or alley, railroad, or other identifiable rights-of-way, the centerline of such rights-of-way shall be deemed the district boundary.

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- c. Where a district boundary divides a property, the location of the boundary shall be determined by the use of the scale appearing on the Zoning Map.
- d. The City Council shall determine any other uncertainty regarding district boundaries not covered in this section.

11.408 Vacation of Streets and Alleys

Whenever a public street or alley is vacated, the zoning district adjoining each side of such right-of-way shall be extended out to the former centerline.

11.409 Annexation of Territory

All unimproved or agricultural territory which may hereafter be annexed to the City shall be considered as lying in the AG Agricultural District until such classification shall be changed as provided by this ordinance. Any improved property that is annexed into the city shall be zoned according to the zoning district that most nearly describes either its present use or the use proposed by Waverly's Comprehensive Plan. This zoning shall be established by the Planning and Zoning Commission and the City Council at the time of annexation.

11.410 Protection of Existing Structures

A residence or house that is totally destroyed, or partially destroyed or damaged to the extent such destruction or damage exceeds seventy-five percent (75%) of the assessed value, by fire, flood, wind, water, earthquake or other calamity or act of nature or the public enemy, may be restored provided such residence or house is rebuilt in compliance with the Zoning Regulations and with square footage equal to or greater than the original residence or house.

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Table 4-1 Purposes of Zoning Districts *(Amended by Ord. 07-01; 6-4-07)*

<u>Symbol</u>	<u>Title</u>	<u>Purpose</u>
AG	Agricultural	The AG District provides for and preserves the agricultural and rural use of land, while accommodating very low density residential development generally associated with agricultural uses. This district is designed to maintain complete agricultural uses within the Waverly extra-territorial jurisdiction.
RR	Rural Residential	This district provides for the rural residential use of land, accommodating very low and low density residential environments. The district regulations assure that density is developed consistent with land use policies of the Waverly Comprehensive Plan regarding rural subdivisions; levels of infrastructure; and environmentally sensitive development practices. The district also accommodates developments that merge urban living with rural life.
R-1	Low-Density Single-Family Residential	<p>This district is intended to provide for residential neighborhoods, characterized by single-family dwellings on large lots with supporting community facilities and urban services. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.</p> <p>A one story single-family house shall contain at least 1,200 square feet of floor area on the ground level exclusive of garages and other attached accessory floor area; a split-level or multi-level single-family house shall contain at least 1,200 square feet as the total sum of the nearest floor levels separated by not more than five vertical feet, provided that the floor level nearest ground level used for living purposes shall contain at least 500 square feet, exclusive of garages and other accessory floor area; and a one and one-half story or a two story single-family house shall contain at least 800 square feet of floor area on the ground level exclusive of garages and other attached accessory floor area.</p>
R-2	Medium-Density Single-Family Residential	<p>This district is intended to provide for residential neighborhoods, characterized by single-family and duplex dwellings on relatively large lots with supporting community facilities and urban services. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.</p> <p>A one story single-family house or duplex shall contain at least 1,000 square feet of floor area on the ground level exclusive of garages and other attached accessory floor area; a split level or multi-level single family house or duplex shall contain at least 1,000 square feet as the total sum of the nearest floor levels separated by not more than five vertical feet, provided that the floor level nearest ground level used for living purposes shall contain at least 450 square feet, exclusive of garages and other accessory floor area; and a one and one-half story or a two story</p>

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single-family house or duplex shall contain at least 600 square feet of floor area on the ground level exclusive of garages and other attached accessory floor area.

<u>Symbol</u>	<u>Title</u>	<u>Purpose</u>
R-3	Urban Family Residential	<p>This district is intended to provide for moderate-density residential neighborhoods, characterized by single-family dwellings on moderately sized lots and low-density, duplex, and townhouse development. It provides special regulations to encourage innovative forms of housing development. It adapts to both established and developing neighborhoods, as well as transitional areas between single-family and multi-family neighborhoods. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.</p> <p>A one story single-family house, duplex, or townhouse shall contain at least 900 square feet of floor area on the ground level exclusive of garages and other attached accessory floor area; a split level or multi-level single family house, duplex or townhouse shall contain at least 900 square feet as the total sum of the nearest floor levels separated by not more than five vertical feet, provided that the floor level nearest ground level used for living purposes shall contain at least 400 square feet, exclusive of garages and other accessory floor area; and a one and one-half story or a two story single-family house, duplex, or townhouse shall contain at least 600 square feet of floor area on the ground level exclusive of garages and other attached accessory floor area.</p>
R-4	Multiple-Family Residential	<p>This district is intended to provide locations primarily for multiple-family housing, with supporting and appropriate community facilities. It also permits some non-residential uses such as offices through a special permit procedure, to permit the development of mixed use neighborhoods.</p>
MH	Mobile Home Residential	<p>This district recognizes that mobile home development, properly planned, can provide important opportunities for affordable housing. It provides opportunities for mobile home development within planned parks or subdivisions, along with the supporting services necessary to create quality residential neighborhoods.</p>
MX	Mixed Use Urban	<p>This district recognizes the potential development or emergence of areas which contain a combination of residential, commercial, and office uses. These areas should include special aesthetic and sign design standards which will help enhance their character as urban neighborhoods which permit various types of uses to be located together to mutual benefit.</p>

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Table 4-1 Purposes of Zoning Districts

<u>Symbol</u>	<u>Title</u>	<u>Purpose</u>
LC	Limited Commercial/Office	This district reserves appropriately located area for office development and a limited variety of low-impact commercial facilities which serve the needs of residents of surrounding residential communities. The commercial and office uses permitted are compatible with nearby residential areas. Development regulations are designed to ensure compatibility in size, scale, and landscaping with nearby residences.
CC	Community Commercial	This district is intended for commercial facilities which serve the needs of markets ranging from several neighborhoods to the overall region. While allowed commercial and office uses are generally compatible with nearby residential areas, traffic and operating characteristics may have more negative effects on residential neighborhoods than those permitted in the LC District. CC Districts are appropriate at major intersections, at the junction of several neighborhoods, or at substantial commercial subcenters.
DC	Downtown Commercial District	This district is intended to provide appropriate development regulations for Downtown Waverly. Mixed uses are encouraged within the DC District. The grouping of uses is designed to strengthen the downtowns role as a center for trade, service, and civic life.
GC	General Commercial	This district accommodates a variety of commercial uses, some of which have significant traffic or visual effect. These districts may include commercial uses which are oriented to services, including automotive services, rather than retail activities. These uses may create land use conflicts with adjacent residential areas, requiring provision of adequate buffering. This district is most appropriately located along major arterial streets or in areas that can be adequately buffered from residential districts.
BP	Business Park	This district is designed to promote the development of planned business parks that accommodate corporate offices, research facilities, and structures which can combine office, distribution, and limited industrial uses. These facilities serve a more regional audience, but may provide services to local residents. They are characterized by extensive landscaping, abundant parking facilities, and good visual and pedestrian relationships among buildings.
LI	Limited Industrial	This district is intended to reserve sites appropriate for the location of industrial uses with relatively limited environmental effects. The district is designed to provide appropriate space and regulations to encourage good quality industrial development, while assuring that facilities are served with adequate parking and loading facilities.

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Table 4-1 Purposes of Zoning Districts

<u>Symbol</u>	<u>Title</u>	<u>Purpose</u>
GI	General Industrial	This district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility

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Table 4-2 Permitted Uses by Zoning Districts

Use Types	AG	RR	R-1	R-2	R-3	R-4	MX	LC	CC	DC	GC	BP	LI	GI	Addl Reg
Agricultural Uses															
Horticulture	P	P													602a
Crop Production	P	P													602a
Animal Production	P														602b
Commercial Feedlots															602c
Livestock Sales															
Residential Uses															
Single-Family Detached	P	P	P	P	P	P	P	S							603a
Single-Family Attached	S	S	S	P	P	P	P	S							603b
Duplex				P	P	P	P	S							
Two-Family					P	P	P	S							603d
Townhouse					P	P	P	P		P					603c
Multiple-Family						P		P	S	P	S				
Downtown Residential										P					603e
Group Residential	P			P	P	P	S	S	S						603g
Manufactured Housing Residential	P	P	P	P	P	P		S							
Mobile Home Park															603h
Mobile Home Subdivision															603i
Retirement Residential	S	S	S	P	P	P	P	P	S	P	S				

P=Uses Permitted by Right

S=Uses Permitted by Special Permit pursuant to Section 11.1203

Blank=Use Not Permitted

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Table 4-2: Permitted Uses by Zoning Districts

Use Types	AG	RR	R-1	R-2	R-3	R-4	MH	MX	LC	CC	DC	GC	BP	LI	GI	Addl Reg
Civic Uses																
Administration		S	S	S	S	S	S	P	P	P	P	P	P	P	P	
Cemetery	S	S	S	S	S	S										
Clubs (Recreational)	S	S	S	S	S	P		P	P		S	P	S	P	P	604a
Clubs (Social)	S				S	P	S	P	P	P	P	P	P	P	P	604a
College/Univ	S	S	S	S	S	P	S	P	P	P	P	P	P	P		
Convalescent Services	S	S			S	P	S	P	P	P	S					
Cultural Services	S	S	S	P	S	P	P	P	P	P	P	P	P	P		
Day Care (Limited)	P	P	P	P	P	P	P	P	P	P	P	S	S	S	S	604b
Day Care (General)	S	S	S	S	S	P	S	P	P	P	P	P	P	S	S	604b
Detention Facilities	S											S		S	S	
Emergency Residential	P	P	P	P	P	P	P	P	P	P	P					
Group Care Facility					S	P	P	P	P	P	P	P				604c
Group Home	S	S	S	S	S	P	P	P	P	P	P	P				604c
Guidance Services						P		P	P	P	P	P	P	P	P	
Health Care					S	P		P	P	P	P	P	P	P	P	
Hospitals						S		S	S	S	S	S	P	S	S	
Maintenance Facilities	S	S	S					S				P		P	P	
Park and Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Postal Facilities								P	P	P	P	P	P	P	P	
Primary Education	S	P	P	P	P	P	P	P	P	P	P	S				
Public Assembly								S	S	S	P	P	S			
Religious Assembly	P	P	P	P	P	P	P	P	P	P	P	P		S		
Safety Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Secondary Educ	S		S	S	S	P	S	P	S	S	S	S				
Utilities	P	S	S	S	S	S	S	S	S	S	S	P		P	P	
Office Uses																
General Offices						S		P	P	P	P	P	P	P	P	
Financial Offices						S		P	P	P	P	P	P	P	P	
Medical Offices						S		P	P	P	P	P	P	P	S	

P=Uses Permitted by Right

S=Uses Permitted by Special Permit pursuant to Section 11.1203

Blank=Use Not Permitted

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Table 4-2 Permitted Uses by Zoning Districts(Amended by Ord. 01-10, 8-6-01; Ord. 02-07, 3-4-02))

Use Types	AG	RR	R-1	R-2	R-3	R-4	MH	MX	LC	CC	DC	GC	BP	LI	GI	Addl Reg
Commercial Uses																
Ag Sales/Service										S	S	P		P	P	
Auto Rental/Sales								S		S	P	P				605c
Auto Services								S	S	S	P	P		P	P	605
Body Repair								S		S	S	P		P	P	605a
Equip Rental/Sales								S			S	P		P	P	605c
Equipment Repair												P		P	P	605a
Bed and Breakfast	S		S	S	S	S		P	P	P	P	P				605d
Business Support Services								P	P	P	P	P	P	P	P	
Business/Trade School								P		P	P	P	P	P	P	
Campground										S		S				605e
Cocktail Lounge								S		S	S	P	S	P	P	
Commercial Rec (Indoor)								S	S	P	P	P	P	P	P	
Commercial Rec (Outdoor)												P		P	P	
Communication Service								P	S	P	P	P	P	P	P	
Construction Sale/Service								S		S	S	P		P	P	
Consumer Service								P	P	P	P	P	P	P		
Convenience Storage							S			S		S		P	P	605f
Firework Sales										P						
Food Sales (Convenience)								P	S	P	P	P	P	P	P	
Food Sales (Limited)								P	P	P	P	P	P	P	P	
Food Sales (General)								S	S	P	P	P				
Food Sales (Super markets)								S		P	P	S				
Funeral Service						S		P	P	P	P	P	P	P	P	
Gaming Facility										S	S	S		P	P	
Kennels	P											S		P	P	605g
Laundry Services								S			S	P		P	P	

P=Uses Permitted by Right

S=Uses Permitted by Special Permit pursuant to Section 11.1203

Blank=Use Not Permitted

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Table 4-2 Permitted Uses by Zoning Districts*(Amended by Ord. 00-10, 1-15-01)*

Use Types	AG	RR	R-1	R-2	R-3	R-4	MH	MX	LC	CC	DC	GC	BP	LI	GI	Addl Reg
Commercial Uses																
Liquor Sales										P	P	P		S		
Lodging								P		P	P	P	P	S		
Personal Improvement								P	P	P	P	P	P	P	P	
Personal Services	P							P	P	P	P	P	P	P	P	
Pet Services	S							P	P	P	P	P	P	P		
Research Services								P	P	P	P	P	P	P	P	
Restaurants (Drive-in)								S	S	P	S	P		S	S	
Restaurants (General)								P	P	P	P	P	P	S	S	605h
Restricted Business														S	P	605i
Retail Services (Limited)								P	P	P	P	P	S			
Retail Services (Medium)								P	S	P	P	P	P			
Retail Services (Mass)										P	S	P				
Stables	S											S				
Surplus Sales											S	P		P	P	
Trade Services								P		S	S	P	P	P	P	
Vehicle Storage (Long- term)												S		P	P	
Veh. Storage (Short- term)								S				P		P	P	
Veterinary Services	S							P	S	S	S	P		P	P	
Parking Uses																
Off-Street Parking								S		S	P	P	S	P	P	
Parking Structure										S	P	S	S	P	P	

P=Uses Permitted by Right

S=Uses Permitted by Special Permit pursuant to Section 11.1203

Blank=Use Not Permitted

ZONING DISTRICT REGULATIONS

Table 4-2 Permitted Uses by Zoning Districts

Use Types	AG	RR	R-1	R-2	R-3	R-4	MH	MX	LC	CC	DC	GC	BP	LI	GI	Addl Reg
Industrial Uses																*
Agricultural Industry														S	P	
Construction Yards														P	P	
Custom Manufacturing										S	P	P	P	P	P	
Light Industry													S	P	P	
General Industry														P	P	
Heavy Industry															S	
Recycling Collection										S	S	P		P	P	
Recycling Processing														P	P	
Resource Extraction															S	607a
Salvage Services														S	S	607b
Warehousing (Enclosed)											S	S	P	P	P	
Warehousing (Open)														S	P	
Transportation Uses																
Aviation													S	S	P	
Railroad Facilities											S	S	S	P	P	
Truck Terminal												S		S	P	
Transportation Terminal										P	P	P		P	P	
Miscellaneous Uses																
Alternative Energy Production Devices	S		S	S	S	S	S	S	S		S	S	P	P	P	
Amateur Radio Tower	P		P	P	P	P	P	P	P	P	P	P	P	P	P	
Communications Tower														S		610a
Construction Batch Plant												P		S	P	
Landfill (Non-Putrescible)															S	610b
Landfill (Putrescible)																610b
WECS**	S		S	S	S	S		S	S		S	S	P	P	P	610c

Communications Tower (Amended by Ord. 04-04, 5-3-04)

Salvage Services (Amended by Ord. 04-05, 7-5-04; 06-04, 4-17-06)

P=Uses Permitted by Right

S=Uses Permitted by Special Permit pursuant to Section 11.1203

Blank=Use Not Permitted

* All industrial use types are subject to performance standards set forth in Sections 11.608 and 11.609.

** Wind Energy Conservation Systems (p. 3-16).

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Table 4-3: Summary of Site Development Regulations(Amended by Ord. 01-01, 1-3-01; Ord. 02-26, 1-6-03)

Regulator	AG	RR	R-1	R-2 (Note 1)	R-3 (Note 1)	R-4*
Minimum Lot Area (square feet)						
Single Family	20 Acres*	2 Acres	8,400	7,000	6,000	6,000
Duplex, Townhouses	---		---	10,000	8,000	7,200
Multi-Family	---		---	---	---	9,600
Other Permitted Uses	20 Acres		8,400	10,000	10,000	10,000
Minimum Lot Width (feet)	200		70			
Single Family				60	60	60
Duplex				80	70	60
Townhouses					25	25
Multi-Family						80
Other Permitted Uses						80
Site Area per Housing Unit (square feet) by type of residential						
Single-Family	20 Acres	2 Acres	8,400	7,000	6,000	6,000
Two-family, duplex				5,000	4,000	3,600
Townhouse					3,000	2,000
Multi-family					NA	1,500
Minimum Yards (feet)						
Front Yard	50	50	25	25	25	25
Street Side Yard	50	25	25	15	15	15
Interior Side Yard (Note 2)						
1 to 1.5 stories	50	25	7.5	7.5	7.5	10
2-3 stories	50	25	10	10	10	10
More than 3 stories	NA	NA	NA	NA	NA	15
Permitted Non-Residential Uses	50	50	20	20	20	20
Rear Yard	50	40	25% of lot depth	25% of lot depth	30	30 (Note 2)
Maximum Height (feet)	No Limit	45	35	35	35	35
Maximum Building Coverage	NA	NA	35%	45%	55%	50%
Maximum Impervious Coverage	NA	NA	50%	60%	70%	70%
Floor Area Ratio	NA	NA	NA	NA	NA	NA

**Exception for Homesteads subject to performance standards set forth in Section 11.603
Supplemental Use Regulations: Residential Uses*

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Table 4-3: Summary of Site Development Regulations

Regulator	MH	MX	LC*	CC*	DC	GC*
Minimum Lot Area (square feet)	2.5 Acres				None	
One-Family		6,000	6,000			---
Duplex, Townhouses		7,200	7,200			---
Multi-Family		---	9,600	8,000		---
Other Permitted Uses		8,000	6,000	6,000		6,000
Minimum Lot Width (feet)					None	
One-Family		60	60			
Duplex		60	60			
Townhouses		20	20			
Multi-Family		80	80	80		
Other Permitted Uses		80	80	50		50
Mobile Home Park	150					
Site Area per Housing Unit (square feet) by type of residential						
Single-Family	5,000 per unit	6,000	6,000			NA
Two-family, duplex		3,600	3,600			
Townhouse		2,000	2,000		2,000	
Multi-family		---	1,500	1,500	1,000	
Minimum Yards (feet)						
Front Yard	50	(Note 3)	25	25	0	25
Street Side Yard	50	15	15	15	0	15
Interior Side Yard (Note 2)	50					
1 to 1.5 stories		7	10	0	0	0
2-3 stories		10	10	10	0	0
More than 3 stories		12	12	10	0	0
Non-Residential Uses		10	10	10	0	0
Rear Yard	50	25	25	25	0	20
Maximum Height (feet)	38	45	45	50	No limit	50
Maximum Building Coverage	40%	50%	50%	60%	100%	70%
Maximum Impervious Coverage	60%	70%	70%	80%	100%	90%
Floor Area Ratio	NA	1.0	0.50	1.0	No limit	1.0
		1.0				
Maximum Amount of Total Parking Located in Street Yard						
Residential	NA	NA	NA	NA	NA	NA
Other Uses	35%	35%	50%	NA	35%	NA

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Table 4-3 Summary of Site Development Regulations

Regulator	BP	LI*	GI*
Minimum Lot Area (square feet)	10,000	7,000	7,000
Minimum Lot Width (feet)	80	60	60
Minimum Yards (feet)			
Front Yard	25	25	50
Street Side Yard	25	25	25
Interior Side Yard	10	0	0
Rear Yard	25	25	25
Maximum Height (feet)	No limit	75	No limit
Maximum Building Coverage	60%	70%	70%
Maximum Impervious Coverage	80%	90%	90%
Floor Area Ratio	2.0	1.0	No limit
Maximum Amount of Total Parking Located in Street Yard	50%	No limit	No limit

Notes to Preceding Pages: Table 4-3

Note 1:

See Section 603 for supplemental regulations governing single-family attached and townhouse residential use types.

Note 2:

One foot of height may be added up to a maximum of 45 feet for each additional one foot provided in front, rear, and side yard setbacks beyond the required minimum.

Note 3:

Normal minimum setback is 25 feet. Front yard setback may be reduced to 15 feet if:

1. No parking is placed within the street yard.
2. The entire street yard area is landscaped, with the exception of driveways to parking areas or pedestrian accesses to the principal building on the site.

* Uses in the **R-4, LC, CC, GC, BP, LI, and GI** Districts are subject to landscape and screening provisions contained in Article 8. Commercial uses in the **MX** and **LC** Districts are subject to additional development standards set forth in Section 11.606.