



21ZA-004

STAFF REPORT

APPLICANT:

City of Galveston

REQUEST:

Text Amendment

APPLICABLE ZONING LAND USE

REGULATIONS:

Article 2: Uses and Supplemental Standards and Article 14: Definitions

PROPOSED TEXT AMENDMENT:

To add a new and unlisted land use of "Recreation, Outdoor - Private" and a definition. And to add a definition for "Boathouse".

EXHIBITS:

- A – Article 2, Use Table
- B – Definitions

STAFF:

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LAND DEVELOPMENT REGULATIONS of 2015

Executive Summary:

Staff is requesting a text amendment to the Galveston Land Development Regulations, Article 2: Uses and Supplemental Standards in order to add "Recreation, Outdoor - Private" as a new land use and to add definitions for "Recreation, Outdoor - Private" and "Boathouse" to Article 14, Section 14.103 Definitions.

These zoning text amendments were initiated by the Galveston Planning Commission as a response to the publicly expressed desire of property owners wanting to construct accessory buildings such as boathouses, docks and piers on vacant lots in order to be able to store watercraft and have access to open water without first having an existing primary structure (residence).

Current Situation – Accessory Building:

Currently, accessory buildings are not permitted on lots that do not have a primary structure. Accessory buildings are defined as:

Accessory Building means a structure that is subordinate to a principal building, and which serves a purpose that is customarily incidental to but clearly associated with the principal use. Examples of residential accessory buildings and structures include storage sheds, gazebos, home workshops, children's playhouses, greenhouses or other garden shelters, and detached residential garages and carports.

Proposed Land Use Categories

Staff is recommending the “Recreation, Outdoor - Private” use be permitted Limited Use and prohibited in the following zoning districts:

Permitted by Limited Use		Prohibited	
Residential, Single Family	R-1	Residential, Single Family	R-0
Townhouse, Residential District	R-2	Light Industry	LI
Single Family Residential, Historic	R-3-H	Heavy Industry	HI
Multi-Family Residential	MF		
Urban Neighborhood	UN		
Traditional Neighborhood	TN		
Neighborhood Services	NS		
Commercial	C		
Central Business	CB		
Resort/Recreation	Res/Rec		

Proposed Limited Use Standards

Limited Use Standards:

- 1. Use Limitations.** The use shall involve Piers, Docks and Boathouses constructed partially on or adjacent to a vacant lot. The vacant lot must have a minimum of 10-feet of shoreline frontage. Beachfront lots are excluded from this provision. No additional accessory structures shall be constructed on the lot. The use does not require an existing residential use on the property.
- 2. No Nuisance Created.** The use shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a nuisance to neighboring properties. Campfires, grills and any other wood, gas or other like combustible material is prohibited. All trash, litter and debris shall be removed from the lot.
- 3. Parking.** No new or expanded surface parking permitted for this use. No vehicles, land or water, shall be stored on the lot. A maximum limit of 3 motorized vehicles shall be allowed on the lot during the hours of use. A maximum of 3 improved parking spaces may be installed on the lot, each space not to exceed 9’ x 20’.
- 4. Fencing.** To prevent the public from accessing the site, a fence shall be constructed to enclose the entire lot and to deny access to any structure associated with the lot. Fences shall be a minimum of 4 feet in height, and may be constructed of chain link (cyclone) or wood, or as required by development

standards. Gates shall be installed at all vehicular and pedestrian entrance points.

5. **Camping.** Overnight camping of any kind shall be prohibited.

6. **Signage.** A “NO TRESPASSING” sign shall be attached either to the fence surrounding the lot or a sign post and shall be visible from the street right-of-way. The overall height of the entire sign, including the signpost, shall not exceed 4 feet. Illumination of the sign, in any manner, shall be prohibited. Signs are not to exceed 22 inches by 33 inches.

7. **Lighting.** Shall comply with Section 7.104 and Section 7.105 of ARTICLE 7. OUTDOOR LIGHTING.

8. **Jurisdictional review.** This land use shall require a copy of the U. S. Army Corps of Engineers (USACE) Jurisdictional Determination, permit application and or materials required for the proposed project. And/or a lease with the Texas General Land Office (TXGLO) if applicable.

Proposed Definitions

Staff is requesting to add the following definitions to Article 14, Section 14.103 Use Definitions:

Recreation, Outdoor - Private – Uses that provide recreation opportunities outdoors for private property owners, which are not commercial in nature. The phrase includes private structures used for active or passive recreational activities including, boathouses, docks and fishing piers.

Boathouse – Accessory structure constructed wholly or partially over a body of water designed primarily for the purpose of storing watercraft.

Classification of New and Unlisted Uses

Per Section 13.203: Discretionary Approval and Designations of the Land Development Regulations:

Any proposed use that is not explicitly classified as a permitted, specific, temporary, or prohibited use shall be reviewed and considered by the City Council for classification. The City Council may either choose to interpret the proposed use as an existing classified use, or adopt it as a new use and designate it as a permitted, specific, temporary, or prohibited use based on the base and/or overlay zoning district(s).

Criteria for Text Amendments

Per Section 13.700: Text Amendments of the Land Development Regulations:
Recommendations and decisions regarding petitions for amendments to the text of these regulations are legislative in nature, but shall be based on consideration of all the following criteria:

1. The proposed amendment will help to implement the adopted City of Galveston 2011 Comprehensive Plan or if it involves a topic that is not addressed or not fully developed in the City of Galveston 2011 Comprehensive Plan, the proposed amendment will not impair the implementation of the adopted City of Galveston 2011 Comprehensive Plan and other adopted special-area and special-topic plans when compared to the existing regulations.
2. The proposed amendment is consistent with the stated purposes of these regulations.
3. The proposed amendment will maintain or advance the public health, safety, or general welfare.
4. The proposed amendment will help to mitigate adverse impacts of the use and development of land on the natural or built environment, including, but not limited to mobility, air quality, water quality, noise levels, storm water management, wildlife protection, and vegetation or will be neutral with respect to these issues.
5. The proposed amendment will advance the strategic objectives of the City Council such as fiscal responsibility, efficient use of infrastructure, public services, and other articulated City objectives.

Consideration for Text Amendments

Per Section 13.700: Text Amendments of the Land Development Regulations:

Purposes: Text amendment proposals shall serve the following purposes:

1. Advancing the goals, objectives and policies of the City's Comprehensive Plan and other adopted special-area and special-topic plans;
2. Securing adequate light, air, convenience of access, and safety from fire, flood and other danger;
3. Lessening or avoiding congestion in public ways; Promoting the public health, safety, comfort, morals, convenience and general welfare; and Otherwise accomplishing the purposes of Texas Local Government Code Chapter 211, Municipal Zoning Authority.

Considerations: In preparation and considering proposals for text amendments, the Planning Commission and City Council shall pay reasonable regard to:

1. The Comprehensive Plan and related plans;
2. Current conditions and the character of current uses and structures in each district;

3. The most desirable use for which the land in each district is adapted;
4. The conservation of property values throughout the jurisdiction; and
5. Responsible development and growth

Other Reviews

City Council will hear this request at their regular scheduled meeting on February 24, 2022.

Respectfully Submitted,

Pete Milburn, Sr Project Manager

Date

Catherine Gorman, AICP

☐
Date

Table 2.201														
Permitted Uses: Agricultural and Residential Uses														
P = permitted use; L = limited use; S = specific use review; "-" = prohibited use														
Zoning Districts														
Agricultural Land Use	R-0	R-1	R-2	R-3	MF	UN	NS	TN	C	CB	RES/ REC	LI	HI	Use Standard
Agricultural Support	-	-	-	-	-	-	-	-	-	-	-	L	L	
Agriculture/Urban Farming	-	L	-	-	P	P	L	P	P	P	P	P	P	LIMITED
Commercial Stable	-	-	-	-	-	-	-	-	-	-	-	P	P	
Residential Stable	-	-	L	-	L	-	S	P	-	-	P	-	-	LIMITED
Veterinarian, Large Animal	-	-	-	-	-	-	-	-	-	-	-	P	P	
Residential Land Uses	R-0	R-1	R-2	R-3	MF	UN	NS	TN	C	CB	RES/ REC	LI	HI	Use Standard
Accessory Dwelling Unit	L	L	L	L	L	L	L	L	L	L	-	-	-	LIMITED
Bed and Breakfast	-	-	-	L	L	L	L	P	P	P	L	-	-	LIMITED
Boarding House, Dormitory, Fraternity or Sorority	-	-	-	-	P	L	L	P	P	P	P	P	-	LIMITED
Child Care Facility, Day Care (Residential)	-	-	L	L	P	L	L	L	P	P	P	-	-	LIMITED
Community Garden	-	L	L	L	L	L	L	L	P	L	P	P	P	LIMITED
Cottage Food Production	P	P	P	P	P	P	P	P	P	P	P	P	P	State Law
Home Based Business	-	-	-	-	P	L	L	P	P	P	P	P	P	LIMITED
Home Based Occupation	L	P	P	L	P	P	P	P	P	P	P	P	P	
Hospital House Establishment	-	-	-	-	L	L	L	P	P	P	P	P	-	LIMITED
Live-Work Unit	-	-	-	-	P	L	L	P	P	P	P	P	P	LIMITED
Condominium	-	-	-	-	P	L	L	P	P	L	P	-	-	LIMITED
Duplex	-	L	L	L	P	P	P	P	P	P	P	-	-	LIMITED
Multi-Family Residential	-	-	-	-	P	L	L	P	P	L	P	-	-	LIMITED

Residential Land Uses	R-0	R-1	R-2	R-3	MF	UN	NS	TN	C	CB	RES/ REC	LI	HI	Use Standard
Personal Care Homes (DADS)	P	P	P	P	P	P	P	P	P	P	P	P	P	State Law
Short Term Rental Residential Dwelling	-	P	P	L	P	P	P	P	P	P	P	P	P	
Single-Family Detached	P	P	-	P	P	P	P	P	P	L	P	-	-	LIMITED
Townhouse	-	-	P	-	P	P	P	P	P	P	P	-	-	

Table 2.201

Permitted Uses: Commercial Uses

P = permitted use; L = limited use; S = specific use review; "-" = prohibited use

Zoning Districts

Commercial Land Uses	R-0	R-1	R-2	R-3	MF	UN	NS	TN	C	CB	RES/ REC	LI	HI	Use Standard
Adult Day Care	-	-	-	-	P	L	L	P	P	P	P	P	-	LIMITED
Adult Use (SOB)	-	-	-	-	-	-	-	-	S	-	-	S	S	SUP
Alcoholic Beverage Sales, Liquor Store or Package	-	-	-	-	P	S	-	P	P	P	P	P	P	SUP
Arena / Stadium	-	-	-	-	-	-	-	-	P	P	P	P	P	
Auto Service/Fueling or Charging Station	-	-	-	-	-	-	-	P	L	L	L	L	P	LIMITED
Bar	-	-	-	-	-	S	-	P	P	L	P	P	P	LIMITED/SUP
Boat Repair Facility	-	-	-	-	-	-	-	-	L	-	-	P	P	LIMITED
Boat Sales or Rental	-	-	-	-	-	-	-	-	L	-	L	L	P	LIMITED
Child Care Facility, Day Care (Commercial)	-	-	-	-	P	L	L	P	P	P	P	-	-	LIMITED
Cleaning / Laundry Pick-Up Station	-	-	-	P	P	L	L	P	P	P	P	P	P	LIMITED
Cleaning / Laundry-Mat Self Service	-	-	-	-	P	L	L	P	P	P	P	P	P	LIMITED
College / University / Vo-Tech	-	-	-	-	P	P	P	P	P	P	P	P	P	

Commercial Land Uses	R-0	R-1	R-2	R-3	MF	UN	NS	TN	C	CB	RES/ REC	LI	HI	Use Standard
Commercial Amusement, Indoor	-	-	-	-	-	L	L	L	L	L	L	L	P	LIMITED
Commercial Amusement, Outdoor	-	-	-	-	-	-	-	L	L	L	L	P	P	LIMITED
Commercial Lodging (Hotel)	-	-	-	-	-	S	-	L	L	P	L	L	P	SUP
Commercial Warehousing and Logistics	-	-	-	-	-	-	-	-	-	-	-	P	P	
Correctional or Rehabilitation Facility	-	-	-	-	-	-	-	-	S	-	-	S	S	SUP
Credit Access Business	-	-	-	-	-	-	-	-	L	-	-	-	-	
Family Care Facility	-	-	-	-	-	-	S	-	S	S	S	P	P	SUP
Fine Arts Instruction	L	L	P	P	P	P	P	P	P	P	P	P	P	LIMITED
Flea Market	-	-	-	-	-	-	-	-	L	L	L	L	L	LIMITED
Golf Carts, Sales and Service	-	-	-	-	-	-	-	-	L	L	L	P	P	LIMITED
Gun Shop	-	-	-	-	-	-	-	-	L	L	L	L	L	LIMITED
Heavy Vehicle, Manufactured Home, Watercraft or Aircraft Sales or Rental	-	-	-	-	-	-	-	-	-	-	L	L	L	LIMITED
Homeless Shelter	-	-	-	-	-	-	-	-	S	S	S	P	P	SUP
Hospital	-	-	-	-	-	-	-	P	P	P	P	P	-	
Kennel	-	-	-	-	-	-	-	-	L	-	L	L	P	LIMITED
Library	-	-	P	-	P	P	P	P	P	P	P	P	P	
Medical Office / Clinic / Lab	-	-	-	P	P	L	L	P	P	P	P	P	-	LIMITED
Nursery or Greenhouse, Retail	-	-	-	P	-	-	P	-	P	P	P	P	P	
Nursing / Convalescent Home	-	-	S	-	L	L	L	P	P	P	P	P	P	LIMITED/SUP
Office	-	-	-	-	-	L	L	L	P	L	L	L	L	LIMITED
Outdoor Storage	-	-	-	-	-	-	-	-	L	-	L	L	L	Limited

Commercial Land Uses	R-0	R-1	R-2	R-3	MF	UN	NS	TN	C	CB	RES/ REC	LI	HI	Use Standard
Parking Lot, Commercial Surface Parking Area	-	-	-	-	-	-	-	-	-	-	-	L	L	LIMITED
Parking Structure or Lot Incidental to Main Use	-	-	-	-	P	L	L	P	L	P	L	P	P	LIMITED
Parking Structure – Mixed Use	-	-	-	-	L	L	L	L	L	L	L	L	-	LIMITED
Passenger Motor Vehicle Sales or Rental	-	-	-	-	-	-	-	-	L	L	-	P	P	LIMITED
Pawn Shop	-	-	-	-	-	-	-	-	P	P	-	P	-	
Personal Fitness	-	-	-	P	L	L	L	L	P	P	P	P	-	LIMITED
Pet Grooming Services	-	-	-	P	-	L	L	P	P	P	P	-	-	LIMITED
Place of Private Assembly	-	-	-	L	S	S	S	P	P	P	P	P	P	SUP
Place of Public Assembly	-	-	L	P	L	L	L	P	P	P	P	P	P	LIMITED
Private Club	-	-	-	-	S	S	S	P	P	P	P	P	-	SUP
Professional Services, Instruction/Counseling	-	-	-	P	L	L	L	P	P	P	P	P	P	LIMITED
Public Safety Facility	-	-	-	-	P	P	P	P	P	P	P	P	P	
Recreation Indoor	-	L	L	-	L	L	L	P	P	P	P	P	P	LIMITED
Recreation Outdoor	-	L	L	L	L	L	L	P	P	P	P	P	P	LIMITED
Recycling Center	-	-	-	-	L	L	-	L	L	-	L	P	P	LIMITED
Restaurant, Drive-In / Through	-	-	-	-	-	-	-	-	L	-	P	P	P	LIMITED
Restaurant, No Drive-In / Through	-	-	-	P	L	L	L	P	P	P	P	P	P	LIMITED
Retail - Big Box	-	-	-	-	-	-	-	L	L	-	L	L	L	LIMITED
Retail - Commercial	-	-	-	P	-	P	P	P	P	P	P	P	P	
RV Park	-	-	-	-	-	-	-	-	L	-	L	-	-	LIMITED
School, Private	-	-	L	L	L	L	L	P	P	P	P	-	-	LIMITED
Self Storage	-	-	-	-	L	-	-	-	P	L	-	P	P	LIMITED

Commercial Land Uses	R-0	R-1	R-2	R-3	MF	UN	NS	TN	C	CB	RES/ REC	LI	HI	Use Standard
Short Term Rental Residential Dwelling	-	P	P	L	P	P	P	P	P	P	P	-	-	
Small Scale Food And Beverage Production	-	-	-	-	-	L	L	L	P	L	L	P	P	LIMITED
Substance Abuse Facility	-	-	-	-	-	-	-	-	S	S	-	-	-	SUP
Vehicle Wash	-	-	-	-	-	-	-	P	P	P	P	P	P	
Vending Kiosk/ATM	-	-	-	-	L	L	L	L	L	L	L	P	P	LIMITED
Veterinarian, Small Animal	-	-	-	-	-	-	L	P	P	P	P	P	P	
Wholesale	-	-	-	-	-	-	-	-	L	L	P	P	P	LIMITED

Table 2.201

Permitted Uses: Industrial, Public/Private Uses

P = permitted use; L = limited use; S = specific use review; "-" = prohibited use

Zoning Districts

Industrial Land Use	R-0	R-1	R-2	R-3	MF	UN	NS	TN	C	CB	RES/ REC	LI	HI	Use Standard
Automotive Wrecking and Salvage Yard; Junkyard; Recycling Business	-	-	-	-	-	-	-	-	-	-	-	P	P	
Excavation	L	L	L	L	L	L	L	L	L	L	L	L	L	LIMITED
Heavy Industry	-	-	-	-	-	-	-	-	-	-	-	-	L	LIMITED
Light Industry	-	-	-	L	-	-	-	-	-	-	-	L	L	LIMITED
Mining / Extraction	-	-	-	-	-	-	-	-	-	-	-	P	P	
Research and Testing Laboratory	-	-	-	-	-	-	-	-	P	P	P	P	P	
Parking and/or Multimodal Transportation Facility	-	-	-	-	-	-	-	-	L	L	L	P	P	LIMITED
Power Generation	-	-	-	-	-	-	-	-	-	-	-	P	P	
Public Utility Facility, Neighborhood	-	-	P	-	P	P	P	P	P	P	P	P	P	

Industrial Land Use	R-0	R-1	R-2	R-3	MF	UN	NS	TN	C	CB	RES/ REC	LI	HI	Use Standard
Towing Service Facility	-	-	-	-	-	-	-	-	-	-	-	L	L	Limited/SUP
Uses involving Radioactive Material, not including uses related to diagnosis and treatment of illness; and, construction applications; and, academia and scientific research	-	-	-	-	-	-	-	-	-	-	-	-	S	
Public/Private Land Uses	R-0	R-1	R-2	R-3	MF	UN	NS	TN	C	CB	RES/ REC	LI	HI	Use Standard
Airport	-	-	-	-	-	-	-	-	-	-	-	P	-	
Cemetery	-	-	S	-	S	-	S	S	S	S	S	S	S	SUP
Heliport	-	-	-	-	-	-	-	-	-	-	-	-	P	LIMITED
Helistop	-	-	-	-	-	-	-	-	L	-	L	L	P	LIMITED
Marina	-	-	S	-	S	-	-	P	P	P	P	P	P	SUP
Port and Harbor Facilities	-	-	-	-	-	-	-	-	-	-	P	P	P	
Public Utility Plant	-	-	S	-	S	S	S	-	P	P	P	P	P	SUP
Rail Yard	-	-	-	-	-	-	-	-	-	-	-	P	P	
Wireless Telecommunication Facility	-	-	S	S	S	S	S	S	S	S	S	S	P	SUP w/ Standards

SEC. 2.202 PROHIBITED USES IN ALL ZONING DISTRICTS

A. Specific Prohibitions.

1. All uses that are prohibited by local ordinance or require the use or sale of materials that are prohibited by local ordinance.
2. Wireless Telecommunication Facilities and Towers between Broadway Boulevard and Harborside Drive, from 27th Street to 51st Street.
3. All uses that are prohibited by state law or require the use or sale of materials that are prohibited by state law.
4. Intensive agricultures defined by Article 14, Definitions.
5. Uses involving radioactive (nuclear) materials and waste including disposal facilities and decommissioning services require a Specific Use Permit. Land uses related to diagnosis and treatment of illness, construction application, and academic and scientific research are excluded from this provision.

1. *Automotive Wrecking and Salvage Yard* means an outdoor place where a person stores three or more vehicles for the purpose of dismantling or wrecking the vehicles to remove parts for sale or for use in automotive repair or rebuilding.
2. *Junkyard* means a place where a business that owns junk, and is operated to store, buy or sell junk, keeps all or part of the junk outdoors until the business disposes of the junk.
3. *Recycling Business* means a business that is primarily engaged in the business of:
 - a. Converting metal or other material into raw material products that have:
 - i. Prepared grades; and
 - ii. An existing or potential economic value;
 - b. Using raw material products described by 3.a., above, in the production of new products; or
 - c. Obtaining or storing metal or other material for a purpose described by 3.a. or 3.b., above.

Bar means an establishment in which the principal business is the sale of alcoholic beverages for on-premises consumption. The term does not include a restaurant. For the purpose of this section a nightclub is considered a bar/tavern and means a commercial establishment which combines the consumption of alcoholic beverages (sold at the facility or brought in by patrons) on the premises with dancing and/or musical or other entertainment. Within the CB district a bar, retail establishment, night-club, or restaurant use may sell alcoholic beverages for off-premise consumption.

Bed and Breakfast means an owner-occupied/resident manager private home that offers lodging for paying guests, that may serve breakfast to these guests, and that allows for limited social functions as addressed in these regulations.

Boarding House, Dormitory, Fraternity or Sorority means any dwelling, other than a hotel or bed and breakfast establishment, where, for compensation:

1. Lodging and meals are provided; or
2. Sleeping accommodations and common kitchen facilities are provided for individuals while they are enrolled at an educational institution.

Boat means a vehicle designed for travel on water. A boat shall not be considered as a recreational vehicle, passenger motor vehicle, seaplane, or similar vehicles.

Boathouse means an accessory structure constructed wholly or partially over a body of water designed primarily for the purpose of storing watercraft.

Boat Repair Facility means a repair shop which could include a boat repair garage and boat storage yard where boats are repaired and stored until repairs are completed.

Boat Sales or Rental means a marine sales or rental use in which boats 46 feet or less in length are sold or rented.

Cemetery means a place that is used or intended to be used for interment of human remains or cremated remains, and includes, but is not limited to, any of the following:

1. *Columbarium* means a durable, fireproof structure, or a room or other space in a durable, fireproof structure, containing niches and used or intended to be used to contain cremated remains.
2. *Graveyard or Burial Park* means a tract of land that is used or intended to be used for interment in graves.
3. *Mausoleum* means a durable, fireproof structure used or intended to be used for entombment.

Place of Private Assembly means a structure, or part of a structure, that can be temporarily rented for private gatherings (e.g., receptions, private parties, reunions, meetings/conferences).

Place of Public Assembly means an indoor place where people assemble for civic or cultural purposes. This use includes places of worship, meeting facilities and conference centers.

Power Generation means equipment or facilities to produce, generate, transmit, distribute, sell, or furnish electric energy to an electric utility.

Port and Harbor Facilities means structures and improvements generally associated with industrial waterfront areas and nearby land and adjacent water, including, but not limited to, docks, piers, facilities for securing and servicing vessels, facilities for loading/unloading of passenger vessels (e.g., cruise ships), railroad areas and facilities for freight handling/transfer, and/or shipyards.

1. Shipyard means a property where ships, boats, barges, vessels or off-shore platforms are built, repaired or maintained.

Private Club means a building in which members of a community or association may gather for social, educational or cultural activities.

Professional Services, Instruction or Counseling means services that principally involve communication between the proprietor or employee and the client, and which may involve services to more than one client at a time by a single proprietor or employee, including marriage counseling, tutoring, and financial planning. The phrase does not include "personal fitness" or "Fine Arts Instruction" or "personal services."

Public Safety Facility means a public safety facility owned and operated by a governmental agency.

Public Utility Facility, Neighborhood means public utility infrastructure owned and operated by the City or private entity franchised by the City.

Public Utility Plant means a building or other structure owned and operated by the City or private entity franchised by the City for water supply or wastewater treatment, or the production of electricity, steam, hot water or chilled water for consumption by the general public.

Rail Yard means an area of land, a portion of which is covered by a system of tracks, that provides for the making up of trains by one or more railroads or private industry concerns. Necessary functions of a rail yard include, but are not limited to, the classifying, switching, storing, assembling, distributing, consolidating, moving, repairing, weighing or transferring of cars, trains, engines, locomotives and rolling stock.

Recreation, Indoor means uses that provide recreation opportunities indoors for the public (open to the community) or residents of a subdivision or development, which are not commercial in nature. Specifically excluded from the definition are health and exercise clubs and commercial amusement uses. The phrase includes:

1. Community recreation centers;
2. Gymnasiums;
3. Indoor swimming pools; or
4. Tennis, racquetball or handball courts.

Recreation, Outdoor means uses that provide recreation opportunities outdoors for the public (open to the community) or residents of a subdivision or development, which are not commercial in nature (except for golf courses and fishing piers, which may be commercial in nature). The phrase includes public areas for active or passive recreational activities including, but not limited to:

1. Jogging, cycling, tot-lots, playing fields, playgrounds, outdoor swimming pools and tennis courts;
2. Golf courses (regardless of ownership or membership);
3. Fishing piers;
4. Arboretums, wildlife sanctuaries and other natural areas that may be used for walking or hiking; or
5. Other passive recreation-oriented parks, including picnic areas, garden plots and beaches, and associated support activities such as bath houses and cabanas.

Recreation, Outdoor - Private means Uses that provide recreation opportunities outdoors for private property owners, which are not commercial in nature. The phrase includes private structures used for active or passive recreational activities including, boathouses, docks and fishing piers.

Recreational Vehicle means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, and travel or vacation use; and which is self-propelled, mounted on, or pulled by another vehicle.

Recycling Center means a facility for drop-off of recyclable materials (e.g., waste paper, motor oil, scrap metal, polystyrene foam, porcelain, batteries, electronic components, textiles, plastics, discarded shoes, cardboard and other discarded household materials), where the materials are sorted, temporarily stored and then shipped in bulk to other locations for processing.

Research and Testing Laboratory means an establishment which conducts research, investigation, testing, or experimentation, but not for manufacture, fabrication, processing, or the sale of products.

Residential Stable means a portion of a residential development site dedicated to the shelter, feeding or training of horses, and the provision of riding areas or equestrian trails and any associated corral or pasture areas, as an amenity for the exclusive, common use of residents of the development, and only as an accessory use to the principal residential use of the site. The phrase does not include a "commercial stable."

Restaurant means an establishment that sells prepared food and beverages to customers for consumption on-site or off-site. The term includes:

1. *Restaurant, No Drive-In or Drive-Through* means an establishment that serves prepared meals to customers for consumption on-site or off-site, but does not include drive-in or drive-through facilities (however, the use may include designated parking spaces for curbside pickup of food ordered in advance if the curbside pickup is a clearly subordinate function to the restaurant's operations), and includes:
 - a. Full-service restaurants;
 - b. Limited-service eating facilities;
 - c. Special food services; and
 - d. Gross sales shall be more than 50% from food sales.
2. *Restaurant, Drive-In or Drive-Through* means a restaurant located either within a retail center, or situated on its own freestanding pad, which:
 - a. Contains a drive-in or drive-through facility;
 - b. Primarily serves food that is prepared and packaged within five minutes; and
 - c. Customarily serves food in disposable containers.

Retail – Commercial means any business engaged in the buying and selling of goods and services in retail business. For this section, the term means commercial and retail uses that do not include regular outside storage or sales. The phrase includes uses that are comparable to the following: