

## CHAPTER 178

# ZONING CODE — DISTRICT REGULATIONS

178.01 A-1 Agricultural  
178.02 R-1 Low Density Residential  
178.03 R-2 Medium Density Residential  
178.04 R-3 High Density Residential  
178.05 R-4 Mobile Home Park Residential  
178.06 R-5 Planned Unit Development  
178.07 C-1 Transitional Commercial

178.08 C-2 General Commercial  
178.09 C-3 Planned Commercial  
178.10 C-4 Central Business  
178.11 C-5 Office Park  
178.12 RESERVED  
178.13 M-1 Limited Industrial  
178.14 M-2 Medium Industrial  
178.15 U-1 Conservancy

**178.01 A-1 AGRICULTURAL.** The “A-1” Agricultural District is intended and designed to provide for certain agricultural and undeveloped areas of the City now utilized primarily for agricultural purposes and to prevent the establishment of scattered small lot subdivisions which may inhibit the orderly and efficient extension of urban services as anticipated in the long-term Comprehensive Plan or force extension of services prematurely.

1. **Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted in the “A-1” District.
  - A. Agriculture and usual agricultural buildings and structures, but not including commercial livestock feed lots and poultry farms.
  - B. Single-family detached dwellings, to include manufactured homes and family homes. A manufactured home must be located and installed according to the same standards for a foundation system, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot.
  - C. Publicly owned parks, playgrounds, golf courses and recreation areas.
  - D. Private non-commercial recreational areas and centers including country clubs, swimming pools, golf courses and riding stables.
  - E. Cemeteries, including mausoleums.
  - F. Nurseries, greenhouses, and truck gardens.
  - G. Public water supply and sewage treatment facilities.
  - H. Electrical and liquefied product transmission and regulating facilities.
2. **Permitted Accessory Uses.**
  - A. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.

- B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- C. TV Dish Antennas, see section 177.11 of the Zoning Code - General Regulations.
- D. Home Occupations, see Section 177.15 of the Zoning Code – General Regulations.

**3. Permitted Conditional Uses.**

- A. Communication towers (freestanding type), see section 177.12 of the Zoning Code – General Regulations.
- B. Communication towers (building-supported type), see Section 177.13 of the Zoning Code – General Regulations.
- C. Wind Energy Conversion Systems (WECS), see section 177.14 of the Zoning Code – General Regulations.

*(Ordinance No. 221017-212)*

**4. Bulk Regulations.** The following minimum requirements shall be observed, subject to the modifications contained in Section 177.07.

- A. Lot Area, Dwellings: 1 acre; Other permitted uses – none
- B. Minimum Floor Area: 1,150 square feet for dwelling; if building is two or more stories, first floor shall be a minimum of 800 square feet.
- C. Lot Width: 150 feet.
- D. Front Yard: 75 feet if located along an existing or planned arterial or collector street; 50 feet for all other front yards.
- E. Side Yards: Dwellings – 10 feet on each side.
- F. Rear Yard: 50 feet.
- G. Maximum Height: Principal building - 35 feet; Accessory building - 12 feet.
- H. Maximum Number of Stories: Principal building - 2½ stories; Accessory building - 1 story. Accessory buildings for allowed agricultural uses – no limit.

**Summary of A-1 Bulk Regulations:**

(A) Minimum Lot Area	1 ac., (43,560 sq. ft.) Other permitted uses – none
(B) Minimum Floor Area	1,150 sq. ft. / dwelling 1st floor min. 800 sq. ft. if 2 or more stories
(C) Lot Width	150 ft.
(D) Front Yard	75 ft. if located along an existing or planned arterial or collector street 50 ft. for all other front yards
(E) Side Yard	10 ft. on each side
(F) Rear Yard	50 ft.
(G) Maximum Height	35 ft. principal buildings 12 ft. accessory buildings
(H) Maximum Stories	2½ stories for principal buildings 1 story for accessory buildings No limit – Ag. accessory buildings

**178.02 R-1 LOW DENSITY RESIDENTIAL.** The “R-1” District is intended and designed to provide for certain low-density residential areas of the City now developed primarily with one-family detached dwellings and areas where similar residential development seems likely to occur.

**1. Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted in the “R-1” District.

- A. Single-family dwellings, to include manufactured and family homes. A manufactured home must be located and installed according to the same standards for a foundation system, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot.
- B. Churches, cathedrals, temples, and similar places of worship, provided that all principal buildings be set back a minimum of fifty (50) feet from all property lines.
- C. Parks, playgrounds, and similar uses operated by the City.
- D. Golf courses, country clubs, tennis courts and similar recreational uses, provided that any such use be not operated primarily for commercial gain.
- E. Private plant nurseries and greenhouses not exceeding two hundred forty (240) square feet of floor area and not involving retail or wholesale sales.
- F. Public and parochial schools, elementary and secondary, and other educational institutions, but excluding boarding schools, nursery schools and child care centers, provided that all principal buildings are set back a minimum of fifty (50) feet from all property lines.

**2. Permitted Accessory Uses.**

- A. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.
- B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- C. Private swimming pools.
- D. TV Dish Antennas in accordance with Chapter 177.11 of the Zoning Code - General Regulations.
- E. Home Occupations, see Section 177.15 of the Zoning Code – General Regulations.

*(Ordinance No. 221121-217)*

**3. Permitted Conditional Uses.**

- A. Home occupations. A conditional use permit must be applied for and received from the Board of Adjustment for a home occupation which does not meet the requirements set forth in Section 177.15 of the Zoning Code - General Regulations.
- B. Communication towers (freestanding type), see section 177.12 of the Zoning Code – General Regulations.
- C. Communication towers of the building-supported type, see Section 177.13 of the Zoning Code – General Regulations.
- D. Wind Energy Conversion Systems (WECS) see section 177.14 of the Zoning Code – General Regulations.

**4. Bulk Regulations.** The following minimum requirements shall be observed, subject to the modifications contained in Section 177.07.

- A. Overall Density within the R-1 District shall not exceed 4 units per net acre of land. Calculation of net acres is based on the gross land area less any lands that are prohibited by law or code from development including wetlands, floodways, arterial or collector street right-of-way, and required park land dedication.
- B. Minimum Lot Area: 9,600 square feet, 20,000 square feet where public sewer is not available.
- C. Minimum Floor Area: 1,150 square feet for dwelling; if building is two or more stories, first floor shall be a minimum of 800 square feet.
- D. Lot Width: 80 feet; 85 feet for corner lots; 100 feet where public sewer is not available.
- E. Front Yard: 30 feet. 50 feet for permitted uses other than single family.
- F. Side Yards: 8 feet each side for single-family dwellings; 3 feet for any other accessory building. 50 feet for permitted uses other than single family.
- G. Rear Yard: 35 feet for dwellings, and 3 feet for accessory buildings; 50 feet for permitted uses other than single family.
- H. Maximum Height: Principal building - 35 feet; Accessory building - 12 feet.
- I. Maximum Number of Stories: Principal building - 2½ stories; Accessory building - 1 story.
- J. Accessory Buildings: Maximum area of accessory Garage – 1,000 sq. ft. Maximum area of Yard shed – 160 sq. ft.

K. Basement Required: A basement, containing the square footage of at least 60% of the dwelling's first story square footage at the time of original building permit approval, is required in all single-family dwellings. This section applies to all R-1 District lots within preliminary plats approved after December 19, 2022.

**Summary of R-1 Bulk Regulations:**

(A) Minimum Lot Area	9,600 sq. ft. 20,000 sq. ft. where sanitary not available
(B) Minimum Floor Area	1,150 sq. ft. / dwelling 1 <sup>st</sup> floor min. 800 sq. ft., if 2 story
(C) Lot Width	80 ft. 85 ft. for corner lots 100 ft. if sanitary sewer not available
(D) Front Yard	30 ft. for dwellings 50 ft. for any permitted use other than single family
(E) Side Yard	8 ft. each side 3 ft. accessory buildings 50 ft. for any permitted use other than single family
(F) Rear Yard	35 ft. for single family 3 ft. accessory buildings 50 ft. for any permitted use other than single family
(G) Maximum Height	35 ft. principal buildings 12 ft. accessory buildings
(H) Maximum Stories	2½ stories for principal buildings 1 story for accessory buildings
(I) Accessory Buildings	1,000 sq. ft – Maximum Area for Accessory Garage 160 sq. ft. – Maximum Area for Yard Shed
(K) Basements	A basement containing the square footage of at least 60% of the dwelling's first story square footage at the time of original building permit approval is required in single-family dwellings. This section applies to all R-1 District lots within preliminary plats approved after December 19, 2022.

***(Ordinance No. 16-220)***

***(Ordinance No. 221121-215)***

***(Ordinance No. 221121-217)***

5. **Off Street Parking and Loading.** See Sections 177.08 and 177.09.
6. **Parkland Dedication.** See Section 180.06.

**178.03 R-2 MEDIUM DENSITY RESIDENTIAL.** The “R-2” District is intended and designed for certain medium density residential areas of the City now developed with one-family and two-family dwellings, and areas where similar residential development seems likely to occur.

1. **Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted in the “R-2” District.
  - A. Single-family detached dwellings, to include manufactured homes and family homes. A manufactured home must be located and installed according to the same standards for a foundation system, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot.
  - B. Single-family, semi-attached dwellings, as regulated by Section 177.07.8.
  - C. Churches, cathedrals, temples, and similar places of worship, provided that all principal buildings be set back a minimum of fifty (50) feet from all property lines.
  - D. Parks, playgrounds and similar uses operated by the City.
  - E. Golf courses, country clubs, tennis courts and similar recreational uses, provided that any such us be not operated primarily for commercial gain.
  - F. Private plant nurseries and greenhouses not exceeding two hundred forty (240) square feet of floor area and not involving retail or wholesale sales.
  - G. Public and parochial schools, elementary and secondary, and other educational institutions, but excluding boarding schools, nursery schools and child care centers, provided that all principal buildings are set back a minimum of fifty (50) feet from all property lines.

*(Ordinance No. 221121-217)*

2. **Permitted Accessory Uses.**
  - A. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.
  - B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
  - C. Private swimming pools.

- D. TV Dish Antennas in accordance with Chapter 177.11 of the Zoning Code - General Regulations.
- E. Home Occupations, see Section 177.15 of the Zoning Code – General Regulations.

*(Ordinance No. 221121-217)*

**3. Permitted Conditional Uses.**

- A. Communication towers (freestanding type), see section 177.12 of the Zoning Code – General Regulations.
- B. Communication towers (building-supported type), see Section 177.13 of the Zoning Code – General Regulations.
- C. Wind Energy Conversion Systems (WECS), see section 177.14 of the Zoning Code – General Regulations.

*(Ordinance No. 221017-212)*

**4. Bulk Regulations.** The following minimum requirements shall be observed, subject to the modifications contained in Section 177.07.

- A. Overall Density within the R-2 District shall not exceed 6 units per net acre of land. Calculation of net acres is based on the gross land area less any lands that are prohibited by law or code from development including wetlands, floodways, arterial or collector street right-of-way, and required park land dedication.
- B. Lot Area: Single-family detached dwelling – 7,500 square feet; Single-family, semi-attached – 5,000 square feet per lot (10,000 square feet combined).
- C. Minimum Floor Area: Ranch style - 950 square feet; two story – 1,000 square feet of livable space; split level style - 875 square feet on two (2) adjacent levels; and split foyer style – 850 square feet on the main floor.
- D. Lot Width: Single-family detached dwelling – 70- feet for interior lot and 80 feet for corner lot; single-family, semi-attached – 42.5 feet per lot (85 feet combined).
- E. Front Yard: Dwelling - 30 feet. All other principal uses - 50 feet.
- F. Side Yards: Single-family detached dwelling – 7.5 feet minimum for both side yards unless a structure existing prior to December 19, 2022 has a pre-existing, non-conforming side yard setback of less than 7.5 feet where such structure may be extended to align with the pre-existing, non-conforming side yard setback only but shall not further encroach than what is existing; Single-family, semi-attached – 7.5

minimum for one side yard (where other side yard is the common wall at 0'); 3 feet for any accessory building. All other principal uses – 50 feet.

***(Ordinance 04-202)***

- G. Rear Yard: Dwelling - 35 feet and 3 feet for accessory buildings. All other principal uses - 50 feet.
- H. Maximum Height: Principal building - 35 feet; Accessory building - 12 feet.
- I. Maximum Number of Stories: Principal building – 3 stories; Accessory building - 1 story.
- J. Accessory Buildings: Maximum area for accessory Garage – 1,000 sq. ft. Maximum area for Yard shed – 160 sq. ft.
- K. Basement Required: A basement, containing the square footage of at least 60% of the dwelling's first story square footage at the time of original building permit approval, is required in all single-family detached and single-family, semi-attached dwellings. This section applies to all R-2 District lots within preliminary plats approved after December 19, 2022.

**Summary of R-2 Bulk Regulations:**

(A) Minimum Lot Area	7,500 sq. ft., single-family detached 5,000 square feet per lot (10,000 square feet combined), single-family, semi-attached
(B) Minimum Floor Area	950 sq. ft., ranch style 1000 sq. ft., two story 875 sq. ft., split level style 850 sq. ft., split foyer style
(C) Lot Width	70 ft., interior lot and 80 feet corner lot, single family detached 42.5 per lot (85 feet combined), single-family, semi-attached
(D) Front Yard	30 ft. for dwellings 50 ft. for any permitted use other than dwellings
(E) Side Yard	7.5 feet minimum for both side yards unless a structure existing prior to December 19, 2022 has a pre-existing non-conforming side yard setback of less than 7.5 feet where such structure may be extended to align with the pre-existing, non-conforming side yard setback only but shall not further encroach than what is existing, single-family detached 7.5 minimum for one side yard (where other side yard is the common wall at 0'), single-family, semi-attached 3 ft. accessory buildings 50 ft. for any permitted use other than dwellings
(F) Rear Yard	35 ft. for single family 3 ft. accessory buildings 50 ft. for any permitted use other than dwellings
(G) Maximum Height	35 ft. principal buildings 12 ft. accessory buildings
(H) Maximum Stories	3 stories for principal buildings 1 story for accessory buildings
(I) Accessory Buildings	1,000 sq. ft – Maximum Area for Accessory Garage 160 sq. ft. – Maximum Area for Yard Shed
(K) Basements	A basement containing the square footage of at least 60% of the dwelling's first story square footage at the time of original building permit approval is required in all single-family detached and single-family, semi-attached dwellings.

	This section applies to all R-2 District lots within preliminary plats approved after December 19, 2022.
--	--

*(Ordinance No. 16-220)*  
*(Ordinance No. 221121-215)*  
*(Ordinance No. 221121-217)*

5. **Off Street Parking and Loading.** See Sections 177.08 and 177.09.
6. **Parkland Dedication. See Section 180.06.**

**178.04 R-3 HIGH DENSITY RESIDENTIAL.** The “R-3” District is intended and designed to provide for certain higher density residential areas of the City now developed with multiple-family dwellings predominantly, and areas where similar residential development seems likely to occur.

**1. Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted in the “R-3” District.

- A. Single-family dwellings, to include manufactured homes and family homes. A manufactured home must be located and installed according to the same standards for a foundation system, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot.
- B. Two-family dwellings.
- C. Multiple-family dwellings, including row housing, townhomes, apartment units and condominium units.
- D. Alterations and conversions of single-family dwellings into two-family dwellings in accordance with the lot area, frontage and yard requirements as set forth in this section and the fire separation provisions of the Building Code.
- E. Boarding and rooming houses.
- F. Churches, cathedrals, temples, and similar places of worship, provided that all principal buildings be set back a minimum of fifty (50) feet from all property lines.
- G. Museums, libraries, parks and playgrounds, community centers and similar uses operated by the City.
- H. Golf courses, country clubs, tennis courts and similar recreational uses, provided that any such use not be operated primarily for commercial gain.
- I. Public and parochial schools, elementary and secondary, and other educational institutions, but excluding boarding schools, nursery schools and child care centers, provided that all principal buildings are set back a minimum of fifty (50) feet from all property lines.
- J. Zero lot line dwellings, including duplex and townhomes.
- K. Nursing, convalescent and retirement homes.
- L. Child care centers and nursery schools.

**2. Permitted Accessory Uses.**

- A. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.
- B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- C. Private swimming pools when enclosed by a fence at least six (6) feet in height.
- D. Private plant nurseries and greenhouses not exceeding two hundred forty (240) square feet of floor area and not involving retail or wholesale sales.
- E. TV Dish Antennas in accordance with Chapter 177.11 of the Zoning Code – General Regulations.
- F. Accessory uses in the “R-3” District are exempt from the size limitations contained in Section 177.04.
- G. Home Occupations, see Section 177.15 of the Zoning Code – General Regulations.
- H. Signs in accordance with Chapter 181 of this Code of Ordinances.

**3. Permitted Conditional Uses.**

- A. Communication towers (freestanding type), see section 177.12 of the Zoning Code – General Regulations.
- B. Communication towers (building-supported type), see Section 177.13 of the Zoning Code – General Regulations.
- C. Wind Energy Conversion Systems (WECS) see section 177.14 of the Zoning Code – General Regulations.

*(Ordinance No. 221017-212)*

**4. Bulk Regulations.** The following minimum requirements shall be observed, subject to the modifications contained in Section 177.07.

- A. Minimum Lot Area: 9,000 square feet.
- B. Overall Density within the R-3 District shall not exceed 20 units per net acre of land. Calculation of net acres is based on the gross land area less any lands that are prohibited by law or code from development including wetlands, floodways, arterial or collector street right-of-way, and required park land dedication.
- C. Minimum Floor Area: Single-family – 950 square feet; two-family – 900 square feet per unit; if building is 2 or more stories, minimum first

floor area is 800 square feet for single-family and 550 square feet for two-family; multiple-family – no living space requirements.

- D. Lot Width: Single-family – 65 feet; two-family – 70 feet; multi-family – 85 feet; corner lot – 85 feet.
- E. Front Yard: Single-family and two-family – 30 feet; all other uses – 50 feet.
- F. Side Yards: Single-family and two-family – 7 feet on each side; multiple-family – 11 feet on each side; other principal permitted uses – 50 feet.
- G. Rear Yard: Single-family and two-family – 35 feet and 3 feet for accessory structures; other principal permitted uses – 50 feet.
- H. Maximum Height: Principal building – 45 feet; Accessory building – 14 feet.
- I. Maximum Number of Stories: Principal building – 3 stories; Accessory building – 1 story.
- J. Additional requirements for multi-family dwellings:
  - (1) Site Plan submittal per Chapter 180.
  - (2) 20% open space as a minimum.
  - (3) Landscaping per Chapter 180.
  - (4) Public Improvements per City specifications.
  - (5) Public streets and utilities required for Townhomes.
  - (6) Private drives, parking and utilities allowed for Condominiums.
  - (7) 30-foot buffer where adjacent to single family or two-family residential.
  - (8) Multi-family dwellings only permitted on platted lots of record.

**Summary of R-3 Bulk Regulations:**

(A) Minimum Lot Area	9,000 sq. ft.
(B) Maximum Density	20 units per net acre
(C) Minimum Floor Area	950 sq. ft., single family 800 sq. ft., first floor of single family 900 sq. ft. per unit for two-family 550 sq. ft., first floor of two-family none – multi.-family
(D) Lot Width	65 ft., single family 70 ft., two-family 85 ft., multi.-family 85 ft. for corner lots
(E) Front Yard	30 ft. for single and two-family 50 ft. for all other uses
(F) Side Yard	7 ft. each side, single family, two-family 11 ft. each side, multi.-family 50 ft. for all other permitted uses
(G) Rear Yard	35 ft. for single, two family 3 ft. accessory buildings 50 ft. for all other permitted uses other than single and two-family
(H) Maximum Height	45 ft. principal buildings 14 ft. accessory buildings
(I) Maximum Stories	3 stories for principal buildings 1 story for accessory buildings

5. **Off Street Parking and Loading.** See Sections 177.08 and 177.09.
6. **Zero Lot Line Requirements.** Townhomes, Condominiums, and semidetached duplexes, cooperatives, or any other form of attached real property transfer which utilize shared walls as part of the structure shall conform with the following requirements:
  - A. Covenants must be submitted which address all legal implications associated with shared walls.
  - B. Prior to construction, a registered land surveyor shall precisely stake the location of the structures. Verification shall be submitted to the building department prior to receiving a building permit.

C. Filing Requirements:

- (1) Townhomes or any shared wall units where the property is transferred is subject to the following: Prior to filing or recording any documents relating to townhome ownership with the State or County officers, the declarant shall file with the City the townhome instruments, including any Declaration of Covenants and Restrictions, Articles of Incorporation, and By-Laws.
- (2) Condominiums or any shared wall units where the property is not transferred is subject to the following: Prior to filing or recording any documents relating to townhome ownership with the State or County officers, the declarant shall file with the City the condominium instruments including the Declaration of Covenants and Restrictions, By-Laws, Plats, and Condominium Disclosure Statement or Articles of Cooperation.

**7. Parkland Dedication. See Section 180.06.**

## **178.05 R-4 MANUFACTURED HOUSING COMMUNITY**

**RESIDENTIAL.** The “R-4” District is intended to provide for certain medium density residential areas of the City, which by reason of their design and location, are suitable for manufactured housing development and which are compatible with surrounding residential areas. For this section only, the term “community” shall refer to the entire manufactured home community area and the term “lot” shall refer to an individual manufacturing home stall rented within the community.

**1. Principal Permitted Uses.** Manufactured housing communities, in accordance with regulations of the State and minimum requirements contained herein, but not including manufactured home sales and display areas. No part of any community shall be used for non-residential purposes except such uses that are required for the direct servicing and well being of community residents, such as a community building, and for the management and maintenance of the community. This shall in no way prohibit the sale by a resident owner of a manufactured home located on a manufactured home stand and connected to the pertinent utilities. Any use permitted in the “R-2” District.

**2. Accessory Uses.**

A. Accessory uses may include common facility service buildings which provide laundry facilities, accessory supplies, vending machines, etc.; also community management buildings, maintenance buildings, community buildings, and other uses of a similar nature. All such buildings shall be located within the central “community” area, shall be restricted to the use of the community occupants and shall be subject to approval of the Council. Any Accessory uses permitted in the “R-2” District.

B. Signs in accordance with Chapter 181 of this Code of Ordinances.

**3. Plan Submittal.** A “Sketch Plan” shall accompany each petition for a change to the “R-4” zoning classification. The sketch plan shall show each manufactured home space, the water, electrical and sewer lines serving each manufactured home space, the location of garbage receptacles, water hydrants, service buildings, driveways, walkways, recreation areas, playgrounds, required yards, existing and proposed grading, parking facilities, storm shelter, lighting, landscaping, and the location of existing trees, buildings or other significant features. Prior to development a Site Plan must be submitted. The Site Plan will be considered by the Commission and the Council, who may approve or disapprove the plan or require such changes thereto as deemed necessary. The Site Plan shall be accompanied by a covenant to run with the land, in favor of the City and all persons having a possessory interest in any portion of the manufactured home community, that the owner or owners of the community or their successors in interest will maintain all interior streets,

parking areas, sidewalks and plantings in compliance with City ordinances and the Site Plan as approved by the Council, which covenant shall be recorded in the office of the Polk County Recorder.

If the Council approves the site plan and request for rezoning, the applicant shall submit within two hundred seventy (270) days or such longer period as may be approved by the Council after recommendation by the Commission, a final development plan, in triplicate, of not less than one stage of the proposed development showing specifically and in detail the location of all proposed: each manufactured home space, the water, electrical and sewer lines serving each manufactured home space, the location of garbage receptacles, water hydrants, service buildings, driveways, streets, walkways, recreation areas, playgrounds, required yards, existing and proposed grading, parking facilities, storm shelter, lighting, landscaping, and the location of existing trees, buildings or other significant features, development stages and timing of each.

The final development plan shall be accompanied by a covenant to run with the land favor of the City and all persons having a possessory interest in any portion of the manufactured home community, that the owner or owners of the community or their successors interest will maintain all interior infrastructure items in compliance with the Statewide Urban Design and Specifications (SUDAS), and the final development plan as approved by the City Council, which covenant shall be recorded in the office of the Polk County Recorder.

The final development plan shall be reviewed by the Commission for compliance with the standards of this section and substantial compliance with the site plan. The Commission's recommendations and report on the final development plan shall be referred to the Council. The Council shall review the final development plan and approve it if it complies with the standards of this section and is in substantial compliance with the site plan.

4. **Bulk Requirements.** *(Refer to Chapter 175, General Provisions: Figure-K)*
  - A. Minimum Community Area: A proposed manufactured home community shall have a minimum area of fifty (50) acres.
  - B. Maximum Community Density: The maximum density allowed for the gross development area shall be five (5) manufactured home units per gross acre.
  - C. Community Setbacks: A manufactured home community shall have a perimeter yard setback of not less than fifty (50) feet. No part or any manufactured home lot shall be located in the perimeter setback. In addition, no part of any manufactured home lot shall be located closer than fifty (50) feet to any public street upon which the community adjoins. Interior community streets may be located within the setback areas.

- D. Community Minimums: Each manufactured home community shall contain a minimum of fifty (50) manufactured home spaces.
- E. Minimum Lot Area: Each individual manufactured home lot shall contain not less than five thousand four hundred (5,400) square feet in area.
- F. Front Yard: Each lot shall have a front yard not less than twenty (20) feet in depth measured from the edge of the surfaced private street to the closest point to the lower face of the manufactured home.
- G. Side Yard: Side yards shall be provided and maintained so as to provide a minimum separation at the nearest point between manufactured homes, and other buildings and structures on adjoining lots of at least twenty-five (25) feet, however, side yards as so described shall not be less than seven (7) feet.
- H. Rear Yard: Rear yards shall be provided and maintained so as to provide a minimum separation at the nearest point between manufactured homes, and other buildings and structures on adjoining lots of at least twenty-five (25) feet, however, rear yards as so described shall not be less than ten (10) feet, for any structure.
- I. Open Space: A minimum of 250 square feet for each lot shall be provided for one or more open spaces, which shall be easily accessible to all community residents. The required yards and setbacks (including the perimeter setback) shall not be computed as part of the required open space area. An open space is defined as land, which is specifically, set-aside for leisure or recreational uses.
- J. Height Regulations: Maximum height of thirty-five (35) feet for principal building; thirty-five (35) feet for service buildings, community offices, maintenance buildings, community buildings, and storm shelters; twelve (12) feet for accessory buildings such as garages.
- K. Accessory Buildings: Maximum area for accessory Garage – 1,000 sq. ft. Maximum area for Yard shed – 160 sq. ft.
- L. Stories: Maximum number of stories for principal building shall be three (3) stories, one (1) story for accessory buildings.
- M. Livable Space: Minimum livable space for a Ranch dwelling shall be 950 sq. feet; Two Story dwelling shall be 1,000 sq. feet; Split Level Style dwelling shall be 875 sq. feet on two adjacent levels and Split Foyer Style dwelling shall be 850 sq. feet on the main floor.
- N. For any use permitted in the “R-4” District, the requirements shall be the same of those set out for the “R-2” District.

Summary of R-4 Bulk Regulations:

(A) Minimum Community Area	50 acres
(B) Maximum Community Density	5 units per gross acre
(C) Community Setbacks	50 ft. yard required around perimeter of community 50 ft. setback from adjoining street(s)
(D) Community Minimum	50 spaces
(E) Minimum Lot Area	5,400 sq. ft.
(F) Front Yard	20 ft.
(G) Side Yard	Minimum building separation of 25 ft. 7 ft. side yard
(H) Rear Yard	Minimum building separation of 25 ft. 10 ft. rear yard
(I) Open Space	250 sq. ft per lot
(J) Height Regulations	35 ft. – Principal bldg. 35 ft. – Service bldg., Community Office, Maintenance bldg. 12 ft. – Accessory Structures
(K) Accessory Buildings	1,000 sq. ft. maximum – Garage 160 sq. ft maximum – Yard Shed
(L) Maximum Stories	3 Stories – Principal bldg. 1 Story – Accessory structures
(M) Livable Space	950 sq. ft. – Ranch dwelling 1,000 sq. ft. – Two Story dwelling 875 sq. ft. on two adjacent levels – Split Level Style dwelling 850 sq. ft. on main floor – Split Foyer Style dwelling

5. **Parking.** A minimum of two (2) off-street car spaces directly accessible to the private street for each manufactured home lot shall be provided. Garage stalls shall not count toward the minimum off-street parking requirements. These required parking spaces, or parking areas, shall be so located as to provide convenient access to the manufactured homes but shall not exceed a distance of two hundred (200) feet from the manufactured home that it is intended to serve. All parking areas shall be constructed with a concrete or asphalt concrete surface. Parking stalls shall be a minimum of 9½ feet in width by 20 feet in length. In addition, off-street parking and storage shall be provided for storing of community occupants’ boats, boat trailers, pickup

coaches, truck tractors, trucks over 3/4 ton pick-up size, and items of a similar nature, if permitted in the community, in addition to and separate from the parking required elsewhere in this chapter. Temporary manufactured home storage may be permitted prior to placement on the permanent lot but shall not exceed twenty-one (21) days and may not exceed more than four (4) homes at any one time.

6. **Streets.** The entrance road connecting the community streets with a public street shall have a minimum road pavement width of thirty-five (35) feet, measured back to back of curbs. All interior streets shall be not less than twenty-six (26) feet in width, measured back to back of curbs. Every dead end street shall be provided with a cul-de-sac with not less than a forty (40) foot turning radius. All streets shall be constructed with a curb to provide drainage. If the turning lanes or other forms of traffic control at entrances and exits to and from the manufactured home community are deemed necessary by the Council, the developer shall provide the necessary improvements, subject to the approval of their locations and design standards by and as adopted by the City. All streets shall be constructed in accordance with appropriate ordinances and specifications of and as adopted by the City.
7. **Walks.** Common sidewalks shall be provided along all entrance streets and in areas of high pedestrian traffic such as in the vicinity of community buildings and recreation facilities; and such sidewalks shall be at least four (4) feet wide and of asphalt or Portland cement binder pavement. Individual walks shall be provided to connect all manufactured homes to common sidewalks, to paved streets, or the paved driveways or parking spaces connected to a paved street. Such individual walks shall be at least two (2) feet wide and of asphalt or Portland cement binder pavement or other type of walk ways. In lieu of the above requirements, the developer may provide for bike paths and/or walking paths if set in the preliminary plat approved by the Commission
8. **Lighting.** The manufactured home street system shall be furnished with lighting units so placed and equipped to provide the following minimum average maintained level of illumination:
  - A. Upon all parts of the community street system: 0.4 foot candles.
    - A. Upon potentially hazardous locations including major street intersections and community entrances: 0.4 foot candles with a Uniformity Ratio of 6 to 1.

**9. Anchoring and Skirting.**

- A. Tie-downs or anchors shall be provided on every manufactured home. Each tie-down or anchor must be able to sustain a minimum tensile strength of 2,800 pounds.
- B. Skirting of a permanent type material and construction shall be installed within thirty (30) days to enclose the open space between the bottom of a manufactured home floor and the grade level of the manufactured home stand. This skirting shall be maintained in an attractive manner consistent with the exterior of the manufactured home and to preserve the appearance of the manufactured home community.

**10. Utilities.** Sewer and water facilities shall be provided for each manufactured home lot in accordance with the requirements of the Iowa State Department of Health. All units shall be individually metered in accordance with City Regulations. All manufactured home developments must be connected to the municipal sanitary sewer system and the municipal water system. All electrical lines, telephone lines and cable TV shall be placed underground. All gas lines shall be black steel, 120#. Each unit shall have accessible Water shut off valve as approved by the City Water Department. The developer must show that sanitary sewer facilities of sufficient capacity to accommodate the manufactured home community are accessible. Refuse collection stands consisting of a holder or rack elevated at least twelve (12) inches above ground or on a pervious slab at ground level shall be provided for all solid waste receptacles.

**11. Storm Shelters.** Manufactured homes are extremely vulnerable to tornadoes and other high wind conditions. The greatest number of casualties in tornadoes generally comes from manufactured home developments. This is primarily due to the fact that the manufactured home is usually not anchored to as firm of a foundation as a regularly constructed building and cannot take the impact of the extremely high winds and the accompanying flying debris. Tie-downs do not greatly increase the stability in extremely high wind or tornado type conditions, though may be fully adequate for lesser wind and thunderstorm conditions. Another concern in manufactured home developments is the closeness of the units, which causes additional damage. When one home is destroyed by the winds, the debris is forced into the next subsequent unit and thereby weakening them in a domino type effect, increasing both the loss to property and the residents.

Every manufactured home community, approved after July 01, 2001, shall be provided with above or below-grade storm shelters that conform to the following requirements:

- A. A minimum floor area of 12 square feet shall be provided for each lot located in the manufactured home community.
- B. Shelters shall be centrally located to provide a minimum travel distance of not more than six hundred (600) feet from any manufactured home space. It may be necessary to provide more than one shelter.
- C. Shelters shall not be located in flood prone areas.
- D. Shelters shall be designed and constructed to meet all applicable requirements of the Americans with Disabilities Act (ADA).
- E. Shelters shall be designed by a licensed structural engineer or architect and built in accordance with plans sealed by said structural engineer or architect.
- F. A shelter may be utilized for other purposes, which are allowed as accessory uses in this district; with the exception that the required minimum floor area shall not be infringed, nor shall the function of the structure as a storm shelter be limited in any way.
- G. Shelters shall remain accessible at all hours.
- H. For any addition of 10 or more lots to any existing manufactured home community, a storm shelter, which complies with the general requirements of this ordinance, shall be provided to serve such additional lots. For any addition of fewer than 10 lots to an existing manufactured home community which otherwise complies with the requirements of this section, there is no requirement that an additional shelter be provided to serve such additional lots. Provided, however, that when two or more such additions occur which result in a cumulative addition of 10 or more lots, a storm shelter shall be provided to serve such additional lots.

## **12. Building Permits.**

- A. No building permit for any home, building or other structure within the manufactured home community shall be issued until the Council approves the final site plan.
- B. Only independent manufactured homes being used for residential purposes in the manufactured home community will be considered as a building permit applicant. An independent manufactured home is a manufactured home which (1) is designed for long-term occupancy and contains a flush toilet, a tub or shower and kitchen facilities; (2) requires a connection to outside sanitary sewer and water systems because a waste holding tank and a water storage tank are not integral parts of a manufactured home; (3) is over thirty-eight (38) feet in body length exclusive of a trailer hitch when factory equipped for the road; (4) is not built on a self-propelled motor

- chassis; (5) is not identified as a recreational vehicle such as a camping trailer, travel trailer, motor home, or truck camper by the manufacturer.
- C. No certificate of occupancy for a manufactured home community or approved stage thereof shall be granted until the approved stage thereof is completed and has been inspected by the Zoning Administrator, or representative thereof, and the City Engineer has certified to the Zoning Administrator that the approved stage thereof has been developed in substantial compliance with the site plan, except as hereinafter provided.
- (1) A temporary certificate of occupancy not to exceed one (1) year may be granted for any portion of a manufactured home community or approved stages thereof comprising not less than fifty (50) percent of the entire community or approved stages thereof if: a. Such portion is completed and has been inspected by the Zoning Administrator, or representative thereof, as has been developed in substantial compliance with the site plan, and b. The community developer has posted a bond approved by the City's Legal Department and City Administrator in an amount not less than the estimated cost to construct streets, utilities, and other common community facilities contained in the community or approved stages thereof, which bond will insure to the City that the bonded improvements will be completed by the developer by or before the expiration date of the temporary certificate of occupancy.
- D. Any change, except minor changes as approved by the Zoning Administrator, in the final site plan proposed after the Council has approved the plan, shall be re-submitted and considered in the same manner as the original site plan.
- E. The Council may condition the approval of the site plan upon the developer commencing construction of the manufactured home community within six (6) months after Council approval of the plan, unless an extension is approved by the Council for due cause shown after recommendation by the Commission.
- F. The Council may make the approval of the final site plan contingent upon the completion of construction and improvements within a reasonable period of time; provided, however, that in the determination of such period, the Council shall consider the scope and magnitude of the development and any schedule of construction and improvements submitted by the developer.

**13. Parkland Dedication. See Section 180.06**

**178.06 R-5 PLANNED UNIT DEVELOPMENT.** The “R-5” District is intended and designed to provide a means for the development of large tracts of ground on a unit basis, allowing greater flexibility and diversification of land uses and building locations than the conventional single lot method provided in other sections of this Zoning Code. It is the intent of this section that the basic principles of good land use planning including an orderly and graded relationship between various types of uses be maintained and that the sound zoning standards as set forth in this Zoning Code and statutes concerning population density, adequate light and air, recreation and open space, and building coverage be preserved. Planned Unit Developments shall be permitted on any five (5) acre or larger tract of land that has been zoned or rezoned for P.U.D. purposes by the City Council.

1. **Principal Permitted Uses.** Buildings and permitted conditional uses shall be used only for residential purposes; occupant garages, occupant storage space and similar accessory uses; non-commercial recreational facilities, and community activities, including churches and schools, with the following exception: On a tract of land in excess of 80 acres or more, up to five percent of the total net area may be developed for commercial uses such as those found in the C-1 classification district. The following is a description of permitted uses:
  - A. One-family dwellings, to include manufactured homes in accordance with the following definition: Manufactured home, provided it is located and installed according to the same standards for a foundation system, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot. “Manufactured home” means a structure built according to construction standards promulgated by the United States Department of Housing and Urban Development under authority of 42 U.S.C. Sec. 5403.
  - B. Two-family dwellings.
  - C. Multiple-family dwellings, including row housing, cooperative apartment houses and condominium units.
  - D. Churches, cathedrals, temples, and similar places of worship, provided that all principal buildings be set back a minimum of fifty (50) feet from all property lines.
  - E. Museums, libraries, parks and playgrounds, community centers and similar uses operated by the City.
  - F. Golf courses, country clubs, tennis courts and similar recreational uses, provided that any such use not be operated primarily for commercial gain.

- G. Public and parochial schools, elementary and secondary, and other educational institutions having established current curriculum the same as ordinarily given in the Bondurant-Farrar public school system, but excluding boarding schools, nursery schools and child care centers, provided that all principal buildings are set back a minimum of fifty (50) feet from all property lines.
- H. Any use that is approved and made a part of the Development Plan, subject to any conditions attached thereto and consistency with the Comprehensive Plan, shall be permitted.

**2. Permitted Accessory Uses.**

- A. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.
- B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- C. Private swimming pools when enclosed by a fence at least six (6) feet in height.
- D. Home Occupations, see Section 177.15 of the Zoning Code – General Regulations.
- E. TV Dish Antennas in accordance with Chapter 177.11 of the Zoning Code - General Regulations.

**3. Permitted Conditional Uses.**

- A. Communication towers (freestanding type), see section 177.12 of the Zoning Code – General Regulations.
- B. Communication towers of the building-supported type, see Section 177.13 of the Zoning Code – General Regulations.
- C. Wind Energy Conversion Systems (WECS), see section 177.14 of the Zoning Code – General Regulations.

*(Ordinance No. 221017-212)*

- 4. Bulk Regulations.** Although a P.U.D. is intended to promote and permit flexibility of design and thereby may involve modifications of conventional regulations or standards, certain requirements which are set forth below shall be applied to ensure that the development is compatible with the intent of this ordinance. Height, setback, bulk, and other requirements set out in the Development Plan shall constitute the basis for and become the zoning requirement for that particular P.U.D., provided that refinements may be made through final plan approval if not defined as a substantial

modification. In addition, the following minimum requirements shall be observed.

- A. The minimum lot and yard requirements of the original zoning designation of the development need not apply. The Council may require open space or screenings be located along all or a portion of the development boundaries.
- B. The height requirements of the zoning district directly adjacent to the development boundary shall apply within one hundred twenty-five (125) feet of the development boundary and land.
- C. All public streets, water mains, sanitary sewer and storm sewer facilities shall comply with appropriate ordinances and specifications of the City.
- D. "Common land" as referred to in this section refers to the land retained in private ownership for the use of all residents of the development, or to land dedicated to the general public.
- E. Any land gained within the development because of the reduction in lot sizes below minimum Zoning Code requirements shall be placed in common land to be dedicated to the City or retained in private ownership to be managed by a homeowner's association.
- F. The requirements of this Zoning Code relating to off-street parking and loading shall apply to all R-5 Districts.
- G. The final plan shall comply with the density requirements set forth in the Development Plan, but shall in no case exceed twenty (20) units per acre.
- H. Project phases shall be substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, required open space, screening and transitional elements and other support features, and be capable of supporting required operation and maintenance activities; temporary provisions, such as turnarounds or access easements, may be required for this purpose; the initial phases generally should not be comprised of the most intensive portions of the P.U.D., unless the City concurs this is the most feasible means of developing the property in terms of access, sewer service, or similar physical constraints, or will permit earlier development of common amenities.
- I. Attention shall be given to mitigation of existing or potential land use conflicts through proper orientation, open space, setbacks, landscaping and screening, grading, traffic circulation, and architectural compatibility. It is the intent of this ordinance to recognize that appropriate use of the design techniques will provide the require mitigation, and thereby eliminate the need for certain conventional

regulations or standards. As examples and not requirements: orienting views, access, and principal activities away from the land use needing protection, placing those least compatible activities farthest from the common boundary and those most compatible nearest, can create an effective buffer; setbacks in conjunction with landscaping can mitigate conflicts by providing a visual buffer, controlling pedestrian access, softening visual contrast by subduing the differences in architecture and mass, and reducing heat, and dense landscaping can reduce the width of physical separation needed for such purposes; proper grading will control drainage, can alter views and subdue sound, and channel access; fences, walls, and berms will channel access and control visual, sound, and light pollution; proper architectural use of color, bulk, materials, and shape will enhance compatibility and reduce contrast, although details added to the building for aesthetic purpose without consideration to form and surroundings may be detrimental rather than helpful; and proper design of pedestrian ways, streets and points of congestion and safety hazards, and help prevent introduction of noise, pollutants, and other conflicts into areas with less intensive land use. Other techniques may also be used.

- J. There shall be a minimum unobstructed setback of thirty (30) feet for any garage whose opening faces the street.

***(Ordinance No. 220705-208)***

- K. Permanent care and maintenance of open space, recreation amenities, and other common elements shall be provided in a legally binding form. Any of these items not dedicated to the City or held in single ownership, will require the submittal of proposed bylaws of a homeowner's association fully defining the functions, responsibilities and operating procedures of the association. The applicant shall file the proposed documents governing the association for review by legal counsel for compliance with the following requirements at the time the final plat or site plan is filed:

- (1) Membership shall be mandatory for each home buyer and any successive buyer.
- (2) The open space restrictions shall be in perpetuity, or automatically renewable, and shall not terminate except by approval of both the homeowners' association and the City.
- (3) The homeowners' association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.

- (4) Home owners shall pay their pro rata share of the cost or the assessment levied by the association shall become a lien on the property.
- (5) The association shall be able to adjust the assessment to meet changes as needed.
- (6) No change in open space use or dissolution of homeowners' association shall occur without approval by the City.

Additionally, the proposed by-laws shall include but not be limited to the following provisions:

- (1) Automatically extending membership in the association to all owners of dwelling units within the development;
  - (2) Limiting the uses of the common property to those permitted by the final development;
  - (3) Granting to each owner of a dwelling unit within the development the right to use and enjoyment of the common property;
  - (4) Giving every owner of a dwelling unit voting rights in the association; and
  - (5) If the development will combine rental and for sale dwelling units, stating the relationship between the renters and the homeowner's association and the rights renters shall have to the use of the common land.
- L. Private open space shall be provided adjacent and accessible to each dwelling consisting of balconies, deck, or yard. Required open space on the ground level shall generally have a minimum dimension of fifteen (15) feet and minimum area of four hundred (400) square feet, and one-half of the required area shall not exceed a slope of five (5) percent. Private open space for dwelling units located entirely above the ground floor shall generally have a minimum dimension of six (6) feet and minimum area of sixty (60) square feet.
- M. Performance bonds may be required to ensure completion of recreational amenities provided in lieu of public facilities, or for mitigating elements such as screening or public improvements.
- N. Except where the City agrees to other arrangements, a P.U.D. shall be comprised of a single owner, or a group of owners acting as a partnership or corporation with each agreeing in advance to be bound by the conditions which will be effective in the P.U.D.

- O. Covenants to run with the land, in favor of the City and all persons having a proprietary interest in any portion of the development premises, verifying that the owner of the land or successors in interest will maintain all interior streets, parking areas, sidewalks, common land, parks and plantings which have not been dedicated to the City in compliance with City ordinances.
- P. Any additional agreements required by the Council at the time of Development plan approval.
- Q. A final plat shall be submitted for each phase of the final plan. The subdivider shall also submit a site plan for that part of the final plan that is multi-family or commercial, per the Site Plan Ordinance. See Chapter 171.
- R. Signs in accordance with Chapter 181 of this Code of Ordinances.
- S. The provision of basements, tornado safe rooms, and/or other high wind safety measures may be required for dwelling units.

*(Ordinance No. 221121-215)*

**5. Procedure.**

- A. Pre-application conferences. In order to eliminate unnecessary expenditures of time and money, the developer shall first schedule a pre-application conference with the City Administrator, who shall involve representatives of other Departments as deemed appropriate. The Administrator shall require submittal of a generalized sketch plan providing such information as follows:
  - (1) Location and size of the overall site, and of the individual types of development of uses proposed within the site.
  - (2) Existing topography, indicating major earth-work areas, storm water runoff and detention considerations, floodplains, and any problem areas.
  - (3) Existing tree masses and other geological and environmentally important characteristics.
  - (4) Generalized vehicular and pedestrian systems and parking areas.
  - (5) Generalized building locations.
  - (6) Approximate gross density, and number and types of dwelling units “in accordance with the Comprehensive Plan,” approximate gross floor areas of commercial land uses (where permitted).

- (7) Generalized utility line considerations with sanitary sewer capacity limitations so noted.
- (8) Generalized public and private ownership boundaries, including common ownership areas, if any.
- (9) Generalized building locations for small P.U.D. proposals.

The City Engineer Department shall have fifteen (15) days in which to review and comment on the pre-application sketch plan.

Following the Department's review, the developer may request an informal consideration of the proposal by the Planning and Zoning Commission. Said consideration shall be non-binding on either party.

- B. Rezoning/Development Plan Application. Following the pre-application conference the applicant shall submit a petition for rezoning in accordance with standard City procedures for re-zonings, accompanied by a Development Plan and related documents, as described in section 6 of this chapter.

The petition and Development Plan shall be referred to the Planning and Zoning Commission for study and report, and for public hearing as required by this ordinance for re-zonings. The Commission shall review the Development Plan for conformity to the standards of this section, and may approve the Plan as submitted; require the petitioner to modify, alter, adjust, or amend the Plan as deemed necessary to preserve the intent and purpose of this section to promote public health, safety, morals and general welfare; or recommend that it be denied. The action of the Planning and Zoning Commission shall be reported to the City Council, where upon the Council may approve or disapprove the petition and Development Plan as reported or may require such changes thereto as deemed necessary to effectuate the intent and purpose of this ordinance.

The City Administrator shall schedule all required public hearings as soon as possible after all required information has been submitted. The Planning and Zoning Commission shall report their findings to the City Council in a timely manner. In the event they fail to take action within sixty (60) days after the date of public hearing, the petitioner or anyone located within the notification area as defined for re-zonings may request in writing that the Commission complete their considerations. The Commission shall then take action within the next thirty (30) days and report their findings to the Council for consideration by the Council, unless the Council expressly grants the Commission additional time to complete negotiations, studies, or other items as necessary.

C. Final Plans. Final plans for the Planned Unit Development shall be comprised of site plans and/or preliminary and final subdivision plats as appropriate to the situation due to requirements of the site planning and subdivision ordinances or specific provisions of the Development Plan. Such site plans and plats shall contain all information and be processed in the manner set forth in said ordinances, in addition to complying with any specific provisions of the Development Plan, and shall generally comply with the development concepts outlined in the Development Plan. No public notice or hearing shall be required for Final Plans unless required by the Development Plan or caused to be required by the Commission or Council as deemed appropriate. Provided that deviation from the Development Plan may be permitted as refinements to the design and planning if not defined by this ordinance as substantial modification requiring amendment to the Development Plan. Substantial modifications shall be submitted for approval by the Planning and Zoning Commission and City Council.

Final plans may cover all or part of the Planned Unit Development, provided that a final plan covering only a part of a P.U.D. is hereby defined as a phase irrespective of contrary provisions by the Development Plan and shall demonstrate the ability to be self-sustaining in terms of access, services, utilities, open space, economic viability, and other major consideration.

If it is the desire of the petitioner, preliminary plat and/or final site plan approval may be obtained at the time of Development Plan approval by expressly declaring such intent and filing all information required by the Subdivision and Site Planning Ordinances. Final Site Plan approval shall not be granted for an un-platted parcel unless an accurate property survey is also filed as part of the preliminary plat if a plat is required, or as a certified property survey in the event a plat is not required.

The final plan shall include proposed housing, types of housing, locations, density, building clearances, and documents, per the Bulk Requirements section of this ordinance, so that the Planning and Zoning Commission and Council can adequately review all aspects of the proposed P.U.D.

Upon approval of final plans, building permits shall be issued in the same manner as for building permits generally. In any event where platting is required, no building permits shall be issues until the final plat is approved and recorded and all other requirements complied with. Final plans shall be binding on the petitioner and any and all successors in title so long as P.U.D. zoning applies to the land, unless amended in accordance with the procedures set forth.

D. Amendments or Modifications. Substantial modifications to the Master Plan shall be processed in the same manner as a rezoning and additionally shall comply with the application process for a P.U.D. as set forth in this ordinance. Notice and public hearing requirements, and the effect of a denial shall be the same as for rezoning, provided that the notification area shall be those property owners proximate to the parcel covered by the amendment, as opposed to the entire P.U.D. Further provided that in the event a requested amendment for a portion of the entire P.U.D. is denied, such action shall not create any limitations under rezoning procedure on the filing of an amendment to another portion of the P.U.D. having a substantially different notification area. Any ambiguities or disputes between this section and procedures for rezonings shall be resolved in favor of the more restrictive requirements.

Substantial modifications are hereby defined to include, but are not limited to, the following: increased density; intensification of use by changing to a higher classification, with conventional single family being the lowest classification and progressing to attached single family, multiple family, public facilities/uses, approved conditional uses, commercial (where permitted); addition of uses, or elimination of conditions or restrictions on a use or uses; increased Floor Area Ratios, or other modifications considered probable to generate increased traffic, sewage, waste consumption, or other detrimental conditions; significant modifications to peripheral buffering or screening, setbacks, height, location of buildings, drives, or other improvements, which were intended for protection of proximate properties, provided that substitution of equivalent screening materials shall not be considered a substantial modification; modifications to the street pattern, such as that of major streets or continuations of existing streets which will have a demonstrable impact on traffic flow such as to effectively change the functional classification of the street; modifications to access which may lead to increased congestion, or to additional commercial or industrial traffic on a local residential street; or other changes deemed substantial by the City Administrator.

Modifications to final plans shall follow the procedures of the Site Planning or Subdivision Ordinances, as appropriate, except in the case of a substantial modification as defined above.

**6. Information Required on the Development Plan Application.** The following information, plans and maps shall be submitted as part of the application for a Planned Unit Development:

A. Names, addresses, and telephone numbers of owners, developer, and designer; name of development, date, north point, and scale;

- B. Legal description of the P.U.D., and map of the boundary of the proposed P.U.D. as well as interior boundaries of proposed development phases, and of any existing separate ownerships;
- C. Sufficient information on adjacent properties to indicate relationships to the proposed development, including such information as land divisions, land use, pedestrian and vehicular circulation, significant natural features or physical improvements, and drainage pattern;
- D. Existing site conditions including contours at intervals sufficient to indicate topographic conditions (generally two feet), drainage ways and 100 year flood plains, floodways, heavy woods or other significant natural areas, and existing structures;
- E. General locations of proposed lots and attached residential, multiple family, commercial (where permitted), recreational facilities; further delineating areas with different uses or building types, and gross density per acre;
- F. General location and size of areas to be dedicated or reserved for common open space, park, schools, recreation area, and similar uses, and how any private facilities are proposed to be maintained;
- G. Existing and proposed general circulation systems, including streets, pedestrian-ways, major off-street parking and loading areas, and major points of access;
- H. Existing and proposed general sanitary and storm sewer systems, water mains, and drainage-ways;
- I. Proposed development standards, including uses, density, floor area ratios for nonresidential developments, lot areas and widths, setbacks, and exceptions or variances from general requirements of zoning and other ordinances;
- J. Sewer usage computations in accordance with the criteria of the sewer district;
- K. Treatment of transitional zones around the perimeter of the project for protection of adjoining properties, including setbacks and buffer areas, landscaping, fences or other screening, height limitations, or other provisions;
- L. A narrative or graphic explanation of the planning and design concepts and objectives the owner intends to follow in implementing the proposed development, including a description of the character of the proposed development; the rationale behind the assumptions and choices made; the compatibility with the surrounding area; and design

considerations for architecture, engineering, landscaping, open space, and so forth;

- M. A statement of intent with regard to selling or leasing all or portions of the proposed development;
- N. Proposed energy conservation methods, such as siting or design of structures; and
- O. Proposed phasing timetable.

The City Administrator may require any additional information which may be needed to evaluate the proposed P.U.D. on the basis of special or unforeseen circumstances, or may waive any of the above requirements if it is found that such information is unnecessary to properly evaluate the proposed P.U.D.

The above information should be shown in a clear and logical manner in a legible scale. Sheet size should not exceed 36" x 48". Generally, existing conditions should be illustrated on a separate sheet for the sake of clarity, although existing topography, access, utility and sewer lines and other items that are appropriate for understanding the proposal should also appear on the proposed development plan. It is required that an architect, landscape architect, and civil engineer be employed to prepare the plans.

7. **Referral to Council.** The Final Plan and required documents shall be reviewed by the Commission for compliance with the "R-5" standards and substantial compliance with the Development Plan. The Commission's recommendations and report on the Final Plan shall be referred to the Council for final approval. The Final Plan, consisting of a final subdivision plat or site plan shall be approved by the Council before any building permit is issued.
8. **Contingent Approval.** The Council may make the approval of the development plan contingent upon the completion of construction and improvements within a reasonable period of time; provided, however, that in the determination of such period, the Council shall consider the scope and magnitude of the development project and any schedule of construction and improvements submitted by the developer. Failure to complete all construction and improvements within said period of time shall be deemed sufficient cause for the Council to rezone the unimproved property to the classification effective at the time of original submission of the development plan, unless an extension as recommended by the Commission and approved by the Council for due cause is shown. Any proposed change in the development plan after approval by the Council shall be resubmitted and considered in the same manner as the original proposal. The term "unimproved" property shall mean all property situated within a stage or

stages of the final development plan upon which the installation of improvements has not been commenced.

9. **Continuing to Second and Subsequent Stages.** In no event shall the installation of any infrastructure improvements be commenced in the second or subsequent stages of the final development plan until such time as ninety percent (90%) of all improvements have been completed and approved by the City for any prior stage.

In the event the first development phase has not commenced within two years after the date of rezoning, or if subsequent phases are delayed more than two years beyond the indicated development schedule, the developer shall file appropriate information detailing the reasons for the delay with the City Administrator. The Administrator shall review the circumstances and prepare report recommending appropriate action to be taken concerning the P.U.D. The Planning and Zoning commission and City Council shall review the matter, and may continue the P.U.D. zoning with revised time limits; require that appropriate amendments be made or action taken, such amendments to comply with the procedures of this section if deemed substantial; continue the P.U.D. zoning for part of the area, with or without revised time limits, and initiate rezoning or the remainder to an appropriate district; or initiate rezoning of the entire parcel to an appropriate district, provided that the rezoning shall not be to a zone more restrictive than that applied immediately prior to the rezoning to P.U.D. except after comprehensive planning analysis. The Commission and Council may schedule such public hearings as deemed appropriate.

Approval of a final site plan or preliminary plat shall be deemed to commence development, provided that the permanent placement of construction materials shall have started and be proceeding without delay within two years after the date of site plan approval, and a final plat approved within one year after the date of preliminary plat approval in the event a site plan is not required. Failure to comply with this provision shall void the site plan and preliminary plat approvals, and make the P.U.D. subject to review as provided above.

It shall be the responsibility of the developer to comply with all prescribed time limits without notice from the City.

10. **Zoning Density of R-5 Districts.** The zoning density of R-5 districts shall be consistent with the Comprehensive Plan guidance for the property. In determining the density of the R-5 district, it shall be considered what the zoning is of adjoining property and the use of adjoining property and density of adjoining property; however, this policy shall not be binding on the Council in setting the final density for the R-5 zoned properties. In no case shall an average density be approved which exceeds 20 dwelling units

per net acre. Each parcel of real estate that is zoned R-5 must have its density determined on the merits of each case.

**11. Parkland Dedication. See Section 180.06.**

**178.07 C-1 TRANSITIONAL COMMERCIAL.** The “C-1” District is intended and designed to provide space for limited professional, retail, civic, and service activities which serve adjacent residential areas with reasonable proximity for the satisfaction of daily consumer needs. C-1 Districts should generally include 5-15 acres.

**1. Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted in the “C-1” District.

- A. Residential uses, if attached to a permitted commercial use. Residential units not permitted on first floor of structure.
- B. Hospitals, clinics, group medical centers, or the office of a doctor, dentist, osteopath, or similar profession.
- C. Business and professional offices including the following: law, engineering, real estate, insurance, and similar uses.
- D. Funeral homes or mortuaries.
- E. Personal service businesses such as beauty and barber shops, shoe repair, and similar uses.
- F. Professional offices.
- G. Churches, cathedrals, temples, and similar places of worship.
- H. Museums, libraries, parks and playgrounds, community centers and similar uses operated by the City.
- I. Public and parochial schools, elementary and secondary, and other educational institutions.
- J. Retail business or service establishments such as the following:
  - (1) Clothes cleaning and laundry pickup stations, or like business.
  - (2) Coffee shop, restaurant, delicatessens, bakery, or like business
  - (3) Drug stores, hardware stores, jewelry stores, or like business.
  - (4) Gift shops, or like business.
  - (5) Photographic studios, or like business
  - (6) Post office substations, or like business.
  - (7) Movie rental, or like business.
  - (8) Dance studio, fitness center, or like business.
  - (9) Combinations of the above uses, or like business.

**2. Permitted Accessory Uses.**

- A. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.
- B. Signs in accordance with Chapter 181 of this Code of Ordinances.
- C. Temporary buildings for uses incidental to construction work, said buildings shall be removed upon the completion of construction or abandonment of the construction site.
- D. TV Dish Antennas in accordance with Section 177.11 of the Zoning Code - General Regulations.

**3. Permitted Conditional Uses.**

- A. Home occupations. A conditional use permit must be applied for and received from the Board of Adjustment for a home occupation which does not meet the requirements set forth in Section 177.15 of the Zoning Code - General Regulations.
- B. Wind Energy Conversion Systems (WECS), see Section 177.14 of the Zoning Code – General Regulations.
- C. Indoor Storage Facilities
- D. Drive-in and Drive-through Facilities

**4. Bulk Regulations.** The following minimum requirements shall be observed subject to the modifications contained in Section 177.07.

- A. Minimum lot area. 9,000 square feet.
- B. Maximum Density. 10 units per acre for residential uses.
- C. Maximum Commercial Square Footage. Office, commercial, or retail uses shall be limited to 10,000 square feet in any one space. No single building shall be greater than 30,000 square feet.
- D. Lot width: Commercial uses – No minimum; commercial with attached dwelling units – 85 feet; corner lots – 85 feet; No public sanitary sewer – 100 feet.
- E. Front yard. 30 feet.
- F. Side yards. 11 feet on each side for principal building; 4 feet for accessory buildings.
- G. Rear yard. 40 feet, and 3 feet for accessory buildings.
- H. Maximum Height. Principal building - 35 feet; accessory building - 14 feet.

- I. Maximum number of stories. Principal building – 2 stories; accessory building - 1 story.

**Summary of C-1 Bulk Regulations:**

(A) Minimum Lot Area	9,000 sq. ft.
(B) Maximum Density	10 units per acre for residential uses
(C) Maximum Commercial Square Footage	10,000 square feet per individual space 30,000 per building
(D) Lot Width	Commercial: No Minimum ( <i>Unless a corner lot</i> ) Commercial with dwelling units: 85 ft. Corner Lot: 85 ft. Without Public sanitary sewer: 100 ft.
(E) Front Yard Setback	30 ft.
(F) Side Yard Setbacks	Principal building: 11 ft. / side. Accessory building: 4 ft.
(G) Rear Yard Setback	Principal building: 40 ft. Accessory building: 3 ft.
(H) Maximum Height	Principal building: 35 ft. Accessory building: 14 ft.
(I) Maximum Stories	Principal building: 2 Stories Accessory building: 1 story

4. **Performance Standards.** Where property zoned “C-1” is adjacent to any property zoned for residential use, in addition to the screening requirements of 179.02.4, a 15’-wide buffer yard shall be provided whereby no part of any required buffer yard shall be used for parking, storage, loading, active recreation, locating refuse containers, or similar activity which may create a nuisance.

***(Ordinance No. 221121-216)***

**178.08 C-2 GENERAL COMMERCIAL.** The “C-2” District is designed to provide space for the general retail and professional office uses and efficient development of major retail shopping areas (other than shopping centers in the “C-3” District). The uses permitted are intended to accommodate both the general retail consumer and the needs and services of the automobile traveling consumer. Since such areas will be along major entrances to the City and heavily traveled arterial streets, it is essential to maintain an aesthetically pleasing appearance through proper design, site layout and landscaping, and to minimize interference with through traffic.

**1. Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted.

A. Any use permitted in the C-1 District.

B. Retail or service such as the following:

- (1) Antique shops, or like business.
- (2) Apparel shops, or like business.
- (3) Art shops, or like business.
- (4) Auto and home supply stores, or like business.
- (5) Automotive repair shops, undercoating, towing services, or like business.
- (6) Baby and children’s stores, or like business.
- (7) Bakeries and baker outlets - retail sales only, or like business.
- (8) Banking, finance, legal, accounting, real estate, insurance or like business.
- (9) Bicycle shops, sales and repairs, or like business.
- (10) Book stores, or like business.
- (11) Camera stores, or like business.
- (12) Car washes, or like business.
- (13) Clubs and lodges, or like business.
- (14) Collection office of public utility, or like business.
- (15) Confectionery stores, including ice cream or snack bars, or like business.
- (16) Consumer retail uses, personal services or business, or like business.
- (17) Convenience or quick stop stores, or like business.
- (18) Dairy stores - retail only, or like business.
- (19) Dance studios, or like business.
- (20) Delicatessens, or like business.
- (21) Dry goods stores, or like business.
- (22) Florist shops and greenhouses, or like business.
- (23) Funeral homes, or like business.
- (24) Furniture stores, or like business.

- (25) Grocery stores including supermarkets, or like business.
- (26) Hardware stores, or like business.
- (27) Hobby shops, or like business.
- (28) Hotels, motels and tourist courts, or like business.
- (29) Household appliances - sales and repair, or like business.
- (30) Jewelry stores and watch repair shops, or like business.
- (31) Key shops, or like business.
- (32) Launderettes; coin-operated dry-cleaning establishments; and dry-cleaning or pressing establishments, or like business.
- (33) Leather goods store, or like business.
- (34) Meat market for storage and retail sales only, or like business.
- (35) Medical, dental, osteopathic and clinics, or like business.
- (36) Music stores, or like business.
- (37) Music studios, or like business.
- (38) Paint and wallpaper stores, or like business.
- (39) Plumbing, heating and air conditioning shops, or like business.
- (40) Printing shops, or like business.
- (41) Professional offices, or like business.
- (42) Public buildings and utilities, including administrative and sales office, equipment storage buildings, and enclosed storage, or like business.
- (43) Radio and television sales and repair shops, or like business.
- (44) Real estate, insurance and financial institutions, or like business.
- (45) Refrigeration and air conditioning service and repair, electrical, or like business.
- (46) Restaurants, cafes, taverns, or like business.
- (47) Shoe and hat repair shops, or like business.
- (48) Tailor and dressmaking shops, or like business.
- (49) Toy stores, or like business.
- (50) Variety stores, or like business.
- (51) Veterinarian clinics or hospitals, including overnight boarding and lodging, or like business.

C. Combinations of the above uses.

**2. Permitted Accessory Uses and Structures.**

- A. Uses of land and or structures clearly subordinate and customarily incidental to the principal uses, including storage of merchandise and preparation of certain products, shall be permitted subject to the standards set forth in subsection 5, Performance Standards.
- B. Signs in accordance with Chapter 181 of this Code of Ordinances.

- C. Temporary buildings for uses incidental to construction work, said buildings shall be removed upon the completion of construction or abandonment of the construction site.
- D. TV Dish Antennas in accordance with Section 177.11 of the Zoning Code - General Regulations.
- E. Storage of merchandise incidental to the principal use, but not to exceed 40 percent of the floor area utilized for such use.

**3. Permitted Conditional Uses.**

- A. Light manufacturing, assembly or treatment of articles or merchandise from the following previously prepared material: canvas, cellophane, cloth, fiber, glass, leather, paper, clay, plastic, precious or semiprecious metals, textiles, and yarn, provided that the entire operation is conducted within a building and that no raw materials or manufactured products are stored outside the building and further providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emissions of dust, fumes, gas, odor or smoke.
- B. Wind Energy Conversion Systems (WECS), see Section 177.14 of the Zoning Code – General Regulations.
- C. Gas stations, or like business.
- D. Automotive and farm implement display, sales, service and repair, or like business.
- E. Boat dealers, or like business.
- F. Motor vehicle dealers – new or used, or like business.
- G. Motorcycle and snowmobile dealers, or like business.
- H. Recreational and utility trailer dealers, or like business.
- I. Truck rental establishments, or like business.
- J. Drive-in and Drive-through Facilities.

**4. Bulk Regulations.** The following minimum requirements shall be observed subject to the modifications contained in Section 177.07.

- A. Lot Area. None.
- B. Front Yard. 30 feet.
- C. Side Yard. None except where side yard is adjacent to an “R” District, in which case a buffer yard shall be provided. See subsection 5, Performance Standards.
- D. Rear Yard. 25 feet.

- E. Maximum Height. 80 feet, with an additional 12 feet (1 story) of heights permitted for every 10 feet of additional building setback for an overall maximum of no more than an average of 104 feet building height from finished floor.
- F. Maximum Number of Stories – 3 with up to an additional 5 with supplemental setback.
- G. Off Street Parking and Loading. See Sections 177.08 and 177.09.

**Summary of C-2 Bulk Regulations:**

(A) Minimum Lot Area	None
(B) Front Yard Setback	30 ft.
(C) Side Yard Setbacks	None Buffer if adjacent to “R”
(D) Rear Yard Setback	25 ft.
(E) Maximum Height	80 ft., with an additional 12 feet (1 story) of heights permitted for every 10 feet of additional building setback for an overall maximum of no more than an average of 104 feet building height from finished floor.
(F) Maximum Stories	3 with up to an additional 5 with supplemental setback.

***(Ordinance No. 190930-216)***

***(Ordinance No. 200518-214)***

***(Ordinance No. 221121-216)***

**5. Performance Standards.**

- A. Accessory outdoor activities shall be limited to outdoor dining and the display of merchandise for retail sale and storage, provided that such storage complies with Section 179.02.5; further provided, that no dining display or storage shall be permitted in the required front yard. An exception to this standard is hereby granted to sales and storage lots for new and used motor vehicles, which shall be regulated in the same manner as a parking area.
- B. Certain products such as bakery goods may be produced on the premises provided that:
  - (1) Such production shall be clearly accessory to the retail use of the premises;
  - (2) All such products shall be sold at retail on the premises on which they are produced, provided that such provision shall not be construed to prohibit operation of a catering service or limited wholesale of goods produced and clearly accessory to the retail use of the premises.

- C. No noise, vibration, hazard, glare, air pollutants such as fumes or dust odor other than that which might originate from food preparation by a bakery or restaurant, or electromagnetic disturbances shall be generated.
- D. The intent of this section is to discourage large scale wholesale operations; therefore, bulk shipments and deliveries. Goods and products sold at wholesale shall be subordinate to and clearly accessory to retail use of the premise.
- E. Where property zoned “C-2” is adjacent to any property zoned for residential use, in addition to the screening requirements of 179.02.4, a 15’-wide buffer yard shall be used for parking storage, loading, active recreation, locating refuse containers, or similar activity which may create a nuisance.
- F. Gas stations shall require a conditional use permit and shall provide market data showing proximity of gas stations within a one (1) mile radius of any new proposed site. The purpose of such market data is to protect from oversaturation of the market place and proactively plan for vacancies, underground tank removal, and site cleanup of future store closings.

*(Ordinance No. 221121-216)*

**6. Design Standards for Auto Sales or Recreational Vehicle Sales.**

- A. Location standards for all used and new car or recreational vehicle sales-related uses:
  - (1) The use shall not functionally or visually disrupt entry monument or way finding signage on the site.
  - (2) The use shall not substantially increase vehicular traffic or cause a hazardous condition for pedestrians or vehicle operators on streets adjacent the site or within adjacent neighborhoods.
  - (3) The site shall be of adequate size and shape to accommodate the use along with all required yards (setbacks), parking, landscaping storm water improvements, and other required site improvements.
  - (4) The use shall not substantially block views into the site or lot.
  - (5) The use shall not be disruptive to the existing or planned visual character of the adjacent uses or neighborhood.

- (6) No wholesaling shall be permitted, except for certain products such as automotive parts which may be purchased on a largely individual basis for resale as part of a repair service as opposed to bulk shipments and deliveries.
- (7) Used car sales lots, provided all outside storage, display and parking areas shall be used and maintained in conformance with an approved site plan, and the parking display and storage of vehicles for hire, rental or sale shall be limited to the area designated for such use in the site plan.

B. Site Development Standards for used and new car or recreational vehicle sales related uses:

- (1) The site shall not be less than one-half acre in size and shall not have less than 100 feet of street frontage on a nonresidential street.
- (2) Conversion of residential structures shall not be allowed.
- (3) Vehicle service bays shall be oriented away from street views or substantially screened from street views and adjacent residential uses.
- (4) Driveways shall be situated so as to minimize impacts on adjacent streets traffic flow and operations.
- (5) Trash and recycling enclosure(s) shall be located within the principle structure or within a fully enclosed structure similar in appearance to the principal structure on the lot.
- (6) A lighting plan prepared by a qualified lighting expert is required for all new construction. Lighting shall be downward cast fixtures designed to direct light onto parking areas, loading or sales areas, and away from residential neighborhoods. Search lights shall not be permitted.
- (7) Signing shall be consistent with all applicable standards of the Bondurant Zoning Code chapter 181. Way finding signage shall direct customers on the site to customer parking areas, service garages, and customer waiting/sales areas.
- (8) The property should be surfaced with an asphaltic or Portland cement binder pavement as shall be approved by the city engineer, so as to provide a durable and dustless surface and

shall be so graded and drained as to dispose of all surface water accumulation within the area.

- (9) The property will incorporate curbs or other substantial permanent barriers to prevent encroachment of vehicles into the required setback and landscape areas. Precast wheel stops and other barriers which can be readily moved are not acceptable.
- (10) There shall be no elevated display of motor vehicles in any required front yard.
- (11) The employee and customer parking area shall be clearly designated and shall not be used for the parking, storage or display of motor vehicles for sale, rental, or hire.
- (12) All portions of the property used for the outside parking, display or storage of motor vehicles for sale, rental or hire shall be identified on the site plan and the perimeter shall be striped or otherwise conspicuously marked on the parking surface.
- (13) Lots directly abutting arterial streets shall not exceed one drive access onto such arterial street except as provided below. Common drives between adjacent landowners shall be encouraged in lieu of individual drives, recommended to be located with the common property line as the centerline of the drive and required to be located a minimum of 40 feet from any other drive as measured from centerline to centerline. Where such common drive is provided and joint access easements to parking areas are provided, required parking spaces on each lot may be reduced in number by up to 5 percent.
- (14) One additional drive access may be permitted on a lot with continuous frontage in excess of 300 feet, or two additional drive accesses for continuous frontage in excess of 600 feet, if proper spacing is provided. The City Council may authorize additional drives in any case upon finding such access will not create congestion or traffic hazards.

**7. Standards for Drive-In and Drive-Through Facilities.**

The standards detailed here are intended to allow for drive-through facilities by reducing the negative impacts they may create. Of special concern are noise from idling cars and voice amplification equipment,

lighting, and queued traffic interfering with on-site and off-site traffic and pedestrian flow.

A. Site development

- (1) These standards apply to all uses that have drive-through facilities. Except as specified, these standards apply only to the portions of the site development that comprise the drive-through facility. The regulations apply to new developments, the addition of drive-through facilities to existing developments, and the relocation of an existing drive-through facility. Drive-through facilities are not a right; the size of the site or the size and location of existing structures may make it impossible to meet these standards.
- (2) The above site development standards do not apply to drive-through facilities that do not involve any interactive service or communication with the customer.

B. A drive-through facility is composed of two parts – the stacking lanes and the service area. The stacking lanes are the space occupied by vehicles queuing for the service to be provided. The service area is where the service occurs. In uses with service windows, the service area starts at the menu board location. In uses where the service occurs indoors, the service area is the area within the building where the service occurs. For other development, such as gas pumps, air compressors, vacuum cleaning stations, the service area is the area where the vehicles are parked during the service.

C. Drive-through Aisles. The minimum standards for drive-through aisles are as follows:

- (1) Drive-through aisles shall have a minimum 10-foot interior radius at curves and a minimum 12-foot width.
- (2) Drive-up windows and remote tellers shall provide at least 180 feet of stacking space for each facility, as measured from the menu board or unit to the entry point into the drive-up lane. Nonfood and/or beverage businesses may reduce the stacking space to a minimum of 60 feet.

- (3) Each drive-through entrance/exit shall be at least 50 feet from an intersection of public rights-of-way, measured at the closest intersection curbs, and at least 25 feet from the curb-cut on an adjacent property. Exceptions may be granted by the designated approving authority when drive-through pull-out spaces are provided.
- (4) Each entrance to an aisle and the direction of traffic flow shall be clearly designated by signs and pavement markings.
- (5) Each drive-through aisle shall be separated from the circulation routes necessary for ingress or egress from the property, or access to a parking space.
- (6) Drive-through windows and menu boards shall be located a minimum 300 feet from a residential zone (measured at the nearest residential property line). Double drive-through aisles shall be restricted to two (2) menu/order board signs.
- (7) Any drive-up or drive-through speaker system shall emit not more than 50 decibels and at no time shall be audible above any daytime ambient noise levels beyond the property lines of the site. The system shall be designed to compensate for ambient noise levels in the immediate area and shall not be located within 300 feet of any residential property (measured at the nearest residential property line).

D. Vehicular Access. All driveway entrances, including stacking lane entrances must be at least 50 feet from an intersection. The distance is measured along the property line from the junction of the two street lot lines to the nearest edge of the entrance.

E. Stacking Lane Standards. These regulations ensure that there is adequate on-site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lands.

- (1) A minimum of 30 feet of stacking lane is required between a curb cut and the nearest gasoline pump.

- (2) All stacking lanes must be clearly identified, through the means such as striping, landscaping, and signs.
    - a. Primary facilities. A minimum of 150 feet for a single stacking lane or 80 feet per lane when there is more than one stacking lane, is required for all other drive-through facilities. A stacking lane is measured from the curb cut to the service area. Stacking lanes do not have to be linear.
    - b. A stacking lane is not required for accessory facilities where vehicles do not routinely stack up while waiting for the service. Examples are window washing, air compressor, and vacuum cleaning stations.
  - (3) Stacking lane design and layout. Stacking lanes must be designed so that they do not interfere with parking and vehicle circulation.
  - (4) Stacking lanes identified. All stacking lanes must be clearly identified, through the means such as striping, landscaping, and signs.
- F. Pedestrian Access and Crossings. Pedestrian access shall be provided from each abutting street to the primary entrance with a continuous four (4)-foot-wide sidewalk or delineated walkway. Pedestrian walkways should not intersect with the drive-through aisles, but where they do the walkways shall have clear visibility and shall be delineated by textured and colored paving.
- G. Hours of Operation. When located on a site within 300 feet of any residential property (measured from the nearest property lines), hours of operation for the drive-up/drive-through service shall be limited from 7:00 a.m. to 10:00 p.m. daily. If the use is located greater than 300 feet from a residential use, then there are no restrictions on the hours of operation.
- H. Architecture. The following architectural guidelines encourage creative response to local and regional context and contribute to the aesthetic

identity of the community. Building design should consider the unique qualities and character of the surrounding area and be consistent with city's Comprehensive Plan. Where character is not defined by the Comprehensive Plan or other zoning guidelines, building design should be of a high quality with primary use of durable materials such as masonry, block or stone.

- (1) "Franchise architecture" shall be strongly discouraged. Drive-through facilities shall be architecturally compatible with the best examples of nearby structures (i.e. intended for the zone) and complement existing or planned streetscape elements.
- (2) Windows provided for aesthetics in dining and entry areas shall be used abundantly to provide visibility to the street and pedestrian viewing into the building.
- (3) Drive-through elements should be integrated into the building rather than appear to be applied or "stuck-on" to the building.
- (4) All sides of a building should express consistent architectural detail and character, with a primary use of durable materials such as brick, masonry block, or in special instances a predominant material found in the surrounding commercial area. Columns should be designed to minimize visual impact.
- (5) Walls, pump island canopies and other outdoor covered areas should be compatible with the building, using similar material, color and detailing.
- (6) To encourage visually interesting roofs, variations in the roof line and treatments such as extend eaves and parapet walls with cornice treatments are encouraged.
- (7) Perceived height and bulk should be reduced by dividing the building mass into smaller-scaled components. Examples of treatments that could be used to avoid excessive bulk and height include:
  - a. Low-scale planters and site walls.
  - b. Wainscot treatment.

- c. Clearly pronounced eaves or cornices.
- d. Subtle changes in material color or texture.
- e. Variation in roof forms.
- f. Covered pedestrian frontages and recessed entries.
- g. Deeply set windows with mullions.

I. Canopies. Integration of materials on canopies that are similar or compatible to those used on the building or site walls is desirable (e.g. wrap the canopy columns with brick that matches the building). Multiple canopies or canopies that express differing masses are encouraged.

- (1) Canopy height should not be less than 13'-9" as measured from the finished grad to the lowest point on the canopy fascia. The overall height of canopies should not exceed 18 feet.
- (2) Light fixtures mounted under canopies should be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface (ceiling) of the canopy. Generally, lights shall not be mounted on the top or sides (fascias) of the canopy and internally illuminated/entirely translucent canopies should be prohibited. However, accent lighting on the sides (fascias) of the canopy may be permitted.

J. Outdoor seating with high quality hardscape areas (such as brick, cobblestone, and decorative pavers) and high quality outdoor furniture shall be encouraged in zones approved for outside seating.

K. Landscape design. Landscaping is integral to the overall design concept and should be carefully planned to enhance the overall appearance and function of the site. Landscape buffers with screen fencing should mask the site from adjacent residential uses. Plantings that exceed the minimum Bondurant Zoning Standards may be required.

- (1) Dense landscaping or architectural treatments should be provided to screen unattractive views and features such as

storage areas, trash enclosures, utility cabinets and other similar elements

- (2) A site design for projects located at a street intersection should provide special landscape treatments, including by way of example perennial plant beds, site walls, native grasses, decorative sign foundations and housing.
- (3) Proper maintenance and timely replacement of plant material is required and will be enforced based on the approved site plan.
- (4) Landscape plantings used to screen the drive-through aisles from the abutting public right-of-way shall not be pruned in a manner that allows the vehicle headlights from the drive-through lane to be visible from abutting street rights-of way. Plantings should also be designed to discourage potential safety issues (e.g. persons lying in wait).
- (5) Monument signs are encouraged and are required when the site adjoins a residential district.

#### L. Lighting

- (1) Lighting should be non-invasive to adjoining residential use.
- (2) Direct light trespass beyond property lines is prohibited.
- (3) All luminaries should be of full cut-off design, aimed downward and away from the property line and maximum pole heights should not exceed 20 feet.
- (4) Building-mounted lighting:
  - a. All luminaries should be a full cut-off design and aimed downward.
  - b. All luminaries should be recessed or shielded so the light source is not directly visible from the property line.
- (5) Menu boards are subject to the following conditions:

- a. A maximum of two menu boards per drive-through lane shall be permitted on a parcel of land with a restaurant providing drive-up window service.
- b. The menu board shall be a maximum of 30-square feet in area and may be in addition to any other signs permitted by Code.
- c. The menu board shall be single-sided and oriented in such a manner so that the signs provide information to the patrons using the drive-through facility only, and do not provide supplemental advertising to pass-by traffic.
- d. The menu board signage shall be completely enclosed within one sign area.
- e. Order confirmation signage no greater than one-square foot and incorporated into the drive-through speaker pedestal shall not be calculated as part of the menu board signage area. Order confirmation signage greater than one-square foot shall be incorporated into menu board and calculated as part of said board's sign area.

**178.09 C-3 PLANNED COMMERCIAL.** The “C-3” District is intended to provide for the development of shopping centers. For the purposes of this section, the term “shopping center” means a planned retail and service area under single ownership, management, or control characterized by a concentrated grouping of stores and compatible uses, with various facilities designed to be used in common, such as ingress and egress roads, extensive parking accommodations, etc. Since shopping center developments, whether large or small, have a significant effect upon the comprehensive plan for the development of the City, extensive authority over their development is retained by the Council and the Planning Commission. Many matters relating to the shopping center’s design, its potential for success or failure and its effect upon surrounding neighborhoods must be considered by the Council and Commission in order to be reasonably assured that the area will not eventually become blighted. It is further intended that in the event of an applicant’s failure to construct a shopping center in accordance with a reasonable time schedule, the Council shall enact the necessary legislation to reclassify the area to another classification consistent with the surrounding neighborhood. Such action would also, because of the reduction in commercial zoning in a given area, provide conditions whereby it could be reasonable for the Council to classify other areas in the vicinity for shopping center use.

1. **Procedures.** The owner or owners of any tract of land comprising an area of not less than five (5) acres may submit to the Council a petition requesting a change to the C-3 zoning district classification. The petition shall be accompanied by a plan for the commercial use and development of the tract for the purposes of meeting the requirements of this section and by evidence of the feasibility of the project and its effects on surrounding property, including each of the following:
  - A. A site plan defining the areas to be developed for buildings, the areas to be developed for parking, the location of sidewalks and driveways and the points of ingress and egress, including access streets where required, the location and height of walls, existing and proposed grades, the location and type of landscaping and the location, size and number of signs, type or style of architecture, building material, color or other significant feature.
  - B. An analysis of market conditions in the area to be served, including types and amount of service needed and general economic justification.
  - C. A traffic analysis of the vicinity indicating the effect of the proposed shopping center on the adjacent streets.
  - D. A statement of financial responsibility to assure construction of the shopping center, including landscaping, in accordance with the plan and the requirements of this section.

The development plan shall be referred to the Planning and Zoning Commission for study and report. The Planning Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan, and with recognized principles of civic design, land use planning, and landscape architecture. The Commission may approve the plan as submitted or, before approval, may require that the applicant modify, alter, adjust, or amend the plan as the Commission deems necessary to the end that it preserve the intent and purpose of this Zoning Code to promote public health, safety, morals, and general welfare. The development plan as approved by the Commission shall then be reported to the Council, whereupon the Council may approve or disapprove said plan as reported or may require such changes thereto as it deems necessary to effectuate the intent and purpose of this Zoning Code.

2. **Principal Permitted Uses.** Uses permitted in the “C-3” District shall include only the uses of structures or land listed in this section, provided however, the Council may consider any additional restrictions proposed by the owner.

A. Retail or service establishments such as the following:

- (1) Antique shops, or like business.
- (2) Apparel shops, or like business.
- (3) Art shops, or like business.
- (4) Auto and home supply stores, or like business.
- (5) Baby and children’s stores, or like business.
- (6) Bakeries and baker outlets - retail sales only, or like business.
- (7) Bicycle shops, sales and repairs, or like business.
- (8) Book stores, or like business.
- (9) Camera stores, or like business.
- (10) Car washes, or like business.
- (11) Clubs and lodges, or like business.
- (12) Collection office of public utility, or like business.
- (13) Confectionery stores, including ice cream or snack bars, or like business.
- (14) Consumer retail uses, personal services or business, or like business.
- (15) Convenience or quick stop stores, or like business.
- (16) Dairy stores - retail only, or like business.
- (17) Dance studios, or like business.
- (18) Delicatessens, or like business.
- (19) Drug Stores, or like business.
- (20) Dry goods stores, or like business.
- (21) Florist shops and greenhouses, or like business.
- (22) Furniture stores, or like business.

- (23) Gas stations, or like business.
- (24) Gift Shops, or like business.
- (25) Grocery stores including supermarkets, or like business.
- (26) Hardware stores, or like business.
- (27) Hobby shops, or like business.
- (28) Hotels, motels and tourist courts, or like business.
- (29) Household appliances - sales and repair, or like business.
- (30) Jewelry stores and watch repair shops, or like business.
- (31) Key shops, or like business.
- (32) Launderettes; coin-operated dry-cleaning establishments; and dry-cleaning or pressing establishments, or like business.
- (33) Leather goods store, or like business.
- (34) Meat market for storage and retail sales only, or like business.
- (35) Music stores, or like business.
- (36) Music studios, or like business.
- (37) Paint and wallpaper stores, or like business.
- (38) Printing shops, or like business.
- (39) Professional offices, or like business.
- (40) Public buildings and utilities, including administrative and sales office, equipment storage buildings, and enclosed storage, or like business.
- (41) Radio and television sales and repair shops, or like business.
- (42) Real estate, insurance and financial institutions, or like business.
- (43) Restaurants, night clubs, cafes, taverns, or like business.
- (44) Shoe and hat repair shops, or like business.
- (45) Tailor and dressmaking shops, or like business.
- (46) Toy stores, or like business.
- (47) Variety stores, or like business.
- (48) Automotive and farm implement display, sales, service and repair, or like business.
- (49) Boat dealers, or like business.
- (50) Motor vehicle dealers – new or used, or like business.
- (51) Motorcycle dealers and snowmobiles, or like business.
- (52) Recreational and utility trailer dealers.
- (53) Truck rental establishments, or like business.
- (54) Drive-in or Drive-through facilities.

B. Business and professional offices including the following: law, engineering, real estate, insurance, and similar uses, or like business.

C. Entertainment or recreational uses such as the following:

- (1) Amusement Parks, or like business.
- (2) Campgrounds, or like business.

- (3) Casinos, or like business.
- (4) Convention/Conference Centers, or like business.
- (5) Horse Racing Facilities, or like business.
- (6) Hotel/Motels, or like business.
- (7) Movie Theaters, or like business.
- (8) Restaurants, or like business.

D. Hospitals, clinics, group medical centers, or the office of a doctor, dentist, osteopath, or similar profession, or like business.

E. Photographic Studios, or like business.

F. Personal service businesses such as beauty and barber shops, shoe repair, and similar uses, or like business.

G. Post office substations, or like business.

H. Combinations of the above uses, or like business.

**3. Permitted Accessory Uses.**

A. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.

B. Signs in accordance with Chapter 181 of this Code of Ordinances.

C. Temporary buildings for uses incidental to construction work, said buildings shall be removed upon the completion of construction or abandonment of the construction site.

D. TV Dish Antennas in accordance with Section 177.11 of the Zoning Code - General Regulations.

E. Storage of merchandise incidental to the principal use, but not to exceed 40 percent of the floor area utilized for such use.

**4. Bulk Regulations.** The bulk regulations of the “C-2” District shall be considered minimum for the “C-3” District; however, it is expected that these minimums will be exceeded in all but exceptional situations. Buildings may be erected to heights no greater than ninety (90) feet, with a maximum number of six (6) stories.

**5. Signs.** Signs in accordance with Chapter 181 of this Code of Ordinances.

**6. Off Street Parking and Loading.** See Sections 177.08 and 177.09.

*(Ordinance No. 221121-216)*

**178.10 C-4 CENTRAL BUSINESS.** The “C-4” District is intended to accommodate the variety of retail stores and related activities which occupy the prime area within the central business district.

1. **Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted.

A. Retail or service such as the following:

- (1) Antique shops, or like business.
- (2) Apparel shops, or like business.
- (3) Art shops, or like business.
- (4) Auto and home supply stores, or like business.
- (5) Baby and children’s stores, or like business.
- (6) Bakeries and baker outlets - retail sales only, or like business.
- (7) Bicycle shops, sales and repairs, or like business.
- (8) Book stores, or like business.
- (9) Camera stores, or like business.
- (10) Car washes, or like business.
- (11) Clubs and lodges, or like business.
- (12) Collection office of public utility, or like business.
- (13) Confectionery stores, including ice cream or snack bars, or like business.
- (14) Consumer retail uses, personal services or business, or like business.
- (15) Dairy stores - retail only, or like business.
- (16) Dance studios, or like business.
- (17) Delicatessens, or like business.
- (18) Dry goods stores, or like business.
- (19) Florist shops and greenhouses, or like business.
- (20) Funeral homes, or like business.
- (21) Furniture stores, or like business.
- (22) Grocery stores including supermarkets, or like business.
- (23) Hardware stores, or like business.
- (24) Hobby shops, or like business.

- (25) Hotels, motels and tourist courts, or like business.
- (26) Household appliances - sales and repair, or like business.
- (27) Jewelry stores and watch repair shops, or like business.
- (28) Key shops, or like business.
- (29) Launderettes; coin-operated dry-cleaning establishments; and dry-cleaning or pressing establishments, or like business.
- (30) Leather goods store, or like business.
- (31) Meat market for storage and retail sales only, or like business.
- (32) Medical, dental, osteopathic and clinics, or like business.
- (33) Music stores, or like business.
- (34) Music studios, or like business.
- (35) Paint and wallpaper stores, or like business.
- (36) Plumbing, heating and air conditioning shops, or like business.
- (37) Printing shops, or like business.
- (38) Professional offices, or like business (including city offices).
- (39) Public buildings and utilities, including administrative and sales office, equipment storage buildings, and enclosed storage, or like business.
- (40) Radio and television sales and repair shops, or like business.
- (41) Real estate, insurance and financial institutions, or like business.
- (42) Refrigeration and air conditioning service and repair, electrical, or like business.
- (43) Restaurants, night clubs, cafes, taverns, or like business.
- (44) Shoe and hat repair shops, or like business.
- (45) Tailor and dressmaking shops, or like business.
- (46) Toy stores, or like business.
- (47) Variety stores, or like business.
- (48) Veterinarian clinics or hospitals, including overnight boarding and lodging, or like business.

B. Churches, cathedrals, temples, and similar places of worship.

C. Museums, libraries, parks, and playgrounds, community centers and similar uses operated by the City.

- D. Dwelling Units, provided that said units are not located on the first floor and are conforming with the bulk requirements of this section.
- E. Combinations of the above uses.

**2. Permitted Accessory Uses.**

- A. Uses clearly subordinate and customarily incidental to the principal uses, including storage of merchandise and preparation of certain products, shall be permitted. Outside storage must be located in the rear yard and must meet the screening requirements of Section 179.02.5.

*(Ordinance No. 221121-216)*

- B. Temporary buildings for uses incidental to construction work, said buildings shall be removed upon the completion of construction or abandonment of the construction site.
- C. Storage of merchandise incidental to the principal use, but not to exceed 40 percent of the floor area utilized for such use.
- D. Signs in accordance with Chapter 181 of the Code of Ordinances.

**3. Permitted Conditional Uses.**

- A. Light manufacturing, assembly or treatment of articles or merchandise from the following previously prepared material: canvas, cellophane, cloth, fiber, glass, leather, paper, clay, plastic, precious or semiprecious metals, textiles, and yarn, provided that the entire operation is conducted within a building and that no raw materials or manufactured products are stored outside the building other than for loading and unloading operations and further providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emissions of dust, fumes, gas, odor or smoke.
- B. Signs in accordance with Chapter 181 of this Code of Ordinances.
- C. Parking Lots designed to accommodate multiple users within the C-4 Commercial District.

*(Ordinance No. 221017-212)*

**4. Bulk Regulations.** The following minimum requirements shall be observed subject to the modifications contained in Section 177.07.

- A. Lot Area. None.
- B. Front Yard. None.
- C. Side Yard. None except where side yard is adjacent to an “R” District, in which case the yard shall be at least 15 feet.
- D. Rear Yard. None.

- E. Maximum Height. 65 feet.
- F. Maximum Number of Stories – 4.
- G. Maximum Building Footprint. 40,000 square feet

**Summary of C-4 Bulk Regulations:**

(A) Minimum Lot Area	None
(B) Front Yard Setback	None
(C) Side Yard Setbacks	None 15 ft. if adjacent to “R”
(D) Rear Yard Setback	None
(E) Maximum Height	65 ft.
(F) Maximum Stories	4
(G) Maximum Building Footprint	40,000 square feet

- 5. Off Street Parking and Loading.** Parking requirements in the C-4 District shall be exempt from parking requirements as defined in section 177.09. Parking for C-4 District uses shall be determined on a case by case basis. All site plans for new development as required by section 179.01 shall be accompanied by a parking study that identifies peak parking demand by use and a parking strategy. Such strategy for parking shall be approved by the zoning administrator prior to issuance of a building permit. Off street loading shall be as governed by Sections 177.08.

**178.11 C-5 OFFICE PARK.** The purpose of this district is to provide areas for the development of primarily professional and administrative offices, and some service uses. It is intended that this district be mapped primarily along arterial or collector streets in new, developing areas to reduce, limit, and contain strip retail development which has a more dynamic character, thereby enhancing proper movement of traffic, with appropriate setbacks, landscaping, and architecture to make such development reasonably compatible with nearby residential.

1. **Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted.

A. Office or service such as the following:

- (1) Accounting, auditing, and bookkeeping services, or like business.
- (2) Actuaries, chemists, and other miscellaneous services, or like business.
- (3) Advertising agencies and Radio, television, and Publishers' Advertising representatives, or like business.
- (4) Banking, or like business.
- (5) Blood banks, or like business.
- (6) Blueprinting and photocopying services, or like business.
- (7) Business associations, professional membership associations, and other membership organizations, or like business.
- (8) Civic, social, and fraternal associations, or like business.
- (9) Commercial photography, art, and graphics, or like business.
- (10) Computer programming and other software services, and data processing services, or like business.
- (11) Consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collection agencies, or like business.
- (12) Credit agencies other than banks, or like business.
- (13) Engineering, Architectural, and Surveying Services, including Landscape Architects, or like business.
- (14) Insurance agents, brokers, and service, or like business.
- (15) Insurance, or like business.

- (16) Legal Services, or like business.
- (17) Management, Consulting, and Public Relations Services, or like business.
- (18) Medical and dental laboratories, or like business.
- (19) News syndicates, or like business.
- (20) Noncommercial educational, scientific, and research organizations, or like business.
- (21) Noncommercial museums and art galleries, or like business.
- (22) Offices of Manufacturers' sales representatives, subject to no outside display or storage of stock in trade. Indoor storage and display limited to 10% of total floor area of building, or like business.
- (23) Offices of physicians, dentists, osteopathic physicians, chiropractors, optometrists, and other health practitioners, or like business.
- (24) Personnel Supply Services, or like business.
- (25) Photographic studios, portrait, or like business.
- (26) Political and religious organizations, or like business.
- (27) Real Estate, or like business.
- (28) Security and Commodity Brokers, Dealers, Exchanges, and Services, and Holding and other investment offices, or like business.
- (29) Travel agencies and bureaus, or like business.

## **2. Permitted Accessory Uses.**

A. Food and beverage services, cocktail lounges, apothecaries, barber shops or beauty salons, drafting or quick printing services, optical shop, recreational facilities primarily for use of employees, or similar uses shall be permitted where it can be demonstrated that the number of employees or clientele of the principal uses on the lot are sufficient to support such uses, subject to the following criteria in addition to all other requirements of this ordinance:

- (1) Such incidental or accessory use may be a separate tenant but shall be incorporated within the principal building and designed to serve the employees of the principal building or their clientele. Such use shall not have any direct access from the

exterior, but shall access through a principal use or from a common enclosed mall or courtyard.

- (2) Total area of all accessory uses shall not exceed 25% of the total floor area or gross leasable floor area of the building.
- (3) No signage or merchandise shall be displayed where visible to the general public from outside the building.

- B. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.
- C. Signs in accordance with Chapter 181 of this Code of Ordinances.
- D. Temporary buildings for uses incidental to construction work, said buildings shall be removed upon the completion of construction or abandonment of the construction site.
- E. TV Dish Antennas in accordance with Section 177.11 of the Zoning Code - General Regulations.

**3. Permitted Conditional Uses.**

- A. General medical and surgical hospitals, or like business.
- B. Extended care, intermediate care, or rehabilitation or residential care nursing facilities, or like business.
- C. Outpatient care facilities, or like business.
- D. Colleges, universities, and professional schools, junior colleges and technical institutes, or like business.
- E. Business and secretarial schools, or like business.
- F. Wind Energy Conversion Systems (WECS), see Section 177.14 of the Zoning Code – General Regulations, or like business.

**4. Bulk Regulations.** The following minimum requirements shall be observed subject to the modifications contained in Section 177.07.

- A. Minimum Lot Area: 20,000 square feet.
- B. Minimum Lot Width: 100 feet.
- C. Front Yard Setback: 50 feet.
- D. Side Yard Setback: 15 feet, except where side yard is adjacent to an “R” District, in which case the yard shall be at least 50 feet.
- E. Rear Yard Setback: 25 feet.
- F. Maximum Height. 90 feet.
- G. Maximum Number of Stories – 6.

**Summary of C-5 Bulk Regulations:**

(A) Minimum Lot Area	20,000 sq. ft.
(B) Minimum Lot Width	100 ft.
(C) Front Yard Setback	50 ft.
(D) Side Yard Setbacks	15 ft. 50 ft. if adjacent to "R"
(E) Rear Yard Setback	25 ft.
(F) Maximum Height	90 ft.
(G) Maximum Stories	6

***(Ordinance No. 221121-216)***

**5. Performance Standards.**

- A. No stock in trade shall be stored or displayed outside nor shall any assembly or manufacturing activities be conducted on the premises.
- B. Parking or loading areas located in the front yard or yard adjacent to a street shall be screened from observation from by traffic on any and all public thoroughfares within 1,000 feet of such areas.
- C. Where the lot abuts property zoned for residential uses, a 50 foot buffer yard shall be provided whereby no part of any required buffer yard shall be used for parking, storage, loading, active recreation, locating refuse containers, or similar activity which may create a nuisance.

***(Ordinance No. 221121-216)***

**178.12 RESERVED**

**178.13 M-1 LIMITED INDUSTRIAL.** The “M-1” District is intended and designed to provide for increased flexibility in the location of certain manufacturing and industrial uses while maintaining protection for nearby residential districts. It allows selected industries of a non-nuisance character to locate in areas within reasonable proximity of residential uses. The M-1 District is characterized by large lots, with landscaped grounds and ample provision for off-street parking and loading spaces.

1. **Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted in the “M-1” District, provided, however, that all manufacturing, assembling, compounding, processing, packaging or other comparable treatment, shall take place within completely enclosed buildings, enclosed buildings, except those allowable outdoor use exclusions listed in the definition of Outdoor Storage. All open areas not used for off-street parking or loading shall be planted with grass, shrubs and trees, properly maintained, and kept free from refuse and debris.

*(Ordinance No. 17-214)*

*(Ordinance No. 221107-213)*

*(Ordinance No. 221121-216)*

- A. Assembly of small electrical appliances, small industrial and electronic instruments and devices, radios, phonographs and television sets, including the manufacturing of small accessory parts only, such as coils, condensers, transformers, crystal holders and similar products, or like business.
- B. Automotive and farm or construction implement display, sales, service, and repair, or like business.
- C. Boat dealer, or like business.
- D. Body repair shops including painting, or like business.
- E. Car washes, or like business.
- F. Commercial trade schools, or like business.
- G. Compounding and packaging of drugs, pharmaceuticals, cosmetics, perfumes and toiletries, or like business.
- H. Gas stations, or like business.
- I. Hardware stores, or like business.
- J. Laboratories, research, experimental and testing, or like business.
- K. Manufacturing, assembling, compounding, processing, packaging, or other comparable treatment of the following:
  - (1) Bakery goods, candy and food products, or like business.

- (2) Cameras and other photographic equipment, or like business.
  - (3) Electric and neon signs, outdoor advertising signs, or like business.
  - (4) Medical, dental and drafting instruments, or like business.
  - (5) Musical instruments, toys, novelties, and rubber and metal hand stamps, or like business.
  - (6) Pottery and other ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas, or like business.
  - (7) Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, rope, cord, twine, cardboard, feathers, felt, fiber, fur, glass, hair, horn, leather, metal pipe, rods, strips or wire, paper, plastics, precious and semi-precious metals or stones, rubber (natural and synthetic), shells, textiles, tobacco, wax, wood, and yarns, provided that the entire operation is conducted within a building and that no raw materials or manufactured products are stored outside the building other than for loading and unloading operations and further providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emissions of dust, fumes, gas, odor or smoke, or like business.
  - (8) Small precision instruments, such as barometers, clocks, watches and compasses, or like business.
  - (9) Manufacture or assembly of computers and computer-related hardware, or like business.
- L. Beverage bottling, distribution and warehousing facilities, or like business.
- M. Contractor's offices and storage buildings; including general contractors, plumbers, electricians, heating, ventilating, and air conditioning contractors, masons, painters, refrigeration contractors, roofing contractors and other such construction occupations, or like business.
- N. Dry cleaning and laundry facilities, or like business.
- O. Ice production, storage, sales and distribution facilities. Cold storage facilities. Creamery, and ice cream manufacturing, or like business.
- P. Lumberyards and building materials sales, or like business.
- Q. Machine shops, or like business.

- R. Mail order and distribution centers, or like business.
- S. Motorcycle dealer and snowmobile dealer, or like business.
- T. Office buildings, or like business.
- U. Office Warehouses, or like business.
- V. Printing, lithographing or film processing plants, or like business.
- W. Public utility facilities, or like business.
- X. Publicly owned storage, warehouse and maintenance facilities, or like business.
- Y. Radio and television broadcasting stations and studios, or like business.
- Z. Recreational and utility trailer dealers, or like business.
- AA. Restaurants, or like business.
- BB. Sawmill and planing mill, including manufacture of wood products not involving chemical treatment, or like business.
- CC. Tire vulcanizing, retreading recapping, service and sales, or like business.
- DD. Truck rental establishments, or like business.
- EE. Truck terminals, delivery services, moving and storage facilities and truck maintenance facilities, or like business.
- FF. Veterinarian clinics or hospitals, including overnight boarding and lodging, or like business.
- GG. Warehouses for storage of merchandise or material in connection with the uses permitted in this district only, or like business.
- HH. Fitness center, or like business
- II. Dance studio, or like business

*(Ordinance No. 17-214)*

*(Ordinance No. 221107-213)*

*(Ordinance No. 221121-216)*

*(Ordinance No. 230206-209)*

## **2. Permitted Accessory Uses.**

- A. Accessory uses of land or structures customarily incidental and subordinate to any of the above principal uses.
- B. Signs in accordance with Chapter 181 of this Code of Ordinances.
- C. TV Dish Antennas and Communication towers in accordance with Section 177.11 of this Code of Ordinances.

D. Drive-in and Drive-through Facilities.

**3. Required Conditions.**

- A. No use shall be permitted to be established or maintained which by reason of its nature or manner of operations is or may become hazardous, noxious, or offensive owing to the emission of odor, dust, smoke, cinder, gas, fumes, noise, vibrations, refuse matter or water-carried waste.
- B. Outdoor storage yards, accessory or principle in use, shall meet screening requirements of Section 179.02.5.
- C. Where property zoned “M-1” is adjacent to any property zoned for residential use, in addition to the screening requirements of 179.02.4, a 25’-wide buffer yard shall be provided whereby no part of any required buffer yard shall be used for parking, storage, loading, active recreation, locating refuse containers, or similar activity which may create a nuisance.

**4. Permitted Conditional Uses.**

- A. Public Detention and correctional institutions including penal institutions, residential correction facilities, medical detention facilities or other similar facilities provided they are located at least 500 feet from any residential use.

*(Ordinance No. 221017-212)*

**5. Bulk Regulations.** The following minimum requirements shall be observed subject to the modifications contained in Section 177.07.

- A. Front Yard. 50 feet from all streets or public Ingress/Egress easements.
- B. Side Yard. Twenty (20) feet; provided that where adjacent to an “R” or “C-1” District a side yard of twenty-five (25) feet shall be required.
- C. Rear Yard. 50 feet.
- D. Maximum Height. 80 feet, with an additional 12 feet (1 story) of heights permitted for every 10 feet of additional building setback for an overall maximum of no more than an average of 104 feet building height from finished floor.
- E. Lot Area. 10,000 sq. ft.
- F. A minimum of 15% of the lot area shall be retained as landscaped open space to include such items as walks, trees, shrubs, fountains, or other ornamental features.

**Summary of M-1 Bulk Regulations:**

(A) Front Yard Setback	50 ft.
------------------------	--------

(B) Side Yard Setbacks	20 ft. 25 ft. if adjacent to street, "R", or "C-1" district
(C) Rear Yard Setback	50ft.
(D) Maximum Height	80 ft., with an additional 12 feet (1 story) of heights permitted for every 10 feet of additional building setback for an overall maximum of no more than an average of 104 feet building height from finished floor.
(F) Lot Area	10,000 sq. ft.

***(Ordinance No. 18-209)***  
***(Ordinance No. 190930-216)***  
***(Ordinance No. 200406-211)***  
***(Ordinance No. 221121-216)***

**178.14 M-2 MEDIUM INDUSTRIAL.** In the M-2 District is intended and designed to primarily accommodate wholesale and warehouse activities and industrial operations whose external effects are restricted to the area of the district and are not detrimental to adjoining or surrounding districts by reason of any gas, fumes, vibrations, dust, cinders, smoke, noise, or unsightly appearance. It is not intended that any new residential development be permitted in the M-2 District.

**1. Principal Permitted Uses.**

- A. Uses permitted in M-1 Districts.
- B. The following commercial use:
  - (1) Automobile, mobile home, trailer, farm implement, motorcycle, truck sales and/or repair, or like business.
  - (2) Gas stations, or like business.
  - (3) Restaurants, or like business.
  - (4) Commercial baseball fields and golf driving ranges, or like business.
- C. Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust, or like business.
- D. Bakeries, or like business.
- E. Welding or other metal working shops, or like business.
- F. Contractor's equipment storage yard or plant, or rental equipment commonly used by contractors, storage and sale of livestock feed, provided dust is effectively controlled, and storage yard for vehicles of a delivery or draying service, or like business.
- D. Carting, express, hauling or storage yards, or like business.
- E. Creamery, bottling works, ice cream manufacturing, ice manufacturing, and cold storage plant, or like business.
- F. Enameling, lacquering or japanning, or like business.
- G. Foundry casting lightweight, non-ferrous metals or electric foundry not causing noxious fumes or odors, or like business.
- H. Grain elevators, mixing, and grinding, or like business.
- I. Machine shop, or like business.
- J. Manufacture or assembly of electrical appliances, instruments and devices, or like business.

- K. Manufacture and repair of electric signs, advertising structures, sheet metal products, including heating and ventilation equipment, or like business.
- L. Lumber yards and building materials, or like business.
- M. Sheet metal shops, or like business.
- N. The manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals, and food products except fish and meat products, cereals, sauerkraut, vinegar, yeast, stock feed, flour, and the rendering or refining of fats and oils, or like business.
- O. The manufacture, compounding, assembly or treatment of articles or merchandise from previously prepared materials such as bone, cloth, cork fiber, leather, paper, plastics, metals or stones, tobacco, wax, yarns and wood, or like business.
- P. Truck terminal or yard, including repair, or like business.
- Q. Automobile body and fender repair shops, including welding and machine tool works, but not including automobile wrecking or used parts yards, or outside storage or automobile component parts, or like business.
- R. Warehousing and collection of household hazardous waste, or like business.

**2. Permitted Accessory Uses.**

- A. Accessory uses customarily incidental to a permitted principal or conditional use, or like business.

**3. Required Conditions.**

- A. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise or similar nuisance shall be employed.
- B. Where property zoned "M-2" is adjacent to any property zoned for residential use, in addition to the screening requirements of 179.02.5, a 50'-wide buffer yard shall be provided whereby no part of any required buffer yard shall be used for parking, storage, loading, active recreation, locating refuse containers, or similar activity which may create a nuisance, and further that all principal buildings and all accessory buildings or structures shall be located at least one hundred (100) feet from any "R" District boundary, except where separated by an adjoining railroad right-of-way. No setback is required where adjacent to an active railroad right-of-way.

- C. Outdoor storage yards, accessory or principle in use, shall meet screening requirements of Section 179.02.5.

***(Ordinance No. 221121-216)***

4. **Bulk Regulations.** The following minimum requirements shall be observed subject to the modifications contained in Section 177.07.
- A. Lot Area. No minimum.
  - B. Lot Width. No minimum.
  - C. Front Yard. 30 feet from the existing or proposed right-of-way line.
  - D. Side Yard. Twenty (20) feet; provided that where adjacent to an “R” or “C-1” District a side yard of twenty-five (25) feet shall be required.
  - E. Rear Yard. 40 feet, except that where a railroad right-of-way is immediately adjacent to the rear of a lot, the rear yard requirement need not apply.
  - F. Maximum Height. 80 feet, with an additional 12 feet (1 story) of heights permitted for every 10 feet of additional building setback for an overall maximum of no more than an average of 104 feet building height from finished floor.
  - G. Maximum Number of Stories. 3 Stories with up to an additional 5 with supplemental setback.

**Summary of M-2 Bulk Regulations:**

(A) Minimum Lot Area	None
(B) Minimum Lot Width	None
(C) Front Yard Setback	30 ft. from the existing or proposed right-of-way line.
(D) Side Yard Setbacks	20 ft. 25 ft. if adjacent to street, “R”, or “C-1” district
(E) Rear Yard Setback	40ft., except that where a railroad right-of-way is immediately adjacent to the rear of a lot, the rear yard requirement need not apply.
(F) Maximum Height	80 ft., with an additional 12 feet (1 story) of heights permitted for every 10 feet of additional building setback for an overall maximum of no more than an average of 104 feet building height from finished floor.
(G) Number of Stories	3 with up to an additional 5 with supplemental setback.

***(Ordinance No. 18-209)***  
***(Ordinance No. 190930-216)***

5. **Signs.** Signs in accordance with Chapter 181 of this Code of Ordinances.
6. **Off Street Parking and Loading.** See Sections 177.08 and 177.09.

**178.15 U-1 CONSERVANCY.** The “U-1” Conservancy District is intended and designed to encompass certain areas of the city which are subject to flood hazard. This district is created in order to protect the public health and welfare, to lessen the burdens imposed upon the community by rescue and relief efforts occasioned by the occupancy of areas subject to flooding, and to minimize the danger to life and property, which results from development undertaken without full realization of such danger. It is further the intention of this section that no reclassification of any lands zoned “U-1” be undertaken, unless and until suitable measures have been taken to insure that the flood hazard no longer exists, and that these measures have the approval of the City, State and Federal Agencies, which required by existing legislation.

**1. Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted in the “U-1” District.

A. Agriculture, truck gardening and nurseries, and the usual accessory buildings but not including commercial livestock feed lots or poultry farms; provided that no permanent dwelling units shall be erected thereon unless the elevation of the lowest floor is higher than the maximum expected level of a flood having a one (1) percent chance of occurring in any year.

B. Forest and forestry.

C. Publicly owned parks, playgrounds, golf courses, and recreational uses.

D. Any use erected or maintained by a public agency.

**2. Permitted Accessory Uses.**

A. Accessory buildings and uses customary incident to any of the principal permitted uses.

B. Private garage or carport.

C. Signs in accordance with Chapter 181 of this Code of Ordinances

**3. Permitted Conditional Uses.**

The uses hereinafter listed shall be permitted subject to approval of a conditional use permit.

A. Mining and extraction of minerals or raw materials.

B. Private playgrounds, golf courses, and recreational use.

C. Public utility structures and equipment necessary for the operation thereof.

D. Transmitting stations.

In its determination upon the particular uses at the location requested, the City Council shall consider all of the following provisions:

- 1) That the proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property.
- 2) That such use shall not impair an adequate supply of light and air to surrounding property.
- 3) That such use shall not unduly increase congestion in the streets, or public danger of fire, panic and flood.
- 4) That such use shall not diminish or impair established property values adjoining or surrounding property.
- 5) That such use shall be in accord with the intent, purpose and spirit of this section and the Comprehensive Plan of the City.

**4. Bulk Regulations.** The following minimum requirements shall be observed, subject to the modifications contained in Section 177.07.

- A. Building Height Limit: Residential Building – 35 feet. Non-Residential Building – 60 feet.
- B. Minimum Lot Area: Dwelling – 5 acre – no minimum for other permitted uses.
- C. Lot Width: No limitation.
- D. Front Yard: 75 feet.
- E. Side Yard: 50 feet on each side.
- F. Rear Yard: 50 feet.

**Summary of U-1 Bulk Regulations:**

(A) Building Height Limit	35 feet - Residential 60 feet – Non-Residential
(B) Minimum Lot Area	5 acres – Dwelling No Minimum for other permitted uses
(C) Lot Width	No limitation
(D) Front Yard	75 ft.
(E) Side Yard	50 ft. on each side
(F) Rear Yard	50 ft. 50 ft., all other permitted uses.