

ZONING ORDINANCE UPDATE - DRAFT

ARTICLE I. - IN GENERAL

Sec. 50-1. - Legislative authority.

The city council does ordain and enact into law the articles and sections of this chapter pursuant to authority conferred by the laws of the state (RSMo 89.010 et seq.), and to:

- (1) Promote the public health, safety, morals and general welfare;
- (2) Lessen congestion in the streets;
- (3) Secure from fire, panic and other dangers;
- (4) Provide adequate light and air;
- (5) Prevent the overcrowding of land;
- (6) Avoid undue concentration of population; and
- (7) Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements in accordance with the comprehensive plan.

Sec. 50-2. - Interpretations of certain terms and words.

- (1) For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given in this section. Where not defined in this section or in section 50-3, the language used in this chapter shall have the common and customary meaning.
- (2) The particular shall control the general.
- (3) If there is any difference of meaning or implication between the text and any caption or illustration, the text shall control.
- (4) The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- (5) Wherever in this chapter any reference is made to any other section or provision of this chapter, such reference shall be deemed to include the provision or regulation to which reference is made.

Sec. 50-3. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building or use means a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building. All accessory buildings of a fixed nature or having a floor area of more than ~~80 square feet~~ **120 square feet** shall be subject to all provisions of the city's building codes and this chapter. Nonpermanent accessory buildings of **120 square feet** or less shall be subject to yard and area requirements and other restrictions of this chapter. An accessory use includes, but is not limited to, the following:

- (1) A children's playhouse, garden house, and private greenhouse.
- (2) A civil defense shelter serving not more than two families.
- (3) A garage, shed or building for domestic storage.
 - (a) In residential districts, **permanently placed rail cars or shipping containers are prohibited**
- (4) Incinerators incidental to residential use.

- (5) Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations.
- (6) A nonpaying guesthouse or rooms for guests within an accessory building, provided such facilities are used for the occasional housing of guests of occupants of the principal building and not for permanent occupancy by others as housekeeping units.
- (7) Off-street motor vehicle parking areas, and loading and unloading facilities.

Administrative structures and properties means a building, structure or property where federal, state or local government activities are conducted, where governments hold title to such lands.

Agricultural building or storage means the production, keeping or maintenance, for sale, lease or personal use, of plants and animals, including, but not limited to, forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; but excluding feedlots, stockyards, and animal slaughterhouses.

Airport means a place from which aircraft operate that has paved runways and maintenance facilities and serves as a terminal.

Alley means a permanent public service way or right-of-way, dedicated to public use, other than a street, place, road, crosswalk or easement, designed to provide a secondary means of access for the special accommodation of abutting property.

Alteration, as applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another, or by change in use from that of one district classification to another.

Alteration, structural, means any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Animal hospital (veterinary clinic) means an establishment where animals are admitted for examination and treatment by one or more veterinarians and where there are facilities to lodge animals that are being treated.

Animal shelter means a facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other not-for-profit organization devoted to the welfare, protection, and humane treatment of animals.

Animal slaughter means an establishment or place of business primarily engaged in the slaughter and butcher of livestock for market.

Apartment means a room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit, and which contains complete kitchen, bath and toilet facilities, permanently installed.

Apartment building means a building arranged, intended or designed to be occupied by three or more families living independently of each other.

Area, building, means the total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, steps, walks, driveways, lampposts, and similar structures.

Artificial lake means a body of water created by the construction of a manmade dam.

Assisted Living Facility means a housing setting for individuals who need assistance with activities of daily living. Each resident may have their own room or rooms which could include bathroom, bedroom, living room and/or kitchen-dining areas.

Bar means an establishment where 50 percent or more of gross income is derived from the sale of alcoholic beverages by the drink, for consumption on the property, and the sale of package liquors may be accessory uses.

Basement means a story partly underground. A basement shall be counted as a story for the purposes of height measurement, if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes.

Boardinghouse (roominghouse) means a building or premises where meals are served for compensation for five or more persons, but not exceeding 12 persons. An establishment where meals are served for compensation for more than 12 persons shall be deemed a restaurant.

Bottling plant means an establishment primarily engaged in the act or process of filling containers.

Building means a structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels or property. When separated by party walls, each portion of such building shall be considered a separate structure.

Building materials, manufacturing, means an establishment or place of business primarily engaged in manufacturing building components, including, but not limited to, brick, stone, wood, shingles and their fasteners for construction.

Building materials, storage and sales, means an establishment or place of business primarily engaged in the retail sales or storage of building components, including, but not limited to, brick, stone, wood, shingles, concrete and their fasteners for construction.

Building official means the public official designated by the city council to issue building permits and carry out such inspections as required by the normal functions of the building department as provided in division 2 of article II of chapter 10.

Bulk oil storage means the storage of oil products in aboveground containers for subsequent resale (wholesale) to distributors or retail dealers or outlets.

Bus depot means a building used for the reception and forwarding of bus passengers.

Caretaker's quarters means a separate, complete dwelling unit that is substantially contained within the primary structure or property.

Carwash means an area or structure equipped with facilities for washing automobiles.

Cellular phone, radio or television tower means a structure with a fixed location which is designed primarily with the objective of obtaining an elevation above other objects to support an antenna or other device for receiving or transmitting radio, television, microwave or other telecommunications or signals.

Cemetery means property used for the interring of the dead, including mausoleums.

Church means a building or structure or a group of buildings or structures, which by design and construction is primarily intended for the conducting of organized religious services and accessory uses associated therewith.

Club and lodge mean a structure or property used for public or private noncommercial recreation and providing services to the patrons of such facility or area.

Cluster development means a development approach in which building lots may be reduced in size and buildings sited closer together, usually in groups or clusters, provided that the total development density does not exceed that which could be constructed on the site under conventional zoning and subdivision regulations. The additional land that remains undeveloped is then preserved as open space and recreational land.

College means an educational institution that provides a postsecondary instructional program, including classroom, laboratory and administration buildings; lecture halls; libraries; dormitories; dining halls; student centers; auditoriums; chapels; gymnasiums; stadiums; fraternities; sororities; and other similar buildings and structures.

Commercial greenhouse. See *Greenhouse.*

Commission means the planning commission.

Comprehensive plan means the complete plan, or any of its parts, prepared by the commission and adopted by the city council in accordance with the authority conferred by RSMo ch. 89.

Concrete mixing means the act or process of mixing cement, aggregate and water to produce concrete for use or sale.

Conditional use means a use whereby the commission may grant permission for a use that is listed as a conditional use in this chapter. The planning commission must review the application and determine whether specific conditions for protection of the area and maintenance of the character of the district are incorporated in the plans for the proposed use. It is not necessary to show practical difficulty or hardship, as the applicant is not asking for permission to violate this chapter, but rather it must be shown that the proposed use is included in the list of conditional uses of the district and that adequate safeguards are specifically included in the plans to ensure that the use will not be in any way a substantial detriment to the locality.

Contractor's yard means an area with its buildings and facilities set aside for a particular construction trade or activity.

Coverage means that percentage of the plot or lot area covered by the building area.

Cultural structures and properties means a building, structure or property, which by design and construction is primarily intended for cultural use, including, but not limited to, art galleries, libraries, museums, arboreta and botanical and zoological gardens, and performing arts theaters.

Dairy means a building, structure or property that is devoted to the raising of dairy cows and the production of milk.

Day care, commercial (any number of people not residing at the facility), means the care of a person away from his own home for custodial, educational, religious or other purposes for any part of a 24-hour day on a regular, daily basis in exchange for payment. Subject to the following regulations:

- (1) State licensing. Commercial day care uses shall be licensed by the state and shall meet all city, county, and state health department requirements pertaining to facilities, equipment, and other features.
- (2) Commercial day care is allowed in commercial ~~and less restrictive~~ (delete) districts only.
- (3) Business license. A business license is required prior to the establishment of a commercial day care.
- (4) Vehicle drop-off area. A loading zone capable of holding one car per ten licensed occupants shall be provided in addition to the required parking area, in order to provide for easy pickup and discharge of passengers.
- (5) A fence must surround the play or outside area.

Day care, general (five to ten people not residing in the residence), means the care of a person away from his own home for custodial, educational, religious or other purposes for any part of a 24-hour day on a regular, daily basis in exchange for payment. General day care may be conducted in a dwelling unit that is occupied as a permanent residence by the day care provider under a conditional use permit if approved by the planning commission and city council and subject to the following regulations:

- (1) State licensing. General day care uses shall be licensed by the state and shall meet all city, county, and state health department requirements pertaining to facilities, equipment, and other features.
- (2) Business license. A business license is required prior to the establishment of a general day care.
- (3) There shall be no signage.

- (4) There shall be no employees, except that an assistant may provide care during necessary absences of the regular day care provider.
- (5) A fence must surround the play or outside area.
- (6) There shall be no more than one day care within 440 feet of another day care (closest corner of lot to closest corner of lot)

Day care, limited (one to four people not residing in the residence), means the care of a person away from his own home for custodial, educational, religious or other purposes for any part of a 24-hour day on a regular, daily basis in exchange for payment. Limited day care uses may be conducted in a dwelling unit that is occupied as a permanent residence by the day care provider and subject to the following regulations:

- (1) The use will be considered a home occupation and be subject to the home occupation provisions defined in this section.
- (2) A business license/home occupation is required prior to the establishment of a limited day care.
- (3) There shall be no more than one day care operation within 440 feet (closest corner of lot to closest corner of lot) of another day care.

District means a section of the city for which uniform regulations governing the use, design, height, area and intensity of use by buildings and land and open spaces about buildings are established in this chapter.

Drainage right-of-way means the lands required for the installation of stormwater sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Duplex, two-family (household), means a building designed exclusively for residence purposes by two families or housekeeping units living independently of each other.

Dwelling means a building designed or used exclusively as the living quarters.

Dwelling unit means a building or portion thereof providing complete housekeeping facilities for one family, with separate toilets and facilities for cooking and sleeping.

Employee living quarters means a separate, complete dwelling unit that is substantially contained within the primary structure or property.

Equipment storage means a building, structure or property which is intended for the storage of equipment.

Fabrication plant means an establishment or place of business primarily engaged in the act or process of manufacturing products from raw materials.

Family means one or more persons who live together in one dwelling unit and maintain a common household; may consist of a single person or of two or more persons, whether or not related by blood, marriage or adoption; may also include domestic servants and gratuitous guests.

Feed mill means an establishment or place of business primarily engaged in the production and storage of food for livestock.

Fence means a structure, typically of posts and wire or boards that creates a barrier or defines a boundary.

Field, row and tree crops means the production for sale, lease or personal uses of plants, including, but not limited to, forages and sod crops; grains and seed crops; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental or greenhouse products; or lands developed to a soil conservation or forestry management program.

Financial institution means an establishment where the act or process of raising or providing funds occurs.

Floodplain means land area that is subject to a one-percent or greater chance of flooding in any given year. The floodplain is delineated by the extent of the base flood or that flood which has a one-percent chance of being equaled or exceeded in any given year; also known as the "100-year flood" or "regional flood."

Floor area means the sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings.

- (1) In particular, the floor area of a building shall include the following:
 - a. Basement space.
 - b. Elevator shafts and stairwells at each floor.
 - c. Floor space for mechanical equipment, with structural headroom of seven feet, six inches or more.
 - d. Penthouses.
 - e. Attic space, whether or not a floor has actually been laid, providing structural headroom of seven feet, six inches or more.
 - f. Interior balconies and mezzanines.
 - g. Enclosed porches.
 - h. Accessory uses, not including space for accessory off-street parking.
- (2) The floor area of a building shall not include the following:
 - a. Elevator and stair bulkheads, accessory water tanks and cooling towers.
 - b. Floor space used for mechanical equipment, with structural headroom of less than seven feet, six inches.
 - c. Attic space, whether or not a floor has actually been laid, providing structural headroom of less than seven feet, six inches.
 - d. Uncovered steps.
 - e. Terraces, breezeways and open spaces.
 - f. Accessory off-street parking spaces.
 - g. Accessory off-street loading berths up to 200 percent of the amount required by division 5 of article V of this chapter.

Floor area ratio (FAR) means the total area of the building on that zoning lot divided by the area of such lot.

Food processing means establishments or places of business primarily engaged in performing a series of actions or operations to produce a particular product from raw foods.

Forestry means the development, cultivating or management of growing timber.

Frontage means all property abutting on one side of a street or place between two intersecting streets or places (crossing or terminating), or if the street or place is dead ended, then all of the property abutting on one side between an intersecting street or place and the dead end of the street or place.

Garage, private, means an accessory building, housing not to exceed four motor-driven vehicles, the property of and for the use of the occupants of the lot on which the private garage is located.

Grain elevator means a structure which by design and construction is primarily intended for the storage of processed grains.

Greenhouse means a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

Heavy equipment sales and repair means an establishment or place of business primarily engaged in the sale and repair of heavy equipment, including, but not limited to, tractors, backhoes, bulldozers and tractor-trailers.

Highway entrance means a point of access to a main direct state or federal highway.

Home occupation means an accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use and in connection therewith meets the following limitations:

- (1) No person other than someone related by blood, marriage, adoption or custodial relationship to the person conducting the home occupation and who also resides in the dwelling unit shall be employed on the property except that an outside assistant may be allowed for a general day care only in the absence of the regular caregiver who resides in the home.
- (2) The home occupation shall be conducted entirely within the principal residential building or in a permitted accessory building ~~or on a temporary site away from the property (delete).~~
- (3) No sign shall advertise the presence or conduct of the home occupation, except that a two-square-foot nameplate shall be allowed.
- (4) No stock in trade, equipment, or commercial trash shall be stored in a manner visible to the public or in such a manner to cause a nuisance to neighbors.
- (5) No alteration of the principal residential building shall be made which changes the character thereof as a dwelling.
- (6) The home occupation shall not produce offensive noise, vibration, smoke, electrical interference, dust, odors, or heat detectable beyond the property lines or beyond the walls of the dwelling unit, if the unit is part of a multifamily structure.
- (7) The receipt or delivery of merchandise, goods, or supplies for use in a home occupation shall be limited to the United States mail, similar parcel delivery service or private vehicles. **This excludes tractor trailers or other vehicles with a gross vehicle weight rating in excess of 10,000 pounds or less.**
- (8) Not more than one vehicle shall be utilized in the business and parked at the residence.
- (9) No customer parking areas shall be provided.
- (10) No home occupation shall generate traffic, parking, sewage, water use or noise in excess of what is normal in a residential neighborhood.
- (11) A business license shall be obtained as required by other sections of this Code or city ordinances.

Home, single-family (household), means a building designed exclusively for residence purposes by one family or housekeeping unit.

Hospital, **means institution providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility. Types of hospitals include general, mental, chronic disease and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer, and the like.**

Hotel means a building in which lodging is provided and offered to the public for compensation and in which ingress and egress to and from rooms is made through an inside lobby or office supervised by a person in charge at all hours, and which is open to transient guests, ~~in contradistinction~~ **contrary** to a boardinghouse or lodginghouse.

Impervious surface means any part of a lot that is covered by buildings, structures, parking areas, driveways and any other surfaces which will reduce or prevent the absorption of stormwater.

Incineration (garbage disposal) means a furnace or a container for burning waste materials.

Industrial park means a group of unrelated buildings or properties engaged in manufacturing, **warehousing, shipping or related** processes, usually located near a major transportation corridor for the purposes of receiving raw material and shipping final products.

Junk, auto salvage means a place where waste, discarded or salvaged materials, inoperative or wrecked motor vehicles and their parts, inoperative machinery or trailers and their parts are dismantled, stored, bought, sold, exchanged, bailed, packed, disassembled or handled, including all auto salvage yards, wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawnshops and establishments for the sale, purchase or storage of lawn furniture and household equipment, used cars in operable condition, or salvage material incidental to manufacturing operations.

Jurisdiction means the jurisdictional area to which this chapter applies (i.e., the city).

Kennel, commercial, means any lot, building, structure, enclosure or premises where five or more dogs over the age of six months of age are kept for commercial purposes, including boarding, breeding, wholesale and retail sales of goods or animals, or the rendering of services for profit, or any facility which is classified as a regulated business by the department of agriculture.

Kennel, private, means a shelter at or adjoining a private residence where more than four but less than 11 dogs over six months of age are bred and/or kept for hunting, training, and exhibition for organized shows; field, working and/or obedience trials; or for the enjoyment of an identifiable species of dog or cat. No wholesaling of animals is allowed.

Leather products means an establishment or place of business primarily engaged in the act or process of working leather into a useful or desired form.

Liquified petroleum storage means the storage of liquefied petroleum products in aboveground containers for subsequent resale (wholesale) to distributors or retail dealers or outlets.

Liquor shop means an establishment where alcoholic beverages are sold for consumption off the property.

Livestock means farm animals kept or raised for use or profit.

Loading berth means an off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lot means a parcel of land identified by a number on a subdivision plat or survey recorded in accordance with this chapter.

Lot area means the computed area within the lot lines.

Lot, corner, means a lot at the junction of and having frontage on two or more intersecting streets.

Lot coverage means the percentage of the lot area covered by the building area. See *Floor area ratio (FAR)*.

Lot, depth of, means the mean horizontal distance between the front line and the rear lot line, measured in the general direction of the side lot lines.

Lot width means the dimension of a lot measured between side lot lines on the building line.

Lumber mill means an establishment or place of business primarily engaged in the act or process of producing lumber from raw timber.

Manufactured home means a factory-built structure that is manufactured or constructed under the authority of 42 USC 5401, is built on a permanent chassis and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. Any reference in this chapter to manufactured homes shall also include mobile homes.

Materials processing means establishments or places of business primarily engaged in a series of actions or operations to produce a particular end product.

Mechanical equipment shop means a commercial establishment primarily engaged in the production or repair of machinery.

Medical Office or Clinic means a facility organized and operated for the primary purpose of providing health services in one or more medical or dental specialty for out-patient medical or dental care of the sick or injured, and including related facilities such as laboratories and other service facilities operated in connection with the clinics.

Metal-working means an establishment or place of business primarily engaged in the act or process of working metal into a useful or desired form.

Mineral or topsoil removal and storage means a place of business primarily engaged in the stripping, mining and storage of topsoil or minerals for use in construction or manufacturing processes.

Mixed-Use Residential means residential units located above the primary use commercial units on the ground floor. Structures containing mixed use residential must give the exterior appearance of the primary commercial use.

Mobile home means a transportable, factory-built home, designed to be used as a yearround residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. In many cases, mobile homes were built to a voluntary industry standard of the American National Standards Institute (ANSI) A119.1 Standards for Mobile Homes. A travel trailer is not to be considered a mobile home.

Modular home means factory-built housing certified as meeting city building codes for modular housing. Once certified by the building department, modular homes shall be subject to the same standards as site-built homes and shall be considered as single-family detached dwellings.

Monument making and storage means an establishment or place of business primarily engaged in the act or process of making and storing monuments.

Mortuary means a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation, but does not include facilities for cremation.

Motel means a building or group of buildings under one ownership containing six or more sleeping rooms occupied or intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including a trailer court or recreational vehicle park, hospital, asylum, orphanage, or building where persons are housed under a restraint.

Net site area means the total area which is within the property lines of a developable site, but not including any streets or right-of-way which may be included within.

Nonconforming use means a building or use of land that does not conform to the regulations for the district in which is situated.

Nursery means a place where trees, shrubs or flowering plants are raised for commercial purposes from seed or otherwise in order to be transplanted or propagated.

Nursing Home means an installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or infirmity.

Office, business, means an office for conducting the affairs of business or an establishment engaged in rendering services to business establishments such as advertising, data processing, employment service, management and consulting services and protective services.

Office, medical, means an office for a physician, physical therapist, chiropractor, surgeon or any other medical professional of the same general character. Medical offices do not include significant diagnostics, testing or outpatient surgery facilities normally associated with medical clinics or hospitals.

Office, professional, means an office of a member of a recognized profession, such as an accountant, architect, attorney, engineer, insurance agent, real estate agent, personal or family counselor, public stenographer or any other profession, which is of the same general character.

Office, sales, means an office accessory to a manufacturing, production, processing, cleaning, servicing, testing, repair or storage activity where sales are primarily generated by telephone or off site by salespersons with only incidental retail sales on site.

Off-street parking means a building, structure or property, which by design and construction is primarily intended for the parking of motor vehicles in operating condition in an area that is not used as a public or private thoroughfare.

Open space means any occupied space on a lot that is unobstructed to the sky except for the ordinary projection of cornices and eaves. Open space does not include areas covered by structures, decks, porches, parking areas, driveways, internal streets and other forms of impervious surface. Water bodies that are not subject to public ownership shall also be included as open space.

Packaging operations means an establishment or place of business primarily engaged in the act or process of packing products for presentation or transportation.

Parking lot means any place, lot, parcel or yard used in whole or in part for the storage or parking of two or more vehicles, where such usage is not incidental to or in conjunction with a dwelling, or other usage permissible in dwelling districts and located on the same tract.

Parking space means an off-street space available for the parking of one motor vehicle, and having an area of not less than 180 square feet inclusive of passageways and driveways appurtenant thereto and giving access thereto and having direct access to a street or alley.

Permitted use means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Poultry means domesticated birds kept or raised for use or profit.

Printing and publishing means an establishment that utilizes either printing presses and other equipment to print material and/or bind books, or that provides duplicating or document production services using photocopy, blueprint, word processing or offset printing equipment to collate booklets and reports.

Public service structures and properties means a building, structure or property maintained for or used by the people of the city on a noncommercial basis.

Public utility transmission lines means electric power lines, telephone lines, fiber optic cables, or any other wires or cables or conduits for the conveyance of electric power or the communication of messages, data or signals, and appurtenant equipment.

Railroad terminal means a building at either end of a carrier line having facilities for the handling of railroad freight or passengers.

Railroad tracks means a permanent road having a line of rails fixed to ties and laid on a roadbed and providing a track for cars or equipment drawn by locomotives or propelled by self-contained motors.

Recreational structures and properties means a building, structure or property, which by design and construction is primarily intended for recreational use, including, but not limited to, stadiums, public and private parks, playgrounds, golf courses, athletic clubs, fitness centers, indoor sports facilities, athletic fields and facilities.

Restaurants and eating places means an establishment where food and drink is prepared and served for consumption on or off the property. If alcoholic beverages are served, more than 50 percent of gross income must be derived from the sale of food and nonalcoholic beverages, for consumption on the property, for the establishment to be classified as a restaurant.

Retail sales and service means a building, structure or property intended for the following types of uses: bakery, package liquor, books, candy, dairy products, drugs, groceries, flowers, gifts, jewelry, hobby materials, meat, fish and poultry, newsstands, wearing apparel, shoes, clothing, toys, pipe and tobacco, and video rental.

Rifle, skeet, trap and pistol range means a structure or property for the purpose of allowing individuals to practice shooting at targets.

Roadside stand (agricultural products) means a temporary structure located along the side of the road for the sale of seasonal produce, including, but not limited to, fruits of all kinds, including grapes, nuts and berries, and vegetables.

Sawmill means a mill for the purpose of sawing logs.

School means a facility where educational services are provided for children in the ~~first~~ pre-school grade through 12th grades.

Screen planting means the installation of a vegetative material for the purpose of sheltering, protecting or hiding something from view.

Self-service laundry and dry cleaning means a business that provides home-type washing, drying and/or ironing machines and/or dry cleaning machines for hire to be used by customers on the premises.

Service station means a building, premises or portions thereof which are used or arranged, designed or intended to be used for the retail sale of gasoline or other motor vehicle, motorboat or aircraft fuels.

Shopping center means a group of retail stores and service establishments, with off-street parking facilities, designed to serve a community or neighborhood.

Shopping mall means an urban shopping area featuring a variety of shops surrounding a concourse for pedestrian traffic within a large building or group of buildings.

Single Family homes; Storage container means a single family residence constructed utilizing metal shipping containers. The developer of such structures must provide proof to the city building official that the dwelling will meet all building and life safety codes.

Single Family Home; Tiny means a single family residence considerably smaller than typical dwellings, constructed with the intent of realizing a reduction in cost or footprint, or other factors as identified by the developer. Tiny homes shall be subject to the same regulations as other single family residences.

Stable, private, means any building, structure or portion thereof which is used in whole or in part for the shelter or care of horses, cattle or other similar animals, either permanently or transiently.

Stockyard means a confined land area for fattening cattle or other animals or temporarily holding such animals for shipping.

Storage building means a structure for storage incidental to a permitted use.

Storage facility, self-service means a building or buildings consisting of small, individual self-contained units that are leased or owned for the storage of business and household and personal goods or contractor supplies.

Story means that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between any floor and the ceiling next above it.

Street means a right-of-way, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, or other appropriate name. For the purpose of this chapter, streets shall be classified as follows:

- (1) Arterial streets are those designated for large volumes of traffic movement between neighborhoods. Certain arterial streets may be classified as limited access highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting property.
- (2) Collector streets are important streets planned to facilitate the collection of traffic from neighborhood streets and to provide circulation within neighborhood areas and convenient ways for traffic to reach arterial streets.
- (3) Local streets are those designated primarily to provide access to abutting properties.

Street entrance means a point of access to a main direct city street or road.

Street grade means the officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.

Structure means anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

Structure height means the vertical distance measured from the average elevation of the proposed or existing finished grade at the front of the structure to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Subdivision means the division of any parcel of land shown as a unit, as part of a unit, or as contiguous units on the last preceding transfer of ownership thereof into two or more parcels, sites or lots, for the purpose, whether immediate or future, of transfer of ownership. The following shall not be construed as subdivisions:

- (1) The sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites.
- (2) The division of land by court order or by testamentary or intestate provisions, provided that no new streets or roads are involved.

Subdivision ordinance means an official ordinance within the city, with regulations and requirements and procedures for the establishment of subdivision controls.

Taxicab stand means a building, structure or property used for the reception and forwarding of taxicab passengers.

Temporary construction building means a temporary structure or building located on a construction site primarily intended for use as an office to conduct the management and coordination of various construction trades for that particular construction project.

Townhouse means multifamily dwelling units intended for sale as individual single-family dwelling units, each unit having its own yard (front and rear) and each having its own lot number designated on a recorded subdivision plat.

Triplex, three-family (household), means a building designed exclusively for residence purposes by three families or housekeeping units living independently of each other.

Truck freight terminal means a building at either end of a carrier line having facilities for the handling of truck freight.

Use means the specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Variance means permission granted to depart from the literal enforcement of this chapter and allow the property to be used in a manner otherwise forbidden upon findings by the board of adjustments, relating to standards in this chapter.

Veterinary or animal hospital or clinic means a facility that meets or exceeds all physical requirements and minimum standards as established by board rule for veterinary facilities; provides quality examination, diagnostic and health maintenance services for medical and surgical treatment of animals and is equipped to provide housing and nursing care for animals during illness or convalescence.

Warehouse means a building or structure used for the storage of merchandise or commodities.

Wastewater treatment plant means a structure or property that collects water that has been used (sewage) and clarifies it prior to release into the natural drainage system.

Wholesale sales means establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wood processing means a structure, building or property, which by design and construction is primarily intended for processing wood.

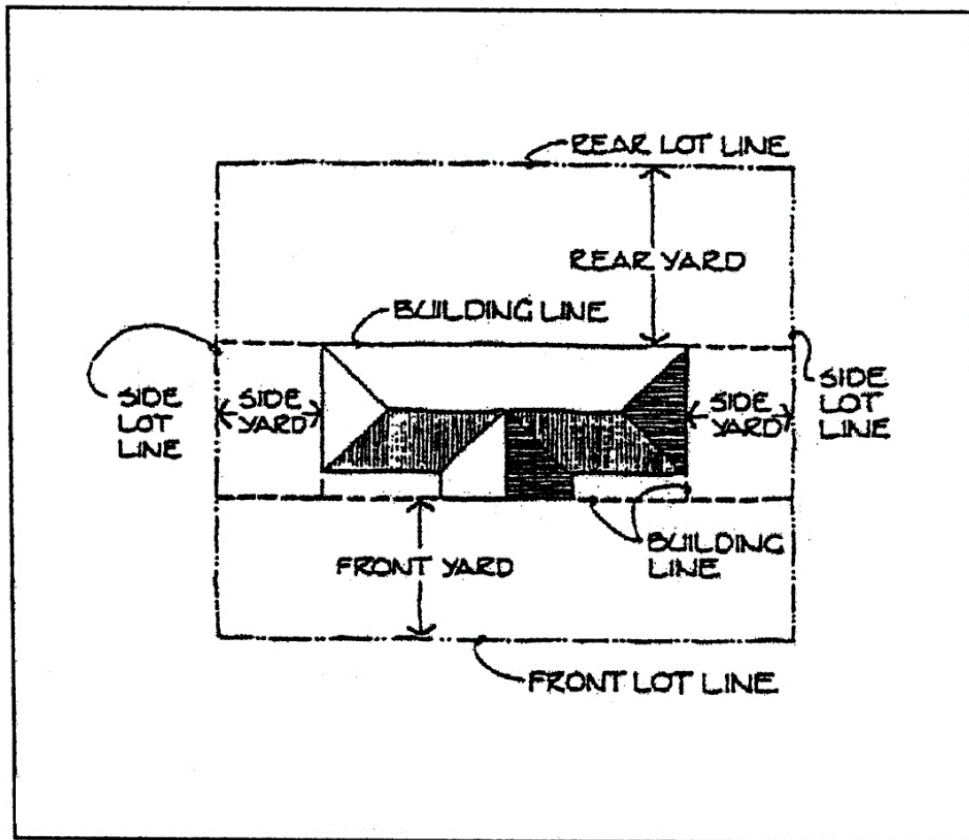
Woodworking means an establishment primarily engaged in the act or process of working wood into a useful or desired form.

Yard means a space on the same lot with a building, which is open and unoccupied other than by steps, walks, terraces, driveways, lampposts, and similar structures, the depth of which is the least distance between the front lot line and the building line.

Yard, front, means an open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward as specified in this chapter.

Yard, rear, means a yard extending across the full width of the lot between the rear of the principal building and the rear lot line, unoccupied other than by accessory buildings which do not occupy more than 30 percent of the required space, and steps, walks, terraces, driveways, lampposts and similar structures, the depth of which is the least distance between the rear lot line and the rear of such principal building.

Yard, side, means a yard between the principal building and the side lot line, extending from the front yard or from the front lot line, where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally **and perpendicular**, at 90 degrees with the side lot line, from the nearest part of the principal building.



Zero lot line means the location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

Zoning district map means a map entitled "Zoning District Map," dated January 13, 1970, and any amendment thereto.

Sec. 50-4. - Interpretation.

The interpretation and application of the sections of this chapter shall be held to be the minimum requirements, adopted for the promotion of public health, morals, safety and the general welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances of the city, the most restrictive or that rule, regulation or ordinance imposing the higher standards shall govern.

Sec. 50-5. - Violations and penalties.

The owner or agent of a building or premises in or upon which a violation of this chapter has been committed or shall exist or the lessee or tenant of an entire building or entire premises in or upon which a violation of this chapter has been committed or shall exist or the agent, architect, building contractor, or any other person who commits, takes part or assists in any violation of this chapter or who maintains any building or premises in or upon which a violation of this chapter shall exist shall be deemed guilty of a misdemeanor punishable by a fine of not less than \$10.00 and not more than \$100.00; (added semi-colon) nor more than \$250.00 for each and every day that such violation continues or imprisonment for ten days for each and every day such violation continues or by both such fine and imprisonment, in the discretion of the court. Any such person, having been served with an order to remove any such violation, failing to comply with the order within ten days after such notice or continuing to violate any section of this chapter in the respect named in such order shall be subject to a civil penalty of \$250.00.

Sec. 50-6. - General regulations.

Except as provided in this chapter:

- (1) No building or land shall be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations specified for the district in which it is located as specified in divisions 2 through 10 of article IV of this chapter.
- (2) No building shall be erected or altered to:
 - a. Exceed the height;
 - b. Accommodate or house a greater number of families;
 - c. Occupy a greater percentage of lot area; or
 - d. Have a narrower or smaller rear yard, front yard, side yard, inner or outer court; than is specified for the district in which such building is to be located.
- (3) No part of a yard or other open space about any building required for the purpose of complying with the standards in this chapter shall be included as a part of a yard or other open space similarly required for another building.

Secs. 50-7—50-30. - Reserved.

ARTICLE II. - ADMINISTRATION

DIVISION 1. - GENERALLY

Sec. 50-31. - Board of adjustments.

- (1) A board of adjustments is hereby established. The term "board" when used shall be construed to mean the board of adjustments. The board shall consist of five members, all of whom shall be appointed by the mayor and approved by the city council. The terms of office of the members of the board shall be staggered periods of five years. Three alternate members may be appointed to serve in the absence of or the disqualification of the regular members. Vacancies shall be filled

for the unexpired term only. Members may be removed for cause by the mayor and city council upon written charges and after public hearing.

- (2) The board shall elect its own chairperson and vice-chairperson who shall serve for one year. The board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect this chapter and the amendments thereto.
- (3) The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of the building and zoning officer, or to decide in favor of the applicant on any matter upon which it is required to pass or to effect any variations.
- (4) Every change granted or denied by the board shall be accompanied by a written finding of fact based on sworn testimony and evidence, specifying the reason for granting or denying the variation. The decision of the board shall be made a part of any building permit in which variation is allowed.

Sec. 50-32. – Conditional Use Regulations.

- (1) Conditional use exceptions and their accessory buildings and uses may be permitted by the planning commission and city council in the districts indicated therein, in accordance with the procedure set forth in this section.
- (2) Upon receipt of any application for a permit for a conditional use exception by the building official, it shall be referred to the planning commission for investigation as to the manner in which the proposed location and character of the conditional use exception will affect the comprehensive land use plan. The planning commission shall reports the results of its findings to the city council within sixty (60) days after the receipt of the application. If no such report has been made to the city council within this time period, the city council shall be permitted to proceed to process the application

A fee of fifty dollars (\$50.00) shall be paid to the clerk of the city at the time the application is files, and an additional fee of twenty-five dollars (\$25.00) shall be paid to the city clerk prior to the time publication of "Notice of Public Hearing" is ordered by the council of the city. All fees received hereunder by the city clerk shall be paid over to the city to the credit of the general revenue fund of the city.

The city council shall then conduct a public hearing after fifteen (15) days' notice thereof has been given. Following the hearing and upon an affirmative finding by the city council that:

- (a) The proposed conditional use exception is to be located in a district wherein such use may be permitted; and
- (b) The requirements set forth by the planning commission for such conditional use exception will be met; and
- (c) The conditional use exception is consistent with the spirit, purpose and intent of the comprehensive land use plan, will not substantially and permanently injure the appropriate use of neighboring property, and will serve the public convenience and welfare;
- (d) The building official shall inspect the development on an annual bases to ensure compliance with the provisions stated in the permit.

Sec. 50-33. – Conditional use exceptions and requirements.

Conditional use exceptions and requirements shall be as set forth by the planning commission.

- (1) An existing lawful use which is listed herein as a conditional use exception, and which is located in a district in which such conditional use exception may be permitted, shall be considered a conforming use.
- (2) Any expansion of such conditional use exception involving the enlargement of the buildings, structures, and land area devoted to such use shall be subject to the procedure described in this section.
- (3) If the nature of the conditional use exception involves more than one (1) use, the applicant may apply for a permit for the conditional use exception which most closely relates to the primary use; provided that the requirements of all related uses are met.

Sec. 50-34. - Procedure for appeals.

- (1) Appeals to the board of adjustments on any matter over which the board is specifically granted jurisdiction may be taken by any person aggrieved or by any officer, department or any board or bureau of the city by any decision of the building and zoning official. Such appeal shall be taken within 30 days of such decision by filing with the building and zoning official and with the board a notice of appeal specifying the grounds thereof. The building and zoning official shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from is taken.
- (2) An appeal stays all proceedings in furtherance of the action appealed from, unless the building and zoning official certifies to the board, after the notice of appeal has been filed with him, that because of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by proper legal action.
- (3) The board shall fix a reasonable time for the hearing of the appeal, give not less than 15 days' public notice thereof in a newspaper of general circulation as well as due notice to the parties in interest, and decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney.
- (4) A fee in an amount as provided in the city fee schedule shall be paid to the city clerk at the time the application for appeal is filed and a receipt obtained therefor, which shall be delivered to the mayor. The person requesting the appeal shall pay all publication costs to the newspaper advertising the notice of public hearing, and a receipt obtained therefor shall be delivered to the city clerk. All fees received under this subsection by the city clerk shall be paid over to the credit of the city's general revenue fund.

Secs. 50-35—50-81. - Reserved.

DIVISION 2. - AMENDMENTS

Sec. 50-82. - Procedures.

- (1) The city council may from time to time, on its own motion or on petition, amend, supplement, change, modify or repeal by ordinance the boundaries of zoning districts or regulations or restrictions established. Any proposed amendment, supplement, change, modification or repeal shall be first submitted to the planning commission for its recommendations and report. The planning commission shall hold a public hearing in relation thereto, giving at least 15 days' notice

of the time and place of such hearing, which notice shall first be published in a newspaper having a general circulation in the city.

- (2) Upon the filing of the recommendations and report by the planning commission with respect to any proposed amendment, supplement, change, modification or repeal, the city council shall determine whether or not to grant the amendment, supplement, change, modification or repeal. If it grants the amendment, supplement, change, modification or repeal, it shall do so by ordinance. If the planning commission makes no report within 30 days, it shall be considered to have made a report approving the proposed amendment, supplement, modification or change.

Sec. 50-83. - Adverse report.

If an adverse report is given by the planning commission or if a protest against proposed amendment, supplement, change, modification or repeal of this chapter was presented in writing to the city clerk duly signed and acknowledged by the owners of ten percent or more, either of the area of the land, exclusive of streets, places and alleys, included within such proposed amendment, supplement, change, modification or repeal or within an area, determined by lines drawn parallel to and 185 feet distant from the boundaries of the district proposed to be changed, such amendment, supplement, change, modification or repeal shall not become effective except by the favorable vote of **three-fifths** of all the members of the city council. The increased vote requirement shall apply in all cases of special use exception and ~~community unit plan~~ **Planned Unit Development** cases.

Secs. 50-84—50-109. - Reserved.

ARTICLE IV. - DISTRICTS

DIVISION 1. - GENERALLY

Sec. 50-110. - Establishment of zoning districts and zoning map.

- (1) The incorporated area of the city is hereby divided into the following districts in order to:
 - (a) Classify and regulate the location of businesses, trades, industries, residences and other land uses and the location of buildings designed for specific uses;
 - (b) Regulate and limit the height and bulk of buildings erected, reconstructed or altered;
 - (c) Regulate and limit the intensity of the use of lot areas; and
 - (d) Regulate and determine the area of yards, courts and other open spaces within and surrounding such buildings.

A-1 Agriculture district

R-1 Single-family residential district

R-2 Urban residential district

R-3 Multifamily residential district

C-1 Neighborhood commercial district

C-2 General commercial district

C-3 Mid-town commercial

C-4 Central business district

M-1 Warehousing and limited manufacturing district

M-2 General manufacturing district

QDC Quality Development Corridor Overlay District

HC Healthcare District

- (2) The zoning district map attached to the ordinance from which this chapter derives showing the ten zoning districts listed in subsection (a) of this section is hereby adopted as the official zoning district map of the city.

Sec. 50-111. - Interpretation of district boundaries.

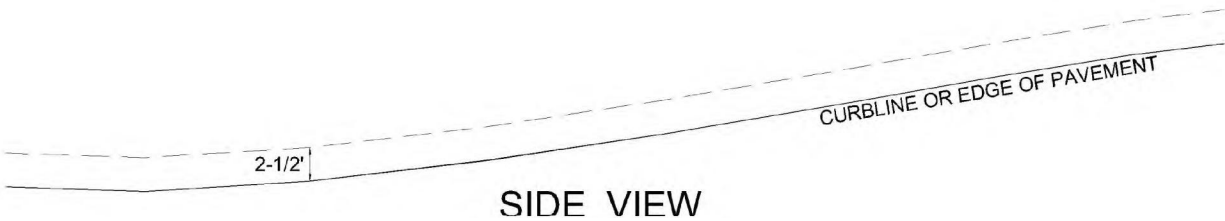
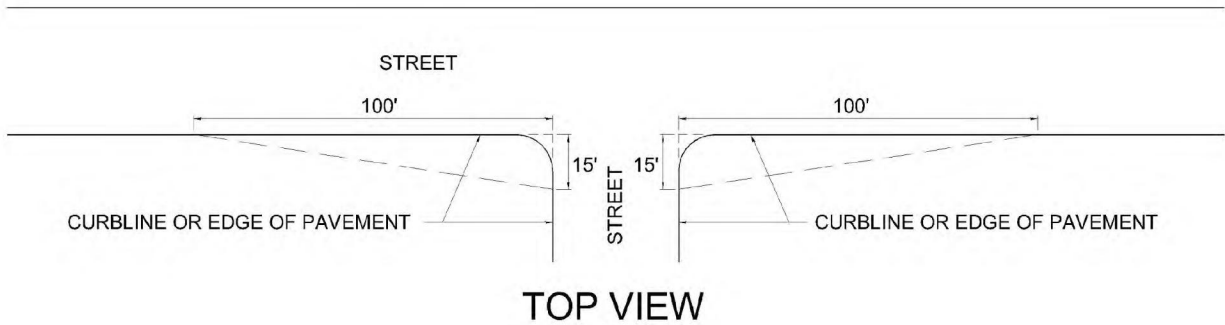
- (1) Where zoning district boundaries are indicated as approximately following the centerlines of streets or highways, street lines, or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- (2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries.
- (3) Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning district map. If no distance is given, such dimension shall be determined by the use of the scale shown on the zoning district map.
- (4) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main ~~tracts~~ tracks of the railroad line.
- (5) Where the boundary of a district follows a stream, lake or other body of water, the boundary shall be the limit of the city's jurisdiction, unless otherwise indicated.

Sec. 50-112. - Vacated areas.

Whenever any street, alley, public way, railroad right-of-way, waterway or other similar area is vacated by proper authority, the zoning districts adjoining each side of such street, alley, public way, railroad right-of-way or similar area shall be extended automatically to the center of such vacation, and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts. For a partial vacation, the adjoining district or district nearest the portion vacated shall be extended automatically to include all the vacated area.

Sec. 50-113. - Additional district regulations.

- (1) *Sight triangle at intersections.* All corner lots shall provide sight distance triangles, the short leg of which shall be 15 feet, and the long leg of which shall be 100 feet, measured along the curbline or edge of the pavement. Such area shall remain free of shrubbery, ~~privacy~~ solid-panel fences, merchandise, equipment, vehicles or other obstructions to vision more than 2.5 feet in height measured from and along the roadway curbline or edge of the pavement and shall be enforced by city ordinance.



- (2) *Walls and hedges.* Notwithstanding other sections of this chapter, walls and hedges may be permitted in any required yard or along the edge of any yard, provided that no wall or hedge along the sides or front edge of any front yard shall be over 2.5 feet in height.
- (3) *Accessory buildings.* No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within five feet of any other building. ~~All accessory buildings shall be of compatible decor and construction with the primary building on the lot (delete).~~
- (4) *Installation of premanufactured car ports and the construction of lean-tos.* These structures must be authorized and permitted by the city building official prior to installation.
- (5) *Erection of more than one principal structure on lot.* Every building erected or altered after the effective date of the ordinance from which this chapter derives shall be located on a lot, and except as provided in this chapter, there shall be no more than one principal building on one lot. ~~It is permissible that an existing lot or tract of record can be split one time for the purposes of construction without platting, provided that yard and other requirements of this chapter shall be met for each structure as though it were on an individual lot. (delete)~~
- (6) *Access to structures.* Every building erected or moved after the effective date of the ordinance from which this chapter derives shall be on a lot adjacent to a public street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.
- (7) *Parking, storage or use of major recreational equipment.* For purposes of this chapter, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches designed to be mounted on automotive vehicles, motorized dwellings, tent trailers, and the like, and bases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. Recreational vehicles can be stored in the driveway, side yard, or rear yard if there is access. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.
- (8) *Parking and storage of certain vehicles.* Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in enclosed buildings or carport.

Sec. 50-114. - Additional height, area and yard regulations.

The following additional regulations for height, area and yards shall qualify and/or supplement, as the case may be, the district regulations appearing elsewhere in this chapter:

- (x) ~~Height. Single family dwellings and two family dwellings may be increased in height by not more than ten feet when the side and rear yards are increased over the yard requirements of the district in which they are located by not less than ten feet each, but they shall not exceed three stories in height.~~ (delete – not enforced – district-based height regulations apply)
- (1) **Area.** Additional area regulations shall be as follows:
- a. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes unless the main building on the lot is also being used for dwelling purposes.
 - b. More than one industrial, commercial, multiple-dwelling or institutional building may be erected upon a single lot or tract, but the yards and open spaces required around the boundaries of the lot or tract shall not be encroached upon by any such buildings, nor shall there be any change in the intensity of use requirements.
 - c. Where an open space is more than 50 percent surrounded by buildings, the minimum width of the open space shall be 30 feet for one-story buildings, 40 feet for two-story buildings, and 50 feet for three-story buildings.
- (2) **Yards.** Additional yard regulations shall be as follows:
- a. In computing the depth of a rear yard, where such yard opens onto an alley, one-half of the alley width may be included as a portion of the rear yard.
 - b. Accessory buildings which are not a part of the main building may be built in a rear yard within five feet of the rear lot line. An accessory building which is not a part of the main building shall not occupy more than 30 percent of the required rear yard.
 - c. Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting not to exceed 12 inches. This requirement shall not prevent the construction of fences not exceeding eight feet in height, except on that portion of lots within 30 feet of the intersection of two or more streets.
 - d. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five feet and the ordinary projections of chimneys and flues may be permitted by the building and zoning officer.
 - e. For the purposes of side yard requirements, a two-family dwelling shall be considered as one building occupying a single lot.
 - f. An open unenclosed porch not more than one-story in height or a paved terrace may project into the required front yard for a distance not exceeding ten feet. An enclosed vestibule containing not more than 40 square feet may project into the required front yard for a distance not to exceed four feet.
 - g. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three feet above the floor level of the first (ground) story may project into a required yard, provided these projections be distant at least two feet from the adjacent side lot line.
 - h. When 40 percent of a **block** frontage is developed with two or more buildings, the depth of the front yards established after the effective date of the ordinance from which this chapter derives shall be adjusted in the following manner:

- i.. When the building furthest from the street provides a front yard not more than ten feet deeper than the building closest to the street, the average depth of the front yard for such frontage shall be the minimum depth of front yards for new buildings in such block.
 - ii. When subsection (3)h.1 of this section is not the case and the lot is within 100 feet of an existing building on each side, excluding, however, buildings on corner lots which front upon the intersecting street, the depth of the front yard is determined by a line drawn from the closest front corners of these two adjacent buildings.
 - iii. When neither subsection (3)h.1 or (3)h.2 of this section is the case and the lot is within 100 feet of an existing building on one side only, excluding, however, buildings on corner lots which front upon the intersecting street, the depth of the front yard is the same as that of the existing adjacent building.
- i. **Sight triangle at intersections. All corner lots shall provide sight distance triangles, the short leg of which shall be 15 feet, and the long leg of which shall be 100 feet, measured along the curbline or edge of the pavement. Such area shall remain free of shrubbery, solid-panel fences, merchandise, equipment, vehicles or other obstructions to vision more than 2.5 feet in height measured from and along the roadway curbline or edge of the pavement and shall be enforced by city ordinance.**
 - j. Buildings in all zones on corner lots shall provide a side yard adjacent to the side street of not less than the front yard established for buildings on interior lots, provided that this shall not be so interpreted as to reduce the buildable width of a corner lot of record on the effective date of the ordinance from which this chapter derives to less than 65 percent of the total width of such lot.
 - k. In single-family dwelling districts R-1 and R-2, when 80 percent of the frontage of a block on both sides of the street between two intersecting streets or between an intersecting street and a cul-de-sac has been developed with main buildings and accessory buildings with side yards less than that required by the dwelling district in which such property is situated, the side yard requirement for any main buildings or accessory buildings in such block shall be the average yard of all parcels of property in such block rather than the side yard set forth in the dwelling district in which such parcel or property is situated. In determining the existing side yard of any developed parcel, in order to compute the average, the side yard of the main building on any developed parcel shall be used, except that when an accessory building exists with a smaller side yard than the main building has, the side yard shall be taken as being the average between the side yard of the main building and the side yard of the accessory building. The average value for the side yard of all parcels of property shall be determined by the applicant by means of a certified statement of a registered professional land surveyor.

Sec. 50-115. - Fences.

It shall be unlawful for any person to erect or maintain any fence or other like structure except as follows:

- (1) Privacy fences may be erected on any lot, except as provided in subsection (6) of this section, and shall be no more than eight feet high and shall not be located closer to the front property line than the nearest portion of the front of the building.
- (2) Decorative fences may be erected on any lot, except as provided in subsection (6) of this section, and shall be no more than four feet high and be of open construction.
- (3) Security fences may be erected on any business or industrial lot to a height of not more than 12 feet. The top four feet must be of open wire, woven wire or barbed wire construction.
- (4) Open wire fences for the enclosure of private **tennis recreational** courts may be constructed to a height of no more than 12 feet, but must be set back from all property lines at least six feet. Such fences may be of any material, except as provided in subsection (6) of this section. The top four feet must be open wire or woven wire construction.

- (5) *Design.* Permanent fence design standards are included in the regulations for aesthetic, maintenance and safety reasons.
 - a. Fences may not include paper, cloth, or similar readily flammable material.
 - b. Fences may not include corrugated metal or corrugated tin.
 - c. Wire mesh and/or wire grid (i.e. cattle panel, chicken wire) are prohibited fence materials in front of the front building line of a residential home. Chain Link fence is not prohibited.
 - d. Fences may not be constructed of lattice panels.
 - c. If there is a “finished” surface to a fence, it must face outward from the property. Protruding bolts or members must face inward.
- (6) *Maintenance.* No person shall permit, cause, keep, maintain or allow a fence within the corporate limits of the city in a dilapidated or dangerous condition.
- (7) *Barbed wire fences, electrified fences and other dangerous fences.* Any person who shall place or permit to be placed or remain on or along any railroad or building front or any part of a building, fence or premises adjacent or contiguous to any right-of-way or public way or residence any spikes or sharp-pointed cresting, or any barbed wire or other things, except as permitted in subsection (3) of this section, or electrical fence, dangerous or liable to tear, snag, cut or injure anyone coming in contact therewith, shall be deemed guilty of a misdemeanor and punishable per section 50-5.
- (8) *Violations declared nuisance.* All fences or other like structures erected or maintained in violation of this division are hereby deemed and declared to be a nuisance, and any owner or occupant of a lot or tract of land upon which such nuisance exists shall be deemed guilty of a misdemeanor. Each day on which such violation continues shall constitute a separate offense.

Sec. 50-116. – Establishment of office and commercial use groups.

This section classifies office and commercial land uses and activities into use groups on the basis of common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or users, how goods or services are developed, sold or delivered, and certain site factors. The use groups provide a systematic basis for assignment of present and future uses to zones. The decision to allow or prohibit the use groups in the various commercial districts is based on the goals and policies of the comprehensive plan.

- (1) *Offices.*
 - a. *Characteristics.* Office uses are characterized by activities conducted in an office setting that focus on the provision of goods and services, usually by professionals. General office uses are characterized by activities that generally focus on business, government, professional, or financial services. General office uses also include some activities that are less service-oriented and focus on the development, testing, production, processing, packaging, or assembly of goods and products, which may include digital products such as internet home pages, media content, designs and specifications, computer software, advertising materials, and others. The medical office use group includes medical and dental offices and clinics and is listed separately from general office because these uses tend to generate higher traffic counts and require more off-street parking.
 - b. *Accessory uses.* Accessory uses may include cafeterias, health facilities, parking or other amenities primarily for the use of employees in the firm or building.
 - c. *Examples.* Examples include uses from the two subgroups listed below:

1. *General office use group:* Professional services such as lawyers or accountants; financial businesses such as lenders, brokerage houses, banks, or real estate agents; sales offices; government offices and public utility offices; blood collection facilities; software and internet content development and publishing; computer systems design and programming; graphic and industrial design; engineers, architects; telecommunications service providers; data processing; television, video, radio, internet, and recording studios and broadcasting; scientific and technical services; and medical and dental labs.
2. *Medical office use group:* Medical and dental offices and clinics.

(d) *Exceptions.*

1. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.
2. Contractors and others who perform services off-site are included in the general office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.
3. Medical and dental laboratories and research facilities do not include the manufacture of pharmaceutical or other products for general sale or distribution. In addition, no toxic substances, explosives, radioactive material, highly flammable substances or other materials that pose a threat to public health and safety, due to their quantities or location, shall be utilized in the research operations.

(2) *Commerce and Services.*

a. *Retail sales use group.*

1. *Characteristics.* Retail sales firms are involved in the sale lease or rent of new or used products to the general public. They may also provide personal services or entertainment or provide product repair or services for consumer and business goods.
2. *Accessory uses.* Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, and parking. Restricted production and repair of goods sold on site or similar goods is also permitted as an accessory use.
3. *Examples.* Examples include, but are not limited to, pawn shops, stores selling, leasing or renting consumer, home, and business goods, including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, liquor sales, pets, pet food, pharmaceuticals, plants, printed material, stationary, and videos; food sales, and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles if outdoor activities are permitted by the district.
4. *Exceptions.*
 - a. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as wholesale sales.
 - b. Sales, rental, or leasing of heavy trucks and equipment is classified as wholesale sales.

b. *Personal services use group.*

1. *Characteristics.* Personal service uses are establishments for the sale of personal services or establishments engaged in providing services involving the care of a person of his or her personal goods or apparel, but not including personal storage.
2. *Accessory uses.* Accessory uses may include offices, storage of goods and parking.

3. *Examples.* Examples include, but are not limited to, locksmiths; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; dance or music classes; and animal grooming.
- c. *Eating and drinking establishments use group.*
1. *Characteristics.* The eating and drinking establishments use group includes uses that are involved in the preparation and sale of food and drink primarily for consumption as a meal on premises; however this use group also includes uses that offer the sale of food for consumption off premises. This use group includes drive-in, pick-up window and drive-thru facilities unless restricted by the district.
 2. *Accessory uses.* Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, and parking.
 3. *Examples.* Examples include, but are not limited to, restaurants, cafes, delicatessens, taverns, bars and coffee shops.
- d. *Entertainment-oriented use group.*
1. *Characteristics.* Service firms involved in providing entertainment-type activities to the general public.
 2. *Accessory uses.* Accessory uses may include food and liquor sales for on-site consumption; parking.
 3. *Examples.* Examples include, but are not limited to, the following uses: bowling alleys; dance halls; video game arcades; billiard parlors; roller skating and ice skating arenas; in-door movie theaters; athletic clubs; fitness centers; miniature golf if outdoor activities are permitted by the district; and other small-scale sports facilities.
 4. *Exceptions.*
 - a. Major event venues, such as stadiums, arenas and fairgrounds, are classified as major event entertainment.
 - b. Drive-in movie theaters, golf driving ranges, archery ranges and similar uses are classified as commercial outdoor recreation.
- e. *Temporary lodging use group.*
1. *Characteristics.* The temporary lodging use group includes facilities where tenancy of all rooms may be arranged for periods of less than one month. The facility may or may not have food preparation facilities, and shower or bath facilities may or may not be shared.
 2. *Accessory uses.* Accessory uses may include offices, food and liquor sales for on-site consumption, and recreational facilities for occupants, and parking.
 3. *Examples.* Examples include, but are not limited to, hotels, motels, inns and hostels.
 4. *Exceptions.*
 - a. If the facility is managed by a public or non-profit agency to provide short-term housing, with or without a fee, the facility shall not be considered temporary lodging.
 - b. Boarding house, lodging house, fraternity house and sorority house uses shall not be considered temporary lodging.
 - c. Bed and breakfast uses shall not be considered temporary lodging.
- f. *Major event entertainment use group.*
1. *Characteristics.* Major event entertainment uses are characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature.

2. *Accessory uses.* Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.
 3. *Examples.* Examples include, but are not limited to, stadiums, sports arenas, coliseums, race tracks (auto, horse, dog, etc), auditoriums, exhibition and meeting areas and fairgrounds.
 4. *Exceptions.*
 - a. Exhibition and meeting areas with less than 20,000 square feet of total event area are classified as retail sales.
 - b. Banquet halls and meeting areas that are part of hotels or restaurants are accessory to those uses, which are included in the retail sales and temporary lodging categories.
 - c. Drive-in theaters are classified as commercial outdoor recreation.
- g. *Commercial outdoor recreation use group.*
1. *Characteristics.* Commercial outdoor recreation uses are large, generally commercial uses that provide continuous recreation or entertainment oriented activities. They generally take place outdoors. They may take place in a number of structures which are arranged together in an outdoor setting.
 2. *Accessory uses.* Accessory uses may include concessions, restaurants, parking, caretaker's quarters, and maintenance facilities.
 3. *Examples.* Examples include, but are not limited to, amusement parks, theme parks, golf driving ranges, drive-in movie theaters and archery ranges.
 4. *Exceptions.*
 - a. Uses which draw large numbers of people to periodic events, rather than on a continuous basis, are classified as major event entertainment.

Sec. 50-117. – Visual Buffers and Screening.

- (1) Intent. To provide minimum separation and screening of dissimilar uses on properties adjacent to each other; to minimize adverse visual effects of commercial and industrial land uses on the surrounding property; and to buffer land uses in dissimilar zoning districts which have a detrimental visual effect on each other. In instance of a parcel's rezoning or change in use to residential, any existing adjacent higher intensity uses shall not be subject to buffer and screening requirements set forth in this section.
- (2) Buffer Plans Required. A buffer plan shall be submitted with all applications for a change in land use or for site plan approval. Buffers shall be located on the site for which approval is requested. The buffer plan shall show in detail the layout of the proposed development including the arrangement of buildings, parking areas, permanent open spaces, and the location of proposed buildings and of existing or proposed buildings on adjacent properties. The plan shall also show the location of proposed buffers including a detailed description or sketch of such buffer materials to be used.
- (3) Approval of Buffer Plan. The city building official shall review and approve buffer plans. Appeals of the building official's determination shall be made to the planning commission.

(4) Required Buffers:

Buffer Type	Fence Height (ft)*	Preserved Width (ft) From Structure to Neighboring Use
C-1 Zone / Residential	6 -	20
C-2 Zone / Residential	6 -	30
C-3 Zone / Residential	6 -	20
C-4 Zone / Residential	-	10
M-1 Zone / Residential	6 -	50
M-2 Zone / Residential	8 -	100
C Zones / M Zones	4 -	30

*The height of fence within the buffer shall conform to the requirements of Sec. 50-113 (a)

(5) Screening Design Requirements.

- a. Except where otherwise allowed by this chapter, any fence or wall shall be opaque so as to prevent the passage of light and debris, and shall be constructed of decay resistant wood or materials to ensure the longevity of the structure.
- b. Unfinished concrete block shall not be permitted.
- c. The height of a fence or wall shall not exceed eight (8) feet in height, except as allowed by other sections of this chapter.
- d. Any area between the property line and the fence or wall shall be maintained as an open area in conformance with city codes.
- e. The height of a fence or wall shall be measured from the finished grade at the base of the structure to the top of the fence or wall, but shall not include columns or posts.
- f. The construction and maintenance responsibility shall be placed on the applicant for site development of the higher intensity use.
- g. The requirement of screening will be triggered upon the development of the site of the higher intensity use even if the residentially zoned adjacent property is undeveloped.

(6) Variances. The Planning & Zoning Commission may approve variances from these requirements at the request of the developer if all of the following findings are made:

- a. The variance would be in keeping with the overall character of the area.
- b. The variance would not be contrary in the purpose and intent of these regulations.
- c. The variance would not be detrimental to existing or proposed surrounding uses.
- d. The variance would serve public purposes to a degree equal to or greater than the standards replaced.

Secs. 50-118—50-143. - Reserved.

DIVISION 2. - A-1 AGRICULTURE

Sec. 50-144. - Description.

The A-1 Agriculture District is a district for agricultural and related uses in areas where nonfarm residential development is not of a significant portion and is presently not anticipated. It is the intent of this district to allow accessory residential dwellings to the extent required for sale and proper operation of a principal permitted use. No manufactured **home**, mobile home or trailer house shall be permitted.

Sec. 50-145. - Permitted uses.

Permitted uses in the A-1 Agriculture District are as follows:

- (1) Agricultural building or storage.
- (2) Single-family homes.
- (3) Field, row, and tree crops.
- (4) Nurseries and greenhouses.
- (5) Churches.
- (6) Schools.
- (7) Recreational structures and properties.
- (8) Cultural structures and properties.
- (9) Public service structures and properties.
- (10) Forestry.

Sec. 50-146. - Accessory uses.

Accessory uses in the A-1 Agriculture District are as follows:

- (1) Employee living quarters.
- (2) Private garages.
- (3) Home occupations.
- (4) Roadside stands (agricultural products).
- (5) Temporary construction buildings.
- (6) Equipment storage.

Sec. 50-147. - Conditional uses.

Conditional uses in the A-1 Agriculture District are as follows:

- (1) Railroad tracks.
- (2) Streets and highways.
- (3) Public utility transmission lines.
- (4) Mobile home (hardship and temporary).
- (5) Livestock and poultry raising. *Additional regulations apply under 6-87: Keeping of Livestock*
- (6) Sawmills and wood processing.

- (7) Cemeteries.
- (8) **Veterinary Hospitals and Clinics.**
- (9) Airports.
- (10) Incineration and garbage disposal.
- (11) Cellular phone, radio and television towers.
- (12) Rifle, skeet, trap and pistol ranges.
- (13) Kennels.
- ~~(14) Animal hospitals, veterinary clinics--redundant~~
- (14) Artificial lake, one acre or more.
- (15) Private dairies and stables.
- (16) Wastewater treatment plant.
- (17) Animal processing services**
- (18) Any other use deemed compatible by the planning commission.

Sec. 50-148. - Minimum requirements.

The minimum requirements in the A-1 Agriculture District are as follows:

- (1) Minimum lot area: Five acres.
- (2) Minimum lot width: 200 feet.
- (3) Minimum front yard: 50 feet.
- (4) Minimum side yard: 50 feet.
- (5) Minimum rear yard: 50 feet.
- (6) Distance from R district (building with animals): 100 feet.
- ~~(7) Fence: Four-foot wire mesh.~~
- (7) Off-street parking: Two spaces per dwelling.
- (8) Parking distance from R district: 25 feet.

Secs. 50-149—50-179. - Reserved.

DIVISION 3. - R-1 SINGLE-FAMILY RESIDENTIAL

Sec. 50-180. - Description.

The R-1 Single-Family Residential District is a district for single-family homes with no more than four dwelling units per acre, **provided each are developed on a lot of record**, served by the city water and sewer systems and protected from nonresidential uses. No manufactured **home**, mobile home or trailer house shall be permitted.

Sec. 50-181. - Permitted uses.

Permitted uses in the R-1 Single-Family Residential District are as follows:

- (1) Single-family homes.
- (2) Churches.
- (3) Schools.

Sec. 50-182. - Accessory uses.

Accessory uses in the R-1 Single-Family Residential District are as follows:

- (1) Private garages.
- (2) Home occupations.
- (3) Temporary construction buildings.
- (4) Day care, limited (conducted as home occupation).

Sec. 50-183. - Conditional uses.

Conditional uses in the R-1 Single-Family Residential District are as follows:

- (1) Mobile homes (hardship and temporary). *These special conditions are defined in Chapter 26 of the city code of ordinances.*
- (2) Cemeteries.
- ~~(3) Hospitals.~~
- (3) Artificial lake, one acre or more.
- (4) Day care, general.
- (5) Off-street parking areas.
- (6) Recreational structures and properties.
- (7) Administrative structures and properties.
- (8) Public service structures and properties.
- (9) Any other use deemed compatible by the planning commission.

Sec. 50-184. - Minimum requirements.

The minimum requirements in the R-1 Single-Family Residential District are as follows:

- (1) Minimum lot area: 10,000 square feet.
- (2) Minimum lot width: 80 feet.
- (3) Minimum front yard: 30 feet.
- (4) Minimum side yard: Ten feet.
- (5) Minimum rear yard: 20 feet.
- (6) Off-street parking: Two spaces per dwelling.
- (7) Maximum structure height: Three stories from grade.

Secs. 50-185—50-206. - Reserved.

DIVISION 4. - R-2 URBAN RESIDENTIAL

Sec. 50-207. - Description.

The R-2 Urban Residential District is a district for single-family homes, duplexes, **triplexes** and small apartments with an average density of no more than eight dwelling units per acre served by city water and sewer systems and protected from nonresidential uses. No manufactured **home**, mobile home or trailer house shall be permitted.

Sec. 50-208. - Permitted uses.

Permitted uses in the R-2 Urban Residential District are as follows:

- (1) Single-family homes.
- (2) Churches.
- (3) Schools.
- (4) Duplexes.
- (5) Triplexes.**
- (6) Apartment buildings (eight units maximum)

Sec. 50-209. - Accessory uses.

Accessory uses in the R-2 Urban Residential District are as follows:

- (1) Private garages.
- (2) Home occupations.
- (3) Temporary construction buildings.
- (4) Day care, limited (conducted as home occupation)

Sec. 50-210. - Conditional uses.

Conditional uses in the R-2 Urban Residential District are as follows:

- (1) Mobile homes (hardship and temporary).
- (2) Cemeteries.
- ~~(3) Hospitals.~~
- (3) Nursing Homes and Independent or Assisted Living facilities.**
- (4) Artificial lake, one acre or more.
- (5) Day care, general.
- (6) Off-street parking areas.
- (7) Recreational structures and properties.
- (8) Administrative structures and properties.
- (9) Public service structures and properties.

- (10) Any other use deemed compatible by the planning commission

Sec. 50-211. - Minimum requirements.

The minimum requirements in the R-2 Urban Residential District are as follows:

- (1) Minimum lot area: 8,000 square feet.
- (2) Minimum lot width: 75 feet.
- (3) Minimum front yard: 30 feet.
- (4) Minimum side yard: Ten feet.
- (5) Minimum rear yard: 20 feet.
- (6) Open space: 2,000 square feet per dwelling unit.
- (7) Off-street parking: Two spaces per dwelling.
- (8) Maximum structure height: Side yard plus ten feet.

Secs. 50-212—50-230. - Reserved.

DIVISION 5. - R-3 MULTIFAMILY RESIDENTIAL

Sec. 50-231. - Description.

The R-3 Multifamily Residential District is an area for apartments, offices and home occupations with an average density of no more than 16 dwelling units per acre served by city water and sewer and protected from nonresidential uses. No manufactured **home**, mobile home or trailer house shall be permitted.

Sec. 50-232. - Permitted uses.

Permitted uses in the R-3 Multifamily Residential District are as follows:

- (1) Single-family homes.
- (2) Churches.
- (3) Schools.
- (4) Duplexes.
- (5) **Triplexes.**
- (6) Apartment buildings (16 units maximum).
- (7) Rooming houses, boardinghouses.

Sec. 50-233. - Accessory uses.

Accessory uses in the R-3 Multifamily Residential District are as follows:

- (1) Private garages.

- (2) Home occupations.
- (3) Temporary construction buildings.
- (4) Day care, limited (conducted as home occupation).
- (5) Off-street parking areas.
- (6) Offices.

Sec. 50-234. - Conditional uses.

Conditional uses in the R-3 Multifamily Residential District are as follows:

- (1) Manufactured and mobile home parks.
- (2) Manufactured and mobile homes (hardship and temporary).
- (3) Cemeteries.
- (4) Artificial lake, one acre or more.
- (5) Day care, general.
- (6) Off-street parking areas.
- (7) Recreational structures and properties.
- (8) Administrative structures and properties.
- (9) Public service structures and properties.
- (10) Any other use deemed compatible by the planning commission.

Sec. 50-235. - Minimum requirements.

The minimum requirements in the R-3 Multifamily Residential District are as follows:

- (1) Minimum lot area: 6,500 square feet.
- (2) Minimum lot width: 75 feet.
- (3) Minimum front yard: 30 feet.
- (4) Minimum side yard: Ten feet.
- (5) Minimum rear yard: 20 feet.
- (6) Open space: 1,500 square feet per dwelling unit.
- (7) Off-street parking: Two spaces per dwelling.
- (8) Maximum structure height: Side yard plus ten feet.

Secs. 50-236—50-263. - Reserved.

DIVISION 6. - C-1 NEIGHBORHOOD COMMERCIAL

Sec. 50-264. - Description.

The C-1 neighborhood commercial district is a district for retail stores providing convenience shopping for residential neighborhoods. These stores should be grouped into a center with access to traffic arteries, with

plenty of off-street parking and with architecture and landscaping that harmonizes with neighboring residential areas. This district must be served by city water and sewer systems. No ~~single family, duplex, or triplex~~, manufactured ~~home~~, mobile home or trailer house shall be permitted.

Sec. 50-265. - Permitted uses.

Permitted uses in the C-1 Neighborhood Commercial District are as follows:

- (1) Churches.
- ~~(2) Schools and colleges.~~
- (2) Personal services use group.
- (3) Day care, limited (general or commercial).
- (4) General office use group, excluding banks and financial institutions with automatic teller machines and drive thru facilities.
- ~~(6) Hospitals.~~
- ~~(7) Multifamily housing (maximum 25 units per acre). C-1 district is intended to be used as an advantageous form of 'spot-zoning' to encourage commercial use that supports a larger residential neighborhood. Eliminating multifamily housing focuses the purpose of this zone.~~
- (5) Eating and drinking establishments use group, excluding drive-in, pick-up window, or drive-thru facilities
- (6) Retail sales use group, excluding convenience stores with gas pumps.
- (7) Mortuaries.

Sec. 50-266. - Accessory uses.

Accessory uses in the C-1 Neighborhood Commercial District are as follows:

- (1) Off-street parking areas.
- (2) Garages and storage buildings.

Sec. 50-267. - Conditional uses.

Conditional uses in the C-1 Neighborhood Commercial District are as follows:

- (1) Cemeteries.
- (2) Carwashes.
- (3) Community gardens.
- (4) General office use group, including banks and financial institutions with automatic teller machines and drive-thru facilities.
- (5) Schools and colleges.
- (6) Mixed-use residential: dwelling units subordinate to a primary commercial use.
- (7) Recreational structures and properties.
- (8) Cultural structures and properties.
- (9) Administrative structures and properties.

- (10) Public service structures and properties.
- (11) Any other use deemed compatible by the planning commission.

Sec. 50-268. - Minimum requirements.

The minimum requirements in the C-1 Neighborhood Commercial District are as follows:

- (1) Minimum lot area: 7,500 square feet.
- (2) Minimum lot width: ~~75 feet.~~ 50 feet.
- (3) Minimum front yard: 30 feet.
- (4) Minimum side yard: Ten feet; ~~20 feet from R districts.~~
- (5) Minimum rear yard: 20 feet.
- (6) Visual buffering and screening requirements apply per Sec. 50-116.
- (7) Off-street parking: two parking spaces per dwelling unit (residential) or one per 500 square feet of floor space (commercial). Minimum: two parking spaces.
- (8) Maximum structure height: Side yard plus ten feet.
- (9) Exceptions regarding minimum requirements may be permissible on existing lots of record

Secs. 50-269—50-299. - Reserved.

DIVISION 7. - C-2 GENERAL COMMERCIAL

Sec. 50-300. - Description.

The C-2 General Commercial District is intended to provide for the orderly and attractive grouping at appropriate locations of commercial activities of a more general retail and wholesale nature, and service facilities serving a larger community trade area. All uses in the C-2 General Commercial District shall be connected to city water and sewer systems. No ~~single family home, duplex, triplex,~~ manufactured home, mobile home or trailer house shall be permitted.

Sec. 50-301. - Permitted uses.

Permitted uses in the C-2 General Commercial District are as follows:

- (1) Churches.
- (2) Schools and colleges.
- (3) Retail sales use group.
- (4) Personal services use group
- (5) Day care, limited (general or commercial).
- (6) General office use group.
- ~~(6) Hospitals.~~
- (7) Multifamily housing (minimum of four (4) dwelling units on site and a maximum of 25 16 units per acre). Multifamily housing shall be permitted in the C-2 District if the development meets the minimum required open space standards as set forth in the R-3 Multifamily District Sec. 50-235 (6).
- (8) Eating and drinking establishment use group.

- (9) Entertainment-oriented use group.
- ~~(10) Financial institutions. Redundant~~
- (10) Temporary lodging use group.
- (11) Major event entertainment use group.
- (12) Carwashes.
- (13) Automobile service stations and garages.
- ~~(13) Animal hospitals.~~
- ~~(14) Animal shelters.~~
- (14) Mortuaries.
- (15) Recreational structures and properties.
- (16) Cultural structures and properties.
- (17) Administrative structures and properties.
- (18) Public service structures and properties.

Sec. 50-302. - Accessory uses.

Accessory uses in the C-2 General Commercial District are as follows:

- (1) Off-street parking areas.
- (2) Garages and storage buildings.

Sec. 50-303. - Conditional uses.

Conditional uses in the C-2 General Commercial District are as follows:

- (1) Cemeteries.
- (2) Truck freight terminals.
- (3) Medical office use group.
- (4) Commercial outdoor recreation use group.
- (5) Mixed-use residential: dwelling units subordinate to a primary commercial use.
- (6) Animal or veterinary hospital or clinic with indoor operations only.
- (7) Self-service storage facility.
- (8) Major event entertainment use group.
- (9) Any other uses deemed compatible by the planning commission.

Sec. 50-304. - Minimum requirements.

The minimum requirements in the C-2 General Commercial District are as follows:

- (1) Minimum lot area: 10,000 square feet.
- (2) Minimum lot width: 75 feet.

- (3) Minimum front yard: 30 feet.
- (4) Minimum side yard: Ten feet. ~~;-20 feet from R-districts-~~
- (5) Minimum rear yard: 30 feet.
- (6) **Visual buffering and screening requirements apply per Sec. 50-116.**
- (7) Off-street parking: Two spaces per dwelling unit (residential) or one per 300 square feet of floor space (commercial). Minimum: Two parking spaces.
- (8) Maximum structure height: Side yard plus ten feet.
- (9) Number of loading berths: Minimum of one or one per 10,000 square feet of floor space. (Loading berth requirements may be increased based on development plan review by planning commission.)
- (10) Maximum number of street entrances: Two. (Entrance requirements may be increased based on development plan review by planning commission.) State entrances shall be permitted by the state department of transportation.

Secs. 50-305—50-326. - Reserved.

DIVISION 8. - C-3 MID-TOWN COMMERCIAL

Sec. 50-327. - Description.

The C-3 Mid-Town Commercial District is for a complete range of retail specialty shopping, governmental services, financial services, cultural activities and business professional service. Developmental standards and policies in this area favor compact urban business. This area is also intended to serve pedestrian clientele, central city residence, and students enrolled at the university. This district must be served by city water and sewer systems. No **single family home, duplex, triplex, manufactured home, mobile home or trailer house** shall be permitted.

Sec. 50-328. - Permitted uses.

Permitted uses in the C-3 Mid-Town Commercial District are as follows:

- (1) Churches.
- (2) Schools and colleges.
- (3) **Retail sales use group.**
- (4) Day care, limited (general or commercial).
- (5) **General office use group.**
- (6) Multifamily housing (**minimum of four (4) dwelling units on site and a maximum of 16 units per acre**). Multifamily housing is permitted in the C-3 District so long that the development meets the minimum required open space standards as set forth in the R-3 Multifamily District Sec. 50-235 (6).
- (7) **Eating and drinking establishment use group.**
- ~~(8) Bars and liquor shops. Redundant~~
- ~~(9) Financial institutions. Redundant~~
- (8) **Personal services use group.**
- (9) Printing and publishing.
- (10) Recreational structures and properties.

- (11) Cultural structures and properties.
- (12) Administrative structures and properties.
- (13) Public service structures and properties.

Sec. 50-329. - Accessory uses.

Accessory uses in the C-3 Mid-Town Commercial District are as follows:

- (1) Off-street parking areas.
- (2) Garages and storage buildings.

Sec. 50-330. - Conditional uses.

Conditional uses in the C-3 Mid-Town Commercial District are as follows:

- (1) Cemeteries.
- (2) Carwashes.
- (3) Hospitals.
- (4) **Mixed-use residential: dwelling units subordinate to a primary commercial use.**
- (5) **Entertainment-oriented use group.**
- (6) Any other use deemed compatible by the planning commission.

Sec. 50-331. - Minimum requirements.

The minimum requirements in the C-3 Mid-Town Commercial District are as follows:

- (1) Minimum lot area: 6,000 square feet.
- (2) Minimum lot width: 50 feet.
- (3) Minimum front yard: 30 feet.
- (4) Minimum side yard: Ten feet; ~~20 feet from R districts.~~
- (5) Minimum rear yard: Ten feet.
- (6) **Visual buffering and screening requirements apply per Sec. 50-116.**
- (7) Off-street parking: One space per 700 square feet.
- (8) Maximum structure height: Side yard plus ten feet.
- (9) Number of loading berths: One per 10,000 square feet of floor space. (Loading berth requirements may be increased based on the development plan review by the planning commission).

Secs. 50-332—50-350. - Reserved.

DIVISION 9. - C-4 CENTRAL BUSINESS DISTRICT

Sec. 50-351. - Description.

The C-4 Central Business District is for a complete range of retail trades and services to serve the city and the central business area. Compact development is desirable so that the shopper and businessman may park their cars and do business anywhere in the district. This district must be served by city water and sewer systems. No **single family home, duplex or triplex, manufactured home, mobile home or trailer house** shall be permitted.

Sec. 50-352. - Permitted uses.

Permitted uses in the C-4 Central Business District are as follows:

- (1) Churches.
- (2) Schools and colleges.
- (3) **Retail sales use group.**
- (4) **Mixed-use residential: dwelling units subordinate to a primary commercial use.**
- (5) Day care, limited (general or commercial).
- (6) **General office use group.**
- (7) **Eating and drinking establishments use group, excluding drive-in, pick-up window, or drive-thru facilities.**
- ~~(8) **Bars and liquor shops.**~~
- (8) **Entertainment-oriented use group.**
- ~~(9) **Financial institutions.**~~
- (9) Printing and publishing.
- (10) **Temporary lodging use group.**
- (11) Mortuaries.
- (12) Clubs and lodges.
- (13) **Personal services use group.**
- (14) Recreational structures and properties.
- (15) Cultural structures and properties.
- (16) Administrative structures and properties.
- (17) Public service structures and properties.

Sec. 50-353. - Accessory uses.

Accessory uses in the C-4 Central Business District are as follows:

- (1) Off-street parking areas.
- (2) Garages and storage buildings.

Sec. 50-354. - Conditional uses.

Conditional uses in the C-4 Central Business District are as follows:

- (1) Cemeteries.
- (2) Carwashes.
- (3) Hospitals.
- (4) Bus depots.
- (5) Railroad terminals.
- (6) Taxicab stands.
- (7) Medical office use group.
- (8) Major event entertainment use group.
- (7) Any other use deemed compatible by the planning commission.

Sec. 50-355. - Minimum requirements.

Minimum requirements in the C-4 Central Business District are as follows:

- (1) Minimum lot area: None.
- (2) Minimum lot width: None.
- (3) Minimum front yard: None.
- (4) Minimum side yard: Five feet abutting R district.
- (5) Minimum rear yard: Ten feet.
- ~~(6) Distance from R district: 20 feet.~~
- (6) Visual buffering and screening requirements apply per Sec. 50-116.
- (7) Off-street parking: None.
- (8) Maximum structure height: None.
- (9) Number of loading berths: Minimum of one or one per 10,000 square feet of floor space.

Secs. 50-356—50-383. - Reserved.

DIVISION 10. - M-1 WAREHOUSING AND LIMITED MANUFACTURING

Sec. 50-384. - Description.

The M-1 Warehousing and Limited Manufacturing District is a district for rail and truck terminals along with warehousing and light industries for packaging, fabrication and limited manufacturing activity. These plants are clean, quiet, landscaped and generally good neighbors to nearby areas. No manufactured home, mobile home or trailer house shall be permitted.

Sec. 50-385. - Permitted uses.

Permitted uses in the M-1 Warehousing and Limited Manufacturing District are as follows:

- (1) Warehouses.

- (2) Wholesale sales.
- (3) Contractors' yards.
- (4) Materials processing.
- (5) Mechanical equipment shops.
- (6) Bottling plants.
- (7) Woodworking.
- (8) Building materials, storage and sales.
- (9) Packaging operations.
- (10) Fabrication plants.
- (11) Equipment storage.
- (12) Monument making and sales.
- (13) Heavy equipment sales and repair.
- (14) Metalworking.

Sec. 50-386. - Accessory uses.

Accessory uses in the M-1 Warehousing and Limited Manufacturing District are as follows:

- (1) Off-street parking areas.
- (2) Garages and storage buildings.

Sec. 50-387. - Conditional uses.

Conditional uses in the M-1 Warehousing and Limited Manufacturing District are as follows:

- (1) Incineration and garbage disposal.
- (2) Cellular phone, radio or television tower.
- (3) Wastewater treatment plants.
- (4) Restaurants and eating places.
- (5) Convenience stores.
- (6) Service stations.
- (7) Industrial parks.
- (8) Mineral or topsoil removal and storage.
- (9) Truck terminals.
- (10) Railroad terminals.
- (11) Recreational structures and properties.
- (12) Cultural structures and properties.
- (13) Administrative structures and properties.
- (14) Public service structures and properties.

- (15) Any other use deemed compatible by the planning commission.

Sec. 50-388. - Minimum requirements.

The minimum requirements in the M-1 Warehousing and Limited Manufacturing District are as follows:

- (1) Minimum lot area: Two acres.
- (2) Minimum lot width: 150 feet.
- (3) Minimum front yard: 50 feet.
- (4) Minimum side yard: 50 feet.
- (5) Minimum rear yard: 50 feet.
- (6) Visual buffering and screening requirements apply per Sec. 50-116.
- ~~(6) Distance from R district: 50 feet.~~
- ~~(7) Fence: Adjacent to R district.~~
- ~~(8) Screen planting: Adjacent to R district.~~
- (7) Off-street parking: One space per employee and one per 5,000 square feet.
- (8) Maximum structure height: Side yard plus ten feet.
- (9) Number of loading berths: Minimum of one or one per 10,000 square feet.
- (10) Maximum number of street entrances: Two. (Entrance requirements may be increased based on development plan review by planning commission.) State entrances shall be permitted by the state department of transportation.

Secs. 50-389—50-419. - Reserved.

DIVISION 11. - M-2 GENERAL MANUFACTURING

Sec. 50-420. - Description.

The M-2 General Manufacturing District is a district to provide for manufacturing and industrial development of a more general and less restrictive nature than in the M-1 district in those areas where the relationship to surrounding land uses would create fewer problems of compatibility and would not necessitate stringent regulatory controls. Certain offensive uses permitted in this district must observe greater setback and yard requirements when adjacent to residential areas. Manufactured **home**, mobile home or trailer house shall be permitted.

Sec. 50-421. - Permitted uses.

Permitted uses in the M-2 General Manufacturing District are as follows:

- (1) Warehouses.
- (2) Wholesale yards.
- (3) Contractors' yards.
- (4) Materials processing.
- (5) Mechanical equipment shops.

- (6) Bottling plants.
- (7) Woodworking.
- (8) Building materials, storage and sales.
- (9) Packaging operations.
- (10) Fabrication plants.
- (11) Equipment storage.
- (12) Monument making and sales.
- (13) Heavy equipment sales and repair.
- (14) Metalworking.
- (15) Feed mills.
- (16) Grain elevators.
- (17) Concrete mixing.
- (18) Bulk oil storage.
- (19) Food processing.
- (20) Building materials manufacturing.
- (21) Liquefied petroleum storage.
- (22) Animal slaughter.
- (23) Lumber mills.
- (24) Wood processing.
- (25) Leather products.
- (26) Cellular phone, radio or television tower.
- (27) Wastewater treatment plants.
- (28) Industrial parks.

Sec. 50-422. - Accessory uses.

Accessory uses in the M-2 General Manufacturing District are as follows:

- (1) Off-street parking areas.
- (2) Garages and storage buildings.
- (3) Caretaker's quarters.

Sec. 50-423. - Conditional uses.

Conditional uses in the M-2 General Manufacturing District are as follows:

- (1) Restaurants and eating places.
- (2) Convenience stores.
- (3) Service stations.

- (4) Mineral or topsoil removal and storage.
- (5) Truck terminals.
- (6) Railroad terminals.
- (7) Recreational structures and properties.
- (8) Cultural structures and properties.
- (9) Administrative structures and properties.
- (10) Public service structures and properties.
- (11) Airports.
- (12) Junkyards, auto salvage.
- (13) Stockyards.
- (14) Incineration and garbage disposal.
- (15) Any other use deemed compatible by the planning commission.

Sec. 50-424. - Minimum requirements.

The minimum requirements in the M-2 General Manufacturing District are as follows:

- (1) Minimum lot area: Two acres.
- (2) Minimum lot width: 300 feet.
- (3) Minimum front yard: 100 feet.
- (4) Minimum side yard: 100 feet.
- (5) Minimum rear yard: 100 feet.
- (6) Visual buffering and screening requirements apply per Sec. 50-116.
- ~~(6) Distance from R district: 300 feet.~~
- ~~(7) Fence: Adjacent to R district.~~
- ~~(8) Screen planting: Adjacent to R district.~~
- (7) Off-street parking: One space per employee and one per 5,000 square feet of floor space.
- (8) Maximum structure height: Side yard plus ten feet.
- (9) Number of loading berths: Minimum of one or one per 10,000 square feet.
- (10) Maximum number of street entrances: Two. (Entrance requirements may be increased based on development plan review by planning commission.) State entrances shall be permitted by the state department of transportation.

Secs. 50-425—50-428. - Reserved.

DIVISION 12. – QUALITY DEVELOPMENT CORRIDOR OVERLAY DISTRICT

Sec. 50-429. Purpose and Intent.

The Quality Development Corridor (QDC) Overlay is established to promote high quality development in areas of the City that meet one or more of the following criteria:

- (1) Are largely undeveloped but in the path of rapid substantial commercial or industrial development which it is anticipated will radically change the character of the lands within the district's boundaries.
- (2) Are major commercial corridors with high visibility which will have a strong influence on the perception of the City of West Plains.
- (3) Are commercial corridors or districts which have been developed haphazardly or have deteriorated and are in need of visual improvements.
- (4) Are areas in need of commercial or industrial investment which is currently not being attracted due to poor area perception or high investment risk.

This overlay district is designed to encourage high quality development by establishing restrictions and standards to protect the natural environments, promote optimum development, and so that investment values will be maximized and will not be endangered by unsightly, undesirable, or incompatible developments descending upon adjacent properties in the foreseeable future.

The QDC district shall overlay other zoning districts so that all lands lying within the QDC district shall also be included within other zoning districts. Each parcel of land within the QDC district shall be subject to the provisions, regulations, standards and restrictions of both the QDC district and of the other zoning district within which it lies.

Sec. 50-430. – Development Requirements.

Site development plans for projects located within a QDC district must be development by a licensed architect or engineer.

Any commercial, office, wholesale, distribution, storage facility, manufacturing or industrial use located within a QDC district, in addition to meeting all requirements and standards of the district within which it is located, shall also comply with the following minimum standards and restrictions:

(1) Building Design Requirements

Exterior surface materials of buildings in the QDC district shall be divided into "Primary Materials" and "Secondary Materials", and building shall incorporate each of the materials as follows:

a. Primary Materials (60% or more of the area front and side walls including gables)

Fired clay brick or brick face natural stone including granite, marble, sandstone, field stone or any other natural stone approved by the City Building Official. Manufactured stone, including imitation field stone, marble terrazzo, and any other manufactured architectural finish stone; architecturally treated slabs, precast or tilt up concrete panels either fluted or with exposed aggregate, stucco on lathe.

b. Secondary Materials (40% or less of the area front and side walls including gables)

Wood either vertical or horizontal board siding patterns, shingle patterns painted or stained, finished concrete siding, fiber-cement planks and panels either lap siding, shingle siding or vertical siding panels painted or stained, aluminum if painted or covered in a non-metallic finish, mirrored or reflective glass, and clay tile with baked-on enamel, vinyl, steel vinyl, textured paint, unfinished concrete, EIFS, fiberglass.

- c. Materials such as cinder block and plastic are prohibited.
 - d. Exposed roof materials shall be architectural asphalt shingles, wooden shingles, standing seam metal roof or lap seam metal roofing panel, terra cotta, and slate shingles.
 - e. Attached awnings, either metal or fabric, shall be in a color complimentary to the main wall color
 - f. Building and site elements shall be well maintained and repaired or replaced in a timely manner should damage or deterioration occur. Any damage or deterioration shall be corrected within sixty (60) days of notice.
- (2) Landscaping Requirements
- a. Each site shall have a minimum landscaped area of twenty percent (20%) of the net site area unless a permitted C-4 storefront development. The calculated landscaped areas may include tree islands within required parking areas.
 - b. A minimum ten (10) foot wide strip adjacent to the street right-of-way shall be planted and attractively maintained in trees, grass, flowers, low shrubs or other suitable plant material approved by the City Building Official or other appropriate staff. The characteristics of the planted strip shall be included in the site development application.
 - c. Required landscaped areas shall be planted and attractively maintained in trees, grass, flowers, low shrubs or other suitable plan material approved by the City Building Official or other appropriate staff. The location and description of the landscaping shall be included in the site development application.
- (3) Parking Areas
- a. All areas used for parking, loading or vehicular drives shall be paved.
 - b. Automobile parking areas are encouraged to be located in the side and rear yards of buildings.
 - c. Trucks and tractor trailers shall be parked only to the rear of buildings.
 - d. Off street parking development must meet the city's stormwater management guidelines
- (4) Screening and Buffering
- a. All loading areas, service equipment, and all storage areas including those for service trucks, buses, or the storage of any other vehicles or equipment shall be screened from view by an approved wall or fence. Such wall or fence shall not be less than six (6) feet in height and not more than eight (8) feet in height.
 - b. Visual buffering and screening requirements of the location's underlying zoning district apply per Sec. 50-116.
 - c. All service equipment including but not limited to electrical service transformers, HVAC units, and other utility or mechanical equipment that will be located on a rooftop shall be screened from ground level view behind a parapet wall or other architectural extension. Such extension shall be compatible in design and integrated architecturally with the building.
- (5) Outside Storage
- a. Outside storage may be permitted only the rear or non-street side yard in areas show on the site development plan where surfaces are adequately paved or otherwise improved.
- (6) Sign Requirements
- a. Signs shall conform to the City's sign ordinance.
 - b. Signs should be of wood, stone or other similar materials and shall compliment the material and color of the building. Sign supports shall be faced with the primary material used on the primary structure.

(7) Decorative Fences and Walls

- a. Any fences or walls not required for screening or buffer purposes shall be of wood, stone, decorative iron, stucco on block, decorative block or plant materials. These fences or walls shall not exceed four (4) feet in front or street side yards.
- b. Chain link, unfinished concrete or cinder block, plastic, fiberglass, barbed wire and plywood fences are prohibited. Paint shall not be considered a finish material.

Sec. 50-431. – Design Review.

All developments in the Quality Development Corridor Overlay District shall submit a site development application to the City Building Official. This application is required for all new building construction, reconstruction, additions, alterations, accessory buildings and site improvements.

(1) Site development applications within a QDC district shall include the following:

- a. Drawings which indicate dimensions of proposed structures, including all related accessory structures including but not limited to solid waste and recycling containment areas, electrical service transformers, HVAC units, satellite dishes, and other utility or mechanical equipment. Locations and screening materials shall be clearly noted and described.
- b. A site layout indicating the how the site will meet landscaping requirements
- c. The exterior finish and appropriate ratios thereof shall be clearly noted and described
- d. Proposed signage design shall be included in the application
- e. Other information as may be deemed necessary by the Building Official to evaluate the appearance of the completed development.

(2) Design Review Procedure

- a. The building official shall review all materials for compliance with the Ordinance and provide approval for those applications that utilize the appropriate percentages of primary and secondary materials. All other applications not meeting the appropriate percentages and any use of materials not specified in the Ordinance must be approved by the Planning Commission at its next available meeting.

Sec. 50-432. – Establishment of applicability standards for the Quality Development Corridor Overlay District

(1) New Non-Residential Development

All new non-residential development shall be subject to all provisions of this district.

(2) Expansion of Structures

- a. Expansion of structures in excess of 25% but less than 50% of the existing gross floor area shall subject only the expansion area to the standards of this section.
- b. Expansion of structures in excess of 50% of the existing gross floor area shall subject the entire structure to the standards of this district.
- c. Prohibited exterior building materials as delineated elsewhere in this ordinance shall not be used as part of any structure expansion.
- d. Regulated expansions shall conform to the appropriate percentages of primary and secondary materials set forth in this sections.

(3) Remodeling

- a. Exterior structure remodeling covering more than 50% of the total wall area shall subject the structure to the standards of this section. Painting of existing exterior wall finish will not subject structure to the standards. Prohibited exterior building materials as delineated elsewhere in this district shall not be used as part of any remodeling or renovation work concerning exterior walls regardless of the percentage.

(4) Damage to Structures

- a. If any structure is destroyed by any means and to an extent greater than 50% of its replacement cost at the time of destruction, then such structure shall only be rebuilt in accordance with the standards of this district.

(5) Change of Ownership/Use

- a. Transfer of business ownership from one entity to another shall not subject the structure to the provisions of the overlay district.
- b. Change of use from one permitted business to another shall not subject the structure to the provisions of the overlay district.

(6) Minor Repairs

- a. This section shall not be construed in any way as to prevent the ordinary maintenance or minor repairs of existing structures.

Sec. 50-433. – Location of QDC – Reserved

--This is where the boundaries of all QDCs are spelled out--

Secs. 50-434—50-438. - Reserved.

DIVISION 13. – HEALTHCARE DISTRICT

Sec. 50-439. – Purpose and Intent.

The Healthcare District (HC) is meant to establish and provide for the logical expansion of medical offices in response to the growing healthcare needs of the community and region. Medical uses vary in need and impact on the community and its infrastructure. The HC district is also intended to establish and accommodate highly-specialized, unique land uses and development types related to the medical field and to accommodate additional specialized needs and growth of the medical field and community. It is the express intent of this HC district to be as generous as possible in permitted uses while at the same time maintaining a clean, attractive community that provides an extension of the medical office needs for medical practices and appropriate facilities for the medical community it serves. Property located within the established HC district shall conform to the regulations and guidelines set forth in this chapter. The provisions relating to nonconformities in Article XIII of this chapter shall apply to all properties within the HC district.

Sec. 50-440. – Location(s) –Reserved

--This is where the Healthcare District boundaries are described.--

Sec. 50-441. – Development Requirements.

The following overlay district is hereby established: Healthcare– HC. Uses and standards allowed in this district shall be as follows:

(1) Permitted Uses.

- a. Medical offices
- b. Hospitals
- c. Medical and dental clinics
- d. Laboratories for medical and dental uses
- e. Nursing homes
- f. Funeral homes
- g. Child and adult day care facilities and group home facilities
- h. Adult congregate living facilities
- i. Helistop in conjunction with hospitals
- j. Emergency services
- k. Parking structures
- l. Colleges, vocational, trade, or business schools with all associated uses including dormitory facilities related to the medical field
- m. Essential services
- n. Hospital related out-patient services (Ambulatory Surgery and Diagnostic Clinics)
- o. Independent living facilities
- p. Retail business which sell, lease and repair prosthetic or ambulatory devices used for patient rehabilitation, mobility or installation/modification of handicap unique support aids
- q. Restaurants and eating places
- r. Mixed use with residential – the residential use shall be subordinate to the primary use, shall make up at least 25% of the total area of the building and be located on the upper floors only

(2) Permitted Accessory Uses and Structures.

- a. Uses and structures which are customarily incidental and subordinate to permitted uses
- b. Complimentary service or retail uses contained within the structure of a permitted or approved conditional use
- c. Such other uses as determined by the city's building official or his/her designee to be:
 - i. Appropriate by reasonable implication and intent of the district
 - ii. Similar to another use either explicitly permitted in district or allowed by special exception

(3) Conditional Uses.

- a. Detoxification centers and substance abuse centers associated primarily with a primary medical facility
- b. Personal services, branch banks, drive-thru ATM, offices, conference facilities and similar workplace support uses
- c. Beauty Shop, Barber, and Salons
- d. Hotel
- e. Research and Development
- f. Crematoria
- g. Administrative structures and properties
- h. Public service structures and properties
- i. Recreational structures and properties

(4) Prohibited Uses and Structures.

- a. Any use or structure not specially, provisionally, or by reasonable implicated permitted herein
- b. Automotive repair garages, car lots, pool halls and game rooms

- c. Gasoline or diesel filling stations shall not be located within 100 feet from the property line of in-patient care or treatment facilities.
- (5) General Requirements.
- a. Buildings shall comply with all applicable site development standards set forth in this chapter and all other applicable City ordinances and regulations and specified in this section.
 - b. Mixed-use buildings shall be vertically mixed in use. Non-residential uses shall be placed at street level
 - c. Conditional uses, variances, and other requests for special exceptions shall follow the established procedures set forth elsewhere in this chapter
 - d. Any development within this district which may require the alteration or closure of any public right of way must be approved by the City Council
- (6) Development Standards.
- a. The C-3 Mid-Town Commercial minimum requirements and area and dimensional requirements shall apply with the HCO district
 - b. Any congregate living facility, hotel, dormitory, nursing home or convalescent use within the HCO shall not exceed the density established for the R-3 Multifamily Residential District
 - c. The exterior construction material of any building visible from a public street or right of way shall not utilize more than 33% exposed metal
 - d. HC district shall be subject to Quality Development Corridor Standards in instances where QDC zone overlies the district
 - e. The City building official shall review a site development plan for compliance with the Ordinance and provide approval for those plans that comply with development standards. All other applications not meeting the appropriate percentages and any use of materials not specified in the Ordinance must be approved by the Planning Commission at its next available meeting

Secs. 50-442—50-454. - Reserved.

ARTICLE V. - OFF-STREET PARKING AND LOADING

DIVISION 1. - GENERALLY

Sec. 50-455. - Scope.

General provisions for off-street parking and loading requirements shall be as provided in this article.

Sec. 50-456. - Procedure.

An application for a building permit for a new or enlarged building, structure or use shall include therewith a plot plan, drawn to scale, and fully dimensioned, showing any off-street parking or loading facilities to be provided in compliance with the requirements of this chapter.

Sec. 50-457. - Extent of control.

The off-street parking and loading requirements of this chapter shall apply as follows:

- (1) All buildings and structures erected and all land uses shall provide accessory off-street parking or loading facilities as required in this article for the use thereof.

- (2) When a building or structure erected or enlarged prior to or after the effective date of the ordinance from which this chapter derives shall undergo a decrease in the number of dwelling units, gross floor area, seating capacity, number of employees, or other unit of measurement specified in this article for required off-street parking or loading facilities, and, further, when such decrease would result in a requirement for fewer total off-street parking or loading spaces through application of this chapter, off-street parking and loading facilities may be reduced accordingly, provided that existing off-street parking and loading facilities are so decreased only when the facilities remaining would at least equal or exceed the off-street parking or loading requirements resulting from the application of this chapter to the entire building or structure as modified.
- (3) When a building or structure undergoes any increase in number of dwelling units, gross floor area, seating capacity, or other unit of measurement specified in this article for required off-street parking or loading facilities, and, further, when such increase would result in a requirement for additional total off-street parking or loading spaces through application of this chapter, parking and loading facilities shall be increased so that the facilities would at least equal or exceed the off-street parking or loading requirements resulting from application of this chapter to the entire building or structure as modified.

Sec. 50-458. - Existing off-street parking and loading spaces.

Accessory off-street parking and loading spaces in existence on the effective date of the ordinance from which this chapter derives shall not be reduced in number unless already exceeding the requirements of this article for equivalent new construction; in which event, such spaces shall not be reduced below the number required in this article for such new construction.

Sec. 50-459. - Schedule of requirements.

A schedule of requirements for off-street parking and loading shall be as follows:

- (1) Requirements governing the number and location of off-street parking and off-street loading facilities in relation to the use of property are established in this article. The off-street parking and loading requirements for any use not specified shall be the same as for similar specified uses, as set forth.
- (2) The term "floor area," as employed in this article, means the gross floor area of a building or structure used for or intended to be used for service to the public as customers, patrons, clients, patients or tenants, including areas occupied by fixtures and equipment used for display of and sale of merchandise. The term "floor area," for the purposes of this article, shall not include any floor space used for storage accessory to the principal use of a building; incidental repairs; stairways and elevators; show windows; restrooms; utilities; and dressing, fitting or alteration rooms.
- (3) The minimum number of parking spaces set forth in commercial and/or manufacturing districts may be negotiated with the Planning Commission on a case-by-case basis. The minimum number of required spaces may be reduced so long as there is adequate open space maintained at the site in order to meet the requirements of the originally required parking, in the event of a future change of use of the structure.

Secs. 50-460—50-470. - Reserved.

DIVISION 2. - ADDITIONAL PARKING REGULATIONS

Sec. 50-471. - Scope.

For the purpose of this chapter, additional parking regulations shall be as provided in this division.

Sec. 50-472. - Use of off-street parking facilities.

Off-street parking facilities accessory to residential uses and developed in any residential district in accordance with the requirements of this article shall be used **solely for the parking of passenger automobiles or commercial vehicles, excluding tractor trailers, dump trucks, or other vehicles more than five-ton gross vehicle weight owned by occupants of the dwelling structures to which such facilities are accessory or by guests of such occupants.**

Sec. 50-473. - Joint parking facilities.

- (1) Off-street parking facilities for different buildings, structures or uses or for mixed uses may be provided collectively in any zoning district in which separate off-street parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together is not less than the sum of the separate requirements for each use and not more than 300 feet from the lot on which the main building is located.
- (2) When the required parking spaces are not located on the same lot with the building or use served or where such spaces are collectively or jointly provided and used, a written agreement thereto ensuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form and execution by the city attorney, and shall be filed with the application for a building permit.
- (3) Not more than 50 percent of the parking spaces required for:
 - a. Theaters and places of amusement; and
 - b. Up to 100 percent of the parking spaces required for a church or school may be provided and used jointly by banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in subsection (c)(1) of this section; provided, however, that a written agreement, ensuring the retention for such purpose, shall be properly drawn and executed by the parties concerned, approved as to form and execution by the city attorney, and shall be filed with the application for a building permit.

Sec. 50-474. - Control of off-site facilities.

When required accessory off-street parking facilities are provided elsewhere than on the lot on which the principal use is located, they shall be in the same possession, either by deed or long-term lease, as the property occupied by such principal use, and the owner shall be bound by covenants filed on record in the office of the recorder of deeds and the city clerk, requiring the owner and his heirs and assigns to maintain the required number of off-street parking spaces during the existence of the principal use.

Sec. 50-475. - Permitted districts for accessory parking.

Accessory parking facilities provided elsewhere than on the same zoning lot with the principal use, served in accordance with the requirements below, may be located in any zoning district except as follows: No

parking facilities accessory to a business or manufacturing use shall be located in a residential district except where authorized by the city council as prescribed in section 50-476.

Sec. 50-476. - Nonresidential parking in residential districts.

Accessory off-street parking facilities serving nonresidential uses of property may be permitted in any district, when authorized by the city council after review and study by the planning commission, subject to the following requirements in addition to all other relevant requirements:

- (1) The parking lot shall be accessory to and for use in connection with one or more nonresidential establishments located in adjoining districts or in connection with one or more existing professional or institutional office buildings or institutions, if the parking lot proposed is within 300 feet of the nonresidential use which it is to serve.
- (2) The parking lot shall be used solely for the parking of passenger automobiles.
- (3) No commercial repair work or service of any kind shall be conducted on the parking lot.
- (4) No sign of any kind other than signs designating entrances, exits and conditions of use shall be maintained on the parking lot, and the sign shall not exceed 20 square feet in area.
- (5) Each entrance to and exit from the parking lot shall be at least 20 feet distant from any adjacent property located in any residential district, except where ingress and egress to the parking lot is provided from a public alley or public way separating the residential areas from the proposed parking lot.
- (6) In addition to the requirements in subsections (1) through (5) of this section, such parking lots shall conform to any further requirements and conditions as may be prescribed by the city council for the protection of properties adjacent to and in the vicinity of the proposed parking lot.

Secs. 50-477—50-505. - Reserved.

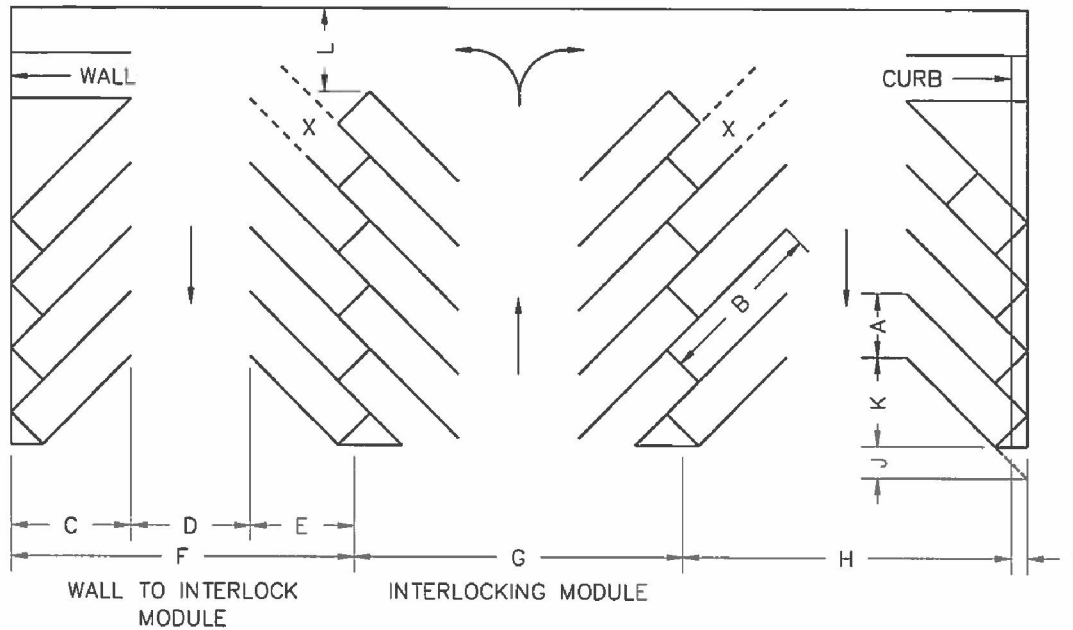
DIVISION 3. - DESIGN AND MAINTENANCE OF PARKING SPACES

Sec. 50-506. - Scope.

Design and maintenance of parking spaces shall be as provided in this division.

Sec. 50-507. - Description.

A required off-street parking space shall be an area of not less than 180 square feet nor less than nine feet wide by 20 feet long measured perpendicularly to the sides of the parking space exclusive of access drives or aisle ramps, columns or office and work areas, accessible from streets or alleys or from private driveways or aisles leading to streets or alleys and to be used for the storage or parking of passenger automobiles or commercial vehicles under 1.5 ton capacity. Aisles between vehicular parking spaces shall be not less than 12 feet in width when serving automobiles parked at a 45-degree angle in one direction nor less than 26 feet in width when serving automobiles parked perpendicularly.



X = STALL NOT ACCESSIBLE IN CERTAIN LAYOUTS

PARKING LAYOUT DIMENSIONS (in feet) FOR 9-FT. STALLS AT VARIOUS ANGLES

DIMENSION	ON DIAGRAM	ON				
		90°	75°	60°	45°	30°
STALL WIDTH, PARALLEL TO AISLE	A	9.0	9.3	10.4	12.7	18.0
STALL LENGTH OF LINE	B	18.5	20.0	22.0	25.0	34.1
STALL DEPTH TO WALL	C	18.5	19.5	19.0	17.5	17.1
AISLE WIDTH BETWEEN STALL LINES	D	26.0	23.0	16.0	12.0	10.0
STALL DEPTH, INTERLOCK	E	18.5	18.8	17.5	15.3	13.2
MODULE, WALL TO INTERLOCK	F	63.0	61.3	52.5	44.8	40.3
MODULE, INTERLOCKING	G	63.0	61.0	51.0	42.6	36.4
MODULE, INTERLOCK TO CURB FACE	H	60.5	58.8	50.2	42.8	38.8
BUMPER OVERHANG (TYPICAL) OFFSET	I	2.5	2.5	2.3	2.0	1.5
SETBACK	J	0.0	0.5	2.7	6.3	13.5
CROSS AISLE, ONE-WAY	L	14.0	14.0	14.0	14.0	14.0
CROSS AISLE, TWO-WAY	-	24.0	24.0	24.0	24.0	24.0

Sec. 50-508. - Measurement of space.

When determination of the number of parking spaces results in a requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall be interpreted as one parking space.

Sec. 50-509. – Access to off-street parking.

Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as will least interfere with the movement of traffic and so designed as to permit adequate maneuvering area for vehicles to turn around where only one entry or exit is provided in order that no backing of vehicles into the street is required. No driveway or curb cut in any district shall exceed 25 feet in width, unless otherwise approved by the planning commission and city council.

Sec. 50-510. - Signs.

No signs shall be displayed in any parking area within any residential district, except such as may be necessary for the orderly use of the parking facilities.

Sec. 50-511. - Striping.

All parking spaces shall be properly marked by durable paint in stripes a minimum of four inches wide and extending the length of the parking space.

Sec. 50-512. - Surfacing.

All open off-street parking areas, except those accessory to single-family dwellings, shall be improved with a compacted base, not less than six inches thick, surfaced with not less than two inches of asphaltic material, **concrete no less than** four inches thick with four inches of compacted base or some other comparable all-weather dustless material as approved by the city.

Sec. 50-513. - Lighting.

1. Any lighting used to illuminate an off-street parking area shall be arranged so as to reflect the light away from all adjoining properties **and/or oncoming road traffic.**
2. **Plans to illuminate off street parking areas in commercial and manufacturing zones shall be submitted along with the site development plan.**

Sec. 50-514. - Stormwater.

Adequate stormwater drainage facilities shall be installed in off-street parking areas in order to ensure that stormwater does not flow onto abutting property or abutting sidewalks in such a way or quantity that pedestrians using the sidewalk would be detrimentally affected or inconvenienced. The city engineer shall approve all such facilities.

Secs. 50-515—50-536. - Reserved.

DIVISION 4. - LOCATION OF PARKING AREAS

Sec. 50-537. - Scope.

Parking areas shall be located as provided in this division.

Sec. 50-538. - Extent of control.

Off-street automobile parking facilities shall be located as specified in this division. Where a distance is specified, such distance shall be walking distance measured from the nearest point of the parking area to the nearest entrance of the building that the parking area is required to serve.

Sec. 50-539. - One- and two-family dwellings.

For one- and two-family dwellings, parking areas shall be located on the same lot with the building they are required to serve.

Sec. 50-540. - Three- and four-family dwellings and row dwellings not over certain height.

For three- and four-family dwellings not over two stories in height and row dwellings not over 1.5 stories in height, parking areas shall be located on the same lot or parcel of land as the building they are required to serve. For the purpose of this section, a group of such uses constructed and maintained under a single ownership or management shall be assumed to be on a single lot or parcel of land.

Sec. 50-541. - Clubs, hospitals, sanitariums, orphanages, homes for the aged, convalescent homes and other similar uses.

For clubs, hospitals, sanitariums, orphanages, homes for the aged, convalescent homes, and for other similar uses, the off-street parking facilities required shall be on the same lot or parcel of land as the main building being served or upon properties contiguous to the zoning lot upon which is located the building they are intended to serve.

Sec. 50-542. - Other uses.

For uses other than those specified in this division, off-street parking facilities shall be provided on the same lot or parcel of land as the main building being served or on a separate lot or parcel of land not over 1,000 feet from any entrance of the main building measured from the nearest point of the parking area, provided the separate lot or parcel of land intended for the parking facilities is located in the same district as the principal permitted use or in a less restricted district.

Secs. 50-543—50-562. - Reserved.

DIVISION 5. - DESIGN OF LOADING AND UNLOADING SPACES

Sec. 50-563. - Scope.

Design of off-street loading and unloading space shall be as provided in this division.

Sec. 50-564. - Description of loading berth.

An off-street loading berth shall be a hard-surfaced area of land, open or enclosed, other than a street or public way, used principally for the standing, loading or unloading of motor trucks or tractors, so as to avoid undue interference with the public use of streets and alleys.

Sec. 50-565. - Location.

No permitted or required loading berth shall be closer than 50 feet to any property in a residential district unless completely enclosed by building walls or a uniformly painted solid fence or wall or any combination thereof, not less than six feet in height. No permitted or required loading berth shall be located within 25 feet of the nearest point of intersection of any two streets. Loading berths open to the sky may be located in any required yards.

Sec. 50-566. - Measurement of berth.

When determination of the number of required off-street loading berths results in a requirement of a fractional berth, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall be interpreted as one loading berth.

Sec. 50-567. - Surfacing.

All open off-street loading berths shall be improved with a compacted base, not less than nine inches thick, surfaced with not less than three inches of asphaltic concrete or some comparable all-weather dustless material.

Sec. 50-568. - Buildings used for business, trade or industry.

Every building or structure used for business, trade or industry shall provide adequate space for the loading and unloading of vehicles off the street or public alley or, if there is no alley, to a street. Off-street loading and unloading space shall be in addition to and not considered as meeting a part of the requirements for off-street parking space. Off-street loading and unloading space shall not be used or designated, intended or constructed to be used in a manner to obstruct or interfere with the free use of any street, alley or adjoining property.

Secs. 50-569—50-599. - Reserved.

ARTICLE VI. - PLANNED UNIT DEVELOPMENT

Sec. 50-600. - Purpose and intent.

- (1) The purpose and intent of the planned unit development is to provide for the compatible development of two or more different land uses within a single site. This combination of traditional zoning classifications under one development is designed to permit greater flexibility and should benefit both the developer and the public interest.
- (2) It is not the intent of this article to circumvent traditional zoning classifications, increase the average density of uses beyond that which is provided for in other sections of this chapter or allow development which is not compatible with the principles of the comprehensive development plan. This article should provide for a greater flexibility in the design of yards, courts, buildings and circulation than would otherwise be possible through the strict application of district regulations in order to provide the opportunity for the following:
 - a. A pattern of development which preserves trees, outstanding natural topography, and geologic features and prevents soil erosion.
 - b. A creative approach to the use of land and related physical development.
 - c. Open space and/or recreation areas.
 - d. An efficient use of land resulting in smaller networks of utilities and streets and thereby lower building costs.
 - e. An environment of stable character in harmony with surrounding development.
 - f. A more desirable environment than would be possible through the strict application of other sections of this chapter.
- (3) The planning commission and subsequently the city council may include or exclude any uses within the development and/or attach or include any restrictions or conditions. Consideration may be given, but not limited to, the following:
 - a. The compatibility and relationship of uses within the development;
 - b. The compatibility and relationship of land uses adjacent to or in close proximity to the proposed development;
 - c. Overall impact of the proposed development upon the community; and
 - d. The proposed development's conformance with the comprehensive development plan and other adopted plans and policies.

Sec. 50-601. - Application.

A planned unit development district may be proposed for any location in the city if it is in accordance with this article.

Sec. 50-602. - Effect of approval.

Approval of the planned unit development district shall constitute an amendment to this chapter. Approval of a planned unit development shall supersede all existing and prior zoning classifications. Property approved for planned unit development shall be identified with the letters "PUD" followed by the corresponding zoning case number.

Sec. 50-603. - Required standards.

All planned unit development districts shall, at a maximum, satisfy the following standards and requirements:

- (1) *Size.* The minimum tract size for a planned unit development shall be 20 acres.
- (2) *Permitted uses.* The planned unit development must contain a minimum of two different land uses.
- (3) *Development intensity.* The intensity of the planned unit development as a whole or by subarea shall not exceed that allowed in the comparable zoning district of the allowed uses and shall further be governed by the following:
 - a. For nonresidential development, the intensity of development may be regulated by:
 - i. Specifying an appropriate floor area ratio (FAR).
 - ii. Specifying maximum square footage or gross leasable area.
 - iii. Specifying setbacks, height and bulk restrictions.
 - iv. A combination of such restrictions for the project as a whole or for components or subareas within the project.

In addition, nonresidential development plans may specify performance standards to be imposed on the project and restrictions regarding the location and nature of commercial and other nonresidential activities.

- b. The residential density of a project shall be computed in accordance with the following formula:

Maximum number of dwelling units (DUs) = Entire area of the property to be utilized for residential purposes multiplied by the maximum district density shown below:

TABLE I

<i>Zoning District</i>	<i>Maximum Residential Density in PUD</i>
R-1 single-family	4 DU per acre
R-2 two-family	8 DU per acre
R-3 multi-family	16 DU per acre

- (4) *Public facilities.* All uses within the planned unit development are required to be connected to public utilities.
- (5) *Access to public thoroughfares.* All uses within the planned unit development are required to be connected to public thoroughfares. If additional roads or streets are required, it shall be the responsibility of the developer to construct them to city standards. In addition, no one- or two-family residential dwelling units should have direct access to any street classified as arterial.

- (6) *Parking.* Unless specifically modified by the planned unit development amendment, the parking requirements of this chapter shall apply. Reductions in parking requirements shall be approved only if it can be determined that parking demand will be less due to the design and character of the planned unit development.
- (7) *Signs.* The placement of all signs within the planned unit development shall be regulated by the sign ordinance in chapter 34. This shall include the size, location, illumination, structural integrity and relation to surrounding uses. Any regulations concerning signs shall be so stated in the planned unit development amendment. Modifications to the sign regulations shall be approved only if the general intent of the regulations is adhered to.
- (8) *Perimeter treatment.* The planned unit development amendment shall specify any special treatment of perimeter areas designed to mitigate the impact of the development upon adjoining properties and/or to achieve an appropriate transition between land uses and densities.

Sec. 50-604. - Procedure for designation.

Applications for planned unit development shall be processed pursuant to a three-step review process. This procedure shall include the following:

- (1) *Preapplication conference.*
 - a. Not less than 45 days before preparing and submitting the preliminary proposal to the planning commission, the developer and/or his engineer shall consult with the planning commission representative, while the proposal is in sketch form, to ascertain the location of proposed highways, primary or secondary thoroughfares, collector streets, parkways, parks, playgrounds, school sites and other community facilities or planned developments and to acquaint himself with the planning commission's requirements. During the preapplication proceedings the general features of the planned unit development, its layout, facilities, and required improvements shall be determined to the extent necessary for the preparation of the preliminary planned unit development proposal. Preapplication proceedings shall be properly documented by minutes of conferences and memoranda, as may be necessary, and copies of such documentation shall be furnished to the developer.
 - b. The city shall have the right to schedule any other meetings necessary to ensure that the planned unit development is compatible with the principles of the comprehensive plan. It shall be the responsibility of the city to schedule such meetings to include the developer and/or his engineer.
- (2) *Preliminary proposal.* The developer shall prepare and submit to the planning commission a preliminary proposal of the proposed planned unit development which shall conform with the requirements set forth in this subsection at least 30 days prior to the meeting of the planning commission at which time action is desired. The proposal shall be prepared by and shall bear the seal of a registered engineer or land surveyor as applicable by state law. At a minimum, the following information shall be included in the proposal:
 - a. *Document quantity.* Each application for a planned unit development shall be accompanied with ten complete sets of proposal documents.
 - b. *Required scale.* The scale shall be 100 feet to the inch. The vertical scale of street and sewer profiles shall be ten feet or less to the inch.
 - c. *Name.* The proposal shall contain the proposed name of the planned unit development, which shall not duplicate or closely approximate the name of any other planned unit development or subdivision in the city or any other planned unit development or subdivision in the county.

- d. *Designation.* The proposal shall contain the tract designation according to real estate records of the recorder of the county.
- e. *Owners of record.* The proposal shall contain the names and addresses of the owners of record, the developer and the engineer or land surveyor, as applicable.
- f. *Abutting owners.* The proposal shall contain the names of owners of record of adjacent parcels of land, including those across an adjacent public street; also, the current land use and zoning for such parcels.
- g. *Boundary lines.* The proposal shall contain the boundary lines, accurate in scale, of the proposed development.
- h. *Streets and other features.* The proposal shall contain the location, widths and names of all existing or platted streets or other public ways within or adjacent to the proposed development, and other important features, such as existing permanent buildings, large trees and watercourses; railroad lines; corporation and township lines; electric and utility lines, etc.
- i. *Existing utilities.* The proposal shall contain the existing sewers, water mains, culverts and other underground structures within the proposed development and immediately adjacent thereto with the pipe sizes and grades indicated.
- j. *Proposed design for street, drainage, building, etc.* The proposal shall contain the following:
 1. The layout names and widths of proposed streets, alleys and easements.
 2. The location and approximate size of catchbasins, retention basins, culverts and other drainage structures.
 3. The proposed location of all buildings, common use areas, landscaping features and recreational facilities.
 4. Proposed street names shall be established to the satisfaction of the planning commission representative and approval obtained from the local U.S. Postmaster and shall not duplicate or closely approximate any existing or platted street names in the city, except extensions of existing streets.
- k. *Written concept plan.* The written plan should include, but not be limited to, any supporting material describing the overall concept of the proposed development; the uses included and any limitations upon uses; building types; provisions for maintenance of common use areas where applicable; any proposed agreement, dedications or easements; any proposed private covenants and restrictions; and any other information pertinent to a determination of compliance with this article. Additionally, the written concept plan must include a section detailing the public benefits of the planned unit development proposal.
- ~~l. *Soils.* The proposal shall contain the type and extent of soil groups with main soil horizon description.~~
- ~~m. *Geology.* The proposal shall contain the location, type and extent of subsurface and exposed geological information.~~
- n. *Zoning.* The proposal shall contain the zoning boundary lines, if any; proposed uses of property, and proposed building setback lines.
- o. *Other information.* The proposal shall contain the north point, scale, date, and title. Both magnetic north and true north shall be indicated with the declination also shown.

Sec. 50-605. - Final proposal requirements.

- (1) Upon completion of all required improvements as stipulated by the planning commission, the developer shall prepare and submit to the planning commission a final proposal of the proposed

planned unit development, which shall conform with the requirements set forth in section 50-606, at least two weeks prior to the meeting of the planning commission at which action is desired.

- (2) A fee equal to the actual cost of publication shall be paid to the city for each application for a planned unit development to cover the costs of advertising. The city council, planning commission and board of adjustments shall be exempt from this fee.
- (3) Commencing not less than 15 days prior to the meeting of the planning commission at which the final proposal will be reviewed, the developer shall cause signs, which shall be provided by the city, to be placed on all sides of the property for which the planned unit development is proposed, such signs to be clearly and conspicuously displayed at a minimum spacing of 500 feet and/or at adjacent major intersections as directed by the city. Such signs shall be purchased from the city for actual cost.
- (4) Any developer requesting a planned unit development district shall send notice of such meeting to all of those persons who own property within 185 feet of the property that is sought to be rezoned, as those owners are listed on the county's tax rolls, via certified United States mail, not less than 15 days prior to such meeting.
- (5) Proof that proper notification, as required, including certified return receipts, shall be upon the sworn, written affidavit of the administrative officer, and the citizen organization or governmental body requesting the zoning change, filed with the report of the planning commission to the city council.

Sec. 50-606. - Required information on final proposal.

In addition to all of the standard requirements for the preliminary planned unit development proposal, the following additional requirements shall be required as part of the final planned unit development proposal:

- (1) *Bearings and distances.*
 - a. True bearings and distances to the nearest established street bounds, patent or other established survey lines, or other official monuments, which monuments shall be located or accurately described on the proposal. Any patent or other established survey or corporation lines shall be accurately monument-marked and located on the proposal, and their names shall be lettered on them.
 - b. The length of all arcs-radii, points of curvature and tangent bearings; all easements and rights-of-way, when provided for or owned by public services, with the limitation of the easement rights definitely stated on the proposal; all lot lines with dimensions in feet and hundredths of a foot, and with bearings and angles to minutes other than right angles to the street and alley lines.
- (2) *Monuments.* The accurate location and material of all permanent reference monuments.
- (3) *Lots and block numbers.* Lots shall be arranged in numerical order. In tracts containing more than one block, the lots shall be in numerical order regardless of blocks.
- (4) *Dedicated property.* The outline of all property which is offered for dedication for public use, and of all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivisions, with the purpose indicated thereon. All lands dedicated to the public use other than streets or roads shall be marked "dedicated to the public."
- (5) *Professional certificate.* An affidavit and a certificate by a qualified professional engineer or land surveyor as required by state law to the effect that he has fully complied with the requirement of this chapter and applicable state laws.
- (6) *Tax-paid certificate.* A certificate issued by the authorized city and county officials to the effect that there are no unpaid taxes due and payable at the time of the proposal approval and no unpaid

special assessments, whether or not due and payable at the time of proposal approval, on any of the land included in the proposal, and that all outstanding taxes and special assessments have been paid on all property dedicated to public use.

Sec. 50-607. - Zero-lot-line construction.

- (1) *Purpose.* The purpose of zero-lot-line construction is to permit a procedure for development which will result in improved living and working environments; which will promote more economic subdivision layout; which will encourage a variety of types of residential dwellings; which will encourage ingenuity and originality in total subdivision and individual site design; and which can preserve open space to serve recreational, scenic and public service purposes and other purposes related thereto, within the densities established by the zoning district in which zero-lot-line construction is permitted.
- (2) *Zero side yard.* The side yard setback in any residential district may be zero on one side of the lot, provided that:
 - a. The lot adjacent to that side yard is also owned by the applicant at the time of initial construction and the minimum side yard setback for such adjacent lot is either zero or not less than ten feet;
 - b. The adjacent side yard setback is perpetually maintained free and clear of any obstructions other than a three-foot eave encroachment, normal landscaping, patios, garden walls or fences unless it is a zero side yard;
 - c. The wall located at the zero side yard setback is constructed with easily maintained, solid material without windows;
 - d. No portion of the dwelling or architectural features project over any property lines; and
 - e. The zero side yard is not adjacent to a public or private street or alley right-of-way.
- (3) *Zero rear yard.* The rear yard setback in any residential district may be zero, provided that:
 - a. The lot adjacent to that rear yard is also owned by the applicant or proof of consent is provided from the adjacent lot owner at the time of initial construction and the minimum rear yard setback satisfies the rear yard setback requirements of the zoning district; however, in no case shall the minimum rear yard be less than ten feet unless it is zero;
 - b. The adjacent rear yard setback is perpetually maintained free and clear of any obstructions other than a three-foot eave encroachment, swimming pools, normal landscaping, patios, garden walls or fences unless it is a zero rear yard;
 - c. The wall located at the zero rear yard setback is constructed with easily maintained, solid material without windows;
 - d. No portions of the dwelling or architectural features project over any property lines; and
 - e. The zero rear yard is not adjacent to a public or private street or alley right-of-way.
- (4) *Location of zero yards.* In residential districts, no lot may have both a zero side yard and a zero rear yard.
- (5) *Recording of maintenance and use easements.* Appropriate maintenance and use easements shall be included in the deed or deeds for all affected properties.
- (6) *Placement of zero yard wall.* The zero side or rear yard wall shall be placed precisely on the lot (property line) with a perpetual maintenance easement on the adjacent lot.
- (7) *Application and review.* Before construction of a zero-lot-line dwelling commences, an application, accompanied by a precise plan, shall be submitted and conditionally approved by the planning

commission prior to issuance of building permits for the dwelling. Such plan shall delineate all structures proposed for initial construction. The planning commission, after review, may approve, conditionally approve, or deny the precise plan. In its review, the planning commission shall consider placement of all structures, building material and finishing of the wall constructed along the side or rear lot line.

Secs. 50-608—50-632. - Reserved.

ARTICLE VII. - CONDITIONAL USES

Sec. 50-633. - Supplementary regulations.

- (1) Supplementary regulations for conditional uses to this chapter and the requirements and procedures therefor shall be as follows:
 - a. Conditional uses and their accessory buildings and uses may be permitted by the planning commission and city council in the districts indicated therein, in accordance with the procedure set forth in this section.
 - b. Upon receipt of any application for a conditional use by the building inspector, it shall be referred to the planning commission.
 - c. A fee in an amount as provided in the city fee schedule shall be paid to the city clerk at the time the application is filed, and an additional cost for publication shall be paid to the city clerk prior to the time publication of the notice of public hearing is ordered by the planning commission. All fees received under this subsection by the city clerk shall be paid over to the city to the credit of the city's general revenue fund.
 - d. The planning commission shall conduct a public hearing after 15 days' notice thereof has been given. Following the hearing and upon an affirmative finding by the planning commission that:
 - i. The proposed conditional use is to be located in a district wherein such use may be permitted;
 - ii. The requirements set forth by the planning commission for such conditional use will be met; and
 - iii. The conditional use is consistent with the spirit, purpose and intent of the comprehensive community plan, will not substantially and permanently injure the appropriate use of neighboring property, and will serve the public convenience and welfare.
- (2) The planning commission shall report the results of its study and recommendation to the city council within 60 days following receipt of the application. If no such report has been filed with the city council within this time period, the city council shall be permitted to proceed to process the application. The building official shall inspect the development to ensure compliance with the provisions approved by the planning commission and city council.

Sec. 50-634. - Conditional use requirements.

Conditional use requirements to this chapter shall be as set forth by the planning commission as follows:

- (1) An existing lawful use which is listed as a conditional use, and which is located in a district in which such conditional use may be permitted, shall be considered a conforming use.
- (2) Any expansion of such conditional use involving the enlargement of the buildings, structures and land area devoted to such use shall **again** be subject to the procedure described in this section.

- (3) If the nature of the conditional use involves more than one use, the applicant may apply for a permit for the conditional use which most closely relates to the primary use, provided that the requirements of all related uses are met.
- (4) Substance abuse facilities include buildings, structures, and land, for the residential or outpatient treatment of alcohol and/or other drug abuse:
 - a. If a residential facility, not more than 48 persons shall reside in the building at one time.
 - b. The exterior appearance of the treatment facility shall reasonably conform to the exterior appearance of other dwellings in the vicinity.
 - c. A treatment facility shall not be located closer than 25 feet to any other substance abuse treatment facility.

Secs. 50-635—50-656. - Reserved.

CODE COMPARATIVE TABLE - 1976 CODE – *this should be placed after 50-663 “Permitted conditional uses not deemed nonconforming uses.”*

This table gives the location within this Code of those sections of the 1976 Code which were carried forward into the 2002 Code. **(TABLE NOT SHOWN HERE TO SAVE PAPER)**

ARTICLE VIII. - NONCONFORMITIES

Sec. 50-657. - Nonconforming uses.

- (1) Within the districts established by this chapter or amendments that may later be adopted if there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the effective date of the ordinance from which this chapter derives or this chapter was amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendment, it is the intent of this article to permit those nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- (2) Nonconforming uses are declared by this section to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after the effective date of the ordinance from which this article derives by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.
- (3) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of the ordinance from which this article derives or the effective date of an amendment of this chapter and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Sec. 50-658. - Nonconforming lots of record.

- (1) In any zoning district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of the ordinance from which this chapter derives or the effective date of amendment of this chapter, notwithstanding limitations imposed by other sections of this chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This shall apply even though such lot fails to meet the requirements for area or width or both that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width or both of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the board of adjustments.
- (2) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of the ordinance from which this chapter derives or the time of amendment of this chapter and if all or parts of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of such parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this chapter.

Sec. 50-659. - Nonconforming uses of land or land with minor structures only.

Where on the effective date of the ordinance from which this chapter derives lawful use of land exists which would not be permitted by the regulations imposed by this chapter and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

- (1) No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of the ordinance from which this article derives or the effective date of an amendment of this chapter.
- (2) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of the ordinance from which this article derives or the effective date of an amendment of this chapter.
- (3) If any such nonconforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations in the district in which such land is located.
- (4) No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

Sec. 50-660. - Nonconforming structures.

Where a lawful structure exists on the effective date of the ordinance from which this article derives or the effective date of an amendment of this chapter because of restrictions on areas, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following:

- (1) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

- (2) Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with this chapter.
- (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Sec. 50-661. - Nonconforming uses of structures or of structures and premises in combination.

If a lawful use involving individual structures with a replacement cost of \$1,000.00 or more or of a structure and premises in combination exists on the effective date of the ordinance from which this article derives or at the effective date of an amendment of this chapter that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following:

- (1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located.
- (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use on the effective date of the ordinance from which this article derives or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
- (3) If no structural alterations are made, any nonconforming use of a structure or structure and premises may, as a special exception, be changed to another nonconforming use, provided that the board of adjustments, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the board of adjustments may require appropriate conditions and safeguards in accordance with this chapter.
- (4) Any structure or structure and land in combination in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- (5) When a nonconforming use of a structure or structure and premises in combination is discontinued or abandoned for six consecutive months or for 18 months during any three-year period, except when government action impedes access to the premises, the structure or structure and premises in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- (6) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent, or other figure, of the replacement cost at time of destruction.

Sec. 50-662. - Repairs and maintenance.

- (1) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure, as the case may be, provided that the cubic content existing when it becomes nonconforming shall not be increased.

- (2) If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful because of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.
- (3) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Sec. 50-663. - Permitted conditional uses not deemed nonconforming uses.

Any use which is permitted as a conditional use in a district under the terms of this chapter, other than a change through board of adjustments action from a nonconforming use to another use not generally permitted in the district, shall not be deemed a nonconforming use in such district, but shall be, without further action, considered a conforming use.