

**CHAPTER 125**  
**LIMITED USES**

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**125.005. PURPOSE.** The purpose of the limited use section is to provide specific requirements for permitted uses that are considered limited due to their nature and activities.

**125.010. TEMPORARY USE OF MANUFACTURED HOME DURING**

**CONSTRUCTION.** The building official may grant a temporary permit for the use and occupancy of a manufactured home by the applicant for the length of time that the homeowner is constructing a house on the same premises on which the manufactured home is to be located. Such permit shall be granted for a period of one (1) year, and may be renewed for a maximum period of one (1) additional year, by the County Building Official. As a condition of granting such a permit, the Building Official shall require that an agreement be signed by the applicant stating that the applicant is fully aware of the terms of such temporary use.

Any additional extension of time beyond that allowed by this section shall be at the sole discretion of the Hearings Officer after proceedings are held in the same manner as provided for variances. Such requests shall be considered as requests for a full variance from the terms of the Zoning Ordinance. [Amended by Ordinance #88-21, dated November 30, 1988.]

**125.020. SUBDIVISION OR PLANNED DEVELOPMENT PRE-CUTTING AND**

**ASSEMBLY FACILITY.** Subdivision or planned development pre-cutting and assembly facility; including permanent structures which are to be converted to a permitted use, temporary building and structures and related outdoor storage area, may be permitted by the Building Official, provided:

- (A) The Building Official issues a permit for such specific purpose;
- (B) That at least 80 percent of the production of said facility is used within the development or subdivision;
- (C) The facility has a finished appearing exterior and the site is maintained in a neat and trim condition and all portions of said facility are screened from all residential and commercial areas with such landscaping as may be necessary;
- (D) That all signs not exceed 32 square feet total combined area when attached to a building or 24 square feet when freestanding;
- (E) That the term of such permit for each approved planned development phase or recorded addition to a subdivision shall not exceed three (3) years for the permit. The permit may be renewed once for an additional two (2) year period. Additional periods may be granted by the Hearings Officer under the variance procedure when the applicant can show good cause for such delay and such site is not detrimental to the surrounding area.
- (F) When necessary, due to a complaint or by reason of closeness to residential uses, the Building Official may limit the hours of operation of said facility.
- (G) Failure to continuously comply with these conditions and any conditions on the permit shall automatically void the permit.
- (H) When the development or subdivision is complete, the property shall be restored to its residential condition and use. [Amended by Ordinance #88-21, dated November 30, 1988.]

**125.030. SUBDIVISION OR PLANNED DEVELOPMENT SALES OFFICE OR**

**DEVELOPMENT OFFICE.** Subdivision or planned development sales office and/or development management office in a new dwelling, a part of a dwelling, or separate building, manufactured home or as a part of a pre-cutting and assembly facility, may be permitted by the Building Official provided:

- (A) The Building Official issues a permit for such specific purpose.

- (B) That the principal use of such office is for the sale and/or development of lots, parcels and structures in the development or subdivision.
- (C) The office has a finished exterior and the site is landscaped and maintained in a neat and trim condition.
- (D) That all signs not exceed 32 square feet total combined area when attached to a building or 24 square feet when freestanding.
- (E) That the term of such permit for each approved planned development phase or recorded addition to a subdivision shall not exceed three (3) years for the permit. The permit may be renewed one for an additional two (2) year period. The office may remain on one site if it is reasonably central and all of the sites in the immediate vicinity have not been sold. Additional periods may be granted by the Hearings Officer under the variance procedure when the applicant can show good cause for such delay and such site is not detrimental to the area.
- (F) When necessary, due to a complaint or other significant reason, the Building Official may limit the hours of operation.
- (G) Failure to continuously comply with these conditions and any conditions on the permit shall automatically void the permit.
- (H) When the development or subdivision is complete, the property shall be restored to its residential conditional and use.

**125.060. FUEL OIL DISTRIBUTION FIRMS.**

A fuel oil distribution firm may be permitted by the Planning Director provided:

- (A) All fuel oil and motor fuels are stored in an underground location.
- (B) Storage of fuel oil and motor fuels shall conform to the all applicable environmental and construction standards of the County and State. The applicant shall submit copies of all applicable local and State permit(s) to the Planning Director prior to storing such materials on site.
- (C) All vehicles of the firm which are parked overnight on the premises are kept wholly within a completely enclosed building.
- (D) All driveways, parking and boarding areas are paved with asphalt or concrete surfacing and which areas are adequately graded and drained.
- (E) The storage of all merchandise, materials, equipment and accessories is consistently and continuously maintained wholly within a completely enclosed building.
- (F) The sales and services of any furnaces may be conducted only as an incidental and secondary use, provided further that there is no sheet metal shop operated in connection therewith.
- (G) That there be a yard three (3) feet in depth adjacent to any residential area or CO zone, which yard shall be contained with a compact evergreen hedge, planted with material at least three (3) feet in height and which shall be capable of attaining a height of at least six (6) feet, which hedge shall be maintained in a neat condition.

**125.070. MANUFACTURED HOME TOWING SERVICE OFFICE.**

A manufactured home towing service office may be permitted by the Planning Director provided:

- (A) Not more than four (4) manufactured homes and/or the towing tractors remain for more than 48 hours at any one time on the site.
- (B) All portions of the property which are to be used for the parking of automobiles and trucks and manufactured homes are paved.

- (C) A permit and approval has been obtained from the Polk County Director of Public Works regarding the number, size of driveways and the direction of ingress and egress to each driveway.
- (D) No manufactured home or trailer is stored for any purpose on this site.
- (E) The office may be a manufactured unit provided that said manufactured unit meets the requirements of the County Building Official. That there be no operation of this activity during darkness or movement of units on holidays and weekends. That there will be no repair or service of trucks on this property.
- (F) There will be no repair or service of trailers or manufactured homes on this site.

**125.080. RETAIL BUILDING MATERIALS SALES FIRM.**

A retail building materials sales firm may be permitted by the Planning Director provided:

- (A) All sales are at retail to the general public.
- (B) All activities, including storage, are conducted wholly within an enclosed building.
- (C) Loading and unloading operations are conducted through those sides of the building which are not abutting, adjacent to or across a street from any residential or CO zone.
- (D) All parking and loading areas are paved with an asphaltic or comparable permanent surface.
- (E) All parking, loading and yard areas are continuously maintained in a neat and clean manner.
- (F) Storage of merchandise or warehousing of merchandise is limited to that amount and kind which will be sold through the retail sales at the site of such storage.
- (G) The County Building Division issue a "Certificate of Occupancy" prior to use of the building and site, after determining that the conditions set forth herein are fully satisfied. In the event such conditions are not continuously met, the Certificate of Occupancy shall be subject to revocation upon 30 days notice.