

**AGENDA
PLANNING AND ZONING COMMISSION
REGULAR MEETING
November 27, 2017**

**HIAWATHA COUNCIL CHAMBERS
(101 Emmons Street-Upper Floor) – 5:30 P.M.**

1. Call to Order - Roll Call
2. Consider Approval of:
 - a. Agenda
 - b. Minutes of October 23, 2017
3. Business
 - a. UDC Changes
 - # 1. Consider Resolution for recommendation to City Council to approve the changes to the Unified Development Code submitted by the Hiawatha Community Development Department and the Unified Development Committee.

Adjourn

- # Items that have to go on to City Council for final vote*
- Items that Planning and Zoning Commission have final vote*
 - * Items that have to go on to Board of Adjustment for final vote*

HIAWATHA PLANNING AND ZONING COMMISSION
REGULAR MEETING
October 23, 2017

The Hiawatha Planning and Zoning Commission met on October 23, 2017. Chairperson, Mark Powers called the meeting to order at 5:30 P.M. Members present: Darryl Cheney, Terry Trimpe, Kenny Jones, Reta Saylor and Tom Wille. Members Absent: Mark Ross. Staff present: Building Official, Pat Parsley, Assistant Building Official, Jim Fisher, City Engineer, John Bender, Mayor, Bill Bennett. Guests in Attendance: Hall and Hall Engineer, Susan Fornash, Brenda Powers, Marta Petermann and Jeaneal Weeks.

Board Member, Kenny Jones moved to approve the Agenda. Second by Tom Wille. Motion carried.

Board Member, Reta Saylor moved to approve the meeting minutes of September 25, 2017. Second by Terry Trimpe. Motion carried.

Consider Resolution for recommendation to City Council to approve the Final Plat submitted by Schnoor-Bonifazi for Tower Commerce 16th, Hiawatha, IA.

Kenny Jones asked if the Plat was located by Munson Electric. Pat Parsley said it is and added that the developer's agreement for the street lights and sidewalk have already been addressed. Kenny then asked if the driveway would be on Metzger Dr. only. Pat said it would.

Terry Trimpe asked why the building set backs were not included on the plat. Pat explained that set backs were are fixed by zoning. John Bender added that it's more common to see setbacks on property zoned residential.

Kenny Jones moved to recommend to City Council to approve the Final Plat submitted by Schnoor-Bonifazi for Tower Commerce 16th, Hiawatha, IA. Second by Tom Wille.

Roll Call:

AYES: Terry Trimpe, Darryl Cheney, Kenny Jones, Tom Wille, Reta Saylor and Mark Powers

NAYS: None

ABSENT: Mark Ross

Resolution #17-026 Approved

Consider Resolution for recommendation to City Council to approve the Design Guidelines for 150 Willman St., Hiawatha, IA.

Kenny Jones asked what they would have in place on the west side of the building to prevent water from seeping into the building. Susan Fornash explained that they would water proof the foundation and the water already flows away from the building.

Kenny asked if they were asking for a deferment of 25% for parking. Pat Parsley explained that they could always take it to the Board of Adjustment for a variance, and they would qualify. The on street parking and shared parking was discussed as an option to make up the difference. Pat Parsley also explained that it was known the CPR-1 district would be congested and parking would be an issue. He added that the plan in the district was shared parking to help with any parking limitations.

Kenny Jones then asked if the city is going to allow everyone to do it. Pat said that they haven't had any new buildings go in the CPR-1 zone, but they could if it were needed.

Darryl Cheney asked if they could make it a condition that they share with the City and ask for a variance.

Pat Parsley stated that it would be redundant to do so and suggested they ask for one or the other.

Darryl Cheney asked if the Board were to approve, would it be as it is presented. Pat Parsley said it would.

Terry Trimpe asked how many parking space they currently have. Pat Parsley stated he didn't know.

There was some discussion on the size of the building currently, and proposed.

Mark Powers added that there are currently 34 parking spaces.

Reta Saylor asked how many handicapped spaces they would have. Pat Parsley stated they are required to have 4%. Kenny Jones asked how many 4% would be. Pat Parsley stated they would have 4.

Darryl Cheney stated that he was bothered by the fact that they were tripling the building and not doubling the parking.

There was discussion about the uses of each part of the building and how it relates to the parking. Pat stated they arrived at the 69 required parking spaces based off the usage.

Kenny Jones then asked if the City would be changing their code. Pat stated this was already in the code and explained that they are looking at possible code changes. He went on to explain that in the CPR-1 district, the maximum requirement is 4 spaces per 1000sq.ft. of building space.

Kenny then asked how many employees are at the library. Jeaneal Weeks stated there are 9. Kenny then asked if they were all going to park in the City Hall parking lot. She said they would.

Pat Parsley reminded the Board that they are first voting for on the Design Guidelines and second for the CPR-1 district compliance.

Mark Powers stated that they were using masonry and it looks like they are within the guidelines.

Mark Powers moved to recommend to City Council to approve the Design Guidelines for 150 Willman St., Hiawatha, IA. Second by Reta Saylor.

Roll Call:

AYES: Tom Wille, Mark Powers, Terry Trimpe, Reta Saylor, Darryl Cheney

NAYS: Kenny Jones

ABSENT: Mark Ross

Motion Carried

Resolution #17-026 Approved

Consider Resolution for recommendation to City Council to approve the Site Plan for 150 Willman St., Hiawatha, IA.

Mark Powers commented that there was already discussion on this request and asked for a motion.

Terry Tripme moved to recommend to City Council to approve the Site Plan for 150 Willman St., Hiawatha, IA. with the following condition:

1. City council addresses the parking issue.

Second by Darryl Cheney

Roll Call:

AYES: Tom Darryl Cheney, Tom Wille, Terry Trimpe, Reta Saylor and Mark Powers

NAYS: Kenny Jones

ABSENT: Mark Ross

Motion Carried

Resolution #17-027 Approved

Reta Saylor motioned to adjourn the meeting at 6:02p.m. Second by Tom Wille. Motion carried.

Mark Powers, Chairperson

ATTEST:

Jennifer Goerg, Community Development Clerk

CHAPTER 165

UNIFIED DEVELOPMENT CODE

165.01 Title and Authority	165.54 Easements
165.02 Adoption and Repeals	165.55 Maintenance Bond Required
165.03 Purpose and Intent	165.56 Alternative Systems for Sewer and Water
165.04 Applicability	165.57 Standards Prescribed
165.05 Relationship to Other Requirements	165.58 Construction Standards for Improvements
165.06 Severability	165.59 Public Service Areas, Parks and Open Spaces
165.07 Effective Date	165.60 – 165.64 Reserved
165.08 Location of Certified Copy and Zoning District Map	165.65 Site Plan Requirements
165.09 Construction and Interpretation	165.66 Planned Unit Development (PUD) Overlay District Requirements
165.10 Zoning Regulations	165.67 Subdivision Requirements
165.11 Purpose and Intent	165.68 – 165.69 Reserved
165.12 Applicability	165.70 Nonconforming Buildings, Structures and Uses
165.13 Interpretation of Regulations	165.71 – 165.74 Reserved
165.14 Establishment of Zoning Districts	165.75 Administration and Enforcement
165.15 Land Use Regulations	165.76 Inspection and Enforcement
165.16 Land Uses and Regulations by District	165.77 Certificates of Occupancy
165.17 Zoning Districts and Zoning District Map	165.78 Appeals of Decisions
165.18 – 165.19 Reserved	165.79 Reserved
165.20 Reserved Supplemental Regulations	165.80 Board of Adjustment
165.21 General Supplemental Regulations	165.81 Jurisdiction
165.22 Supplemental Lot Regulations	165.82 Variances
165.23 Supplemental Yard Regulations	165.83 Conditional Uses
165.24 Adult Entertainment Establishment Regulations	165.84 Conditional Expansions
165.24A Pawnbrokers and Delayed Deposit Services	165.85 Special Use Permit; Group Child Day Care Home
165.25 Residential Child Day Care Facilities	165.86 Limitation on Successive Applications
165.26 Home Occupations	165.87 – 165.89 Reserved
165.27 Communication Towers	165.90 Initiation of Amendments to the Zoning District Map
165.28 Reserved Lighting and Sound Restrictions	165.91 Contents of Application for Amendment to the Zoning District Map
165.29 Performance Standards	165.92 Policies Relating to the Reclassification of Property
165.30 Parking and Loading Regulations	165.93 Reserved
165.31 Scope and Application	165.94 Limitation on Successive Applications
165.32 Off-Street Parking General Requirements	165.95 Violation and Penalty
165.33 Shared Off-Street Parking Provisions	165.96 Definitions
165.34 Design and Maintenance of Off-Street Parking Areas	Appendix A – Planting Guidelines and Suggested Tree Planting List
165.35 Off-Street Parking Spaces	Appendix B – Building Layout in District CPR-1
165.36 Off-Street Loading	Figure I – Land Use Matrix
165.37 – 165.46 Reserved	Figure II – Services Matrix
165.47 Landscaping and Shading Regulations	Figure III – Application of Rezoning Policies
165.48 – 165.49 Reserved	Figure IV – Development Constraints
165.50 Procedures for Subdivision	
165.51 Subdivision Regulations	
165.52 Application	
165.53 Minimum Improvements	

165.01 TITLE AND AUTHORITY. This chapter shall be known as the “City of Hiawatha Unified Development Code,” and has been referred to as the “Development Code” or “Code” when a shortened title is necessary. This chapter is adopted by authority of, and for the purposes set forth in the *Code of Iowa* and shall be codified as Chapter 165 of the Municipal Code, City of Hiawatha, Iowa.

165.02 ADOPTION AND REPEALS.

Amending Ordinance. This is an Ordinance amending respectively the Hiawatha Zoning Ordinance and the Hiawatha Subdivision Regulations, which became effective August 1, 1983, and was subsequently codified as Chapters 165 and

165.13 INTERPRETATION OF REGULATIONS.

1. Use Determinations. The purpose of a use determination is to verify if a proposed use which is not listed in the Land Use Matrix for a given zoning district may be established in that district. The City Council shall determine whether a use not expressly identified shall be allowed in a district as a permitted use, conditional use, or accessory use. Action by the City Council to either approve or disapprove such use shall be by official resolution. In issuing such use determination, the City Council shall be guided by the following standards:

~~A. Permitted or Conditional.~~ The City Council shall determine whether a use not listed in the Land Use Matrix is to be considered a permitted or conditional use in a particular zoning district based on its similarity to the uses listed. No use interpretation shall permit any use in a district as a permitted use if such use is already listed in the district as a conditional use. ~~Due to the unique nature of the Center Point Road District the permitted or conditional uses within the CPR districts are set forth in the district regulations and are not set forth in the land use matrix.~~

~~B.A.~~ Minimum Requirements Met. No use interpretation shall permit any use in any district unless it can comply with all regulations established for that particular district.

~~B.~~ Compliance with Conditional Use Permit Requirements. If the proposed use is more similar to uses listed as conditional uses than it is to the listed permitted uses in the district for which it is proposed, then any interpretation permitting such use shall identify it as a conditional use and specify that before such use may be established the requirements of Section 165.83 herein must be met.

~~B.C.~~ Accessory. Uses not listed for a given zoning district may be established as accessory uses whenever the City determines that they are clearly incidental and subordinate to a primary use allowed in that district, are associated with its operation and will not have an adverse impact on adjacent properties.

~~B.D.~~ Planned Unit Development Overlay Districts. Uses which are not listed in a zone district underlying a PUD designation may be permitted if determined by the City to be compatible with and/or accessory to the proposed development and other allowed uses.

(Ord. 780 – Aug. 14 Supp.)

2. Addition of Uses Permitted by District Through Interpretation. All uses permitted by City Council through the use interpretation procedure described in Section 165.13(1) immediately preceding, shall, by amendment, be added to the appropriate district of the Land Use Matrix and Land Use List at the next periodic updating and revision of this Code.

3. Unlawful Existing Uses. Any building, structure, or use which was not lawfully existing at the time of the adoption of this Code shall not become or be made lawful solely by reason of the adoption of this Code; and to the extent or manner that said unlawful building, structure, or use is in conflict with the requirements of this Code, said building, structure, or use remains unlawful hereunder.

165.14 ESTABLISHMENT OF ZONING DISTRICTS. The zoning districts established by this Code are named and described below. They consist of basic districts and overlay districts, both of which are considered zoning districts for the purposes of this Code. The relationship between the zoning districts established by this Code and zoning districts established under previous enactments of City Zoning Regulations is stated in Section 165.17(3).

A-Agriculture Zone District. The A-Agriculture Zone District is intended to preserve existing agriculture and other non-intensive uses to prevent premature development and non-orderly encroachment of intensive urban uses, and to help guide urban growth into suitable areas.

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1.

~~1.~~ R-1 Single Family Residence District. The R-1 Single Family Residence District is intended to provide single family areas on lots larger than other R Districts and protect such areas from the encroachment of incompatible uses.

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~~2.~~ R-3 Single Family Residence District. The R-3 Single Family Residence District is intended to provide and maintain residential areas characterized predominantly by ~~one and two single~~ family dwellings. This District is intended to provide for development on lots of moderate size and to protect these residential areas from encroachment of incompatible uses.

4. R-5 Residence District. The R-5 Residence District is intended to provide areas for a wider range of housing types including one-family dwellings, homes on zero lot lines, and two-family attached units while maintaining a moderate density residential character.

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~~3.~~

5. R-7 Multiple Family Residence District. The R-7 Multiple Family Residence District is intended to provide and maintain areas for higher density residential uses with certain compatible institutional housing types and limited non-dwelling uses.

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~~4.~~

6. R-MH Mobile Home Park Residence District. The R-MH Mobile Home Park Residence District is intended to accommodate mobile home parks in those areas of the city where such use will be compatible with existing and future development. This District will generally be associated with outlying areas of the City and should be well served by arterial streets to provide adequate access.

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~~5.~~

7. C-ORS Office/Research/Service District. The C-ORS Office/Research/Service District is designed to provide areas for the development of office, research, service, production and assembly. It is designated to accommodate office buildings, similar structures and complementary uses in a mutually compatible environment.

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~~6.~~

8. C-2 Neighborhood Convenience District. The C-2 Neighborhood Convenience District is intended to provide convenience shopping for persons residing in adjacent residential areas, and to permit only such uses as are necessary to satisfy those basic shopping needs which occur frequently and so require shopping facilities in relative proximity to places of residence.

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~~7.~~

9. C-3 ~~Restricted~~ Highway Commercial District. The C-3 Highway Commercial District is intended to accommodate those motorist-oriented commercial activities which ~~are may be in~~ incompatible with the

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predominantly retail uses permitted in other commercial districts, and whose service area is not confined to any one neighborhood or community.

~~8.~~

~~10.~~ C-4 ~~Central Service~~ General Highway Commercial District. The C-4 ~~Central Service~~ District is intended primarily to furnish areas served by a wide variety of services. The mix of uses is intended to be extremely broad and more intense than the C-2 or C-3 districts and provide the transition to I-1 and I-2 districts.

~~9.~~

~~11.~~ C-R Commercial-Recreation District. The C-R Commercial-Recreation District is primarily designed to accommodate those commercial-recreational facilities which occupy large tracts of land and/or generate substantial volumes of traffic.

~~10.~~

~~12.~~ C-WH Commercial Warehouse District. The C-WH Commercial Warehouse District is primarily intended to accommodate wholesale establishments and warehouses and a limited number of heavy commercial uses whose service area is not confined to any one neighborhood or community. Within the district, general retail uses would be incompatible.

~~11.~~

~~13.~~ I-1 Restricted Industrial District. I-1 Restricted Industrial District is intended to provide an environment suitable for light industrial activities that do not create appreciable nuisances or hazards and which seek a hazard and nuisance free environment.

~~12.~~

~~14.~~ I-2 General Industrial District. The I-2 General Industrial District is intended to accommodate those industrial activities which may produce ~~moderate~~ nuisances or hazards in areas that are relatively remote from residential and commercial development.

~~13.~~

~~14-15.~~ FP Flood Plain Overlay District. The FP Flood Plain Overlay District is superimposed over other districts. The City has established the Flood Plain Overlay District to address developments which require special attention and treatment regardless of the underlying land use allowed by the City's Zoning Regulations. The Flood Plain Overlay District is intended to alert developers to issues they need to address in preparing an application for development. This District includes lands subject to inundation as a result of a 100-year flood, i.e. a flood having a one percent chance of being equaled or exceeded in any given year. Regulations which apply to the Flood Plain Overlay District are stated in Section 165.16~~(15)~~ and Chapter 161 Flood Plain.

~~15-16.~~ PUD Planned Unit Development Overlay District. The PUD Planned Unit Development Overlay District is intended to encourage innovation and flexibility in planning the development of land so development is compatible with the site's physical and environmental characteristics. This District allows for flexibility in zone district requirements as well as permitted uses. The Planned Unit Development Overlay District provides an opportunity for the development of a mixture of uses and housing types in a coordinated manner. The intent underlying zone district shall guide the development. It is incumbent upon the person proposing the PUD to justify the PUD, and the variations from the underlying zone district. A PUD is considered an amendment to the underlying zone district regulations. Section 165.66 specifies the PUD requirements and Sections 165.90 and 165.91 refer to amendments.

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~~16.17.~~ _____ CPR Center Point Road District. The CPR Center Point Road District is intended primarily to provide areas for the development of commercial and residential uses in the core area of the City located along Center Point Road. The CPR Center Point Road District shall be divided into districts each with its own requirements including uses and regulations. The districts within the Center Point Road zoning district area shall be designated as follows: CPR-1, CPR-2 and CPR-3. ~~Permitted and Conditional Uses CPR-1, CPR-2 and CPR-3 Districts are set forth in 165.16(17).~~

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165.15 LAND USE REGULATIONS.

1. Types of Uses. This section regulates the establishment of land uses in each of the zoning and overlay districts. Uses have been divided into four types which are listed and described below:

A. Principal Permitted Uses. Principal permitted uses are land uses allowed in a given zoning district without special review because they are considered compatible with the intent of the district. However, the buildings or structures which contain such uses, and the site development necessary for their establishment must meet the development regulations and plan review requirements established in this Code. Permitted uses are indicated in the Land Use Matrix in Figure I by the letter "P."

B. Conditional Uses. Conditional uses are land uses which have potential for causing adverse impacts on other uses because of such factors as location, method of operation, scale or intensity of activity, or traffic generated. Conditional uses as listed for each district may be permitted within that district upon approval by the Board of Adjustment in accordance with the procedures provided in Section 165.83 in which conditions may be imposed to insure compatibility, and a conditional use permit must be obtained before a conditional use is established. However, any use lawfully established prior to the effective date of this Code may so continue without approval by the Board of Adjustment. However, for any expansion or addition of structures, parking areas or driveways, there shall be a site development plan approved according to the requirements of Section 165.84, prior to construction or issuance of a building permit if required. Conditional uses may also be denied if it is not possible to mitigate adverse impacts. Conditional uses are indicated in the Land Use Matrix in Figure I by the letter "C."

C. Accessory Uses. Accessory uses are land uses which are clearly incidental and subordinate to the principal use of a property, and cannot be established unless the principal use is also established.

(1) Accessory uses are located on the same zoning lot as the principal building, structure, or use served, except as otherwise expressly authorized by the provisions of this Code.

(2) Accessory uses contribute to the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal building, structure, or use served. ~~Accessory uses are indicated in the Land Use Matrix in Figure I by the letter "A."~~

D. Uses Not Allowed; Uses Not Listed. Uses not allowed are land uses which cannot be established in a given zoning district because they are considered incompatible with the intent of the district. ~~Uses not allowed are indicated in the Land Use Matrix in Figure I by the letter "N."~~ Uses which are not listed in the Land Use Matrix are not allowed in a given zoning district unless indicated otherwise using the procedure for making use determinations (see Section 165.13). Uses in addition to those permitted in the underlying zone of a PUD overlay district must be justified by the applicant and may be approved as part of the PUD approval, ~~with the exception of uses noted in the Land Use Matrix as not allowed in any district.~~

2. Land Use Matrix. Figure I[†] is hereby designated as the City Land Use Matrix. The Land Use Matrix contains a list of land uses and indicates if a given land use is allowed as a permitted ~~or~~ conditional ~~or accessory~~ use ~~or is not allowed~~ in Hiawatha Zoning Districts. Figure I lists land uses allowed by zoning district. It is the intent of this Code that Figure I and ~~the text of this Code~~ Section 165.16 be consistent. Where an inconsistency occurs, the text of this Code Figure I shall govern. ~~It is also intended that Figure I and Section 165.16 be consistent with the text of this Code. Where an inconsistency occurs, the text of the regulations shall govern.~~ Where regulations for specific land uses have been established, the regulations appear in Section 165.16 and the Land Use Matrix in Figure I. If a

[†] **Editor's Note.** Figure I – Land Use Matrix is found at the end of this chapter.

land use is not listed in the Land Use Matrix, Section 165.13 establishes a procedure for determining whether this use is allowed as permitted or; conditional, ~~or accessory~~ in a given district.

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A-Agriculture Zone District

165.16 LAND USES AND REGULATIONS BY DISTRICT. Land use regulations and standards for development in all districts are provided by zone districts.

1. A-Agriculture Zone District.

A. Land Uses: Land uses shall be as designated in the Land Use Matrix Figure 1.7.

P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use		Notes
Agriculture	P	
Airport	C	
Boarding and Riding Stables	C	
Cemetery	C	
Communication Tower	A	Subject to FAA approval. See Section 165.27.
Community Center	P	Operated by public agency.
Family Home	P	There shall be a minimum separation of one-quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Fire Station/Police Station	C	
Game and Forest Preserves	P	
Golf, Commercial Driving Ranges	N	
Golf, Courses	P	
Golf, Miniature	N	
Golf, Pitch and Putt	N	
Government Facilities, Other	C	
Greenhouses	P	Any sales of products not raised or produced on the premises shall be clearly subordinate to sales of products raised or produced thereon.
Group Home	C	There shall be a minimum separation of one-quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Heliport	C	
Kennels	C	
Nurseries	P	Any sales of products not raised or produced on the premises shall be clearly subordinate to sales of products raised or produced thereon.
Oreyards	P	Any sales of products not raised or produced on the premises shall be clearly subordinate to sales of products raised or produced thereon.
Park/Playground	P	
Parks, Open Space	P	
Parks, Recreation Buildings	P	Operated by public agency.
Pet Grooming	C	
Playgrounds, Tot Lots	P	
Public Use	C	
Quarries and Other Extractive Uses	C	Rock, sand, gravel production and preparation.
Railroad	C	
Recreation and Social Facilities, Private Nonprofit	C	
Recreation Building	P	Operated by public agency.
Recreation Facilities	P	Operated by public agency.
Religious Facilities	P	
Residential, Accessory Use, Access Driveways	A	Access driveways to an adjacent non-residential property.
Residential, Accessory Use, Child Care, Home	C	
Residential, Accessory Use, Dish Antenna	A	

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A-Agriculture Zone District

Land Use		Notes
Residential, Accessory Use, Garages	A	
Residential, Accessory Use, Home Occupation	C	Subject to the restrictions contained in Section 165.26.
Residential, Accessory Use, Parking Lots	C	Approval shall be subject to approval of a site development plan which provides adequate screening, landscaping and similar techniques which will protect the surrounding properties. Parking lots, but only for the provision of accessory parking for uses located on a lot within 300 feet thereof.
Residential, Primary Dwelling, Mobile Home	P	
Residential, Primary Dwelling, Multi-Family Unit	N	
Residential, Primary Dwelling, One-Family Unit, Detached	P	
Residential, Primary Dwelling, Row Housing	N	
Residential, Primary Dwelling, Two-Family Unit, Attached	C	
Sanitary Landfill	C	Subject to approval of appropriate State and local authorities.
Schools, College/University	C	Excluded are trade and vocational schools having a customer trade or utilizing, servicing or repairing vehicular or heavy equipment and machinery as a principal activity.
Schools, Elem./Private/Day	P	Private schools which have a curriculum similar to that in the permitted public schools.
Schools, Elem./Public	P	
Schools, Jr. High/Middle/Secd./Private-Boarding	C	
Schools, Jr. High/Middle/Secd./Private-Day	P	Private schools which have a curriculum similar to that in the permitted public schools.
Schools, Jr. High/Middle/Secd./Public	P	
Schools, Trade/Vocational	C	Excluded are trade and vocational schools having a customer trade or utilizing, servicing or repairing vehicular or heavy equipment and machinery as a principal activity.
Signs, Advertising	C	See Chapter 166.
Signs, Roof	N	
Subdivision	P	
Subdivision, Residential Standard	P	
Truck Farms	P	All sales of products not raised or produced on the premises shall be clearly subordinate to sales of products raised or produced thereon.
Utility	C	
Veterinary Clinic/Office	C	
Windmill, Commercial	P	

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A-Agriculture Zone District

B. Lot Size, Density and Bulk Requirements.

Uses	Minimum Lot Size Requirement			Minimum Yard Requirements					Maximum Height
	Lot Area	Lot Width	Lot Area Per D.U.	Front Yard	Interior Side Yards		Corner Side Yard	Rear Yard	
					Single	Combined			
Principal Permitted Uses:									
Single-Family Dwellings	1 acre	150 feet	1 acre	35 feet	15 feet	30 feet	25 feet	35 feet	3 habitable stories or 35 feet
Family Home	1 acre	150 feet	1 acre	35 feet	15 feet	30 feet	25 feet	35 feet	35 feet
Agriculture Use Structures	---	---	---	35 feet	15 feet	30 feet	25 feet	35 feet	45 feet
Other Uses	1 acre	150 feet	---	35 feet	15 feet	30 feet	25 feet	35 feet	45 feet
Conditional Uses:									
Group Homes	1 acre	150 feet	1 acre	35 feet	15 feet	30 feet	25 feet	35 feet	3 habitable stories or 35 feet
Other Uses	As specified by Board of Adjustment								
Supplementary Side Yard Requirements:	For all permitted principal and conditional uses, the minimum width of a required single side yard shall be increased by one foot for every 200 square feet that the surface area of a structure wall on the same lot and facing such side yard exceeds 900 square feet in area. However, the additional width required shall not exceed 15 feet.								

- C. Special Use Permit. See Sections 165.25 and 165.85.
- D. Accessory Uses. Uses and structures accessory to a principal permitted use or a conditional permitted use are permitted subject to the provisions of Sections 165.23(9).
- E. Home Occupations. Home occupations are permitted subject to the provisions of Section 165.26.
- F. Signs. Signs shall be permitted according to the provisions of Chapter 166.
- G. Off-Street Parking and Loading. Off-street parking and loading facilities shall be provided according to the provisions of Section 165.30-165.36.

~~G.~~

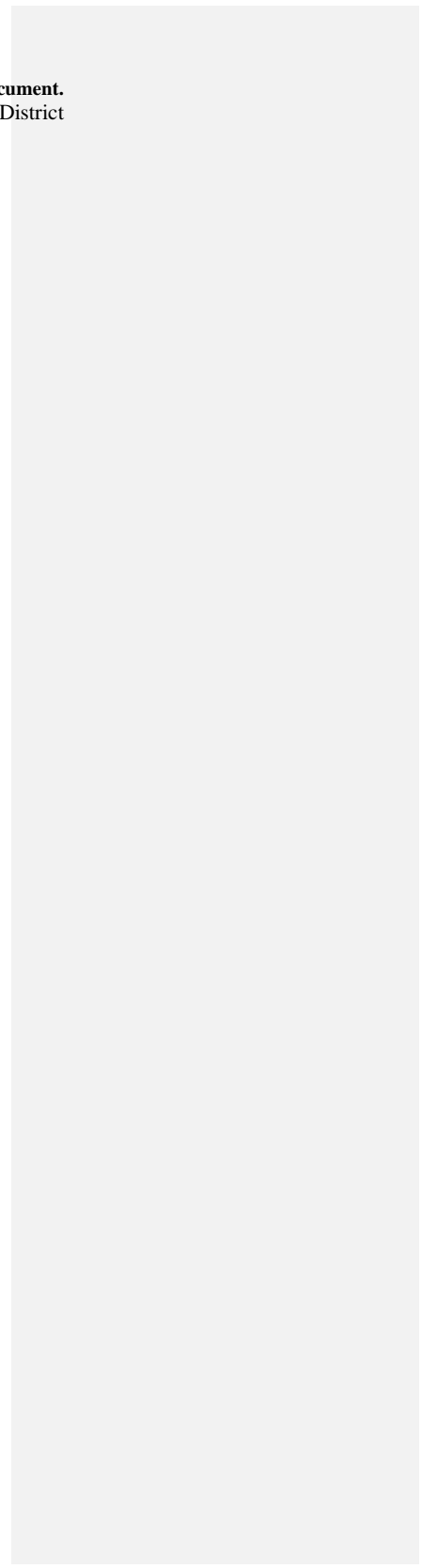
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A-Agriculture Zone District

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R-1 Single Family Residence District

2. R-1 Single Family Residence District.

A. Land Uses: Land uses shall be as designated in the Land Use Matrix Figure 1.

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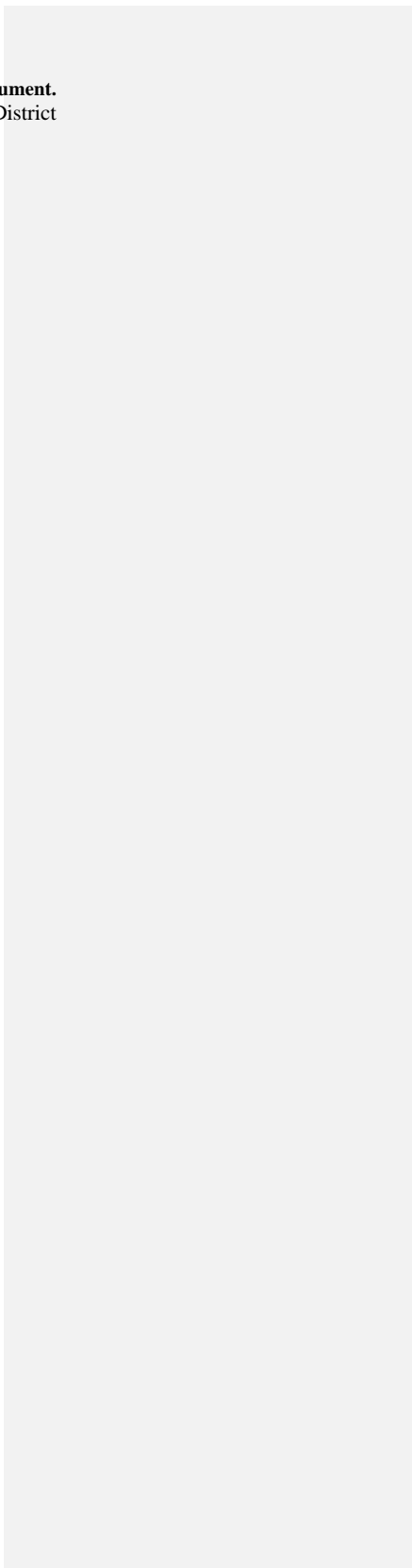
P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use		Notes
Agriculture	P	Limited to the production of crops and the pasturing and shelter of grazing livestock on lots of three acres or larger.
Cemetery	C	
Communication Tower	A	Subject to FAA approval. See Section 165.27.
Community Center	C	Operated by public agency.
Crisis Counseling Center	C	
Day Care Center	C	
Emergency Residential Shelter	C	The number of staff is limited to no more than 2 on any shift and the structure shall be compatible in size and style with neighboring residential structures. There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Family Home	P	There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Fire Station/Police Station	C	
Golf, Commercial Driving Ranges	N	
Golf, Courses	P	
Golf, Miniature	N	
Golf, Pitch and Putt	N	
Group Home	C	There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Health Care Facility	C	
Nurseries	C	Any sales of products not raised or produced on the premises shall be clearly subordinate to sales of products raised or produced thereon.
Park/Playground	P	
Parks, Recreation Buildings	P	Operated by public agency.
Playground, Tot Lots	P	
Public Use	C	
Quarries and Other Extractive Uses	N	Rock, sand, gravel production and preparation.
Railroad	C	
Recreation and Social Facilities, Private-Nonprofit	C	
Recreation Building	C	Operated by a public agency.
Recreation Facilities	C	Operated by a public agency.
Religious Facilities	P	
Residential, Accessory Use, Access Driveways	C	Access driveways to an adjacent non-residential property.
Residential, Accessory Use, Child Care, Home	C	
Residential, Accessory Use, Dish Antenna	C/A	7-sq.-ft. or less exempt. See Section 165.23(9)(D).
Residential, Accessory Use, Garages	A	
Residential, Accessory Use, Home Occupation	C	Subject to the restrictions contained in Section 165.26.

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R-1 Single Family Residence District



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R-1 Single Family Residence District

Land Use		Notes
Residential, Accessory Use, Parking Lots	C	Approval shall be subject to approval of a site development plan which provides adequate screening, landscaping and similar techniques which will protect the surrounding properties. Parking lots, but only for the provision of accessory parking for uses located on a lot within 300 feet thereof.
Residential, Primary Dwelling, Multi-Family Unit	N	
Residential, Primary Dwelling, One-Family Unit, Detached	P	
Residential, Primary Dwelling, Row Housing	N	
Residential, Primary Dwelling, Two-Family Unit, Attached	N	
Residential, Primary Dwelling, Zero-Lot-Line	N	
Schools, College/University	C	
Schools, Elem./Private/Day	P	Private schools which have a curriculum similar to that in the permitted public schools.
Schools, Elem./Public	P	
Schools, Jr. High/Middle/Secd./Private Boarding	C	
Schools, Jr. High/Middle/Secd./Private Day	P	Private schools which have a curriculum similar to that in the permitted public schools.
Schools, Jr. High/Middle/Secd./Public	P	
Signs, Advertising	N	
Signs, Roof	N	
Subdivision	P	
Subdivision, Residential Cluster	P	
Subdivision, Residential Standard	P	
Utility	C	

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R-1 Single Family Residence District

B. B. Lot Size, Density and Bulk Requirements.

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Uses	Minimum Lot Size Requirement			Minimum Yard Requirements					Maximum Height
	Lot Area	Lot Width	Lot Area Per D.U.	Front Yard	Interior Side Yards		Corner Side Yard	Rear Yard	
					Single	Combined			
Principal Permitted Uses:									
One-Family Unit, Detached	10,000 sq. ft.	70 feet	10,000 sq. ft.	30 feet	8 feet	17 feet	20 feet	30 feet	3 habitable stories or 35 feet
Family Home	10,000 sq. ft.	70 feet	10,000 sq. ft.	30 feet	8 feet	17 feet	20 feet	30 feet	35 feet
Agriculture Use Structures	3 acres	---	---	30 feet	15 feet	30 feet	20 feet	30 feet	35 feet
Other Uses	10,000 sq. ft.	70 feet	---	30 feet	15 feet	30 feet	20 feet	30 feet	35 feet
Uses	Minimum Lot Size Requirement			Minimum Yard Requirements					Maximum Height
	Lot Area	Lot Width	Lot Area Per D.U.	Front Yard	Interior Side Yards		Corner Side Yard	Rear Yard	
					Single	Combined			
Conditional Uses:									
Cemetery Use Structures	10 acres	300 feet	---	30 feet	15 feet	30 feet	20 feet	30 feet	35 feet
Day Care Center	10,000 sq. ft.	70 feet	---	30 feet	15 feet	30 feet	20 feet	30 feet	3 habitable stories or 35 feet
Group Homes	1 acre	70 feet	10,000 sq. ft.	30 feet	8 feet	17 feet	20 feet	30 feet	3 habitable stories or 35 feet
Nursery Use Structures	10 acres	200 feet	---	30 feet	15 feet	30 feet	20 feet	30 feet	35 feet
<u>Private, Nonprofit Recreational and Social Facilities</u>	As specified by Board of Adjustment								
<u>Railroad, Utility and Public Uses</u>	As specified by Board of Adjustment								
Supplementary Side Yard Requirements:	For all permitted principal and conditional uses, the minimum width of a required single side yard shall be increased by one foot for every 200 square feet that the surface area of a structure wall on the same lot and facing such side yard exceeds 900 square feet in area. However, the additional width required shall not exceed 15 feet.								

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- C. Special Use Permit. See Sections 165.25 and 165.85.
- D. Accessory Uses. Uses and structures accessory to a principal permitted use or a conditional permitted use are permitted subject to the provisions of Sections 165.23(9).
- E. Home Occupations. Home occupations are permitted subject to the provisions of Section 165.26.

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R-1 Single Family Residence District

F. Signs. Signs shall be permitted according to the provisions of Chapter 166.

G. Off-Street Parking and Loading. Off-street parking and loading facilities shall be provided according to the provisions of Sections 165.30-165.36.

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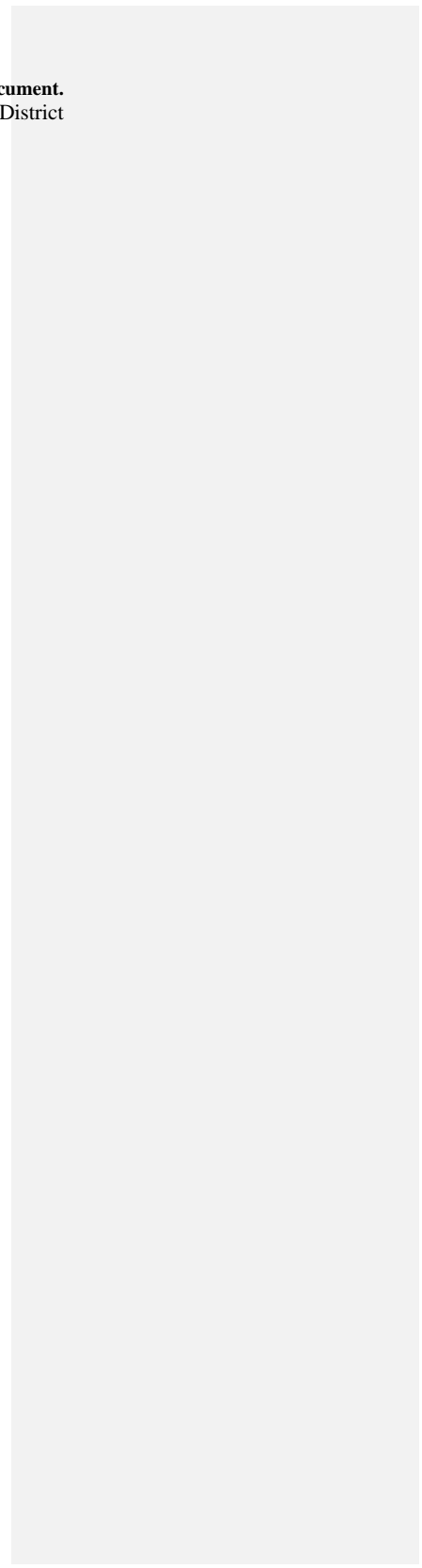
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R-1 Single Family Residence District

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R-3 Single Family Residence District

3. R-3 Single Family Residence District.

A. Land Uses: Land uses shall be as designated in the Land Use Matrix Figure

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P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use		Notes
Agriculture	C	Limited to the production of crops and the pasturing and shelter of grazing livestock on lots of three acres or larger.
Cemetery	C	
Communication Tower	A	Subject to FAA approval. See Section 165.27.
Community Center	C	Operated by public agency.
Crisis Counseling Center	C	
Day Care Center	C	
Emergency Residential Shelter	C	The number of staff is limited to no more than 2 on any shift and the structure shall be compatible in size and style with neighboring residential structures. There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Family Home	P	There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Fire Station/Police Station	C	
Golf, Commercial Driving Ranges	N	
Golf, Courses	P	
Golf, Miniature	N	
Golf, Pitch and Putt	N	
Group Home	C	There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Health Care Facility	C	
Nurseries	C	Any sales of products not raised or produced on the premises shall be clearly subordinate to sales of products raised or produced thereon.
Park/Playground	P	
Parks, Open Space	P	
Parks, Recreation Buildings	P	Operated by public agency.
Playgrounds, Tot Lots	P	
Public Use	C	
Quarries and Other Extractive Uses	N	Rock, sand, gravel production and preparation.
Railroad	C	
Recreation and Social Facilities, Private Nonprofit	C	
Recreation Building	C	Operated by public agency.
Recreation Facilities	C	Operated by public agency.
Religious Facilities	P	
Residential, Accessory Use, Access Driveways	C	Access driveways to an adjacent non-residential property.
Residential, Accessory Use, Child Care, Home	C	
Residential, Accessory Use, Dish Antenna	C/A	7 sq. ft. or less exempt. See Section 165.23(9)(D).
Residential, Accessory Use, Garages	A	

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R-3 Single Family Residence District

Residential, Accessory Use, Home Occupation	C	Subject to the restrictions contained in Section 165.26.
Land Use		Notes
Residential, Accessory Use, Parking Lots	C	Approval shall be subject to approval of a site development plan which provides adequate screening, landscaping and similar techniques which will protect the surrounding properties. Parking lots, but only for the provision of accessory parking for uses located on a lot within 300 feet thereof.
Residential, Primary Dwelling, Multi-Family Unit	N	
Residential, Primary Dwelling, One-Family Unit, Detached	P	
Residential, Primary Dwelling, Row Housing	N	
Residential, Primary Dwelling, Two-Family Unit, Attached	N	
Schools, College/University	C	
Schools, Elem./Private/Day	P	Private schools which have a curriculum similar to that in the permitted public schools.
Schools, Elem./Public	P	
Schools, Jr. High/Middle/Seed/Private Boarding	C	
Schools, Jr. High/Middle/Seed/Private Day	P	Private schools which have a curriculum similar to that in the permitted public schools.
Schools, Jr. High/Middle/Seed/Public	P	
Schools, Music/Dance	C	
Signs, Advertising	N	
Signs, Roof	N	
Subdivision	P	
Subdivision, Residential Cluster	P	
Subdivision, Residential Standard	P	
Utility	C	

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R-3 Single Family Residence District

Lot Size, Density and Bulk Requirements.

Uses	Minimum Lot Size Requirement			Minimum Yard Requirements					Maximum Height
	Lot Area	Lot Width	Lot Area Per D.U.	Front Yard	Interior Side Yards		Corner Side Yard	Rear Yard	
					Single	Combined			
Principal Permitted Uses:									
One-Family Unit, Detached	7,500 sq. ft.	60 feet	7,500 sq. ft.	25 feet	5 feet	14 feet	20 feet	25 feet	3 habitable stories or 35 feet
Family Home	7,500 sq. ft.	60 feet	7,500 sq. ft.	25 feet	5 feet	14 feet	20 feet	25 feet	35 feet
Other Uses	10,000 sq. ft.	70 feet	---	25 feet	12 feet	25 feet	20 feet	25 feet	35 feet
Conditional Uses:									
Agriculture Use Structures	3 acres	---	---	25 feet	5 feet	14 feet	20 feet	25 feet	35 feet
Cemetery Use Structures	5 acres	200 feet	---	25 feet	12 feet	25 feet	20 feet	25 feet	35 feet
Day Care Center	7,500 sq. ft.	60 feet	---	25 feet	12 feet	25 feet	20 feet	25 feet	3 habitable stories or 35 feet
Group Homes	7,500 sq. ft.	60 feet	7,500	25 feet	5 feet	14 feet	20 feet	25 feet	3 habitable stories or 35 feet
Private, Nonprofit Recreational and Social Facilities	As specified by Board of Adjustment								
Railroad, Utility and Public Uses	As specified by Board of Adjustment								
Supplementary Side Yard Requirements:	For all permitted principal and conditional uses, the minimum width of a required single side yard shall be increased by one foot for every 200 square feet that the surface area of a structure wall on the same lot and facing such side yard exceeds 900 square feet in area. However, the additional width required shall not exceed 15 feet.								

- C. Special Use Permit. See Sections 165.25 and 165.85.
- D. Accessory Uses. Uses and structures accessory to a principal permitted use or a conditional permitted use are permitted subject to the provisions of Section 165.23(9).
- E. Home Occupations. Home occupations are permitted subject to the provisions of Section 165.26.
- F. Signs. Signs shall be permitted according to the provisions of Chapter 166.
 - Off-Street Parking and Loading. Off-street parking and loading facilities shall be provided according to the provisions of Sections 165.30-165.36.
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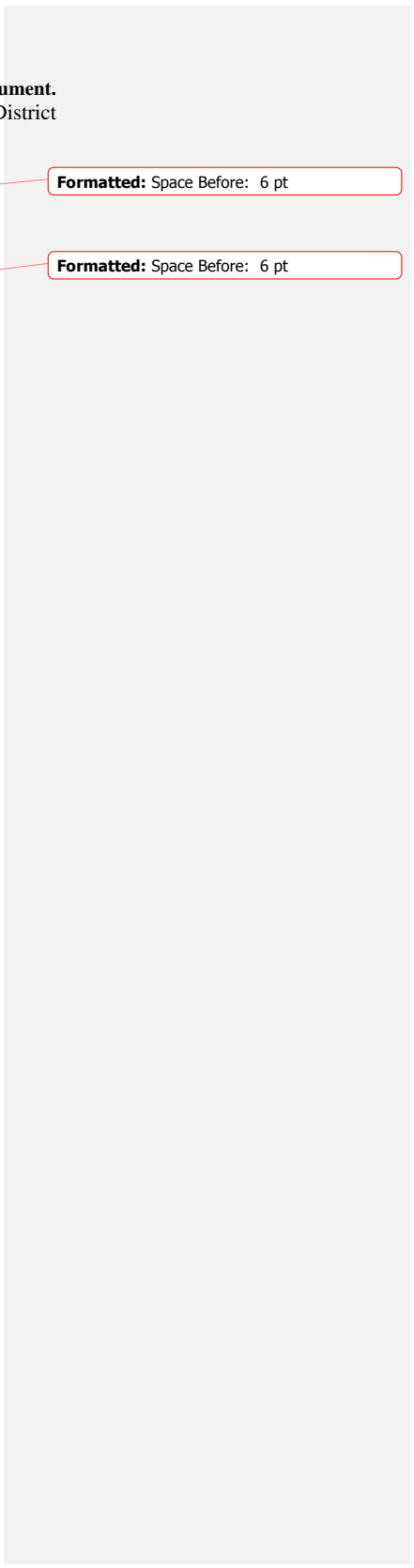
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R-3 Single Family Residence District

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R-5 Residence District

4. R-5 Residence District.

A. Land Uses:- Land uses shall be as designated in the Land Use Matrix Figure 1.

P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use		Notes
Cemetery	C	
Communication Tower	A	Subject to FAA approval. See Section 165.27.
Community Center	P	Operated by public agency.
Crisis Counseling Center	C	
Day Care Center	C	
Emergency Residential Shelter	C	The number of staff is limited to no more than 2 on any shift and the structure shall be compatible in size and style with neighboring residential structures. There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Family Home	P	There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Fire Station/Police Station	C	
Golf, Commercial Driving Ranges	N	
Golf, Courses	P	
Golf, Miniature	N	
Golf, Pitch and Put	N	
Group Home	P	There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Health Care Facility	C	
Nurseries	C	Any sales of products not raised or produced on the premises shall be clearly subordinate to sales of products raised or produced thereon.
Park/Playground	P	
Parks, Open Space	P	
Parks, Recreation Buildings	P	Operated by public agency.
Playgrounds, Tot Lots	P	
Public Use	C	
Quarries and Other Extractive Uses	N	Rock, sand, gravel production and preparation.
Railroad	C	
Recreation and Social Facilities, Private Nonprofit	C	
Recreation Building	P	Operated by public agency.
Recreation Facilities	P	Operated by public agency.
Religious Facilities	P	
Residential, Accessory Use, Access Driveways	C	Access driveways to an adjacent non-residential property.
Residential, Accessory Use, Child Care, Home	C	
Residential, Accessory Use, Dish Antenna	C/A	7 sq. ft. or less exempt. See Section 165.23(9)(D).
Residential, Accessory Use, Garages	A	
Residential, Accessory Use, Home Occupation	C	Subject to the restrictions contained in Section 165.26.

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R-5 Residence District

Land Use		Notes
Residential, Accessory Use, Parking Lots	C	Approval shall be subject to approval of a site development plan which provides adequate screening, landscaping and similar techniques which will protect the surrounding properties. Parking lots, but only for the provision of accessory parking for uses located on a lot within 300 feet thereof.
Residential, Primary Dwelling, Multi-Family Unit	N	
Residential, Primary Dwelling, One-Family Unit, Detached	P	
Residential, Primary Dwelling, Row Housing	N	
Residential, Primary Dwelling, Two-Family Unit, Attached	P	
Residential, Primary Dwelling, Zero-Lot-Line	P	
Schools, Business/Commercial	C	
Schools, College/University	C	
Schools, Elem./Private/Day	P	Private Schools which have a curriculum similar to that in the permitted public schools.
Schools, Elem./Public	P	
Schools, Jr. High/Middle/Secd./Private-Boarding	C	
Schools, Jr. High/Middle/Secd./Private-Day	P	Private Schools which have a curriculum similar to that in the permitted public schools.
Schools, Jr. High/Middle/Secd./Public	P	
Schools, Music/Dance	C	
Schools, Trade/Vocational	C	Excluded are trade and vocational schools having a customer trade or utilizing, servicing or repairing vehicular or heavy equipment and machinery as a principal activity.
Signs, Advertising	N	
Signs, Roof	N	
Subdivision	P	
Subdivision, Residential Cluster	P	
Subdivision, Residential Standard	P	
Utility	C	

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R-5 Residence District

B. Lot Size, Density and Bulk Requirements.

Uses	Minimum Lot Size Requirement			Minimum Yard Requirements					Maximum Height
	Lot Area	Lot Width	Lot Area Per D.U.	Front Yard	Interior Side Yards		Corner Side Yard	Rear Yard	
					Single	Combined			
Principal Permitted Uses:									
One-Family Unit, Detached	6,000 sq. ft.	50 feet	6,000 sq. ft.	25 feet	5 feet	14 feet	20 feet	25 feet	3 habitable stories or 35 feet
Family Home	6,000 sq. ft.	60 feet	6,000 sq. feet	25 feet	5 feet	14 feet	25 feet	25 feet	3 habitable stories or 35 feet
Group Home	6,000 sq. ft.	60 feet	6,000 sq. feet	25 feet	5 feet	14 feet	25 feet	25 feet	3 habitable stories or 35 feet
Zero Lot Line	3,500 sq. ft.	40 feet	3,500 sq. feet	25 feet	7 feet	15 feet	20 feet	25 feet	3 habitable stories or 35 feet
Two-Family Unit, Attached	6,000 sq. feet	60 feet	3,000 sq. feet	25 feet	5 feet	14 feet	20 feet	25 feet	3 habitable stories or 35 feet
Conditional Uses:									
Day Care Center	5,000 sq. ft.	50 feet	---	25 feet	12 feet	25 feet	25 feet	25 feet	3 habitable stories or 35 feet
Other Uses	As specified by Board of Adjustment								
Supplementary Side Yard Requirements:									

C. Special Use Permit. See Sections 165.25 and 165.85.

D. Accessory Uses. Uses and structures accessory to a principal permitted use or a conditional permitted use are permitted subject to the provisions of Section 165.23(9); ~~including communication towers subject to the provisions of Section 165.27.~~

E. Home Occupations. Home occupations are permitted subject to the provisions of Section 165.26.

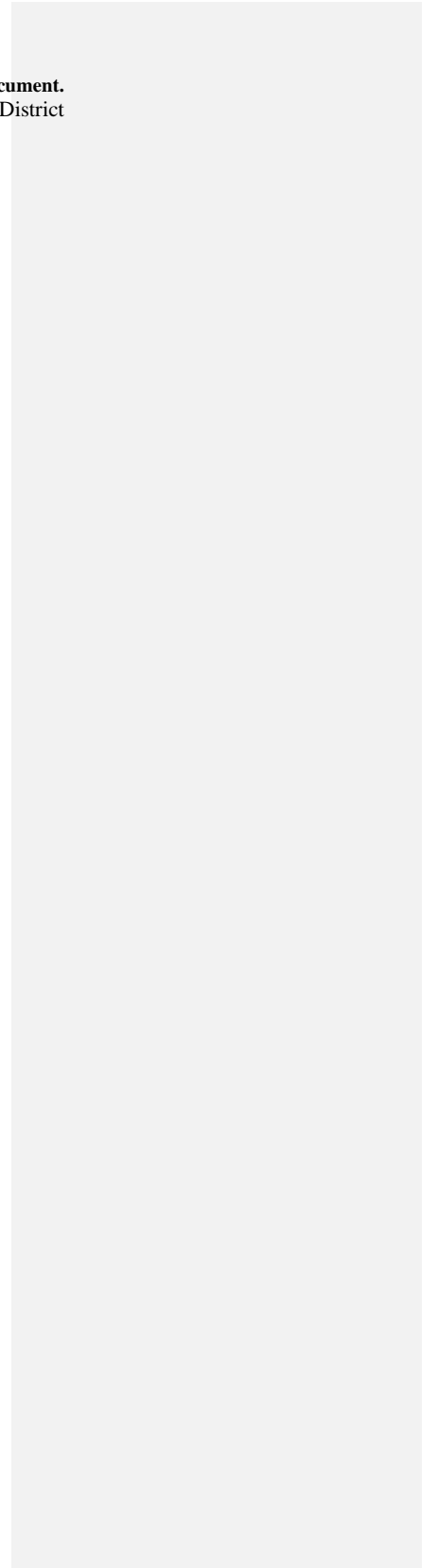
F. Signs. Signs shall be permitted according to the provisions of Chapter 166.

G. Off-Street Parking and Loading. Off-street parking and loading facilities shall be provided according to the provisions of Sections 165.30-165.36.

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R-5 Residence District

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R-7 Multiple Family Residence District

5. R-7 Multiple Family Residence District

A. Land Uses: Land uses shall be as designated in the Land Use Matrix Figure 1.-

P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use		Notes
Apartment Hotels	P	
Clubs and Lodges	P	Private clubs and lodges, except when primary activity is conducted as a business.
Communication Tower	A	Subject to FAA approval. See Section 165.27.
Community Center	P	Operated by public agency.
Convalescent Home	P	
Crisis Counseling Center	C	
Day-Care Center	P	
Emergency Residential Shelter	P	The number of staff is limited to no more than 2 on any shift and the structure shall be compatible in size and style with neighboring residential structures. There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Family Home	P	There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Fire Station/Police Station	C	
Golf, Commercial Driving Ranges	N	
Golf, Courses	P	
Golf, Miniature	N	
Golf, Pitch and Putt	N	
Group Home	P	There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Health Care Facility	C	
Hospital	C	
Library	C	
Museum	C	
Nursing Home	P	
Park/Playground	P	
Parks, Open Space	P	
Parks, Recreation Buildings	P	
Playgrounds, Tot Lots	P	
Public Use	C	
Quarries and Other Extractive Uses	N	Rock, sand, gravel production and preparation.
Railroad	C	
Recreation and Social Facilities, Private Nonprofit	C	
Recreation Building	P	
Recreation Facilities	P	
Rehabilitation House	C	There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Religious Facilities	P	

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R-7 Multiple Family Residence District

Land Use		Notes
Residential, Accessory Use, Access Driveways	C	Access driveways to an adjacent non-residential property.
Residential, Accessory Use, Child Care, Home	C	
Residential, Accessory Use, Dish Antenna	C/A	7 sq. ft. or less exempt. See Section 165.23(9)(D).
Residential, Accessory Use, Garages	A	
Residential, Accessory Use, Home Occupation	C	Subject to the restrictions contained in Section 165.26.
Residential, Accessory Use, Parking Lots	C	Approval shall be subject to approval of a site development plan which provides adequate screening, landscaping and similar techniques which will protect the surrounding properties. Parking lots, but only for the provision of accessory parking for uses located on a lot within 300 feet thereof.
Residential, Primary Dwelling, Fraternity and Sorority Houses	P	
Residential, Primary Dwelling, Multi-Family Unit	P	
Residential, Primary Dwelling, Rooming/Boarding Houses	P	
Residential, Primary Dwelling, One-Family Unit, Detached	C	
Residential, Primary Dwelling, Row Houses	P	
Residential, Primary Dwelling, Two-Family Unit, Attached	P	
Residential, Primary Dwelling, Zero-Lot-Line	P	
Sanitarium	C	
Schools, Business/Commercial	P	
Schools, College/University	P	
Schools, Elem/Private/Day	P	
Schools, Elem./Public	P	
Schools, Jr. High/Middle/Seed/Private-Boarding	P	
Schools, Jr. High/Middle/Seed/Private-Day	P	
Schools, Jr. High/Middle/Seed./Public	P	
Schools, Music/Dance	P	
Schools, Trade/Vocational	C	Excluded are trade and vocational schools having a customer trade or utilizing, servicing or repairing vehicular or heavy equipment and machinery as a principal activity.
Signs, Advertising	N	
Signs, Roof	N	
Subdivision	P	
Subdivision, Residential Cluster	P	
Subdivision, Residential Standard	P	
Utility	C	

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R-7 Multiple Family Residence District

B. Lot Size, Density and Bulk Requirements.

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Uses	Minimum Lot Size Requirement			Minimum Yard Requirements					Maximum Height
	Lot Area	Lot Width	Lot Area Per D.U.	Front Yard	Interior Side Yards		Corner Side Yard	Rear Yard	
					Single	Combined			
Principal Permitted Uses:									
Family Home	6,000 sq. ft.	60 feet	6,000 sq. ft.	25 feet	5 feet	14 feet	25 feet	25 feet	3 habitable stories or 45 feet
Row House Dwellings	---	30 feet ¹	4,000 sq. ft.	25 feet	8 feet ²	20 feet	25 feet	25 feet	3 habitable stories or 45 feet
Two-Family Unit, Attached	5,000 sq. ft.	50 feet	2,500 sq. ft.	25 feet	5 feet	14 feet	15 feet	25 feet	3 habitable stories or 45 feet
Zero Lot Line	3,500 sq. ft.	25 feet	3,500 sq. ft.	25 feet	5 feet	14 feet	15 feet	25 feet	3 habitable stories or 45 feet
Group Home	6,000 sq. ft.	60 feet	6,000 sq. ft.	25 feet	5 feet	14 feet	25 feet	25 feet	3 habitable stories or 45 feet
Multiple-Family Units	---	60 feet	1,200 sq. ft.	25 feet	8 feet	20 feet	20 feet	25 feet	45 feet
Rooming and Boarding House	---	60 feet	1,200 sq. ft.	25 feet	8 feet	20 feet	20 feet	25 feet	45 feet
Fraternalities and Sororities	---	60 feet	600 sq. ft.	25 feet	8 feet	20 feet	20 feet	25 feet	45 feet
Other Uses	---	60 feet	---	25 feet	8 feet	20 feet	20 feet	25 feet	45 feet
¹ Per row house dwelling									
² Interior side yards for other than end row house units are 0.									
Conditional Uses:									
One-Family Unit, Detached	5,000 sq. ft.	50 feet	5,000 sq. ft.	25 feet	5 feet	14 feet	15 feet	25 feet	3 habitable stories or 45 feet
Other Uses	As specified by Board of Adjustment								
Supplementary Side Yard Requirements:	For all permitted principal and conditional uses, the minimum width of a required single side yard shall be increased by one foot for every 200 square feet that the surface area of a structure wall on the same lot and facing such side yard exceeds 900 square feet in areas. However, the additional width required shall not exceed 15 feet.								

C. Special Use Permit. See Sections 165.25 and 165.85.

D. Accessory Uses. Uses and structures accessory to a principal permitted use or a conditional permitted use are permitted subject to the provisions of Section 165.23(9), including communication towers subject to the provisions of Section 165.27.

E. Home Occupations. Home occupations are permitted subject to the provisions of Section 165.26.

F. Signs. Signs shall be permitted according to the provisions of Chapter 166.

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R-7 Multiple Family Residence District

G. Off-Street Parking and Loading. Off-street parking and loading facilities shall be provided according to the provisions of Sections 165.30-165.36.

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R-MH Mobile Home Park Residence District

6. R-MH Mobile Home Park Residence District.
A. Land Uses: Land uses shall be as designated in the Land Use Matrix Figure 1,-

P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use		Notes
Community Center	P	Operated by public agency.
Communication Towers	A	Subject to FAA approval. See Section 165.27.
Day Care Center	C	
Family Home	P	There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Fire Station/Police Station	C	
Golf, Commercial Driving Ranges	N	
Golf, Courses	P	
Golf, Miniature	N	
Golf, Pitch and Putt	N	
Park/Playground	P	
Parks, Open Space	P	
Parks, Recreation Buildings	P	
Playgrounds, Tot Lots	P	
Public Use	C	
Quarries and Other Extractive Uses	N	Rock, sand, gravel production and preparation.
Railroad	C	
Recreation and Social Facilities, Private-Nonprofit	C	
Recreation Building	P	
Recreation Facilities	P	
Religious Facilities	P	
Residential, Accessory Use, Child Care, Home	C	
Residential, Accessory Use, Dish Antenna	A	7-sq. ft. or less exempt. See Section 165.23(9)(D).
Residential, Accessory Use, Home Occupation	C	Subject to the restrictions contained in Section 165.26.
Residential, Accessory Use, Storage	C	Self-Service Storage Facility only when dedicated exclusively to tenant use.
Residential, Primary Dwelling, Mobile Home	P	
Residential, Primary Dwelling, Multi-Family Unit	N	
Residential, Primary Dwelling, One Family Unit, Detached	C	
Residential, Primary Dwelling, Row Housing	N	
Residential, Primary Dwelling, Two Family Unit, Attached	C	
Residential, Primary Dwelling, Zero Lot Line	N	
Residential, Subdivision, Mobile Home Park	P	In accordance with all applicable State regulations and Title IV, Chapter 7 of the Hiawatha Code.
Schools, Business/Commercial	P	
Schools, College/University	P	
Schools, Elem./Private/Day	P	
Schools, Elem./Public	P	
Schools, Jr. High/Middle/Seed./Private Boarding	P	
Schools, Jr. High/Middle/Seed./Private Day	P	
Schools, Jr. High/Middle/Seed./Public	P	
Schools, Music/Dance	P	
Schools, Trade/Vocational	P	Excluded are trade and vocational schools having a customer trade or utilizing, servicing or repairing vehicular or heavy equipment and machinery as a principal activity.
Signs, Advertising	N	
Signs, Roof	N	

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R-MH Mobile Home Park Residence District

Subdivision	P	
Land Use		Notes
Subdivision, Residential Cluster	P	
Subdivision, Residential Standard	P	
Utility	C	

B. Lot Size, Density and Bulk Requirements.

Uses	Minimum Lot Size Requirement			Minimum Yard Requirements					Maximum Height
	Lot Area	Lot Width	Lot Area Per D.U.	Front Yard	Interior Side Yards		Corner Side Yard	Rear Yard	
					Single	Combined			
Principal Permitted Uses:									
Family Home	6,000 sq. ft.	60 feet	6,000 sq. ft.	25 feet	5 feet	14 feet	25 feet	25 feet	3 habitable stories or 45 feet
Conditional Uses:									
One-Family Unit, Detached	5,000 sq. ft.	50 feet	5,000 sq. ft.	25 feet	5 feet	14 feet	15 feet	25 feet	3 habitable stories or 45 feet
Two-Family Units, Attached	5,000 sq. ft.	50 feet	2,500 sq. ft.	25 feet	5 feet	14 feet	15 feet	25 feet	3 habitable stories or 45 feet
Other Uses	As specified by Board of Adjustment								
Supplementary Side Yard Requirements:	For all permitted principal and conditional uses, the minimum width of a required single side yard shall be increased by one foot for every 200 square feet that the surface area of a structure wall on the same lot and facing such side yard exceeds 900 square feet in area. However, the additional width required shall not exceed 15 feet.								

C. Additional Standards and Regulations. See Chapter 146 Manufactured Mobile and Modular Homes and Chapter 147 Mobile Home Parks for standards and regulations governing the R-MH district.

D. Special Use Permit. See Sections 165.25 and 165.85.

E. Accessory Uses. Uses and structures accessory to a principal permitted use or a conditional permitted use are permitted subject to the provisions of Section 165.23(9), including communication towers subject to the provisions of Section 165.27.

F. Home Occupations. Home occupations are permitted subject to the provisions of Section 165.26.

G. Signs. Signs shall be permitted according to the provisions of Chapter 166.

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C-ORS Office/Research/Service District

7. C-ORS Office/Research/Service District.

A. Land Uses: Land uses shall be as designated in the Land Use Matrix Figure 1.

P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use		Notes
Animal Clinic/Hospital	C	Including accessory animal boarding facilities if within a permanent and completely enclosed structure. All animals on the premises for treatment, boarding, grooming or other related purpose shall be at all times kept within said structure. Any such structure shall be located and/or soundproofed to prevent any associated animal noises exceeding 50 decibels from being transmitted across any adjacent properties zoned or being used for residential purposes. Such establishment shall also satisfy all other applicable State and local agency provisions including inspection and licensing when so required.
Art Galleries, Public	P	
Art, Sculptor & Composer Studios	P	
Banks	P	
Barber Shops	C	
Beauty Shops	C	
Business/Professional Office	P	
Clinic, Medical and Dental	P	
Clubs and Lodges	P	Non-profit and not ordinarily carries on as a business.
Communication Tower	C	Subject to FAA approval. See Section 165.27. All materials, machinery and equipment shall be stored within completely enclosed buildings.
Conference Facilities	P	
Convalescent Home	P	Including extended medical care facilities.
Crisis Counseling Center	P	
Day Care Center	P	
Dental Research & Testing	P	
Dish Antenna/Satellite Dish	A	
Drug Store/Pharmacy	A	To medical or dental offices.
Employment Agencies	P	
Executive Inn	P	Restricted to a maximum of 24 units. It may include facilities to provide food and alcoholic beverages on a limited basis, however, such facilities are restricted to only the use of the persons lodging at the establishment and their guests and shall not be available to the general public. Any exterior signage shall make no reference to the availability of food or drink. Living units, including permanent quarters for a resident manager, may be located on the ground floor.
Family Home	P	There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Financial Institutions	P	
Fire Station/Police Station	P	
Funeral Home/Parlor	P	
Government Facilities, Administrative Office	P	
Government Facilities, Other	C	
Group Home	P	There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Health Care Facility	P	

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C-ORS Office/Research/Service District

Heliport	C	
Land Use		Notes
Hospital	C	
Hotel/Motel	C	
Laboratories, Medical, Dental	P	
Laboratory Research and Testing	P	
Laundromat	P	
Library	P	
Massage Salon, Licensed	P	Excludes adult massage parlor as defined herein (Section 465.96(6)).
Museum	P	
Nursing Home	P	Including extended medical care facilities.
Optical Laboratories	P	
Parking Lots	P	
Parking Structures	P	Except garages.
Park/Playground	P	
Parks/Recreation Buildings	P	
Pet Grooming	C	<p>Accessory product sales are allowed only when clearly incidental and subordinate to the care and grooming of pets and further, when no more than twenty percent (20%) of the total floor area of any establishment shall be used for such product sales.</p> <p>Including accessory animal boarding facilities if within a permanent and completely enclosed structure. All animals on the premises for treatment, boarding, grooming or other related purpose shall be at all times kept within said structure. Any such structure shall be located and/or soundproofed to prevent any associated animal noises exceeding 50 decibels from being transmitted across any adjacent properties zoned or being used for residential purposes. Such establishment shall also satisfy all other applicable State and local agencies provisions including inspection and licensing when so required.</p>
Photography Studio	P	
Post Office Substation	P	
Public Use	C	
Quarries and Other Extractive Uses	N	Rock, sand, gravel production and preparation.
Radio, TV & Cable Stations, Studios and Related Facilities	P	All service truck parking areas shall be effectively screened by a solid wall or solid fence not less than six feet in height. In addition, all vehicles with a net weight exceeding three tons, and all materials, machinery, and equipment, shall be stored within completely enclosed buildings.
Railroad	C	
Railroad Facilities	C	
Real Estate Sign Placement Service	P	For sign placement off site, including any accessory office and incidental storage of signs, limited only to storage within a completely enclosed building — not to include only the manufacture or construction of signs other than minor repairs, and no sign involved for placement shall exceed 16 square feet in size.
Rehabilitation House	C	There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Religious Facilities	P	

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C-ORS Office/Research/Service District

Land Use		Notes
Residential, Primary Dwelling, One Family Unit, Detached	C	
Residential, Primary Dwelling, Rooming/Boarding Houses	C	
Residential, Primary Dwelling, Two Family Unit, Attached	C	Located on ground floor.
Schools, Business/Commercial	P	
Schools, College/University	P	
Schools, Elem./Private/Day	P	
Schools, Elem./Public	P	
Schools, Jr. High/Middle/Seed./Private Boarding	P	
Schools, Jr. High/Middle/Seed./Private Day	P	
Schools, Jr. High/Middle/Seed./Public	P	
Schools, Music/Dance	P	
Schools, Trade/Vocational	P	Excluded are trade and vocational schools having a customer trade or utilizing, servicing or repairing vehicular or heavy equipment and machinery as a principal activity.
Service and Repair Establishments	P	Limited to personal services including dressmaking, hat making, tailoring, interior decorating and similar services, and the repairing of furniture, radio, television, watches, clocks, and other domestic appliances and furnishings; and accessory product sales when clearly incidental and subordinate to the permitted principal service use. No more than 20 percent of the total floor area of any establishment shall be used for such product sales purposes.
Signs, Advertising	C	See Chapter 166.
Signs, Roof	C/A	See Chapter 166.
Subdivision	P	
Subdivision, Residential Standard	N	
Undertaking Establishments	P	
Utility	C	Communication towers and related facilities are included but not limited to, Satellite Antenna Dishes.
Veterinary Clinic/Office	C	Including accessory animal boarding facilities if within a permanent and completely enclosed structure. All animals on the premises for treatment, boarding, grooming or other related purpose shall be at all times kept within said structure. Any such structure shall be located and/or soundproofed to prevent any associated animal noises exceeding 50 decibels from being transmitted across any adjacent properties zoned or being used for residential purposes. Such establishment shall also satisfy all other applicable State and local agencies provisions including inspection and licensing when so required.
Youth Shelter Care Facility	P	

~~B. Conditions For Uses Permitted. Uses permitted in the C-ORS District are subject to the following conditions:~~

~~(1) Dwelling units and rooming units, other than watchmen's quarters located on the premises where employed, are not permitted.~~

~~C.B. Minimum Yard Requirements:~~

~~(1) Front yards: 25 feet.~~

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C-ORS Office/Research/Service District

- (2) Corner side yards: 25 feet.
- (3) Rear yards: 25 feet.
- (4) Interior side yards: 15 feet.
- (5) Transitional yards: If C-ORS property is adjacent to an agricultural or residential zone district, the requirements of Section 165.23(6) shall be followed.

~~D.C.~~ Maximum Height Requirement: 35 feet.

~~E.D.~~ Conditional Uses. Conditional uses are permitted subject to Section 165.83.

~~F.E.~~ Accessory Uses. Uses and structures accessory to a principal permitted use or a conditional permitted use are permitted subject to the provisions of Section 165.23(9).

~~G.F.~~ Signs. Signs shall be permitted according to the provisions of Chapter 166.

~~H.G.~~ Off-Street Parking and Loading. Off-street parking and loading facilities shall be provided according to the provisions of Section 165.30-165.36.

~~I.H.~~ Outdoor Lighting and Sound Restrictions. ~~Outdoor Lighting and sound restrictions~~ shall be followed in accordance with the provisions of ~~Chapter 168~~ Section 165.28.

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C-2 Neighborhood Convenience District

8. C-2 Neighborhood Convenience District.
A. Land Uses-: Land uses shall be as designated in the Land Use Matrix Figure 1.

P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use		Notes
Animal Clinic/Hospital	P	Totally enclosed in a building.
Auto Car Wash	P	
Auto Service Station	C	
Bait Shop	P	Accessory product sales are allowed only when clearly incidental and subordinate to the sale of bait and further, when no more than twenty percent (20%) of the total floor area of any establishment shall be used for any such product sales purposes.
Bakery, Retail	P	
Barber Shops	P	
Beauty Shops	P	
Book and Stationery Stores	P	
Business/Professional Office	P	
Candy, Ice Cream and Dairy Products Store	P	
Communication Tower	C	Subject to FAA approval. See Section 165.27.
Conference Facilities	C	
Crisis Counseling Center	P	
Day Care Center	P	
Delicatessens	P	
Dish Antenna/Satellite Dish	A	
Drug Store/Pharmacy	P	
Dry Cleaning, Laundry Drop-off	P	Processing done elsewhere.
Family Home	P	There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Fire Station/Police Station	P	
Food Stores	P	
Gift Shop	P	
Government Facilities, Administrative Office	P	
Government Facilities, Other	C	
Grocery Stores	P	
Group Home	P	There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Gymnasiums	C	
Health Care Facility	P	
Health Club	P	
Hospital	C	
Laundromat	P	Automatic, self service only or hand laundries.
Library	P	
Meat Markets	P	
Museum	P	
Parking Lots	P	Parking lots, but only for the provision of accessory parking for uses located on a lot within 300 feet thereof.
Park/Playground	P	
Parks, Open Space	P	
Parks/Recreation Buildings	P	

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C-2 Neighborhood Convenience District

Land Use		Notes
Pet Grooming	P	Accessory product sales are allowed only when clearly incidental and subordinate to the care and grooming of pets and further, when no more than twenty percent (20%) of the total floor area of any establishment shall be used for such product sales. Including accessory animal boarding facilities if within a permanent and completely enclosed structure. All animals on the premises for treatment, boarding, grooming and other related purpose shall be at all times kept within said structure. Any such structure shall be located and/or soundproofed to prevent any associated animal noises exceeding 50 decibels from being transmitted across any adjacent properties zoned or being used for residential purposes. Such establishment shall also satisfy all other applicable State and local agency provisions including inspection and licensing when so required.
Post Office Substation	P	
Public Use	C	
Quarries and Other Extractive Uses	N	Rock, sand, gravel production and preparation.
Railroad	C	
Rehabilitation House	C	There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Religious Facilities	P	
Residential, Primary Dwelling, Dwelling/Rooming Units	P	Dwelling units and rooming units shall be located above the ground floor with the exception of crisis counseling centers, family homes, group homes, and rehabilitation homes.
Residential, Primary Dwelling, Rooming/Boarding Houses	P	Watchmen's quarters, dwelling units and rooming units shall be located above the ground floor with the exception of crisis counseling centers, family homes, group homes and rehabilitation homes.
Residential, Primary Dwelling, Watchmen's Quarters	P	Watchmen's quarters, dwelling units and rooming units shall be located above the ground floor with the exception of crisis counseling centers, family homes, group homes and rehabilitation homes.
Restaurants, Family, No Alcohol	P	
Restaurants, Outdoor Eating	P	
Restaurants, Wine/Native Wine	P	On premise consumption of wine/native wine.
Signs, Advertising	C	See Chapter 166.
Signs, Roof	C/A	See Chapter 166.
Subdivision	P	
Subdivision, Residential Standard	N	
Utility	C	
Veterinary Clinic/Office	P	Totally enclosed in a building.

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C-2 Neighborhood Convenience District

Conditions For Uses Permitted. Uses permitted in the C-2 District are subject to the following conditions:

(1) ~~Dwelling units and rooming units are not permitted below the second story.~~

(2) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

(23) Business establishments are restricted to a maximum gross floor area of 12,000 square feet each, exclusive of any floor area devoted to off-street parking or loading facilities.

(34) All activities, except for off-street parking or loading shall be conducted within completely enclosed buildings.

(45) Establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles are not permitted.

C. Minimum Lot Size Requirements. 1,800 square feet of lot for each dwelling unit.

D. Minimum Yard Requirements.

(1) Front yards: 25 feet.

(2) Corner side yards: 15 feet.

(3) None for rear yard, except for transitional yards.

(4) None for interior side yards, except for transitional yards.

(5) Transitional yards: If C-2 property is adjacent to an agricultural or residential zone district, the requirements of Section 165.23(6) shall be followed.

E. Maximum Height Requirement. 35 feet.

F. Conditional Uses. Conditional uses are permitted subject to Section 165.83.

G. Accessory Uses. Uses and structures accessory to a principal permitted use or a conditional permitted use are permitted subject to the provisions of ~~item~~Section B of this section and Section 165.23(9).

H. Signs. Signs shall be permitted according to the provisions of Chapter 166.

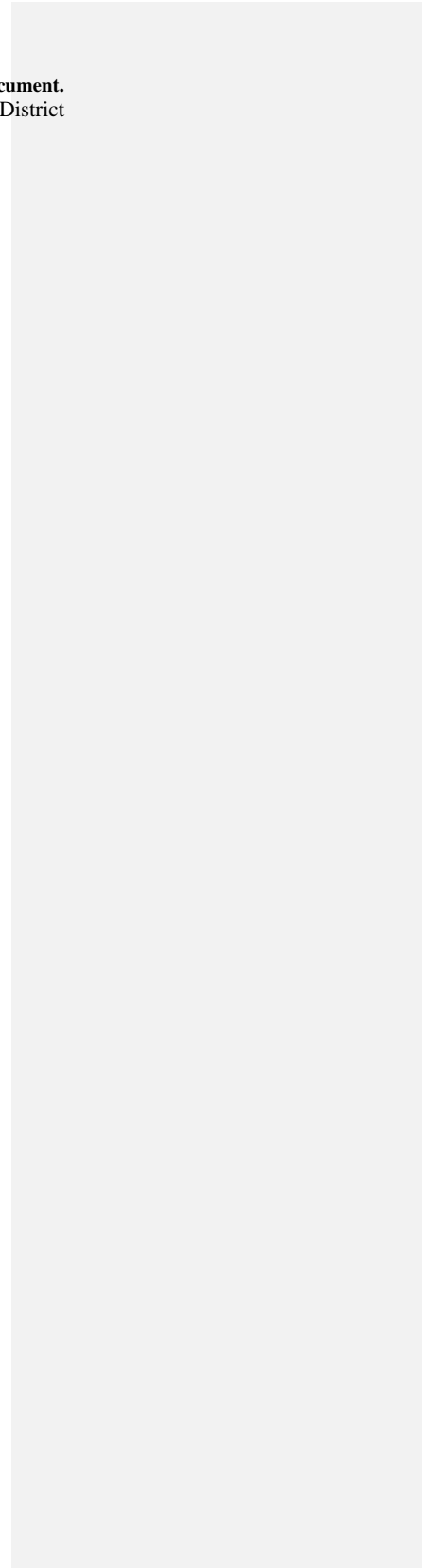
I. Off-Street Parking and Loading. Off-street parking and loading facilities shall be provided according to the provisions of Section 165.30-165.36.

J. Outdoor Lighting and Sound Restrictions. ~~Outdoor Lighting and sound restrictions~~ shall be ~~followed~~ in accordance with the provisions of ~~Section 165.28~~ Chapter 68.

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C-2 Neighborhood Convenience District

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C-3 ~~Restricted Highway Commercial Neighborhood Convenience~~ District

9. C-3 ~~Restricted~~ Highway Commercial District.

A. ~~Land Uses-~~: Land uses shall be as designated in the Land Use Matrix Figure 1.

A-B. ~~Conditions For Uses Permitted.~~ Uses permitted in the C-3 District are subject to the following conditions:

P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use		Notes
Adult Day Habilitation/Vocational Rehabilitation	P	
Amusement Establishments	P	
Amusement Parks	C	
Animal Clinic/Hospital	P	Totally enclosed in a building.
Antique Shops	P	Totally enclosed in a building.
Apartment Hotels	P	
Archery Range, Indoor	P	
Art Galleries, Public	P	
Art, Sculptor & Composer Studios	P	
Art Shops or Galleries, Commercial	P	Including auction rooms.
Art Supply Store	P	
Auction Rooms	P	
Audio and Visual Material Production and Sales	P	
Auto Accessory Store	P	
Auto Car Wash	P	
Auto Detailing	P	
Auto Service Station	P	
Bait Shop	P	Accessory product sales are allowed only when clearly incidental and subordinate to the sale of bait and further, when no more than twenty percent (20%) of the total floor area of any establishment shall be used for any such product sales purposes.
Bakery, Retail	P	
Bakery, Wholesale	C	
Banks	P	
Barber Shops	P	
Beauty Shops	P	
Bicycle Sales/Rental	P	
Boat and Boating Equipment Sales	P	
Body Art and Tattoo Shops	P	
Book and Stationery Stores	P	
Bowling Alleys	P	
Building/Construction/Mechanical Contractor/Office/Shop	P	On the premises there shall be no unenclosed storage of material, machinery, vehicles, or equipment, and no storage of any material, machinery, vehicles, or equipment with a net weight exceeding three tons.
Building Materials Sale and Storage	C	
Business/Office Machine Sales/Service	P	
Business/Professional Office	P	
Camera and Photographic Supply Store	P	
Candy, Ice Cream and Dairy Products Store	P	
Carpet and Rug Retail Store	P	
Carriage and Express Facilities	C	
Catering Establishments	P	
China, Ceramic, Glassware Store	P	
Clinic, Medical and Dental	P	
Clothing/Costume Rental Store	P	
Clubs and Lodges	P	Non-profit.
Coin and Philatelic Stores	P	

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C-3 ~~Restricted Highway Neighborhood Convenience District~~ Commercial District

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Commercial and Industrial Photography Products	C	Portrait photography being clearly accessory to the photographing of products.
Communication Tower	C	Subject to FAA approval. See Section 165.27.
Community Center	P	
Land Use		Notes
Computer and Data Processing Services	P	
Conference Facilities	P	
Convalescent Home	P	Including extended medical care facilities.
Convenience Store	P	
Copy and Blueprint Centers	P	
Crisis Counseling Center	P	
Dance Halls	P	
Day Care Center	P	
Delicatessens	P	
Department Store	P	
Dish Antenna/Satellite Dish	A	
Dressmaking	P	
Drug Store/Pharmacy	P	
Dry Cleaning Establishments	P	
Dry Cleaning Laundry Drop-off	P	Processing done elsewhere.
Electrical Showrooms and Shops	P	
Electronic Laboratories	P	Including assembly.
Employment Agencies	P	
Equipment Rental, Domestic and Light Construction	P	
Exterminating Shops	P	
Family Home	P	There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Film Processing Shop	P	
Financial Institutions	P	
Fire Station/Police Station	P	
Florist Shop	P	
Food, Frozen Store	P	Including locker rental.
Food Stores	P	
Fuel Sales	P	
Funeral Home/Parlor	P	
Furniture Store	P	These may include kitchen cabinets and related items as well as upholstery service when conducted as part of the retail operations and secondary to the principal use.
Furrier Shops	P	Includes the incidental storage and conditioning of finished furs.
Garages for Motor Vehicle Storage, Repair and Service	P	Includes body repair, painting and engine rebuilding.
Garden Supply, Tool & Seed Store	P	
Garment Printing and Embroidery	P	
Gift Shop	P	
Golf, Commercial Driving Ranges	P	
Golf, Courses	P	
Golf, Miniature	P	
Golf, Pitch and Putt	P	
Government Facilities, Administrative Office	P	
Government Facilities, Other	C	
Grave Monument and Markers, Display and Sales	P	
Greenhouses	P	
Grocery Stores	P	
Group Home	P	There shall be a minimum separation of one quarter mile

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C-3 ~~Restricted Highway Neighborhood Convenience District~~ Commercial District

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		between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Gymnasiums	P	
Handball Court	P	
Land Use		Notes
Hardware Store	P	
Health Care Facility	P	
Health Club	P	
Hearing Aid Stores	P	
Heating, Air Conditioning and Sheet Metal Showrooms and Shops	C	
Hobby Shops	P	For retail of items to be assembled or used away from premises.
Hospital	C	
Hotel	P	
Household Appliance Store	P	Including sales and repair.
Ice Sales	P	
Interior Decorating Shop	P	Includes upholstering and making draperies, slipcovers and other similar articles when conducted as part of the retail operations and secondary to the principal use.
Jewelry Store	P	Includes watch repair.
Kennels	C	Totally enclosed in a building.
Laboratories, Medical, Dental	P	
Laboratory Research and Testing	P	
Laundries	P	
Laundromat	P	Automatic, self-service only or hand laundries.
Leather Goods and Luggage	P	
Library	P	
Liquor Stores/Package Goods	P	
Locksmith Shops	P	
Mail Order Catalog Store	P	
Massage Salon, Licensed	P	
Meat Markets	P	
Medical and Orthopedic Appliance Stores	P	
Microfilm Production and Sales	P	
Millinery Shops	P	
Mini Warehouse Facilities	P	
Mobile Home Sales and Rental	P	
Modular Homes and Garage Displays	P	
Motel	P	
Motor Vehicle Sales — New	P	
Motor Vehicle Sales — Used	P	
Museum	P	
Musical Instrument Sales and Repair	P	
Newspaper & Magazine Distribution Agencies	P	
Nursing Home	P	Including extended medical care facilities.
Office Machine Sales	P	
Office Supply Stores	P	
Optical Laboratories	P	
Optical Services	P	
Optician Sales, Retail	P	
Paint, Glass, Wallpaper Store	P	
Parking Lots	P	
Parking Structures	P	Except garages.
Park/Playground	P	
Parks, Open Space	P	
Parks/Recreation Buildings	P	
Pet Grooming	P	No boarding or kennel facilities may be provided.

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C-3 ~~Restricted Highway Neighborhood Convenience District~~ Commercial District

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		Accessory product sales are allowed only when clearly incidental and subordinate to the care and grooming of pets and further, when no more than twenty percent (20%) of the total floor area of any establishment shall be used for such product sales.
Land Use		Notes
Pet Shops	P	
Photography Studio	P	Includes the developing of film and pictures when conducted as part of the retail business on the premise.
Picture Frame Shop	P	
Picture Framing	A	To frame shop.
Plumbing Showrooms and Shops	C	
Pool Halls	P	
Post Office	P	
Post Office Substation	P	
Printing and Publishing Establishments	C	
Public Use	C	
Quarries and Other Extractive Uses	N	Rock, sand, gravel production and preparation.
Radio and Television Sales	P	
Radio, TV & Cable Stations, Studios and Related Facilities	P	All service truck parking areas shall be effectively screened by a solid wall or solid fence not less than six feet in height. In addition, all vehicles with a net weight exceeding three tons, and all materials, machinery, and equipment, shall be stored within completely enclosed buildings.
Railroad	C	
Record and Sheet Music Store	P	
Recording or Sound Studios	P	
Recreation Building	P	
Recycling Processing Facilities	C	Includes collection, reduction, recovery, recycling and related activities when all processing activities are conducted within a completely enclosed building and subject to compliance with all applicable Federal, State and local regulations.
Rehabilitation House	C	There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Religious Facilities	P	
Rental Establishment, Domestic and General Equipment	P	
Residential, Primary Dwelling, Dwelling/Rooming Units	P	Watchmen's quarters, dwelling units and rooming units shall be located above the ground floor with the exception of crisis counseling centers, family homes, group homes and rehabilitation homes.
Residential, Primary Dwelling, Watchmen's Quarters	P	Watchmen's quarters, dwelling units and rooming units shall be located above the ground floor with the exception of crisis counseling centers, family homes, group homes and rehabilitation homes.
Restaurants, Beer Gardens	C	
Restaurants, Family, No Alcohol	P	
Restaurants, Outdoor Eating	P	
Restaurants, Wine/Native Wine	P	On-premise consumption of wine/native wine.
Restaurants, with Alcohol	P	
Restaurants, with Entertainment/Dancing	P	
Schools, Business/Commercial	P	
Schools, Music/Dance	P	
Schools, Trade/Vocational	P	
School Supply Store	P	

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C-3 ~~Restricted Highway Neighborhood Convenience District~~ Commercial District

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Second Hand Store/Thrift/Rummage	P	Totally enclosed in a building.
Shoe Stores	P	
Shooting Gallery, Indoor	P	
Signs, Advertising	P	
Signs, Roof	P	
Skating Rink	P	
Land Use		Notes
Sporting Goods Assembly	P	Assembly of such sporting goods as clothing and miscellaneous sports accessories.
Sporting Goods Store	P	
Storage Facility, Self-Service	P	
Subdivision	P	
Subdivision, Residential Standard	N	
Sun Tan Centers	P	
Swimming Pools	P	
Tailor Shops	P	
Taverns and Cocktail Lounges	P	
Taxidermists	P	
Telecommunications	P	
Telecommunications Laboratory	P	Including assembly.
Tennis Court	P	
Theater, Drive-in	C	
Theater, Indoor	P	
Ticket Agency	P	
Ticket Office, Transportation	P	
Tobacco Shops	P	
Toy Store	P	
Trailer and Camper Trailer Sales and Rental	P	For use with private personal vehicles.
Travel Bureaus	P	
Undertaking Establishments	P	
Utility	C	Communication towers and related facilities are included but not limited to, Satellite Antenna Dishes.
Veterinary Clinic/Office	P	Totally enclosed in a building.
Warehouse, Wholesale and Distributor Establishments	C	
Wearing Apparel Shops (clothing)	P	

~~B. — Conditions For Uses Permitted. — Uses permitted in the C-3 District are subject to the following conditions:~~

~~(1) — Dwelling units and rooming units, other than those located in a hotel or motel or watchmen's quarters located on the premises where employed, are not permitted below the second story.~~

~~(2) — The repair and servicing of any article, the sale of which is a permitted use in the District, is permitted.~~

~~(13)~~ All business, servicing, or processing shall be conducted within completely enclosed buildings, with the following exceptions:

~~a.~~ Establishments of the “drive-in” type, offering goods or services directly to customers waiting in parked motor vehicles which are permitted in a C-3 zone,

~~b.~~ Outside storage and display of merchandise for sale to the public in accordance with Section 165.23(9), and

~~c.~~ off-street parking and loading.

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C-3 ~~Restricted Highway Neighborhood Convenience District~~ Commercial District

d. Activities specifically permitted unenclosed in the Land Use Matrix Figure 1.

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(24) Drive-in establishments are permitted for any use permitted in the C-3 District unless other restrictions are specified.

(35) Repair and servicing of any article, the sale of which is a permitted use in the C-3 District, is permitted unless other restrictions are specified.

C. Minimum Lot Size Requirements. ~~800 square feet of lot for each dwelling unit.~~

D. Minimum Yard Requirements.

(1) Front yards: 25 feet.

(2) Corner side yards: 15 feet.

(3) Rear yards: 15 feet.

(4) ~~None for interior side yards: 0 feet,~~

~~except for transitional yards and lots with structures exceeding 45 feet in height.~~

(5) Transitional yards: If C-3 property is adjacent to an agricultural or residential zone district, the requirements of Section 165.23(6) shall be followed.

EXCEPTION: For every three feet that a structure exceeds 45 feet in height, the required front, rear and side yards shall be increased by one foot.

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E. Maximum Height Requirement. 100 feet

~~E. except that for every three feet that a structure exceeds 45 feet in height, the required front, rear and side yards shall be increased by one foot.~~

F. Conditional Uses. Conditional uses are permitted subject to Section 165.83.

G. Accessory Uses. Uses and structures accessory to a principal permitted use or a conditional permitted use are permitted subject to the provisions of item B of this section Section and Section 165.23(9).

H. Signs. Signs shall be permitted according to the provisions of Chapter 166.

I. Off-Street Parking and Loading. Off-street parking and loading facilities shall be provided according to the provisions of Section 165.30-165.36.

J. Outdoor Lighting and Sound Restrictions. ~~Outdoor Lighting and sound restrictions~~ shall be ~~followed~~ in accordance with the provisions of Chapter 68 Section 165.28.

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C-4 ~~General Highway Central Service District~~ Commercial District

10. C-4 ~~General Highway Commercial~~ Central Service District.

A. Land Uses: Land uses shall be as designated in the Land Use Matrix Figure 1.

P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use		Notes
Adult Day Habilitation/Vocational Rehabilitation	P	
Adult Entertainment Establishment	C	Subject to the restrictions contained in Section 165.24.
Amusement Establishments	P	
Amusement Parks	C	
Animal Clinic/Hospital	P	
Antique Shops	P	Totally enclosed in a building.
Apartment Hotels	P	
Archery Range, Indoor	P	
Art Galleries, Public	P	
Art, Sculptor & Composer Studios	P	
Art Shops or Galleries, Commercial	P	
Art Supply Store	P	
Auction Rooms	P	
Audio and Visual Material Production and Sales	P	
Auditorium	P	Open or enclosed.
Auto Accessory Store	P	
Auto Car Wash	P	
Auto Detailing	P	
Auto Service Station	P	
Bait Shop	P	Accessory product sales are allowed only when clearly incidental and subordinate to the sale of bait and further, when no more than twenty percent (20%) of the total floor area of any establishment shall be used for any such product sales purposes.
Bakery, Retail	P	
Bakery, Wholesale	P	
Banks	P	
Barber Shops	P	
Beauty Shops	P	
Bicycle Sales/Rental	P	
Boat and Boating Equipment Sales	P	
Body Art and Tattoo Shops	P	
Body Shop	C	
Book and Stationery Stores	P	
Bottling Works	P	
Bowling Alleys	P	
Building/Construction/Mechanical Contractor/Office/Shop	P	On the premises there shall be no unenclosed storage of material, machinery, vehicles, or equipment and no storage of any material, machinery, vehicles, or equipment with a net weight exceeding three tons.
Building Materials Sales and Storage	P	
Bus Station	P	
Bus Terminal	P	
Business/Office Machine Sales/Service	P	
Business/Professional Office	P	
Camera and Photographic Supply Store	P	
Candy, Ice Cream and Dairy Products Store	P	
Carpet and Rug Retail Store	P	
Cartage and Express Facilities	P	
Catering Establishments	P	
China, Ceramic, Glassware Store	P	
Clinic, Medical and Dental	P	

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 C-4 General Highway Central Service Commercial District

Land Use	P	Notes
Clothing/Costume Rental Store	P	
Clubs and Lodges	P	Non-profit and not ordinarily carried on as a business.
Coin and Philatelic Stores	P	
Commercial and Industrial Photography Products	P	Portrait photography being clearly accessory to the photographing of products.
Communication Tower	C	Subject to FAA approval. See Section 165.27.
Community Center	P	
Computer & Data Processing Store	P	
Conference Facilities	P	
Convalescent Home	P	Including extended medical care facilities.
Convenience Store	P	
Copy and Blueprint Centers	P	
Crisis Counseling Center	P	
Dairy Product Processing, Packaging	C	
Dance Halls	P	
Day Care Center	P	
Delicatessens	P	
Dental Research & Testing	P	
Department Store	A	
Dish Antenna/Satellite Dish	A	
Dressmaking	P	
Drug Store/Pharmacy	P	
Dry Cleaning Establishments	P	
Dry Cleaning, Laundry Drop-off	P	Processing done elsewhere.
Electrical Showrooms and Shops	P	
Electronic and Video Games	P	
Electronic Laboratories	P	Including assembly.
Electronic Manufacturing	P	
Employment Agencies	P	
Equipment Rental, Domestic and Light Construction	P	
Exterminating Shops	P	
Fabricated Concrete Products	P	Totally enclosed in building.
Family Home	P	
Film Processing Shop	P	
Financial Institutions	P	
Fire Station/Police Station	P	
Florist Shop	P	
Food, Frozen Store	P	Including locker rental.
Food Stores	P	
Fuel Sales	P	
Funeral Home/Parlor	P	
Furniture Store	P	Store may include sale of kitchen cabinets and related items including upholstery.
Furrier Shops	P	Includes the incidental storage and conditioning of finished furs.
Garages for Motor Vehicle Storage, Repair and Service	P	
Garden Supply, Tool & Seed Store	P	
Garment Printing and Embroidery	P	
Gift Shop	P	
Golf, Commercial Driving Ranges	P	
Golf, Courses	P	
Golf, Miniature	P	
Golf, Pitch and Putt	P	
Government Facilities, Administrative Office	P	
Government Facilities, Other	C	

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 C-4 General Highway Central Service Commercial District

Grave Monument and Markers, Display and Sales	P	
Land Use		Notes
Greenhouses	P	
Grocery Stores	P	
Group Home	P	There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Gymnasiums	P	
Handball Court	P	
Hardware Store	P	
Health Care Facility	P	
Health Club	P	
Hearing Aid Stores	P	
Heating, Air Conditioning and Sheet Metal Showrooms and Shops	P	
Hobby Shops	P	For retail of items to be assembled or used away from premises.
Hospital	C	
Hotel	P	
Household Appliance Store	P	Including sales and repair.
Ice Sales	P	
Interior Decorating Shop	P	Includes upholstering and making draperies, slipcovers and other similar articles when conducted as part of the retail operations and secondary to the principal use.
Jewelry Store	P	Includes watch repair.
Kennels	C	Totally enclosed in a building.
Laboratories, Medical, Dental	P	
Laboratory Research and Testing	P	
Laundries	P	
Laundromat	P	Automatic, self-service only or hand laundries.
Leather Goods and Luggage	P	
Library	P	
Liquor Stores/Package Goods	P	
Locksmith Shops	P	
Machine Shop	C	
Mail Order Catalog Store	P	
Massage Salon, Licensed	P	
Meat Markets	P	
Medical and Orthopedic Appliance Stores	P	
Microfilm Production and Sales	P	
Millinery Shops	P	
Mobile Home Sales and Rental	P	
Modular Homes and Garage Displays	P	
Motel	P	
Motor Vehicle Sales—New	P	
Motor Vehicle Sales—Used	P	
Museum	P	
Musical Instrument Sales and Repair	P	
Newspaper & Magazine Distribution Agencies	P	
Nursing Home	P	Including extended medical care facilities.
Office Machine Sales	P	
Office Supply Stores	P	
Optical Laboratories	P	
Optical Services	P	
Optician Sales, Retail	P	
Paint, Glass, Wallpaper Store	P	
Parking Lots	P	

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 C-4 ~~General Highway~~ ~~Central Service~~ ~~Commercial~~ District

Parking Structures	P	Except garages.
Land Use		Notes
Park/Playground	P	
Parks, Open Space	P	
Parks/Recreation Buildings	P	
Pet Grooming	P	No boarding or kennel facilities may be provided. Accessory product sales are allowed only when clearly incidental and subordinate to the care and grooming of pets and further, when no more than twenty percent (20%) of the total floor area of any establishment shall be used for such product sales.
Pet Shops	P	
Photography Studio	P	Includes the developing of film and pictures when conducted as part of the retail business on the premises.
Picture Frame Shop	P	
Picture Framing	P	When done for retail.
Pinball Games	P	
Plumbing Showrooms and Shops	P	
Pool Halls	P	
Post Office	P	
Post Office Substation	P	
Printing and Publishing Establishments	P	
Public Use	C	
Quarries and Other Extractive Uses	N	Rock, sand, gravel production and preparation.
Radio and Television Sales	P	
Radio, TV & Cable Stations, Studios and Related Facilities	P	All materials, machinery and equipment shall be stored within completely enclosed buildings.
Railroad	C	
Record & Sheet Music Store	P	
Recording or Sound Studios	P	
Recreation and Social Facilities, Private-Nonprofit	P	
Recreation Building	P	
Recycling Processing Facilities	P	Includes collection, reduction, recovery, recycling and related activities when all processing activities are conducted within a completely enclosed building and subject to compliance with all applicable Federal, State and local regulations.
Rehabilitation House	P	There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Religious Facilities	P	
Rental Establishment, Domestic and General Equipment	P	
Residential, Primary Dwelling, Dwelling/Rooming Units	P	Shall be located above the ground floor with the exception of crisis counseling centers, family homes, group homes and rehabilitation homes.
Restaurants, Beer Gardens	C	
Restaurants, Family, No Alcohol	P	
Restaurants, Outdoor Eating	P	
Restaurants, Wine/Native Wine	P	On premises consumption of wine/native wine.
Restaurants, with Alcohol	P	
Restaurants, with Entertainment/Dancing	P	
Schools, Business/Commercial	P	When not involved with any danger of fire or explosion nor offensive noise, vibration, smoke, dust, odor, glare, heat or other objectionable influences.

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 C-4 General Highway Central Service-Commercial District

Schools, Music/Dance	P	
Schools, Trade/Vocational	P	
School Supply Store	P	
Land Use		Notes
Scientific Precision Instrument Manufacturing	P	
Second Hand Store/Thrift/Rummage	P	Totally enclosed in a building.
Shoe Stores	P	
Shooting Gallery, Indoor	P	
Signs, Advertising	P	
Signs, Roof	P	
Skating Rink	P	
Sporting Goods Assembly	P	Assembly of such sporting goods as clothing and miscellaneous sports accessories.
Sporting Goods Store	P	
Stadiums and Arenas	P	Open or enclosed.
Subdivision	P	
Subdivision, Residential Standard	N	
Sun Tan Centers	P	
Swimming Pools	P	
Tailor Shops	P	
Taverns and Cocktail Lounges	P	
Taxidermists	P	
Telecommunications	P	
Telecommunications Laboratory	P	Including assembly.
Tennis Court	P	
Theater, Indoor	P	
Ticket Agency	P	
Ticket Office, Transportation	P	
Tobacco Shops	P	
Toy Store	P	
Trailer and Camper Trailer Sales and Rental	P	For use with private personal vehicles.
Travel Bureaus	P	
Undertaking Establishments	P	
Utility	C	Communication towers and related facilities are included but not limited to, Satellite Antenna Dishes.
Vending Machine Sales and Service	P	
Veterinary Clinic/Office	P	Totally enclosed in a building.
Warehouse, Wholesale and Distributor Establishments	P	
Wearing Apparel Shops (clothing)	P	

B.

~~B. — Conditions For Uses Permitted. Uses permitted in the C-4 District are subject to the following conditions:~~

~~(1) Dwelling units and rooming units are not permitted below the second story with the exception of crisis counseling centers, family homes, group homes and rehabilitation homes.~~

~~(2) All business, servicing or processing, except off-street parking and loading establishments of the drive in type shall be conducted within completely enclosed buildings.~~

~~(3) Establishments of the “drive in” type offering goods or services directly to the customer waiting in parked motor vehicles are not permitted unless specifically authorized herein. All business, servicing, or processing shall be conducted within completely enclosed buildings, with the following exceptions:~~

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C-4 ~~General Highway~~ ~~Central Service~~ ~~Commercial~~ District

~~a. Establishments of the "drive-in" type, offering goods or services directly to customers waiting in parked motor vehicles~~

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~~b. off-street parking and loading.~~

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~~c. Outside storage and merchandise displays complying with Section 165.23(9).~~

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~~d. Other activities specifically permitted unenclosed in the Land Use Matrix Figure 1.~~

~~(4) "Drive through" establishments are permitted for principal, permitted uses in the C-4 District.~~

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(35) Repair and servicing of any article the sale of which is a permitted use in the District is allowed.

C. Minimum Lot Size Requirements. ~~400 square feet of lot for each dwelling unit.~~

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D. Minimum Yard Requirements.

~~(1) Front yards: None required except transitional yards.~~

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~~(2) Corner side yards: None required except transitional yards.~~

~~(3) Rear yards: None required except for transitional yards.~~

~~(4) Interior side yards: None required except for transitional yards.~~

(1) Front yards: 25 feet.

(2) Corner side yards: 15 feet.

(3) Rear yards: 15 feet.

(4) Interior side yards: 0 feet

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(5) Transitional yards: If C-4 property is adjacent to an agricultural or residential zone district, the requirements of Section 165.23(6) shall be followed.

EXCEPTION: For every three feet that a structure exceeds 45 feet in height, the required front, rear and side yards shall be increased by one foot.

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~~E. Floor Area Ratio. In the C-4 District, the floor area ratio shall not exceed 4.5; however, floor area ratio premiums may be added to such basic floor area ratio in accordance with each one of the following:~~

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~~(1) On any lot where the first story above grade is set back at least 20 feet from the lot line for the entire frontage of the lot on a public street, a premium of 1.5 for each such street setback may be added to the basic floor area ratio, provided that the lot area within such 20 foot set back shall be suitably paved and/or landscaped and otherwise unobstructed except for columns or piers supporting upper stories or a roof. However, if in addition to the first story, all other stories above grade shall be set back for at least 20 feet, such premium may be increased to 2.0 for such street setback.~~

~~(2) On any lot where the building from ground level up is set back from one or more lot lines, a premium equal to two times the open area of the lot at ground level divided by the gross lot area may be added to the basic floor area ratio; such open area shall include all lot area at ground level open directly to the sky and extending between exterior building walls and lot lines for a distance of at least 8 feet.~~

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C-4 General Highway ~~Central Service~~ Commercial District

~~(3) A premium of 1.0 may be added to the basic floor area ratio for those buildings that provide an "interior block areade" involving the provision of publicly available walkways across or through blocks.~~

~~(4) A premium of 1.0 may be added to the basic floor area ratio for those buildings that provide off-street automobile passenger loading and unloading facilities involving the provision of a special lane and loading area, off the public right of way and serving a major passenger destination.~~

E. Maximum Height Requirement: 100 feet.

F. Conditional Uses. Conditional uses are permitted subject to Section 165.83.

G. Accessory Uses. Uses and structures accessory to a principal permitted use or a conditional permitted use are permitted subject to the provisions of item B of this section and Section 165.23(9).

H. Signs. Signs shall be permitted according to the provisions of Chapter 166.

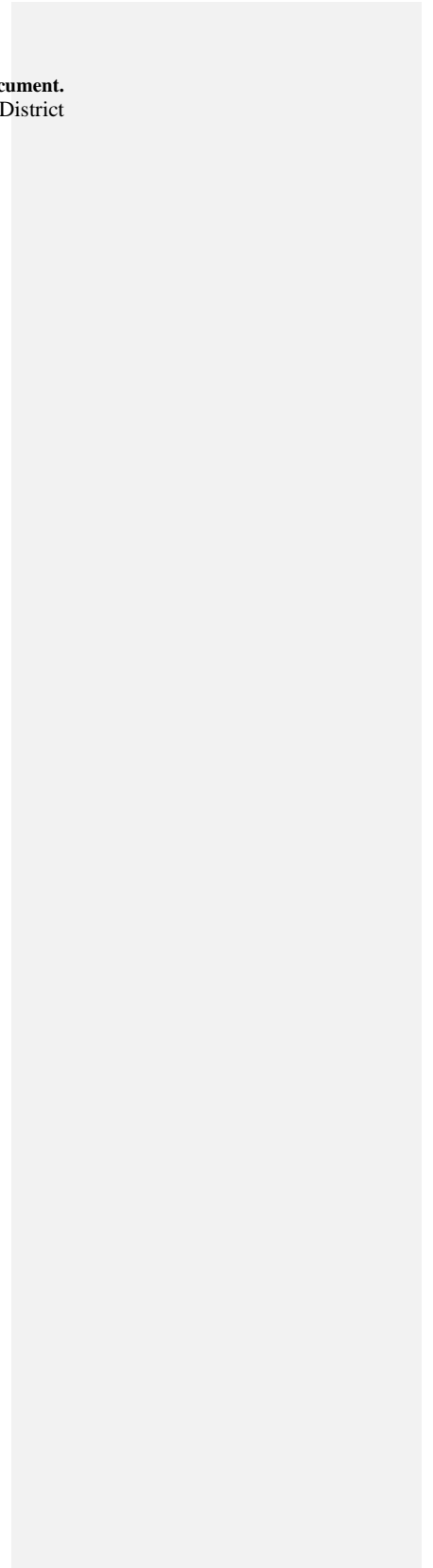
I. Off-Street Parking and Loading. Off-street parking and loading facilities shall be provided according to the provisions of Section 165.30-165.36.

J. Outdoor Lighting and Sound Restrictions. ~~Outdoor Lighting and sound restrictions~~ shall be ~~followed~~ in accordance with the provisions of Chapter 68Section 165.28.

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C-4 General Highway Central Service Commercial District

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C-R Commercial-Recreation District

11. C-R Commercial-Recreation District.

A. Land Uses:- Land uses shall be as designated in the Land Use Matrix Figure 1.

P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use		Notes
Amusement Establishments	P	
Amusement Parks	P	
Archery Range, Indoor	P	And outdoor.
Bait Shop	P	Accessory product sales are allowed only when clearly incidental and subordinate to the sale of bait and further, when no more than twenty percent (20%) of the total floor area of any establishment shall be used for any such product sales purposes.
Bowling Alleys	P	
Campground & RV Park	C	
Carnivals, Permanent	P	
Communication Towers	C	Subject to FAA approval. See Section 165.27.
Community Center	P	
Conference Facilities	P	
Dance Halls	P	
Dish Antenna/Satellite Dish	A	
Electronic and Video Games	P	
Fairgrounds	P	
Fire Station/Police Station	P	
Golf, Commercial Driving Ranges	P	
Golf, Courses	P	
Golf, Miniature	P	
Golf, Pitch and Putt	P	
Government Facilities, Administrative Office	P	
Government Facilities, Other	C	
Gymnasiums	P	
Handball Court	P	
Health Club	P	
Heliport	C	
Kennels	C	Totally enclosed in a building.
Kiddy Park	P	
Library	P	
Museum	P	
Parking Lots	C	
Parking Structures	C	Except garages.
Park/Playground	P	
Parles, Open Space	P	
Parks/Recreation Buildings	P	
Pinball Games	P	
Pool Halls	P	
Public Use	C	
Quarries and Other Extractive Uses	N	Rock, sand, gravel production and preparation.
Race Track	C	
Railroad	C	
Recreation and Social Facilities, Private-Nonprofit	P	
Recreation Building	P	
Recreation Facilities	P	
Restaurants, Beer Gardens	C	
Restaurants, with Alcohol	C	
Shooting Gallery, Indoor	P	And outdoor.
Signs, Advertising	C	

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C-R Commercial-Recreation District

Signs, Roof	P	
Land Use		Notes
Skating Rink	P	Indoor or outdoor.
Squash Court	P	
Stadiums and Arenas	P	Open or enclosed.
Subdivision	P	
Subdivision, Residential Standard	N	
Swimming Pools	P	Indoor or outdoor.
Taverns and Cocktail Lounges	C	
Tennis Court	P	
Theater, Drive-in	P	
Trap or Skeet Shooting Range	C	
Utility	C	Communication towers and related facilities are included but not limited to, Satellite Antenna Dishes.

~~B.~~ Conditions For Uses Permitted. Uses permitted in the C-R District are subject to the following conditions:

- ~~(1) Dwelling units and rooming units other than watchmen's quarters located on the premises where employed are not permitted.~~

~~C.B.~~ Minimum Yard Requirements.

- (1) Front yards: 25 feet.
- (2) Corner side yards: 25 feet.
- (3) Rear yards: 25 feet.
- (4) Interior side yards: 15 feet.
- (5) Transitional yards: If C-R property is adjacent to an agricultural or residential zone district, the requirements of Section 165.23(6) shall be followed.

EXCEPTION: For every three feet that a structure exceeds 45 feet in height, the required front, rear and side yards shall be increased by one foot.

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~~C.~~ Maximum Height Requirement. 100 feet

~~D.~~ except that for every three feet that a structure exceeds 45 feet in height, the required front, rear and side yards shall be increased by one foot.

~~E.D.~~ Conditional Uses. Conditional uses are permitted subject to Section 165.83.

~~E.E.~~ Accessory Uses. Uses and structures accessory to a principal permitted use or a conditional permitted use are permitted subject to the provisions of Section 165.23(9).

~~G.F.~~ Signs. Signs shall be permitted according to the provisions of Chapter 166.

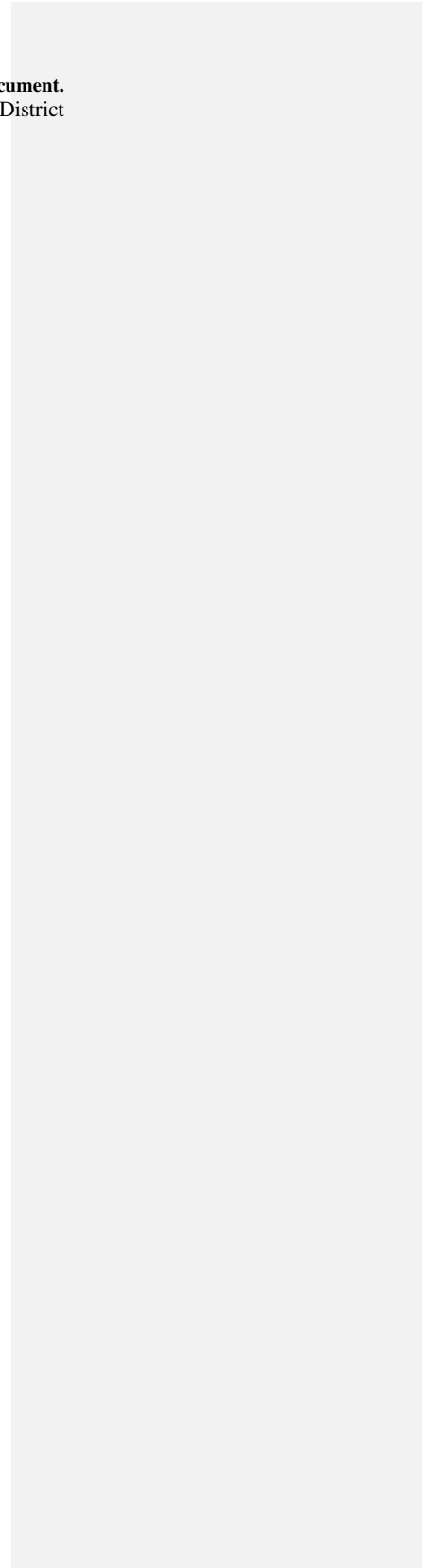
~~H.G.~~ Off-Street Parking and Loading. Off-street parking and loading facilities shall be provided according to the provisions of Section 165.30-165.36.

~~I.H.~~ Outdoor Lighting and Sound Restrictions. Outdoor Lighting and sound restrictions shall be followed in accordance with the provisions of Chapter 68-Section 165.28.

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C-R Commercial-Recreation District

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C-WH Commercial Warehouse District

12. C-WH Commercial Warehouse District.

A. A. Land Uses; Land uses shall be as designated in the Land Use Matrix Figure

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P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use		Notes
Adult Entertainment Establishment	C	Subject to the restrictions contained in Section 165.24.
Asphaltic Concrete-Mixing Plant	C	
Auction Rooms	P	
Audio and Visual Material Production and Sales	P	
Bakery, Wholesale	P	
Boat and Boating Equipment Sales	P	And service.
Bottling Works	P	
Building/Construction/Mechanical Contractor/Office/Shop	P	
Building Materials Sale and Storage	P	
Cartage and Express Facilities	P	
Commercial and Industrial Photography Products	P	Portrait photography being clearly accessory to the photographing of products.
Commercial and Industrial Products Sales & Storage	P	
Communication Tower	C	Subject to FAA approval. See Section 165.27.
Computer and Data Processing Services	P	
Construction Machinery Sales	P	
Construction/Office/Shops/Yards	P	For contractors, engineers, surveyors and architects.
Dish Antenna/Satellite Dish	P	
Dry-Cleaning Establishments	P	
Electrical Showrooms and Shops	P	
Electronic Laboratories	P	Including assembly.
Electronic Manufacturing	P	
Equipment Rental, Domestic and Light Construction	P	
Equipment Storage Area	P	
Farm Implement Store	P	
Feed and Seed Store	P	
Film Processing Shop	P	
Fire Station/Police Station	P	
Fuel Sales	P	
Garages for Motor Vehicle Storage, Repair and Service	P	Garages for storage, repair and servicing of motor vehicles with any motor vehicle sales being secondary to the principal use and outdoor storage and display of motor vehicles limited to an area no greater than the gross square footage of the principal structure.
Garment Printing and Embroidery	P	
Government Facilities, Administrative	C	
Government Facilities, Other	P	
Grave Monument and Markers, Display and Sales	P	
Heating, Air Conditioning and Sheet Metal Showrooms and Shops	P	
Heavy Equipment Repair, Rebuilding and Repainting	C	Establishment for the general repair, rebuilding, and painting of agricultural, industrial, vehicular and railroad vehicles, motors, machines and implements.
Ice Production and Sales	P	
Ice Sales	P	
Laboratory Research and Testing	P	
Laundries	P	
Machine Shop	P	

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C-WH Commercial Warehouse District

Machinery Sales, Farm, Industrial, Business and Construction	P	
Land Use		Notes
Machinery Sales, Farm, Industrial, Business, Construction	P	
Microfilm Production and Sales	P	
Mini Warehouse Facilities	P	
Mobile Home Sales and Rental	P	
Modular Homes and Garage Displays	P	
Optical Laboratories	P	
Parks/Recreation Buildings	P	
Plumbing Showrooms and Shops	P	
Printing and Publishing Establishments	P	
Public Use	P	
Quarries and Other Extractive Uses	N	Rock, sand, gravel production and preparation.
Radio, TV & Cable Stations, Studios and Related Facilities	P	Including cable television companies provided that all materials, machinery and equipment shall be stored within completely enclosed buildings or effectively screened by a solid wall or fence, not less than six feet nor more than eight feet in height.
Railroad	P	
Railroad Facilities	P	
Ready Mix Cement Plant	C	
Refuse Hauling Facilities	C	
Rehabilitation House	C	There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Rental Establishment, Domestic and General Equipment	P	
Residential, Accessory Use, Child Care, Home	N	
Residential, Primary Dwelling, Dwelling/Rooming Units	N	
Residential, Primary Dwelling, Mobile Home	N	
Residential, Primary Dwelling, Multi Family Unit	N	
Residential, Primary Dwelling, One Family Unit, Detached	N	
Residential, Primary Dwelling, Row Housing	N	
Residential, Primary Dwelling, Two Family Unit, Attached	N	
Residential, Primary Dwelling, Zero Lot Line	N	
Residential, Subdivision, Mobile Home Park	N	
Schools, Trade/Vocational	P	
Scientific Precision Instrument Manufacturing	P	
Signs, Advertising	P	
Signs, Roof	P	
Sporting Accessories Manufacturer	P	
Sporting Goods Assembly	P	Assembly of such sporting goods as clothing and miscellaneous sports accessories.
Storage Facility, Self-Service	P	
Subdivision	P	
Subdivision, Residential Cluster	N	
Subdivision, Residential Standard	N	
Taxicab Business	P	
Telecommunications Laboratory	P	Including assembly.
Trailer and Camper Trailer Sales and Rental	P	For use with private personal vehicles.
Utility	P	Communication towers and related facilities are included but not limited to, Satellite Antenna Dishes.

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C-WH Commercial Warehouse District

Warehouse, Wholesale and Distributor Establishments	P	
Land Use		Notes
Watchmen's Quarters	P	Quarters for watchmen located on the premises where they are employed in such capacity.
Windmill, Commercial	E	

~~B. Conditions For Uses Permitted. Uses permitted in the C-WH District are subject to the following conditions:~~

~~(1) B. Dwelling units and rooming units, other than watchmen's quarters located on the premises where employed, are not permitted.~~

~~C. Minimum Yard Requirements.~~

- (1) Front yards: 25 feet.
- (2) Corner side yards: 25 feet.
- (3) Rear yards: 25 feet.
- (4) Interior side yards: 15 feet.
- (5) Transitional yards: If C-WH property is adjacent to an agricultural or residential zone district, the requirements of Section 16.23(6) shall be followed.

~~EXCEPTION: for every three feet that a structure exceeds 45 feet in height, the required front, rear and side yards shall be increased by one foot~~

~~D.C. Maximum Height Requirement. 100 feet except that for every three feet that a structure exceeds 45 feet in height, the required front, rear and side yards shall be increased by one foot.~~

~~E.D. Conditional Uses. Conditional uses are permitted subject to Section 165.83.~~

~~F.E. Accessory Uses. Uses and structures accessory to a principal permitted use or a conditional permitted use are permitted subject to the provisions of Section 165.23(9).~~

~~G.F. Signs. Signs shall be permitted according to the provisions of Chapter 166.~~

~~H. Off-Street Parking and Loading. Off-street parking and loading facilities shall be provided according to the provisions of Section 165.30-165.36.~~

~~G.~~

~~I. H. Outdoor Lighting and Sound Restrictions. Outdoor lighting and sound restrictions shall be followed in accordance with the provisions of Chapter 68Section 165.28.~~

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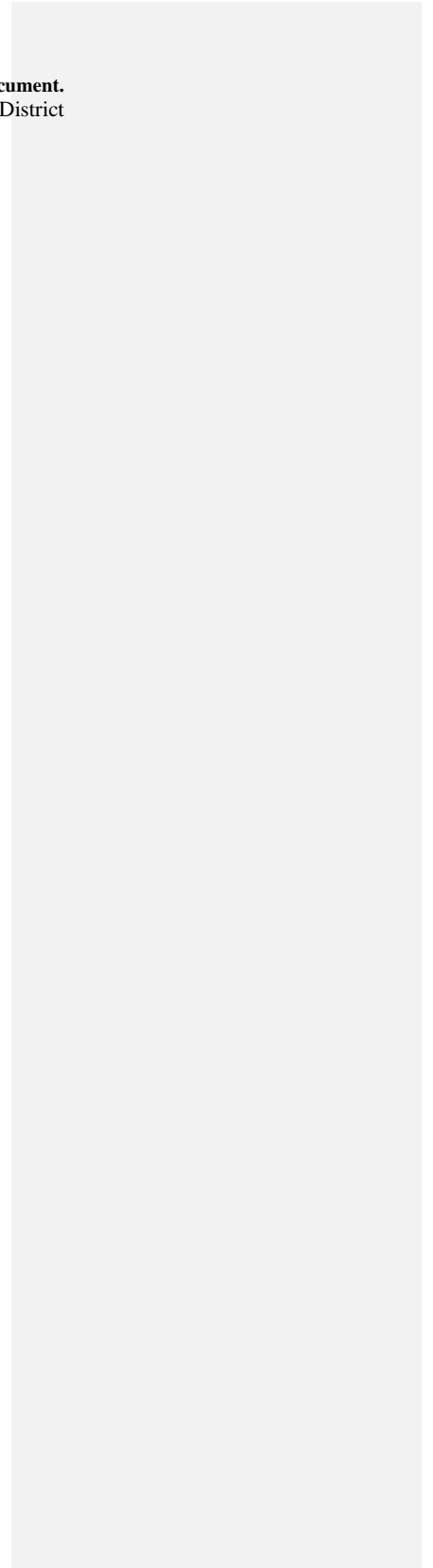
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C-WH Commercial Warehouse District

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I-1 Restricted Industrial District

13. I-1 Restricted Industrial District.

A. Land Uses: Land uses shall be as designated in the Land Use Matrix Figure 1.

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P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use		Notes
Adult Day Habilitation/Vocational Rehabilitation	P	
Adult Entertainment Establishment	P	Subject to the restrictions contained in Section 165.24.
Airport	C	
Amusement Parks	C	
Animal Clinic/Hospital	C	
Antique Shops	C	
Archery Range, Indoor	C	
Art Galleries, Public	C	
Art, Sculptor & Composer Studios	C	
Art Shops or Galleries, Commercial	C	
Art Supply Store	C	
Auction Rooms	C	
Audio and Visual Material Production and Sales	C	
Auditorium	C	Open or enclosed.
Auto Accessory Store	C	
Auto Car Wash	C	
Auto Service Station	C	
Bait Shop	C	Accessory product sales are allowed only when clearly incidental and subordinate to the sale of bait and further, when no more than twenty percent (20%) of the total floor area of any establishment shall be used for any such product sales purposes.
Bakery, Retail	C	
Bakery, Wholesale	P	
Banks	C	
Barber Shops	C	
Beauty Shops	C	
Bedding Manufacturer	P	
Bicycle Sales/Rental	C	
Boat and Boating Equipment Sales	C	
Body Shop	P	
Book and Stationery Stores	C	
Boot and Shoe Manufacturer	P	
Bottling Works	P	
Bowling Alleys	C	
Building/Construction/Mechanical Contractor/Office/Shop	P	
Building Materials Sale and Storage	P	
Bus Station	C	
Bus Terminal	C	
Business/Office Machine Sales/Service	C	
Business/Professional Office	C	
Camera and Photographic Supply Store	C	
Candy, Ice Cream and Dairy Products Store	C	
Carpet and Rug Retail Store	C	
Carpet Manufacturer	P	
Cartage and Express Facilities	P	
Catering Establishments	P	
China, Ceramic, Glassware Store	C	
Clinic, Medical and Dental	C	
Cloth Products Manufacturer	P	
Clothing/Costume Rental Store	C	

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I-1 Restricted Industrial District

Land-Use		Notes
Clubs and Lodges	C	
Coin and Philatelic Stores	C	
Commercial and Industrial Photography Products	P	Portrait photography being clearly accessory to the photographing of products.
Commercial and Industrial Products Sales and Storage	A	Accessory to products manufactured or assembled on premises.
Communication Tower	P	Subject to FAA approval. See Section 165.27.
Community Center	C	
Computer & Data Processing Store	C	
Computer and Data Processing Services	C	
Conference Facilities	C	
Construction Office/Shop/Yard	P	For contractors, engineers, surveyors, architects.
Construction, Heavy Equipment Rental Establishment	P	
Convalescent Home	C	
Convenience Store	C	
Copy and Blueprint Centers	C	
Crisis Counseling Center	C	
Dairy Product Processing, Packaging	P	
Dance Halls	C	
Day Care Center	C	
Delayed Deposit Service	P	Refer to Section 165.24A.
Delicatessens	C	
Dental Research & Testing	C	
Dish Antenna/Satellite Dish	P	
Dressmaking	C	
Drug Store/Pharmacy	C	
Dry Cleaning Establishments	P	
Dry Cleaning, Laundry Drop-off	C	
Dry Read-Mix Plant	C	
Electrical Showrooms and Shops	C	
Electronic and Video Games	C	
Electronic Laboratories	P	
Electronic Manufacturing	P	
Employment Agencies	C	
Equipment Rental, Domestic and Light Construction	P	
Exterminating Shops	C	
Fabricated Concrete Products	P	Totally enclosed in building.
Family Home	C	There shall be a minimum separation of one-quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Feed and Seed Processing and Sales	P	
Film Processing Shop	P	
Financial Institutions	C	
Finished Wood Products Manufacturing	P	
Fire Station/Police Station	P	
Florist Shop	C	
Food, Frozen Store	C	Including locker rental.
Food Stores	C	
Fuel Sales	C	
Funeral Home/Parlor	C	
Fur and Hide Processing	P	
Furniture and Furnishings, Domestic & Commercial Manufacturing	P	Domestic and commercial.
Furniture Store	C	Store may include sale of kitchen cabinets and related items including upholstery.

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I-1 Restricted Industrial District

Land Use		Notes
Furrier Shops	C	Includes the incidental storage and conditioning of finished furs.
Garages for Motor Vehicle Storage, Repair and Service	P	Includes body repair, painting and engine rebuilding.
Garden Supply, Tool & Seed Store	C	
Garment Printing & Embroidery	P	
Gift Shop	C	
Glass Products Production	P	
Government Facilities, Administrative Offices	C	
Government Facilities, Other	P	
Grocery Stores	C	
Group Home	C	There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Gymnasiums	C	
Handball Court	C	
Hardware Store	C	
Health Care Facility	C	
Health Club	C	
Hearing Aid Stores	C	
Heating, Air Conditioning and Sheet Metal Showrooms and Shops	C	
Heavy Vehicle, Machine and Equipment Repair	P	
Heliport	C	
Hobby Shops	C	For retail of items to be assembled or used away from premises.
Hotel	C	
Household Appliance Store	C	Including sales and repair.
Ice Production and Sales	P	
Ice Sales	P	
Impounding Yard	P	
Insulation Manufacturing	P	
Interior Decorating Shop	C	Includes upholstering and making draperies, slipcovers and other similar articles when conducted as part of the retail operations and secondary to the principal use.
Jewelry Store	C	Includes watch repair.
Kennels	C	Totally enclosed in a building.
Laboratories, Medical, Dental	C	
Laboratory Research and Testing	P	
Laundries	P	
Laundromat	C	
Leather Goods and Luggage	C	
Library	C	
Light Machinery Production	P	Appliances, business machines, etc.
Liquor Stores/Package Goods	C	
Lithographing	P	
Locksmith Shops	C	
Machine Shop	P	
Mail Order Catalog Store	C	
Manufacturer's Supply Establishment	P	
Massage Salon, Licensed	C	
Meat Markets	C	
Medical and Orthopedic Appliance Stores	C	
Microfilm Production and Sales	C	
Millinery Shops	C	
Mini Warehouse Facilities	P	
Mobile Home Sales and Rental	C	

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I-1 Restricted Industrial District

Land Use		Notes
Modular Homes and Garage Displays	C	
Motel	C	
Motor Vehicle Sales—New	C	
Motor Vehicle Sales—Used	C	
Museum	C	
Musical Instrument Manufacturing	P	
Musical Instrument Sales and Repair	C	
Newspaper & Magazine Distribution Agencies	C	
Nursing Home	C	Including extended medical care facilities.
Office Machine Sales	P	
Office Supply Stores	C	
Optical Laboratories	C	
Optical Services	C	
Optician Sales, Retail	C	
Orthopedic and Medical Supply Manufacturing	P	
Outdoor Kennels	P	
Paint, Glass, Wallpaper Store	C	
Parking Lots	P	
Parking Structures	C	Except garages.
Pawnbrokers	P	Refer to Section 165.24A.
Pet Grooming	C	No boarding or kennel facilities may be provided.
Pet Shops	C	
Photography Studio	C	Includes the developing of film and pictures when conducted as part of the retail business on the premises.
Picture Framing	C	
Pinball Games	C	
Plumbing Showrooms and Shops	C	
Pool Halls	C	
Post Office	C	
Post Office Substation	C	
Pottery and Ceramics Manufacturing	P	
Printing and Publishing Establishments	P	
Public Use	P	
Quarries and Other Extractive Uses	N	Rock, sand, gravel production and preparation.
Radio and Television Sales	C	
Radio, TV & Cable Stations, Studios and Related Facilities	P	And towers. Subject to FAA approval. See Section 165.27. Communication towers and related facilities are included but not limited to, Satellite Antenna Dishes.
Railroad Facilities	P	
Ready-Mix Cement Plant	C	
Record & Sheet Music Store	C	
Recording or Sound Studios	C	
Recreation and Social Facilities, Private-Nonprofit	C	
Recreation Building	C	
Recycling Processing Facilities	P	Includes collection, reduction, recovery, recycling and related activities when all processing activities are conducted within a completely enclosed building and subject to compliance with all applicable Federal, State and local regulations.
Refuse Hauling Facilities	C	
Rehabilitation House	C	There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Religious Facilities	C	
Rental Establishment, Domestic and General	C	

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I-1 Restricted Industrial District

Equipment		
Land Use		Notes
Residential, Primary Dwelling, Dwelling/Rooming Units	N	
Restaurants, Outdoor Eating	E	
Restaurants, with Alcohol	E	
Restaurants, with Entertainment/Dancing	E	
Rope, Cord and Twine Manufacturer	P	
Schools, Business/Commercial	E	When not involved with any danger of fire or explosion nor offensive noise, vibration, smoke, dust, odor, glare, heat or other objectionable influences.
Schools, Music/Dance	E	
Schools, Trade/Vocational	P	
School Supply Store	E	
Scientific Precision Instrument Manufacturing	P	
Second Hand Store/Thrift/Runnimage	E	Totally enclosed in a building.
Shoe Stores	E	
Shooting Gallery, Indoor	E	
Signs, Advertising	P	
Signs, Roof	P	
Skating Rink	E	
Sporting Goods Assembly	P	
Sporting Goods Manufacturer	P	
Sporting Goods Store	E	
Stadiums and Arenas	E	
Storage Facility, Self Service	E	Conditional if primary use of property.
Storage Site Plan Use With Restrictions	P	
Subdivision	P	
Subdivision, Residential	N	
Sun Tan Center	E	
Swimming Pools	E	
Tailor Shops	E	
Taverns and Cocktail Lounges	E	
Taxidermists	E	
Telecommunications	E	
Telecommunications Laboratory	P	Including assembly.
Tennis Court	E	
Theater, Indoor	E	
Ticket Agency	E	
Ticket Office, Transportation	E	
Tobacco Shops	E	
Toy Store	E	
Trailer and Camper Trailer Sales and Rental	E	For use with private personal vehicles.
Travel Bureaus	E	
Truck Stop	P	
Undertaking Establishments	E	
Utility	P	
Veterinary Clinic/Office	E	
Warehouse, Wholesale and Distributor Establishments	P	
Watchmen's Quarters	P	Quarters for watchmen, located on the premises where they are employed in such capacity.
Wearing Apparel Manufacturer	P	
Wearing Apparel Shops (clothing)	E	
Windmill, Commercial	E	

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I-1 Restricted Industrial District

~~B.~~ Conditions For Uses Permitted. Uses permitted in the I-1 District are subject to the following conditions:

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~~(1) Dwelling units and rooming units, other than watchmen's quarters located on the premises where employed, are not permitted.~~

~~(12)~~ All business, servicing, or processing, except for off-street parking and off-street loading shall be conducted within completely enclosed buildings, unless otherwise indicated hereinafter.

~~(32)~~ All storage except for motor vehicles in operable condition shall be within completely enclosed buildings or effectively screened with landscaping and building elements or by a solid wall or fence, including solid entrance and exit gates, not less than 6 feet nor more than 8 feet in height. Surfaces of the storage area and accesses shall comply with 165.23(9)(C)(7). Accessory vehicle parking shall be as regulated by Section 165.30 through 165.36. Non-accessory vehicles, machines and equipment shall be regulated by Section 165.23(9) or shall be parked on a parking lot complying with Section 165.30 through 165.36.

~~(3) Conditions for storage uses without a building: Use of a lot on which the owner desires to use for storage purposes only without constructing a principal building will have the following requirements:~~

- ~~a) No servicing of vehicles or equipment or sales of any items will be allowed for this storage area.~~
- ~~b) Storage area shall not have any signage or product representation except what is required for emergency or safety related signs.~~
- ~~c) A person shall not store outside a legally or mechanically inoperative or wrecked motor vehicle for a period in excess of 30 days.~~
- ~~d) This storage area must have screening as required in Section 165.23(6)(B) of at least 6 feet in height which consists of solid masonry, concrete, brick, stone or wood.~~
- ~~e) Access through required screening may be provided only by an opaque solid gate equaling the height of the screening. Gate must be set at the specified line of the front yard setback for that zoning district and must remain closed except when in actual use. A landscape plan meeting the requirements of the actual zoning district must be supplied with the site plan.~~
- ~~f) Storm water detention must be allowed for in the site development process.~~
- ~~g) A minimum of 500 feet is required between this use and any residential uses in the Unified Development Code.~~
- ~~h) Entrance and access drive shall be of PCC Concrete.~~
- ~~i) Rock, gravel or dust free surfaces approved by the City Engineer required on any areas used for storage.~~
- ~~j) Storage area shall not be the location of multiple semi-trailers which have the effect of creating interior enclosed storage spaces.~~

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I-1 Restricted Industrial District

~~k) In addition to the above required items the site plan shall be in compliance with Storage Site Plan Submittal Check List and be approved by the Planning and Zoning Commission before a permit is issued for the proposed storage area.~~

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C. Minimum Yard Requirements.

- (1) Front yards: 35 feet.
- (2) Corner side yards: 25 feet.
- (3) Rear yards: 25 feet.
- (4) Interior side yards: 15 feet.
- (5) Transitional yards: If I-1 property is adjacent to an agricultural or residential zone district, the requirements of Section 165.23(6) shall be followed.

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EXCEPTION: For every three feet that a structure exceed 50 feet in height, the required front, rear and side yards shall be increased by one foot

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D. Maximum Height Requirement. 150 feet ~~except that for every three feet that a structure exceed 50 feet in height, the required front, rear and side yards shall be increased by one foot.~~

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E. Conditional Uses. Conditional uses are permitted subject to Section 165.83.

F. Accessory Uses. Uses and structures accessory to a principal permitted use or a conditional permitted use are permitted subject to the provisions of item B of this section and Section 165.23(9).

G. Signs. Signs shall be permitted according to the provisions of Chapter 166.

H. Off-Street Parking and Loading. Off-street parking and loading facilities shall be provided according to the provisions of Section 165.30-165.36.

I. Outdoor Lighting and Sound Restrictions. ~~Outdoor Lighting and sound restrictions~~ shall be ~~followed~~ in accordance with the provisions of Chapter 68Section 165.28.

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I-2 General Industrial District

14. I-2 General Industrial District.

A. Land Uses: Land uses shall be as designated in the Land Use Matrix Figure 1.

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P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use		Notes
Abrasive Manufacturer	P	
Adult Entertainment Establishment	P	
Agriculture Implement, Equipment & Vehicle Manufacturer	P	
Airport	C	
Appliance Manufacturer	P	
Asphalt Products Manufacturer	P	
Bakery, Wholesale	P	
Bedding Manufacturer	P	
Body Shop	P	
Boot and Shoe Manufacturer	P	
Bottling Works	P	
Brick and Structural Clay Products Manufacturer	P	
Building/Construction/Mechanical Contractor/Office/Shop	P	
Building Materials Sale and Storage	P	
Carpet Manufacturer	P	
Cartage and Express Facilities	P	
Cement Manufacturer	P	
Chemical Processing & Manufacturing	P	
Cloth Products Manufacturer	P	
Commercial and Industrial Products Sales & Storage	A	Accessory to products manufactured or assembled on premises.
Communication Tower	P	Subject to FAA approval. See Section 165.27.
Concrete Mixing Plant, Wet or Dry	P	
Construction Office/Shop/Yard	P	For contractors, engineers, surveyors, architects.
Construction, Heavy Equipment Rental Establishment	P	
Cosmetics Manufacturer	P	
Dairy Product Processing, Packaging	P	
Delayed Deposit Services	P	Refer to Section 165.24A.
Dish Antenna/Satellite Dish	P	
Dry Cleaning Establishments	P	
Electronic Manufacturing	P	
Electroplating	P	
Fire Station/Police Station	P	
Food Manufacture, Packaging, Processing	P	Packaging and processing.
Foundries and Forging Plants	P	
Fuel Sales	P	
Fur and Hide Processing	P	
Furniture and Furnishings, Domestic & Commercial Manufacturing	P	Domestic and commercial.
Glass Products Production	P	
Government Facilities, Administrative Office	C	
Government Facilities, Other	P	
Grain Processing and Storage	P	
Graphite Products Manufacturer	P	
Gypsum Products Manufacturer	P	
Heavy Equipment Repair, Rebuilding and Repainting	P	
Heavy Machinery Production	P	
Heliport	C	
Ice Production and Sales	P	

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I-2 General Industrial District

Land Use		Notes
Ice Sales	P	
Insulation Manufacturing	P	
Laboratory Research and Testing	P	
Laundries	P	
Leather Production, Tanning & Processing	P	
Light Machinery Production	P	
Linoleum Manufacturer	P	
Lithographing	P	
Machine Shop	P	
Manufacturer's Supply Establishment	P	
Meat Packing	P	
Metal Reduction, Production & Refinement	P	
Metal Stamping	P	
Mini Warehouse Facilities	C	
Mining	P	
Musical Instrument Manufacturing	P	
Orthopedic and Medical Supply Manufacturing	P	
Outdoor Kennels	P	
Paint & Paint Products Manufacturer	P	
Paper and Paper Products Manufacturer	P	
Parking Lots	P	
Pawnbrokers	P	Refer to Section 165.24A.
Petroleum Products Storage & Processing	P	
Plastic & Plastic Products Manufacturers	P	
Pottery and Ceramics Manufacturing	P	
Printing and Publishing Establishments	P	
Public Use	P	
Quarries and Other Extractive Uses	C	Rock, sand and gravel production and preparation.
Radio, TV & Cable Stations, Studios and Related Facilities	P	And towers. Subject to FAA approval. See Section 165.27. Communication towers and related facilities are included but not limited to, Satellite Antenna Dishes.
Railroad Facilities	P	
Recycling Processing Facilities	P	Includes collection, reduction, recovery, recycling and related activities when all processing activities are conducted within a completely enclosed building and subject to compliance with all applicable Federal, State and local regulations.
Refuse Hauling Facilities	C	
Rehabilitation House	C	There shall be a minimum separation of one quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.
Residential, Primary Dwelling, Dwelling/Rooming Units	N	
Rope, Cord and Twine Manufacturer	P	
Rubber Processing and Manufacturing	P	
Salvage Yards	C	
Sanitary Landfill	C	Subject to approval of appropriate State and local authorities.
Schools, Trade/Vocational	P	
Scientific Precision Instrument Manufacturing	P	
Signs, Advertising	P	
Signs, Roof	P	
Soap and Detergent Manufacturer	P	
Sporting Accessories Manufacturer	P	
Sporting Goods Manufacturer	P	
Steel and Other Metal Manufacturing	P	

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I-2 General Industrial District

Stone Products Manufacturing	P	
Land Use		Notes
Storage Facility, Self-Service	C	Conditional if primary use of property.
Storage Site Plan Use With Restrictions	P	
Subdivision	P	
Subdivision, Residential	N	
Transportation Vehicle Manufacturer	P	
Truck Stop	P	
Utility	P	Including generating plants, substations and related facilities.
Vending Machine Sales and Service	A	Accessory to products manufactured or assembled on premises.
Warehouse, Wholesale and Distributor Establishments	P	
Watchmen's Quarters	P	Quarters for watchmen, located on the premises where they are employed in such capacity.
Wearing Apparel Manufacturer	P	
Windmill, Commercial	C	
Wood Working & Wood Products Manufacturer	P	

~~B.~~

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~~B. —~~ Conditions For Uses Permitted: Uses permitted in the I-2 District are subject to the following conditions:

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~~(1) Dwelling units and rooming units, other than watchmen's quarters located on the premises where employed, are not permitted.~~

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~~(12)~~ All business, servicing, or processing, within 300 feet of a Residential or Commercial District, shall be conducted within completely enclosed buildings.

~~(23)~~ All storage except for motor vehicles in operable condition shall be within completely enclosed buildings or effectively screened with landscaping and building elements or by a solid wall or fence from the right of way and Residential Districts within 300 feet, including solid entrance and exit gates, not less than 6 feet nor more than 8 feet in height. In the event a solid wall is used to satisfy this requirement the required yards of this district shall apply exterior to the wall. Surfaces of the storage area and accesses shall comply with Section 165.23(9)(C)(7). Accessory vehicle parking shall be as regulated by Section 165.30 through 165.36. Non-accessory vehicles, machines and equipment shall be regulated by Section 165.23(9) or parked on a parking lot complying with Section 165.30 through 165.36.

~~(3) Conditions for storage uses without a Building: Use of lot on which the owner desires to use for storage purposes only without constructing a principal building will have the following requirements:~~

~~a) No servicing of vehicles or equipment or sales of any items will be allowed for this storage area.~~

~~b) Storage area shall not have any signage or product representation except what is required for emergency or safety related signs.~~

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I-2 General Industrial District

~~c) A person shall not store outside a legally or mechanically inoperative or wrecked motor vehicle for a period in excess of 30 days.~~

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~~d) This storage area must have screening as required in Section 165.23(6)(B) of at least 6 feet in height which consists of solid masonry, concrete, brick, stone or wood.~~

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~~e) Access through required screening may be provided only by an opaque a solid gate equaling the height of the screening. Gate must be set at the specified line of the front yard setback for that zoning district and must remain closed except when in actual use. A landscape plan meeting the requirements of the actual zoning district must be supplied with the site plan.~~

~~f) Storm water detention must be allowed for in the site development process.~~

~~g) A minimum of 500 feet is required between this use and any residential uses in the Unified Development Code.~~

~~h) Entrance and access drive shall be of PCC Concrete.~~

~~i) Rock, gravel or dust free surfaces approved by the City Engineer required on any areas used for storage.~~

~~j) Storage area shall not be the location of multiple semi-trailers which have the effect of creating interior enclosed storage spaces.~~

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~~k) In addition to the above required items the site plan shall be in compliance with Storage Site Plan Submittal Check List and be approved by the Planning and Zoning Commission before a permit is issued for the proposed storage area.~~

C. Minimum Yard Requirements.

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- (1) Front yards: 35 feet.
- (2) Corner side yards: 25 feet.
- (3) Rear yards: 25 feet.
- (4) Interior side yards: 15 feet.
- (5) Transitional yards: If I-2 property is adjacent to an agricultural or residential zone district, the requirements of Section 165.23(6) shall be followed.

~~EXCEPTION: For every three feet that a structure exceeds 50 feet in height, the required front, rear and side yards shall be increased by one foot.~~

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D. Maximum Height Requirement. 150 feet ~~except that for every three feet that a structure exceeds 50 feet in height, the required front, rear and side yards shall be increased by one foot.~~

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E. Conditional Uses. Conditional uses are permitted subject to Section 165.83.

F. Accessory Uses. Uses and structures accessory to a principal permitted use or a conditional permitted use are permitted subject to the provisions of ~~item B of this section and~~ Section 165.23(9).

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I-2 General Industrial District

- G. Signs. Signs shall be permitted according to the provisions of Chapter 166.
- H. Off-Street Parking and Loading. Off-street parking and loading facilities shall be provided according to the provisions of Section 165.30-165.36.
- I. ~~Outdoor Lighting and Sound Restrictions.~~ ~~Outdoor Lighting and sound restrictions~~ shall be ~~followed~~ in accordance with the provisions of ~~Chapter 68~~~~Section 165.28~~.

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FP Flood Plain Overlay and PUD Overlay Districts

15. FP Flood Plain Overlay District. Any development on or proposed for lands within the jurisdiction of the City which is shown on the Official Zoning Map as being within the boundaries of one floodway, floodway fringe, general flood plain and shallow flooding districts shown on the Official Flood Plain Zoning Map of the City is determined to be within the Flood Plain Overlay District and subject to the flood plain regulations of the City, Chapter 161 of this Code.

16. PUD Planned Unit Development Overlay District. The PUD district is established as an overlay district to be used in conjunction with all the base districts as established in Section 165.14(1) through 165.14(14).

A. General Requirements. Planned Unit Developments are permissible on any size tract of land.

(1) Permitted Uses. When the PUD is to be developed within an A or R District, any use listed as a permitted use in any A or R District may be permitted provided any development adjacent to a district boundary is similar in design to the requirements of the adjacent district or meets the minimum requirements of Section 165.23(6) transitional yards. When the PUD is to be developed in any district other than an A or R District, only the uses listed as permitted uses in the district within which the PUD is to be located may be permitted, except for the C-ORS and C-4 Districts which may include additional uses with approval of the Planning and Zoning Commission and City Council.

(2) Density and Design. The density and design of a PUD shall comply with the following requirements.

a. The average land area for each dwelling unit contained in the site, exclusive of the area occupied by private streets or public right-of-way, shall not be less than the lot area per dwelling unit required in the district within which the development is located.

b. Each development shall provide reasonable visual and acoustical privacy for any dwelling units included therein. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noise. Any high-rise buildings included within a PUD shall be located in such a way as to minimize any adverse impact on any adjacent low-rise buildings and shall not unduly encroach on the privacy of the occupants of adjoining low-rise buildings.

c. Yard, setback, lot size, type of dwelling unit, height and frontage requirements may be modified in any PUD, and use restrictions may be also modified in a residential PUD as specified in Section 165.16(16)(A)(1) above provided that the spirit and intent of this section is complied with in the total development plan, as determined by the City Council after

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FP Flood Plain Overlay and PUD Overlay Districts

report by the City Planning and Zoning Commission. The City Planning and Zoning Commission may determine that certain setbacks shall be required within all or a portion of the site, and shall determine whether the total development plan complies with the spirit and intent of this section and shall so state in its report to City Council.

(3) PUD Approval. The approval of a PUD shall be by the City Council after recommendation of the City Planning and Zoning Commission, subject to procedures provided in Sections 165.66 and 165.91, and building permits shall not be issued until approval of the Final Development Plan.

(4) Development by Stages. If the sequence of construction of various portions of the PUD is to occur in stages, then the off-street parking and any open space and/or recreational facilities, or any other shared facilities as contained in the Approved Final Development Plan, shall be developed, or committed thereto, in proportion to the number of dwelling units or other establishments intended to be developed during the given stage of construction. Furthermore, at no time during the construction of the project shall the number of constructed dwelling units or other establishments per acre of developed land exceed the overall density per acre established in the Approved Final Development Plan.

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CPR Center Point Road District

17. CPR Center Point Road District CPR-1, CPR-2, CPR-3.

A. Land Uses: Land uses shall be as designated in the Land Use Matrix Figure 1.

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B. P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

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Land Use	CPR-1	CPR-2	CPR-3	Notes
Art Shops or Galleries	P	P	P	
Auto Detailing	N	N	P	
Auto Service Station	N	N	N	
Bank and Financial Institution	P	P	P	
Barber or Beauty Shop	P	P	P	
Bars and Sports Bars	P	P	P	
Body Art and Tattoo Shops	P	P	P	
Boutique Food Sales	P	P	P	
Business/Professional Office	P	P	P	
Car Wash	N	N	A	
Computer/Data Services	N	N	P	
Convenience Store	N	N	P	
Day Care Center	P	P	P	
Department Store	P	P	P	
Electronics Sales Store	P	P	P	
Entertainment ²	P	P	P	² Shall not include Adult Entertainment regulated by LDC section 165.24
Farm Store	N	N	N	
Fast Food Restaurant	N	N	P	
Florist Shop	P	P	P	
Furniture Store	N	N	P	
General Food Sales	P	P	P	
Gift Shop	P	P	P	
Government Office/Facility	P	P	P	
Hardware Store	N	N	P	
Hotel/Motel	P	P	P	
Household Appliances and Furnishings	N	N	P	
Jewelry Store	P	P	P	
Light Manufacturing	N	N	P	
Medical Office	P	P	P	
Motor Vehicle Sales – New	N	N	N	
Motor Vehicle Sales – Used	N	N	N	
Optical Sales and Service – Retail	P	P	P	
Outdoor Equipment Sales and Service	N	N	P	
Pharmacy	P	P	P	
Private Nonprofit Recreation/Social Facility	N	N	P	
Rental Storage Facilities	N	N	N	
Residential, Assisted Living Senior Care	N	P	C	
Residential, Primary Dwelling, 1 – Family Unit, Detached	N	N	N	
Residential, Primary Dwelling, 2 – Family Unit, Attached	N	N	N	

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CPR Center Point Road District

Residential, Primary Dwelling, Condominium, Attached	N	C	C	Requires 4 or more units with a homeowners association with individual unit ownership. Minimum square footage of primary floor dwelling unit 800 sq. ft.
Residential, Primary Dwelling, Located on Second Story or Higher above Commercial Use on Ground Story	C	C	N	No more than 4 units for rental allowed in any building.
Residential, Primary Dwelling, Multi-Family Unit	N	N	N	
Residential, Primary Dwelling, Rooming/Boarding Houses	N	N	N	
Residential, Primary Dwelling, Row Housing	N	C	C	Requires 4 or more units with a homeowners association with individual unit ownership. Minimum square footage of primary floor dwelling unit 800 sq. ft.
Residential, Primary Dwelling, Townhome, Attached	N	C	C	Requires 4 or more units with a homeowners association with individual unit ownership. Minimum square footage of primary floor dwelling unit 800 sq. ft.
Residential, Primary Dwelling, Zero Lot Line	N	C	C	Requires 4 or more units with a homeowners association with individual unit ownership. Minimum square footage of primary floor dwelling unit 800 sq. ft.
Restaurant	P	P	P	
Sign Shops	P	P	P	
Specialty Food Sales/Delicatessen	P	P	P	
Specialty Retail Sales	P	P	P	
Sporting Goods Store	N	N	P	
Vehicle Parts and Supply Retail	N	N	P	
Warehouse	N	N	N	
Wearing Apparel Store	P	P	P	

C. B. Conditions For Uses Permitted.

- (1) In CPR-1 dwelling units and rooming units are not permitted below the second story.
- (2) All activities, except for off-street parking or loading, shall be conducted within completely enclosed buildings.

D.C. Minimum Lot Size Requirements. None.

E.D. Minimum Yard Requirements.

Description	CPR-1	CPR-2	CPR-3
Front Yards	0 feet	20 feet	25 feet
Corner Side Yards	15 feet	15 feet	15 feet
Rear Yards	15 feet	30 feet	30 feet
Interior Side Yards – Residential	0 feet	0 feet	0 feet
Interior Side Yards – Commercial	0 feet	0 feet	20 feet

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CPR Center Point Road District

Transitional Yards	0 feet	0 feet	0 feet
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CPR Center Point Road District

~~F.E.~~ Maximum Height Requirements.

- CPR-155 feet
- CPR-245 feet
- CPR-345 feet

In the CPR-1 district no building can exceed three stories. No height of building exceptions permitted in the CPR-1 district.

~~G.F.~~ Conditional Uses. Conditional uses are permitted subject to Section 165.83.

~~H.G.~~ Accessory Uses. Uses and structures accessory to a principal permitted use or a conditional permitted use are permitted subject to the provisions of item B of this section ~~Section and Section~~ 165.23(9).

~~I.H.~~ Signs. Signs shall be permitted according to the provisions of Chapter 166.

~~I.I.~~ Off-Street Parking and Loading. Off-street parking and loading facilities shall be provided in accordance with the provisions of Section 165.30 – 165.36 and the provisions of this section with the provisions of this section taking precedence over the provisions of Section 165.30 – 165.36.

- (1) In District CPR-1 no off-street parking shall be allowed between the right-of-way of Center Point Road and any building except for parking that existed prior to August 1, 2013, and parking in accordance with an approved plan.
- (2) The maximum number of parking stalls required in District CPR-1 shall be four (4) stalls per 1,000 square feet of non-residential space, plus two (2) stalls per residential space.
- (3) In commercial areas parking may be located in the yard setback areas.

~~K.J.~~ ~~Outdoor Lighting and Sound Restrictions.~~ ~~Outdoor lighting~~ ~~Lighting and sound restrictions~~ shall be ~~followed~~ in accordance with the provisions of ~~Chapter 68~~ ~~Section 165.28.~~

~~L.K.~~ Building Location. In District CPR-1 all buildings with any building face adjoining Center Point Road shall be constructed with the primary or front face of the building toward Center Point Road. The preferred location for new buildings in District CPR-1 shall be in accordance with Layout 1 or Layout 2 in Appendix B. Buildings configured in accordance with Layout 3 considered acceptable as an expansion of an existing building or new building where Layout 3 is approved by the City Council as part of a Conceptual Plan. Buildings and parking generally in accordance with Layout 4 in Appendix B are discouraged and are allowed only with approval by the City Council as part of a Conceptual Plan.

~~M.L.~~ Architectural Requirements. All buildings located in District CPR-1 and CPR-2 shall be constructed with the primary building material being an architectural masonry product. The desired architectural style or appearance is a distinctive style using clean or simple lines and features. Decorative and ornate architectural features generally not allowed. Individual building must comply with the architectural guidance standards.

~~N.M.~~ Access Management and Control. To minimize traffic congestion and conflicting traffic movements along Center Point Road from Blairs Ferry Road to Boysen Road the following access management and control standards shall generally be applicable.

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CPR Center Point Road District

- (1) No driveway access directly to Center Point Road shall be permitted within 200 feet of any public street intersecting Center Point Road.
- (2) No driveway shall be permitted within 200 feet of an existing driveway.
- (3) All driveways and parking lots along Center Point Road shall be developed in a manner in which there will be connectivity between lots. The connectivity requirement is to encourage the movement of vehicles to public streets by means other than direct driveway access to Center Point Road.

0-N. Conceptual Plan Approval. The standards set forth for building location, architectural requirements and access management and control in the CPR District are inherently discretionary. The final decision with respect to building location, architectural requirements and access management and control requirements in the CPR District rests with the City Council. Any party considering a development with the CPR District that would need to comply with any or all of these three standards is encouraged to submit a Conceptual Plan for review and consideration by the City Council.

- (1) A Conceptual Plan must show the building layout including driveway and access. The Conceptual Plan must show an illustration of the architectural features of the building and identify proposed building materials. It is preferred, but not required, for the Conceptual Plan to illustrate the architectural style in color.
- (2) The Conceptual Plan must be sufficiently complete to allow the City to review and consider the issues of building location, architectural requirements and access. The Conceptual Plan is not required to meet additional standards set forth for a site plan.
- (3) The Conceptual Plan shall be submitted on drawings not larger than 11-inch by 17-inch.
- (4) The Conceptual Plan shall be submitted to the Zoning Administrator. The number of copies required shall be as determined by the Zoning Administrator.
- (5) Within 35 days after receipt of a Conceptual Plan the Zoning Administrator shall complete its review in writing.
- (6) Following completion of the review by the Zoning Administrator, the Zoning Administrator will be reviewed by the Planning and Zoning Commission. The Zoning Administrator shall place the Conceptual Plan on the next agenda of the Planning and Zoning Commission.
- (7) The Planning and Zoning Commission shall consider the Conceptual Plan within 45 days after referral from the Zoning Administrator. Following review by the Planning and Zoning Commission, or the passage of 45 days without consideration by the Planning and Zoning Commission, the Conceptual Plan will be placed on the next available agenda of the City Council for consideration.

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CPR Center Point Road District

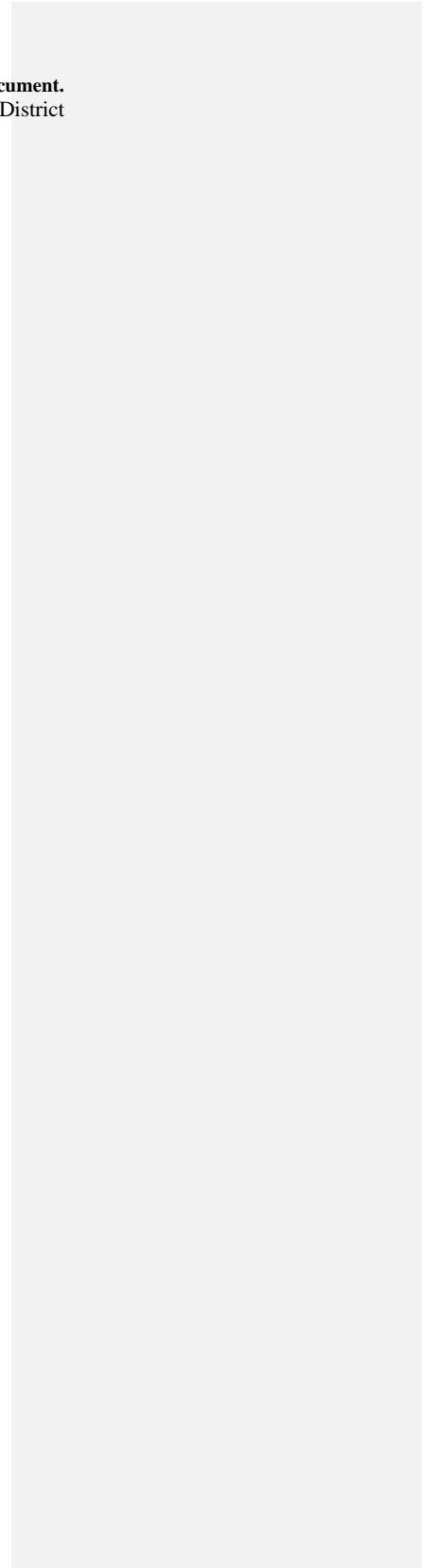
(8) The City Council shall consider and take action on the Conceptual Plan within 45 days after referral. In the event the City Council takes no action within 45 days the Conceptual Plan shall be deemed to be denied, unless both parties mutually agree to an extension of the 45 day period.

(9) Construction of the proposed buildings set forth in an approved or conditionally approved Conceptual Plan must be initiated within 36 months following final action by the City Council to approve or conditionally approve the Conceptual Plan. The period of validity of a Conceptual Plan may be extended by the City Council.

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CPR Center Point Road District

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CPR Center Point Road District

165.17 ZONING DISTRICTS AND ZONING DISTRICT MAP.

1. Zoning District Map. The Zoning District Map is on file in the office of the City Clerk and is hereby incorporated into and made a part of this Code. The boundaries and classifications of the various zoning districts have been enacted and established as shown on said Map, subject to the provisions hereafter set out relating to subsequent district boundary classification changes and amendments. This Map shall be revised from time to time and after approval by resolution of the City Council shall be considered as incorporated into this Code. Said Map is designed and intended as a method and means of setting forth the boundaries and classifications of various zoning districts as the same are shown on said Map. All notations, references, markings, and other information shown thereon are hereby enacted and established as a part of the official "District Map" for the City of Hiawatha, Iowa, and are made a part of this chapter subject to the manner and method hereafter set out for subsequently changing the district boundary classifications.

2. District Boundary Rules. The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Map:

A. General Rule. District boundary lines are the center lines of highways, streets, and alleys; right-of-way lines of railroads and freeways; section, division of section, tract and lot lines; or such lines extended unless otherwise indicated.

B. Special Areas. In areas not subdivided into lots and blocks, and wherever a district is indicated as an area adjacent to and paralleling a street or highway, the depth of such areas shall be in accordance with dimensions scaled on the Map at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with dimensions scaled on the Map from section, quarter section, or division lines, or center lines of streets and highways, or railroad rights-of-way, unless otherwise indicated.

C. Vacated Streets. Whenever any street, alley, or other public way is vacated by official action of the Council the district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation, and all area included in the vacation, shall then and henceforth be subject to all appropriate regulations of the extended districts.

D. Submerged Areas. All areas within the corporate limits of the City, which are under water and not shown as included within any district, shall be subject to all of the regulations of the district which immediately adjoins the water area. If the water area adjoins two or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district.

3. Relationship Between Districts and Prior Enactments.

A. Districts Remaining in Effect. The regulations for zoning districts listed in this Section 165.17(3)(A) shall remain in effect for land so designated as of the date of enactment of this Code, unless a designation is later repealed or amended by the City Council.

- (1) A Agriculture
- (2) R-1 Residential Single Family
- (3) R-7 Multiple Family Residence
- (4) R-MH Residential Mobile Home
- (5) C-2 Neighborhood Convenience
- (6) C-3 Highway Commercial
- (7) C-4 Central Service

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CPR Center Point Road District

- (8) C-R Commercial-Recreation
- (9) C-WH Commercial Warehouse
- (10) FP Flood Plain

B. Modified Districts. City zoning regulations in effect prior to enactment of this Code included zoning districts which have been retained but have been modified by adoption of this Code. Upon enactment of this Code, land included in a modified district shall be governed by regulations for the district as set forth in this Code. Modified districts include:

- (1) R-3 Residential Single Family
- (2) R-5 Residential
- (3) C-ORS Commercial Office, Research, Service
- (4) I-1 Industrial
- (5) I-2 Industrial
- (6) PUD Planned Unit Development. Where a PUD District has been adopted, the PUD agreement or designation in effect as of the date of enactment of this Code shall remain in effect except if amended in accordance with Section 165.66(12) of this Code.

C. Deleted Districts. Certain districts have been deleted because the provisions of the districts have been included with another district or the differences between the deleted district and another district were minimal. Deleted districts include:

- (1) R-2 Residential
- (2) R-4 Residential
- (3) R-6 Residential
- (4) C-1 Commercial
- (5) I-1A Industrial
- (6) I-2A Industrial
- (7) I-3A Industrial

4. Map Update. The Map shall be updated periodically and become the new "District Map."

A. Changing District Boundary Classifications. In accordance with Section 414.4 of the 1995 Iowa Code, as the same now exists or may be hereafter amended, superseded or replaced by subsequent sections of said Iowa Code, the Council herewith provides the following manner to amend, supplement or change the district boundary classifications as shown on said "District Map." Such amendments, supplements, or changes shall be set out in an ordinance identifying the property by legal description and identifying the zoning district as the same that exists, and the new district to be established for said property. Such ordinance shall, after adoption and publication, be then recorded by the City Clerk as other ordinances. Such ordinance shall make reference to the Zoning Ordinance and "District Map" and shall constitute a part of the City Zoning Ordinance; however, such ordinance shall not repeal or reenact said Map and said Map or Map periodically revised, shall continue to exist and define and establish the boundaries and classifications, as the same exist on said Map except that after such subsequent ordinances are adopted and published as above provided, the boundaries and zoning district classifications as defined in said subsequent ordinances shall supersede the district map and boundaries as shown on any such "District Map" for the particular property described in the subsequent ordinance. Further, such

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CPR Center Point Road District

subsequent ordinances shall be considered as special ordinances, and not required to be set out in the Municipal Code.

B. Annexed Territory. All territory which may be annexed to the City of Hiawatha after adoption of this chapter shall be zoned automatically classified in the Agricultural District until otherwise amended according to procedures established in Sections 165.90 and 165.91 of this Code.

(1) Voluntary Annexation. All applications for voluntary annexation of land to the City of Hiawatha may, in addition to the necessary requirements for annexation, include a request by the applicant for a zone classification for the property other than agricultural. Upon receipt thereof, the application shall be referred to the Planning and Zoning Commission for recommendation on the requested zoning pursuant to Sections 165.90 and 165.91 of this Code. The Planning and Zoning Commission shall consider zoning requests in accordance with the land use portion of the Comprehensive Plan and Sections 165.90 and 165.91 of this Code.

(2) Involuntary Annexation. All territory which may be annexed shall be automatically classified in the Agriculture District until otherwise amended according to procedures established in Sections 165.90 and 165.91 of this Code. However, if a majority of the property owners who also represent a majority of the property being annexed, request a zone classification which the Planning and Zoning Commission finds compatible with the land use portion of the Comprehensive Plan, the Commission may consider the request in a report to the City Council.

165.18 and 165.19 - Reserved

165.17 ZONING DISTRICTS AND ZONING DISTRICT MAP.

1. Zoning District Map. The Zoning District Map is on file in the office of the City Clerk and is hereby incorporated into and made a part of this Code. The boundaries and classifications of the various zoning districts have been enacted and established as shown on said Map, subject to the provisions hereafter set out relating to subsequent district boundary classification changes and amendments. This Map shall be revised from time to time and after approval by resolution of the City Council shall be considered as incorporated into this Code. Said Map is designed and intended as a method and means of setting forth the boundaries and classifications of various zoning districts as the same are shown on said Map. All notations, references, markings, and other information shown thereon are hereby enacted and established as a part of the official “District Map” for the City of Hiawatha, Iowa, and are made a part of this chapter subject to the manner and method hereafter set out for subsequently changing the district boundary classifications.

2. District Boundary Rules. The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Map:

A. General Rule. District boundary lines are the center lines of highways, streets, and alleys; right-of-way lines of railroads and freeways; section, division of section, tract and lot lines; or such lines extended unless otherwise indicated.

B. Special Areas. In areas not subdivided into lots and blocks, and wherever a district is indicated as an area adjacent to and paralleling a street or highway, the depth of such areas shall be in accordance with dimensions scaled on the Map at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with dimensions scaled on the Map from section, quarter section, or division lines, or center lines of streets and highways, or railroad rights-of-way, unless otherwise indicated.

C. Vacated Streets. Whenever any street, alley, or other public way is vacated by official action of the Council the district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation, and all area included in the vacation, shall then and henceforth be subject to all appropriate regulations of the extended districts.

D. Submerged Areas. All areas within the corporate limits of the City, which are under water and not shown as included within any district, shall be subject to all of the regulations of the district which immediately adjoins the water area. If the water area adjoins two or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district.

3. Relationship Between Districts and Prior Enactments.

A. Districts Remaining in Effect. The regulations for zoning districts listed in this Section 165.17(3)(A) shall remain in effect for land so designated as of the date of enactment of this Code, unless a designation is later repealed or amended by the City Council.

- ~~(1) — A — Agriculture~~
- ~~(2) — R-1 — Residential Single Family~~
- ~~(3) — R-7 — Multiple Family Residence~~
- ~~(4) — R-MH — Residential Mobile Home~~
- ~~(5) — C-2 — Neighborhood Convenience~~

~~(6) C 3 Highway Commercial~~

~~(7) C 4 Central Service~~

~~(8) C R Commercial Recreation~~

~~(9) C WH Commercial Warehouse~~

(10) FP Flood Plain

(26) PUD Planned Unit Development. Where a PUD District has been adopted, the PUD agreement or designation in effect as of the date of enactment of this Code shall remain in effect except if amended in accordance with Section 165.66(12) of this Code.

B. Modified Districts. City zoning regulations in effect prior to enactment of this Code included zoning districts which have been retained but have been modified by adoption of this Code. Upon enactment of this Code, land included in a modified district shall be governed by regulations for the district as set forth in this Code. Modified districts include:

(1) A Agriculture

~~(2) R-1 Residential Single Family~~

~~(3) R-3 Residential Single Family~~

~~(42) R-5 Residential~~

~~(5) R-7 Multiple Family Residence~~

~~(6) R-MH Residential Mobile Home~~

~~(73) C-ORS Commercial Office, Research, Service~~

~~(8) C-2 Neighborhood Convenience~~

~~(9) C-3 Highway Commercial~~

~~(10) C-4 Highway Commercial~~

~~(11) C-R Commercial Recreation~~

~~(12) C-WH Commercial Warehouse~~

~~(134) I-1 Industrial~~

~~(145) I-2 Industrial~~

~~(6) PUD Planned Unit Development. Where a PUD District has been adopted, the PUD agreement or designation in effect as of the date of enactment of this Code shall remain in effect except if amended in accordance with Section 165.66(12) of this Code.~~

C. Deleted Districts. Certain districts have been deleted because the provisions of the districts have been included with another district or the differences between the deleted district and another district were minimal. Deleted districts include:

(1) R-2 Residential

(2) R-4 Residential

- (3) R-6 Residential
- (4) C-1 Commercial
- (5) I-1A Industrial
- (6) I-2A Industrial
- (7) I-3A Industrial

4. Map Update. The Map shall be updated periodically and become the new “District Map.”

A. Changing District Boundary Classifications. In accordance with Section 414.4 of the 1995 Iowa Code, as the same now exists or may be hereafter amended, superseded or replaced by subsequent sections of said Iowa Code, the Council herewith provides the following manner to amend, supplement or change the district boundary classifications as shown on said “District Map.” Such amendments, supplements, or changes shall be set out in an ordinance identifying the property by legal description and identifying the zoning district as the same that exists, and the new district to be established for said property. Such ordinance shall, after adoption and publication, be then recorded by the City Clerk as other ordinances. Such ordinance shall make reference to the Zoning Ordinance and “District Map” and shall constitute a part of the City Zoning Ordinance; however, such ordinance shall not repeal or reenact said Map and said Map or Map periodically revised, shall continue to exist and define and establish the boundaries and classifications, as the same exist on said Map except that after such subsequent ordinances are adopted and published as above provided, the boundaries and zoning district classifications as defined in said subsequent ordinances shall supersede the district map and boundaries as shown on any such “District Map” for the particular property described in the subsequent ordinance. Further, such subsequent ordinances shall be considered as special ordinances, and not required to be set out in the Municipal Code.

B. Annexed Territory. All territory which may be annexed to the City of Hiawatha after adoption of this chapter shall be zoned automatically classified in the Agricultural District until otherwise amended according to procedures established in Sections 165.90 and 165.91 of this Code.

(1) Voluntary Annexation. All applications for voluntary annexation of land to the City of Hiawatha may, in addition to the necessary requirements for annexation, include a request by the applicant for a zone classification for the property other than agricultural. Upon receipt thereof, the application shall be referred to the Planning and Zoning Commission for recommendation on the requested zoning pursuant to Sections 165.90 and 165.91 of this Code. The Planning and Zoning Commission shall consider zoning requests in accordance with the land use portion of the Comprehensive Plan and Sections 165.90 and 165.91 of this Code.

(2) Involuntary Annexation. All territory which may be annexed shall be automatically classified in the Agriculture District until otherwise amended according to procedures established in Sections 165.90 and 165.91 of this Code. However, if a majority of the property owners who also represent a majority of the property being annexed, request a zone classification which the Planning and Zoning Commission finds compatible with the land use portion of the

Comprehensive Plan, the Commission may consider the request in a report to the City Council.

165.18 and 165.19 - Reserved

165.20 SUPPLEMENTAL REGULATIONS, (relocated in 165.16)

~~1. Use of lot zoned I-1 or I-2 on which the owner desires to use for storage purposes only without constructing a principal building will have the following requirements:~~

~~A. No servicing of vehicles or equipment or sales of any items will be allowed for this storage area.~~

~~B. Storage area shall not have any signage or product representation except what is required for emergency or safety related signs.~~

~~C. A person shall not store outside a legally or mechanically inoperative or wrecked motor vehicle for a period in excess of 30 days.~~

~~D. This storage area must have a visual screen of at least 6 feet in height which consists of solid masonry, concrete, brick, stone or wood.~~

~~E. Access through required screening may be provided only by a solid gate equaling the height of the screening. Gate must be set at the specified line of the front yard setback for that zoning district and must remain closed except when in actual use. A landscape plan meeting the requirements of the actual zoning district must be supplied with the site plan.~~

~~F. Storm water detention must be allowed for in the site development process.~~

~~G. A minimum of 500 feet is required between this use and any residential uses in the Unified Development Code.~~

~~H. Entrance and access drive shall be of PCC Concrete.~~

~~I. Rock, gravel or dust free surfaces approved by the City Engineer required on any areas used for storage.~~

~~J. Storage area shall not be the location of multiple semi trailers which have the effect of creating interior enclosed storage spaces.~~

~~K. In addition to the above required items the site plan shall be in compliance with Storage Site Plan Submittal Check List and be approved by the Planning and Zoning Commission before a permit is issued for the proposed storage area.~~

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165.21 GENERAL SUPPLEMENTAL REGULATIONS.

1. Essential Services. Existing facilities of public and private utilities, railroads and the City, may continue to be operated and maintained in all districts. Certain related new facilities and structures may also be erected, constructed, installed and utilized in all districts. These include buildings, over-head, surface or underground gas, electrical, steam, or water distribution or-transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, public parking lots, parks, traffic signals, hydrants, towers and poles, railroad switches and signals, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public or private utility, railroad or the City for the public health, safety, or general welfare. However, no new buildings, nor such new structures and uses as substations, railroad lines, generating plants, relay towers, sewage treatment, sanitary landfills and the like, nor any expansion of such existing buildings, structures, and uses by more than twenty-five percent (25%) of the existing size shall be permitted in a district where such use is not allowed as a permitted use, except when so approved by the Board of Adjustment as a conditional use following the procedures contained in Sections 165.83 and 165.84 of this Code.

2. Private Sewage Disposal and Water Supply Systems. Where public sewage disposal or water supply systems are unavailable, there shall be sufficient ground area left unoccupied by structures or paving to allow a proper system of sewage disposal and/or water supply conforming with the applicable standards and requirements of City, County, and State regulations regardless of other provisions of this chapter. Site plans accompanying building permit or certificate of occupancy applications shall clearly show the proposed sewage disposal system and/or water supply system. All such proposed systems shall be subject to approval of the appropriate health and other agencies prior to issuance of a building permit. Coverage of any part of a septic tank field by a building or hard surface shall not be permitted.

3. Temporary Buildings and Structures. Temporary buildings and structures, including mobile homes, that are used for office or storage purposes in conjunction with construction work only, may be permitted on the same lot or one adjacent thereto, in any district during the period that the construction work is in progress but such facilities shall be removed upon completion of the construction work. The City Council may by resolution permit the temporary establishment in a district of a Portland concrete or asphaltic concrete mixing plant in conjunction with the construction of a highway or other large scale project. Such permissions shall contain a termination time and any other conditions deemed necessary and proper to protect surrounding properties. Any temporary buildings and structures permitted by this section need not comply with district yard requirements, but shall be set back from all lot lines and otherwise be located on the property as may be required by the City to reduce any potential safety hazards to vehicles and pedestrian traffic on adjacent public ways, and to also reduce any adverse effects on adjacent properties. However, no permanent structures shall be erected except in conformance with the regulations of the district within which the property is located.

~~3.~~ Temporary accessory structures shall be permitted in accordance with Section 165.23 (9)

4. Restriction on Use of a Residential Lot for Provision of Access to Adjacent Property. No part of any lot located in an R district shall be used for vehicular access purposes to any other property which is located in any district other than an A or R district, or to any other property being used for a purpose not allowed in an A or R district as a permitted or conditional use.

5. Building and Structures Destroyed or Damaged. Any building or structure which is damaged, partially destroyed; or destroyed or reduced by fire, flood, wind, earthquake or other calamity which renders such building or structure unsafe or unsightly shall be reconstructed,

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repaired, or altered to restore it to a safe and slightly condition. Such restoration shall be started within one year from the date of such destruction, damage or reduction and shall be diligently prosecuted to completion. If such restoration is not made, the residual building or structure shall be removed by the owner thereof at his expense within said one year period and the premises shall be made safe and slightly. If the owner does not comply with said provision, the Zoning Administrator shall give written notice of said requirement to the owner and give the owner ninety (90) days to comply. Upon the owner's failure to comply with such notice, the Zoning Administrator shall be authorized to cause removal of the premises to a safe and slightly condition and any expense incident thereto shall be paid by the owner.

6. Use of Air Rights. The development of air rights above land located in any district and utilized for public or private use shall be permitted subject to all the requirements of the district within which such development is located. Total development on the lot shall be in accordance with requirements of the district within which it is located.

7. Exceptions to Height Limitations. In those districts where height limitations are imposed, such height limitations shall not apply to the following appurtenances and structures:

- A. Church spires
- B. Belfries
- C. Monuments
- D. Ornamental towers and spires
- E. Radio, telephone and television antennas, aerials, and relays
- F. Chimneys
- G. Smoke stacks
- H. Flag poles
- I. Silos
- J. Windmills and Wind Generators
- K. Emergency sirens and similar devices
- L. Elevator and stairway bulkheads, and air conditioning equipment
- M. Water towers and cooling towers

8. Corner Visual Clearance Required. In all districts nothing shall be erected, placed, planted, or allowed to grow on a corner lot in such a manner as to significantly impede vision between a height of two and ½-feet and ten feet above the center line street grades of the area described as follows: that triangular shaped area bounded by the street or road right-of-way line of a corner lot or tract and a straight line joining points on said right-of-way lines, 30 feet from said corner.

9. Manufactured Homes and Mobile Homes.

A. A manufactured home may be located in an approved mobile home park, subject to the provisions of Section 165.16(6) of this Code and Chapter 147 of the Municipal Code, or may be located in any district in which single family dwellings are permitted, subject to all applicable requirements with this Code, and including the following:

- (1) Have been manufactured after June 15, 1976, and bear a label certifying compliance with the National Manufactured Home Construction and Safety

Standards Act of 1974, and have not been subsequently altered in violation of such standards.

(2) Have met all City required inspection and/or permits required for any dwelling unit and lot, other than for the factory manufactured structure itself which is governed by Federal standards.

(3) Be attached to a permanent foundation and be classified and taxed as real property.

B. A mobile home used for residential purposes, if not meeting the standards and qualifications contained within the definition of a Manufactured Home in this Code, shall be located only in an approved mobile home park subject to the provisions of Section 165.16(6) of this Code and Chapter 147 of the Municipal Code. A mobile home which does meet the Manufactured Home definition's standards and qualifications shall be classified as a Manufactured Home and be regulated as a single-family dwelling.

10. Tents. No tent or similar structure shall be erected, used, or maintained for human residence. Erection, use, and maintenance of tents and similar structures for other uses shall be subject to the fire prevention regulations and other applicable regulations of the City.

11. Signs. Signs shall be allowed in each district in accordance with the provisions of Chapter 166 of this Code.

12. Off-Street Parking and Loading Facilities. Off-street parking and loading facilities shall be provided for each use or structure in accordance with the provisions of Sections 165.30-165.36 of this Code.

13. Flood Plain Regulations. The regulations contained in this Code shall be supplementary to flood hazard and damage prevention regulations adopted by the City Council in Chapter 161 of this Code, the Iowa Natural Resources Council and any other public agency having jurisdiction in this matter. In the event of conflict the more restrictive provisions shall apply.

14. Airport Zone – Height and Use Limitations. The Cedar Rapids Airport Zoning Regulations shall supplement the regulations contained in this Code. All properties contained within the jurisdictional boundaries of the airport zoning regulations, as indicated on the current airport zoning map, shall be subject to the regulations contained in such airport zoning regulations for the Cedar Rapids Airport.

15. Nonconformance Created. Uses or structures lawfully established prior to the effective date of this chapter and rendered nonconforming by the provisions thereof, or by subsequent amendments thereto, may continue subject to the provisions of Section 165.70 of this Code.

16. Single-Family Dwelling Buildings. Any building erected or otherwise established for use as a single-family building after the adoption of this chapter shall meet the following requirements:

A. Have a measured minimum dimension of twenty-four (24) feet for the main body.

B. Have a minimum floor area of six hundred and sixty (660) square feet.

C. Have a continuous and complete frost protected perimeter foundation for the main body.

~~D. Have for the exterior wall covering either:~~

~~(1) Wood or masonry finish, or its appearance and/or~~

~~(2) Vertical or horizontal grooved siding or lap siding, or its appearance.~~

~~E. The main roof shall:~~

~~(1) Have a pitch with no less than one foot of rise for each four feet of horizontal run.~~

~~(2) Overhang the walls a minimum of 12 inches at the eaves.~~

~~(3) Not be covered with flat or corrugated sheet metal.~~

17. Vehicle Repair and Service Restrictions.

A. Residential Zoning Districts.

(1) Vehicle repair, service or maintenance, when done for compensation, shall be limited to only:

- a. Emergency services as defined in Section 165.96(69); and
- b. Oil changes, filter replacement, chassis lubrication, adding or removing of fluids, vacuuming interiors, washing windows, windshield wiper blade replacement, washing of vehicles, engine tune-ups limited only to spark plugs and wires, points, distributor cap, and carburetor adjustment.

(2) All persons providing the services described in subparagraph A(1)(b) above shall be required to first register with the Building Department of the City of Hiawatha on forms provided by the Building Official, and at the time of registration also file a copy of any waste oil disposal permit required by the Department of Natural Resources, have a permanent place of business in a commercial or other district authorizing such use, restrict the service and repair activities on all residential lots to a maximum of four consecutive hours to be conducted only between the hours of 8:00 a.m. and 9:00 p.m. on any one day, and shall comply with all the provisions of nuisance laws and the Hiawatha noise ordinance, compliance with this subsection shall not relieve the person providing the service with compliance with all other provisions of applicable Federal, State and local laws and regulations.

(3) A property owner/occupant shall be permitted to perform vehicle repair, service or maintenance only upon vehicles owned by him/her, and also only when such vehicle repair, service or maintenance is done on a property owned or occupied by such vehicle owner, and also subject to the following conditions:

- a. When outside an enclosed structure, activities shall be limited to washing, lubrication, replacement of tires, filters, fluids, plugs, points, lights, battery, windshield wipers, fuses, spot body repair and spot painting. Once such activities are commenced, the same shall be completed within 48 hours, and shall be limited to only one vehicle during such period of time. Parts, machinery, equipment, fluid, or debris associated with the repair shall be kept within an enclosed structure.
- b. When done within an enclosed structure the following activities are permitted: engine rebuilding, repair or replacement of drive train, body and frame components, upholstering, painting, undercoating, repair or replacement of mufflers, tail and exhaust pipes, and similar heavier service and repairs not authorized in subparagraph (3)(a) above.

c. Repair, service and maintenance on a vehicle with a maximum gross weight of 5,000 pounds or more shall be prohibited in a residential zoning district.

B. Commercial Zoning Districts. No vehicle repair, service or maintenance shall be permitted in unenclosed accessory parking facilities or any other unenclosed area in any Commercial Zoning District, except emergency service and repairs defined in Section 165.96(67), and except washing of vehicles. No motor fuel or oil shall be sold in conjunction with any accessory parking facilities provided in C-ORS District. A property owner/occupant of a lot within a Commercial Zoning District, which principal use is residential, will be permitted to perform repair service and maintenance authorized under Subsection 17(A)(3), subparagraphs a. and b., notwithstanding other provisions prohibiting the same.

C. Industrial Zoning Districts. Unless otherwise permitted, no vehicle repair, service or maintenance shall be permitted in or in conjunction with any unenclosed accessory parking facilities or any other unenclosed area in any Industrial District, except emergency service and repairs defined in Section 165.96(69), and except washing of vehicles. A property owner/occupant of a lot within an Industrial Zoning District, which principal use is residential, will be permitted to perform repair, service and maintenance authorized under Subsection 17(A)(3), subparagraphs a. and b., notwithstanding other provisions prohibiting the same.

165.23 SUPPLEMENTAL YARD REGULATIONS.

1. General Provision. Any building, structure or use hereafter erected, altered, or established, shall comply with the general yard space requirements of the district within which it is located, except as specified herein.
2. Location of Required Yard. The required yard space for any building, structure or use shall be contained on the same lot as the building, structure or use and such required yard space shall be entirely upon land in a district in which the principal use is permitted.
3. Reduction or Sharing of Required Yards or Space Prohibited. No lot, yard, court, parking area, or other space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required for this chapter. No part of a yard, court, parking area, or other space provided for any building or structure to comply with the provisions of this Code shall be included as part of a yard, court, parking area or other spaces required under this chapter for another building or structure.
4. Required Yards For Existing Buildings. No yards, now or hereafter provided, for a building existing on the effective date of this chapter, shall subsequently be reduced below, or further reduced if already less than the minimum yard requirements of this chapter for equivalent new construction.
5. Required Yards on Major Streets.
 - A. Major Streets. All applicable building setbacks and yard requirements set forth in this chapter shall be measured and determined from the existing street right-of-way.
 - B. Private Streets. All applicable building setbacks and yard requirements along private streets shall be measured from the nearest line of the access easement.
6. Transitional Yards.
 - A. When a lot within an R-7, or any C and I Zone District adjoins an A or R District then a transitional yard shall be required. The required yard depth shall be either that required for the R-7, C or I District or that required for the adjoining A or R District, whichever is greater, and shall be provided along the adjoining A or R lot line.
 - B. In addition, unless separated by a street, public alley or by an intervening lot, no nonresidential structure within an R-7, or any C or I Zone District shall be located less than 100 feet from an A or R District unless said structure is effectively screened from the A or R District. Said screening shall consist of a wall, solid or opaque fence or appropriate plant materials that are between 5.5 and 6 feet in height, subject, however, to the regulations in Sections 165.21(8), 165.23(8)~~(D)~~ and 165.47(5)(B) herein. If plant materials are used for said screening they may exceed 6 feet in height at maturity, shall be a minimum of three (3) feet in height immediately after planting and pruning, shall be composed of plants approved for such use by the City, and shall be installed in a manner to assure effective year-round visual screening. All walls, fences or plant material screens shall be maintained in such a manner to assure a continuing year-round effective visual screen and cause no adverse impact to adjoining properties due to lack of proper maintenance. Berming may be used in conjunction with fencing or plantings to provide the required screen, however, no side slope shall be steeper than 4 to 1, unless approved by the City Engineer. When the structure is effectively screened, the minimum yard separation requirements shall be specified in Subsection A above.

(Ord. 780 – Aug. 14 Supp.)

7. Front Yards For Double Frontage Lots. Double frontage lots shall provide front yards on both street frontages. Front yard requirements and restrictions included in the district regulations within which the lot is located shall apply on both frontages, with the exception that in the portion of the lot normally considered to be the rear yard the construction of a fence may be permitted in the same manner as would be allowed on any other similar standard lot. This exception shall, however, be subject to the requirements of Section 165.21(8) Corner Visual Clearance Required and also subject to Section 165.23(8)(D) Fence or Wall.

8. Permitted Encroachments in Required Yards. Under the terms of this Code a required yard shall be open, unoccupied, and unobstructed from grade to sky except for permitted encroachments. The following identify such permitted encroachments and in which yards they are permitted along with limitations imposed thereon:

A. In All Required Yards.

(1) Open deck not over 85 feet in width or depth ~~and not over 2 feet above the average ground level,~~ but not including a permanently roofed-over deck.

(2) Steps or ramp which are necessary to provide access to the first floor of lawful building or for access to a lot from a street or alley.

(3) The following appurtenances shall encroach no more than 2 feet into the required yard, as measured from the building, except when the required yard is 9 feet or more in depth they shall encroach no more than 3 feet.

- a. Chimney or fireplace, when no more than 6 feet in width.
- b. Air conditioner.
- c. Architectural features such as sills, eaves, and cornices.
- d. Gutters and down spouts.
- e. Awnings and canopies except as provided for in Section 165.23(9)(D)(5).
- f. Bay windows.
- g. Unenclosed porches, stairs and fire escapes. For open decks see A (1) of this section.
~~EXCEPTION: Unenclosed porches and stairs may encroach 8 feet into required front yards of residential zones.~~
- h. Solar energy collectors and heat storage units of up to 200 square feet of collector surface area.
- i. Any combination of the above listed appurtenances.

(4) Landscaping, vegetation, arbors, trellises, flagpoles and the like, shall be allowed in all yards subject, however, to the restrictions imposed in Section 165.21(8) of this Code, Corner Visual Clearance Area Required.

B. In Rear Yards. Customary play equipment, clothes lines and poles, and underground shelters, outside elements of central air conditioners projecting no more than 6 feet into the required yard but in no case within less than 8 feet of an adjacent lot line ~~and unenclosed breezeways.~~

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C. Solar Energy Collectors. A solar energy collector and heat storage unit to supply the building to which it is appurtenant shall be considered an accessory building and be so regulated.

~~D. Fences or Wall. No A non-opaque fence as defined in 165.96, wall, dense shrubs, or combination thereof, shall not exceed a height of 10 feet above ground level when shall be erected in a required yard or along a lot line if said yard or lot line is within, or abuts, an A or R District. Within or abutting all other districts the maximum height of such fence and/or wall within a required yard or along a lot line shall be 10 feet.~~

~~EXCEPTION: In or abutting A or R Districts the height of such fence erected in a required yard or along a property line~~

~~a. shall not exceed 6 feet when located in the rear or side yard.~~

~~b. shall not exceed 4 feet when located in the front yard.~~

E. Vision Barriers.

~~1. An opaque fence as defined in 165.96, wall, dense shrubs or combination thereof shall not exceed a height of 10 feet above ground level when erected in a required yard or along a lot line with the following exceptions~~

~~a. A and R Districts: In or abutting A or R Districts the height of such vision barrier erected in a required yard or along a property line;~~

~~i. shall not exceed 6 feet when located in the rear or side yard.~~

~~ii. shall not exceed 2 ½ feet when in the front yard.~~

~~iii shall not exceed 2 ½ feet when located in a required corner side yard that is adjacent to the principal permitted structure that is in the front yard or side yard.~~

~~b. All districts: Such visual barrier such as an opaque fence, wall, dense shrubs or combination thereof shall not exceed 2 ½ feet in height when placed in the following locations:~~

~~i. (i) exceed three feet in height. When located in a required front yard;~~

~~ii. (ii) be. When located within 12.5 feet of the rear lot line on a double frontage lot if the abutting right-of-way is less than 100 feet and is across from the front yard of another residential property, however, if that right of way is 100 feet or more the fence may be placed on the property line; or (iii) be within the required corner side yard that is adjacent to the principal permitted structure on a corner lot in a residential district.~~

~~iii. When If such visual barrier is located within the rear 20 feet of a lot which abuts the front yard of an adjacent lot and is within 20 feet of an existing or potential driveway in the adjacent lot front yard, a Visual Clearance Area shall be provided. Such Visual Clearance Area shall be triangular in shape and described as follows: beginning at the point of intersection of the corner side lot line (property) with the rear lot line (property line) and extending 30 feet along each lot line.~~

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The end points shall be connected by a straight line. Within said triangular area nothing shall be erected, placed, planted or allowed to grow in such a manner as to significantly impede vision between a height of 2-1/2 and 10 feet above the adjacent center line street grade.

~~C.~~ Any fence, wall, dense shrub, or combination thereof, legally established or constructed prior to the adoption of this section and not complying with all requirements of this section as amended, shall be classified as legally nonconforming.

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~~D.~~ d. Electric fences and barbed wire are restricted in accordance with Chapter 41 of the Hiawatha Code of Ordinances.

E. Additional Provisions. Additional provisions for permitted yard encroachments of accessory uses and structures are provided in Section 165.23(9) of this Code, Accessory Uses and Structures.

9. Accessory Uses and Structures. This section supplements the regulations contained in this Code as they apply to accessory uses and structures, except for accessory signs which are governed by the provisions of Section 165.15(2), Figure I and Chapter 166 of this Code.

A. Time of Construction. No accessory structure or use shall be constructed or established more than one hundred and twenty days (120) prior to the time of completion of the construction or establishment of the principal structure or use to which it is necessary.

B. Use as a Dwelling Restricted. No accessory structure shall be used for living, sleeping, or housekeeping purposes except by domestic employees employed on the premises and the immediate families of such employees and only when said structure has been constructed for residential purposes and meets all City Codes relating to residential construction and occupancy, and has been issued a certificate of occupancy. Additionally, no such occupancy shall be permitted prior to issuance of an occupancy permit for the principal structure.

C. Temporary Accessory Structures. Temporary accessory structures shall be permitted in all zones except residential zones in accordance with this section.

1. Shall require a building permit. The fee shall be in accordance with Council resolution.

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2. Shall comply with all codes applicable to the specific use.

3. Shall comply with the setback requirements of the principle structure for the zone in which it is located.

4. Shall be of membrane or tent construction.

~~B.~~ 5. Shall remain no longer than ~~6~~ 3 continuous months.

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~~C.D.~~ Parking and Storage Restrictions.

(1) General Parking regulations. All access ways and driveways to parking and storage areas, pads and parking areas shall be surfaced and maintained with asphaltic concrete, brick, asphaltic macadam or similar method to be approved by the City Engineer unless otherwise noted as specific exceptions. All accessory parking shall comply with Section 165.30 through 165.36. Additionally, no vehicle parked in any required yard shall obstruct a public sidewalk. If no public

sidewalk exists, then no such vehicle shall be parked closer than five feet to the street right-of-way. No vehicle, machine or equipment shall be parked within the corner visual clearance area as described in Section 165.21(8). No such vehicles or equipment shall be used for living, sleeping, or housekeeping purposes while so parked or stored.

(2) Front Yards. Vehicular parking and vehicular storage shall not be permitted in any required front yard other than in C and I Districts, except that in the Agriculture and Single Family Residential Districts and on lots being used for a single-family or a two-family dwelling passenger motor vehicles may be parked upon a driveway located within a required front yard. In addition, no more than one recreational vehicle may be parked within a required front yard and only if in operable condition and if parked upon a hard surfaced driveway. The driveway shall be considered to be that designated area to provide access from the street to a parking area, an attached or basement garage, carport or detached garage. A driveway or hard surfaced pad may extend no more than ten feet in width into that part of the required front yard which is located between and in a direct line from the street and the principal structure. For the purposes of this section the principal structure will exclude an attached or basement garage.

(3) Side Yards. Vehicular parking or vehicular storage may be permitted in a side yard in any district.

(4) Rear Yards. Vehicular parking or vehicular storage shall be permitted in a rear yard in any district. No more than a combination of two passenger motor vehicles, recreational vehicles or light duty machine or equipment, or similar vehicles and equipment shall be parked or stored in the rear yard in the Agriculture, R-1, R-3 and R-5 Residential Districts unless effectively screened on each side adjoining a street or property situated in a residence district by ~~screening as required in Section 165.23(6)(B) a wall, fence, or densely planted compact hedge not less than five and one half feet in height~~ and the parking surface defined in 165.23(9)(C)(1) shall not be required.

(5) Trucks, Commercial Vehicles, and Heavy Machines and Equipment. No trucks with a net legal carrying capacity exceeding one and one-half tons; commercial vehicles and heavy machines and equipment shall be parked or stored upon any lot or tract of land in an R District except if such vehicles, equipment, and machinery are in temporary usage to actively accomplish permitted temporary activities on the premises such as construction, repair, moving, and other similar activities. In such cases they shall, upon completion of said activity, be removed from the lot or tract of land. Commercial vehicles and heavy equipment and machines parking in I Zoning Districts shall be on rock, gravel, dust free surface approved by the City Engineer or on a hard surface as described in Section 165.23(9)(C)(1).

(6) Miscellaneous Parking and Storage. No person shall park, keep or store, or permit the parking or storage of an inoperable vehicle, vehicle component parts, or miscellaneous junk and debris on any public or private property, in any zoning district, unless it shall be in a completely enclosed building. This regulation shall not apply to legitimate businesses operating in a lawful place and manner, in accordance with the zoning regulations, provided, however, that any outside areas used for parking and storage shall be screened from public view in accordance with Section 165.23(6)(B) if required by the regulations of the zoning

district within which they are located. The parking surface for this type of use shall be rock, gravel, a dust free surface approved by the City Engineer or a hard surface as described in Section 165.23(9)(C)(1).

(7) Outside Storage. Where outside storage is permitted in Section 165.16 it shall comply with this section. Outside storage shall not be permitted in any required yard. Outside storage shall not be permitted in any front yard in a Residential District. All outside storage shall be effectively screened with landscaping and building elements or opaque fences or walls as specified in 165.23(6)(B). from the right of way and from off-site views.

EXCEPTION: Screening is not required on property lines adjacent to lots zoned as I-2.

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Screening shall also comply with specific requirements for the Zoning District in which the storage occurs. Access to outside storage shall be hard surfaced as described in Section 165.23(9)(C)(1) and screened if in view of the right of way. Outside storage surfaces shall be hard surfaces as described in Section 165.23(9)(C)(1) except storage areas in Industrial Zoning Districts shall be on rock, gravel, or a dust free surface approved by the City Engineer or on a hard surface as described in Section 165.23(9)(C)(1). Storage containers shall be considered as outside storage and shall comply with this section and the following.

- a. Commercial storage containers shall not be stacked.
 - b. Commercial storage containers shall be allowed only in C-4, C-WH, I-1 and I-2 zones.
- (8) Outdoor Displays Areas. The outdoor display of motor vehicles, machines, equipment and merchandise held for sale or rental is permitted only in Commercial and Industrial Districts where such display is incidental to a Permitted or Conditional Use legally existing thereon and is subject to the following:
- a. Outdoor display areas are in addition to and exclusive to required parking and driveway areas.
 - b. Outdoor display areas shall not be located on a right-of-way.
 - c. Outdoor display areas shall not be located in a detention basin or drainage area.
 - d. Outdoor display areas shall be properly maintained to prevent any unsightly appearance, weeds and erosion.
 - e. Outdoor displays located on a hard surface as described in Section 165.23(9)(C)(1) may remain in place during on and off business hours.
 - f. Outdoor displays not located on a hard surface as described in Section 165.23(9)(C)(1) shall only be permitted during the business hours of the business to which the display is incidental.
 - g. Outdoor displays shall cover no more than 10% of the landscape area of the yard in which the display area is located.
 - h. Properties legally not in compliance with this Section 165.23(9)(C)(8) shall have three (3) years from the date of enactment; May 16, 2015 in which to comply with the outdoor display area hard surface regulations.

D.E. Bulk Regulations For Accessory Structures and Buildings.

(1) Attached Buildings and Structures. Attached accessory buildings and structures shall meet all the requirements of this chapter which apply to the principal structure to which they are attached, except as modified in Section 165.23(8) of this Code, Permitted Encroachment in Required Yards.

(2) Detached Buildings and Residential or Commercial Satellite Antenna Dish. Detached accessory buildings or satellite antenna dishes including all directional movements from extremes, except for satellite dishes with less than seven (7) square feet of area within the perimeter of the rim of the satellite dish, shall:

- a. Not be closer than 10 feet to a principal building ~~or to another accessory building~~ on the same lot. Distances between such buildings shall be measured horizontally between the closest building walls.
- b. Not be closer than 3 feet to any lot line.
- c. Not exceed the height limit for the principal building to which it is accessory.
- d. Not be located in a required front yard.
- e. If located partially or completely in a required rear yard, not to exceed 15 feet in height nor occupy more than forty percent (40%) of the required yard.
- f. Not to exceed 15 feet in height nor occupy more than forty percent (40%) of the non-required side yard and shall meet the minimum side yard requirements established for the principal building to which it is accessory unless it is located totally outside of the area of a required side yard. In such case the accessory building may be located within three (3) feet of the side lot line.
- g. Be set back from any adjacent street in accord with the minimum distance required for a principal building on the same lot.
- h. If accessory to a one or two family dwellings also be limited to a cumulative total area not to exceed:
 - i. 1,000 square feet for lots less than 10,000 square feet.
 - ii. 10% of the lot area for lots greater than 10,000 square feet.
 - iii. 3,000 square feet for lots over 30,000 square feet.

~~iii.~~ j. For temporary accessory structures see section 165.23 (9) C

(3) On a Reversed Corner Lot. On a reversed corner lot in a residence district, and within 15 feet of any adjacent property to the rear in a residence district, no detached accessory building or portion thereof located in a required rear yard, shall be closer to the side lot line abutting the street than a distance equal to the least depth which would be required under this chapter for the front yard on such adjacent property to the rear. Further, in the above instance, all such accessory buildings shall meet the minimum side yard requirements of such adjacent property which coincides with the side lot line or portion thereof of property in any residence district.

(4) Dispensing Devices. Filling station fuel pumps, air, drink, ice, and food dispensing devices located in districts where allowed, and with a height not exceeding 6 feet, shall be exempt from the established front yard or corner side yard requirements, but on a corner lot, all such dispensing devices shall be

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subject to the restrictions provided in Section 165.21(8) of this Code, Corner Visual Clearance Area Required.

(5) Awnings and Canopies. Awnings and canopies that provide shelter for fuel pumps may encroach into required yards no closer than three (3) feet from the lot line, but on a corner lot all such awnings and canopies shall be subject to the restrictions provided in Section 165.21(8) of this Code, Corner Visual Clearance Area Required.

E.F. Accessory Commercial Service Uses Permitted in R-7 District.

(1) Uses Permitted. A coffee shop, snack bar, gift shop, tea room, cafeteria, newsstand, barber shop, pharmacy or beauty shop may be established as an accessory use within a principal building in an R-7 District wherein the principal use is for multiple dwelling, dormitory, apartment, hotel, hospital or nursing home provided such building, or related complex of buildings for which it is a part, contains the following minimum units:

- a. Multiple dwelling or apartment hotel: 50 apartments.
- b. Dormitory: 50 rooms.
- c. Hospital or nursing home: 50 patient rooms.

(2) Limited to Convenience of Occupants. Such accessory uses shall be primarily for the convenience of and for service to the patients, residents, guests or employees occupying the building. No off premise advertising of any kind shall be allowed in connection with such an accessory use, except that the facility may be listed by name in the City telephone directory, if served by a separate telephone or telephones.

(3) Signs Limited. No exterior signs shall be placed on the premises indicating to the general public that a portion of the premises is being used for an accessory use. Interior directional signs may be permitted to designate the location of that portion of the premises at which such an accessory use is located.

F.G. Accessory Child Day Care Facilities. Child day care facilities, including nursery and preschool, shall be permitted as an accessory use in churches and public or private institutional buildings, subject to compliance with the City Building Codes and other applicable State, County, and City regulations.

165.25 RESIDENTIAL CHILD DAY CARE FACILITIES.

1. General Statement of Intent. The City Council finds that, there is a need for affordable, good-quality and licensed child day care within the City of Hiawatha which cannot be entirely fulfilled by commercial day care centers. Furthermore, the City Council recognizes that this type of care is critical to the well-being of parents and children in the community. Therefore, it is the purpose of this chapter to provide for the needed smaller residential care facilities while at the same time imposing standards to preserve the residential character of neighborhoods. The chapter will provide a means to establish and operate State registered child day care facilities in residential neighborhoods through a simplified review and approval process. This proposed review process does provide for public notice and discussion before the Board of Adjustment for residential facilities with over ~~fivesix~~ (56) children in section 165.85. Standards are also provided in order to preserve the residential character of the neighborhoods and provide protection to adjacent residences from noise or other intrusion.

2. Group Child Day Care Home. A group child day care home (less than 12 children), may be allowed in all districts permitting a residential use or any district where a residential use is legally established, if a special permit is approved by the Board of Adjustment. Criteria which must be met to obtain a special use permit are as follows:

A. State registration requirements shall have been met and the applicant agrees to meet any requirements of the Building Code, fire safety regulations, health codes and any other applicable local codes and ordinances.

~~B. Applicant shall agree to register annually with the City for as long as the use is continued. A reasonable administrative fee shall be charged as may be established, from time to time, by resolution of the City Council.~~

~~B.~~ No structural or decorative alteration that will alter the residential character of an existing structure or be otherwise incompatible with surrounding residences shall be permitted.

~~D.C.~~ The resident occupant shall be the principal care provider, shall be registered by the State, shall be present during operating hours. When there are ~~fivesix~~ or fewer children being cared for, the resident occupant need not be present. However, an employee of the resident occupant must be present when there are ~~fivesix~~ or fewer children being cared for and the resident occupant is not present. Both the resident occupant and the employee, must be present when there are more than ~~fivesix~~ children being cared for. Only one employee, over the age of 14, shall be permitted. Family members are not considered employees.

~~E.D.~~ Any required outside play area shall be effectively screened from adjacent residential uses.

~~F.E.~~ If located on a major street, as herein, an off-street drop-off/pickup area must be provided.

~~G.F.~~ One off-street parking space must be provided for a non-resident/non-family member employee when located in a single family residence district. A residential driveway is acceptable for this purpose.

~~H.G.~~ One unlighted sign, under two square feet in area, and stating only the resident-occupants name and the wording "Group Day Care Home" shall be allowed.

~~I.H.~~ Any child group day care home which has been established and has obtained a State of Iowa Certificate of Registration prior to the effective date of this chapter and in

addition, meets all of the foregoing criteria, shall be considered as being a lawful use under the terms of these regulations and may so continue without approval of the Board of Adjustment.

~~165.28 — LIGHTING AND SOUND RESTRICTIONS. When a lot is located in an R-7, C or I-District and is adjacent to or immediately across the street from a lot in a Residential District or from a lot containing an existing residential use, the following protective measures shall be provided prior to issuance of an occupancy permit for any nonresidential uses on any such lot.~~

- ~~1. All lighting shall be of a type, design, and placement, and also be directed away from and shielded in a manner to minimize impact on the said residential district or use.~~
- ~~2. Any external sound system shall be designed, located and operated to minimize impact on the said residential district or use and all sounds generated on the premises shall, in any event, not exceed the maximum permissible sound levels established in the City's Noise Ordinance, Chapter 53 of the Municipal Code.~~

165.29 PERFORMANCE STANDARDS. The operation of any use permitted in this chapter is subject to the standards of performance, as follows:

~~1. — Obnoxious Emissions Prohibited. All uses must be operated so that all practical means are used to conform to the following standards.~~

- A. Vibration. Every use shall be so operated that the maximum ground vibration generated is not perceptible without instruments at any point on the lot line of the lot on which the use is located.
- B. Odor. Every use shall be so operated that no offensive or objectionable odor is emitted.
- C. Smoke and Air Pollution. Every use shall be so operated that no smoke from any source shall be emitted that exceeds the requirements set by the State Air Pollution Control Act, as amended June 1967, and as the same may hereafter from time to time be amended.
- D. Toxic Matter. The release of airborne toxic matter from any operation or activity shall not exceed the fractional quantities permitted below; the Threshold Limit Values adopted by the American Conference of Governmental Industrial Hygienists. If a toxic substance is not listed, verification that the proposed level of toxic matter will be safe and not detrimental to the public health or injurious to plant and animal life will be required. The measurement of toxic matter shall be on the average of any 24-hour sampling period.

(1) In all C Zone Districts, the release beyond lot lines of airborne toxic matter shall not exceed 1/8 of the Threshold Limit Values.

(2) In all I Zone Districts, the release of airborne toxic matter shall not exceed 1/8 of the Threshold Limit Values beyond zone boundary lines.

E. Radiation. Every use shall be so operated that there is no dangerous amount of radioactive emissions in accordance with the standards of the Federal Radiation Council.

~~E-F. All lighting shall be of a type, design, and placement, and also be directed away from and shielded in a manner to minimize impact on the said residential districts or uses and shall comply with Hiawatha Code Section 168.~~

~~E-G. Any external sound system shall be designed, located and operated to minimize impact on the said residential districts or uses and all sounds generated on the premises shall, in any event, not exceed the maximum permissible sound levels established in the City's Noise Ordinance, Chapter 53 of the Municipal Code.~~

~~G-H.~~

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165.34 DESIGN AND MAINTENANCE OF OFF-STREET PARKING AREAS.

1. Plan. Except for single-family and two-family residential uses, the design of parking lots or areas shall meet City Standards.
2. Character. Accessory parking spaces may be open to the sky or enclosed in a building.
3. Surfacing. All open, off-street parking areas, including all drives and aisles and all turnarounds and loading areas shall be hard surfaced and maintained so as to provide a durable and dust free surface. Surfacing methods shall include concrete, asphaltic concrete, brick or asphaltic macadam surfacing, meeting the construction specifications and City Standards or such other method approved by the City Engineer as providing an equally durable and dust-free surface.
4. Drainage. All open off-street parking areas shall be graded and drained to dispose of surface water accumulation in accordance with City Standards.
5. Screening and Landscaping. All open vehicle parking areas containing more than four (4) parking spaces shall be effectively screened on each side adjoining property situated in a Residential District or any institutional premises, by a wall, a ~~solid~~ opaque fence, or by the use of appropriate plant materials and shall comply with UDC Section 165.23(6)(B). Such screen shall not be less than five and one half feet nor more than six feet in height, subject, however, to the regulations in Section 165.21(8) and 165.23(8)(D) herein. Driveways to and from such parking areas, shall also be so screened on any side which adjoins property in a Residential District or any institutional premises ~~subject, however, to the regulations in Section 165.21(8) and 165.23(8)(D) herein.~~ The Board of Adjustment may waive these screening requirements. ~~If plant materials are utilized for the screen they shall be a minimum of three feet in height after planting and pruning, shall be composed of plants approved for such use by the City, and shall be installed in such a manner that will assure an effective year round visual screen. All walls, fences or planting material screens shall be maintained in such a manner as to assure a continuing year round effective visual screen and also to assure that no adverse impacts will be caused to the adjoining properties due to lack of proper maintenance. Berming may be used in conjunction with fencing or plantings to provide the required screen. If utilized, the berming must be completely upon the lot with the parking area, and no side slope shall be steeper than 4 to 1, unless other means approved by the City Engineer are used to hold the slope.~~
6. Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as to not create a nuisance in accordance with Hiawatha Code Chapter 168.
7. Wheel Guards. All perimeter parking spaces, except for single- and two-family use, shall be provided with wheel guards or bumper guards so located that no part of parked vehicles will extend beyond the property line.
8. Signs. Accessory signs shall be permitted on parking areas in accordance with the provisions specified in Chapter 166 of this Code.
9. Vehicle Repair and Service Restrictions. Regulations for all zoning districts are set forth in Section 165.21(17).

165.35 OFF-STREET PARKING SPACES.

1. Specific Requirements.

A. Design Standards. All off-street parking spaces required by this chapter, except those required for single- and two-family dwellings, shall be designed in accordance with City Standards.

B. Off-Street Parking Table—~~Parking Classes~~. Off-street parking spaces shall be provided in accordance with the specific ~~uses~~~~Parking Classes~~ as hereinafter set forth in the Off-Street Parking Table—~~Parking Classes~~.

C. Parking Spaces for Accessory Uses. Parking spaces for major accessory uses which are specifically enumerated within ~~the~~a Parking ~~Table~~Class shall be provided in addition to those required by the principal use. Parking spaces for accessory uses not specifically enumerated within ~~the~~a Pparking ~~Table~~class shall be assumed to be included in the principal use requirement.

D. Determination of Number of Spaces. If, for any reason, the classification of any use for the purpose of determining the amount of off-street parking, or the number of spaces to be provided by such use is not readily determinable hereunder, the parking ~~class~~ for such use or the number of spaces to be provided shall be determined by the Zoning Administrator, after recommendation by appropriate City departments.

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Motor Vehicle Services General: uses include all services related to the repair and maintenance of motor vehicles including but not limited to mechanic shops, repair shops and body shops.	3/1,000 sq. ft of gfa;
Truck Stop	4/1,000 sq. ft of gfa; plus, additional reservoir space to accommodate five automobiles in each service lane.
ENTERTAINMENT AND RECREATION	
Clubs and Lodges as defined in 165.96	6/1,000 sq. ft of gfa;
	10/1,000 sq. ft of gfa; plus
Restaurants and Bars: includes outdoor seating	Drive up service: reservoir spaces to accommodate five automobiles in each service lane.
Entertainment and Sports Indoor: Characterized by artistic productions in theater settings and uses involving physical participation indoors with limited spectators. Including but not limited to indoor theaters with and without stages, dance halls, bowling alleys, indoor archery and shooting ranges, indoor tennis courts, handball, indoor swimming pools, arcades and casinos.	6/1,000 sq. ft of gfa for areas not specified herein. 5/Alley; 1.5/Driving Tee; 4/Court for handball, racquetball, squash or tennis. 1/Each two seats provided. (Theater) 1/75 sq. ft of water when public swimming pool is an isolated use. 10/1,000 sq. ft of gfa; skating rinks
Outdoor Recreational Non-spectator Limited: Characterized by non-spectator activities including but not limited to mini-golf, driving ranges, paintball, tennis courts and swimming pools. EXCLUDE open space parks, golf courses and firing ranges.	6/1,000 sq. ft gfa, plus 6/1,000 sq. ft gla. directly utilized for outdoor recreational areas unless specified herein. 5/Alley; or 1.5/Driving Tee; or 4/Court for handball, racquetball, squash or tennis.
	1/75 sq. ft of water when public swimming pool is an isolated use
Outdoor Recreational Spectator: Characterized by large groups of spectators or participants in diverse outdoor activities including but not limited to arenas, stadiums and amusement parks.	1/Each four seats provided in the main seating area. 6/1,000 sq. ft gfa, plus 6/1,000 sq. ft gla. directly utilized for outdoor recreational areas. Zoo: 1/2,000 sq. ft gross land area.
Golf Courses	5/ Hole PLUS: Parking for other uses as required by this table.
Firing Ranges Outdoor: Includes gun and archery ranges	1/5,000 sq. ft gla.
Race tracks	1/Each four seats provided in the main seating area.
Campground and RV Park	
Parks: open space	1/5,000 sq. ft gla. or 1/75 sq. ft of water when public swimming pool is an isolated use.

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<u>includes incidental uses not contained within buildings such as showrooms, materials storage, vehicle and equipment storage. These uses have limited customer traffic on site. Including but not limited to industrial contractors, equipment rentals and contractors using vehicles and equipment larger than three tons:</u>	
Adult Entertainment Establishments	3/1,000 sq. ft of gfa;
Pawn Brokers and Delayed Deposit Services	3/1,000 sq. ft of gfa;
RETAIL AND REPAIR	
Retail Convenience Limited: Retail related to neighborhood convenience limited to pharmacies and food stores for pre-packaged foods such as grocery stores and prepared on-site foods including but not limited to meat markets, delis, bakeries, and ice cream parlors.	6/1,000 sq. ft of gfa; all areas not specified herein up to 18,000 sq.ft. 4/1,000 sq. ft of gfa; all areas not specified herein over 18,000 sq.ft.(cumulative).
Retail General: retail uses characterized by shops and stores where all commodities and transactions are inside buildings. Includes rentals but no additional services such as repairs or installations. Including but not limited to department stores, clothing stores, malls and specialty stores.	Drive-up service; reservoir space to accommodate five automobiles in each service lane. drive up service; additional reservoir space sufficient to accommodate five automobiles per service lane. 10/1,000 sq. ft of gfa for accessory seating areas 4/1,000 sq. ft of gfa; plus, if bank or savings and loan facility with drive-up windows, an additional reservoir space sufficient to accommodate a number of automobiles equal to five times the number of teller windows or stations shall be provided. (Apparel, department;
Retail and Repair: uses include medium to small commodity sales with associated repair and rental services including but not limited to computer sales, appliance sales and residential outdoor equipment.	6/1,000 sq. ft of gfa; however, for shopping centers this rate shall apply to the first 18,000 sq. ft. of gross floor area, and for any floor area in excess of 18,000 sq. ft., parking spaces shall be provided at the rate of 4/1,000.
Retail Large Commodity: Includes retail and rental uses which may rely on outside storage and display such as cars, boats, building materials, mobile home sales, grave monuments and nurseries.	4/1,000 sq. ft of gfa; plus, if bank or savings and loan facility with drive-up windows, an additional reservoir space sufficient to accommodate a number of automobiles equal to five times the number of teller windows or stations shall be provided. 4/1,000 sq. ft of gfa; plus, if bank or savings and loan facility with drive up windows, an additional reservoir space sufficient to accommodate a number of automobiles equal to five times the number of teller windows or stations shall be provided.
Retail Industrial Commodity: Characterized by sales and repair of industrial equipment and products. Including but not limited to industrial	1/Each two employees based on the largest number of employees on the premises at any one time.

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<u>Heavy Industrial Activities: Characterized by the use of heavy equipment in production and processes necessarily outside. Including but not limited to salvage yards.</u>	2/Each employee based on the largest number of employees on the premises at any one time.
<u>Quarries and other extraction uses</u>	1/Each employee based on the greatest number of employees on the premises at any one time.
<u>Sanitary Land Fills</u>	2/Each employee based on the largest number of employees on the premises at any one time.
<u>Wind Generators, Commercial</u>	1/Each employee based on the greatest number of employees on the premises at any one time.
▲	
<u>TRANSPORTATION AND UTILITIES</u>	
<u>Bus Terminals</u>	Spaces as required by the Board of Adjustment after recommendation by the Planning and Zoning Commission.
<u>Airports</u>	Spaces as required by the Board of Adjustment after recommendation by the City Planning Commission.
<u>Heliports</u>	Spaces as required by the Board of Adjustment after recommendation by the City Planning Commission.
<u>Railroad Facilities Railroad Facilities</u>	Passenger station: 10/1,000 sq. ft of gfa; plus, if restaurant with drive-up windows or stations, an additional reservoir space to accommodate five automobiles shall be provided for each lane. (RR passenger station) 1/Each two employees based on the largest number of employees on the premises at any one time. (freight) Freight station: 1/Each two employees based on the largest number of employees on the premises at any one time.
<u>Essential Services</u>	Spaces as required by the Board of Adjustment after recommendation by the City Planning Commission unless use matches a designation in this table.
<u>Communication Towers</u>	1/Each employee based on the greatest number of employees on the premises at any one time. (radar and towers)
▲	
▲	

2. _____¹ CPR-1 Zoning District: Spaces as required by the City Council after recommendation by the Planning and Zoning Commission and not to exceed 4/1000 sq. ft of gfa.

Parking Classes	Required Spaces
Class-No.-1	2/Dwelling unit. (DU)
Class-No.-2	1/DU/habitable living unit.
Class-No.-3	2/Dwelling unit.
Class-No.-4	1/4,000 sq. ft. gross floor area (gfa).
Class-No.-5	2/4,000 sq. ft of gfa.

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Class No. 6	4/1,000 sq. ft. of gfa; plus, if bank or savings and loan facility with drive-up windows, an additional reservoir space sufficient to accommodate a number of automobiles equal to five times the number of teller windows or stations shall be provided.
Class No. 7	6/1,000 sq. ft. of gfa; however, for shopping centers this rate shall apply to the first 18,000 sq. ft. of gross floor area, and for any floor area in excess of 18,000 sq. ft., parking spaces shall be provided at the rate of 4/1,000.
Class No. 7A	7/1,000 sq. ft. of gfa.
Class No. 8	10/1,000 sq. ft. of gfa; plus, if restaurant with drive-up windows or stations, an additional reservoir space to accommodate five automobiles shall be provided for each lane.
Class No. 9	20/1,000 sq. ft. of gfa.
Class No. 10	1/Each employee based on the greatest number of employees on the premises at any one time.
Class No. 11	1/1,000 sq. ft. of gfa, plus 1/2,000 sq. ft. of gross land area.
Class No. 12	75/9 Holes (regular golf), or 40/9 Holes (Par "3").
Class No. 13	1/2,000 sq. ft. gross land area (gla).
Class No. 14	1/5,000 sq. ft. gla, or 1/75 sq. ft. of water when public swimming pool is an isolated use.
Class No. 15	Reserve ten (10%) of capacity of use.
Class No. 16	1/Each two employees, plus 1/Owner Manager, plus reserve spaces equal to 5 times maximum capacity of auto washing unit.
Class No. 17	1/Each one student based on design capacity.
Class No. 18	1/Each employee based on the largest number of employees on the premises at any one time, plus 1/resident who is sixteen years or older and is permitted by the managing institution to own and operate a motor vehicle.
Class No. 19	1/Each employee, plus 1/each six students, based on design capacity.
Class No. 20	1/Each four seats provided in the main seating area.
Class No. 21	1/Each two seats provided.
Class No. 22	1/Each four students, based on design capacity.
Class No. 23	1/Each employee of the shift having the greatest number of employees, plus 1/resident who operates a motor vehicle.
Class No. 24	1/Each two employees based on the largest number of employees on the premises at any one time.
Class No. 25	6/1,000 sq. ft. gfa, plus 6/1,000 sq. ft. gla, directly utilized for outdoor recreational areas.
Class No. 26	2/Each employee based on the largest number of employees on the premises at any one time.
Class No. 27	Spaces as required by the Board of Adjustment after recommendation by the City Planning Commission.
Class No. 28	Reserved.
Class No. 29	5/Alley; or 1.5/Driving Tee; or 4/Court for handball, racquetball, squash or tennis.
Class No. 30	5/Licensed bed.

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3. List of Off-Street Parking Requirements, By Use.

	Use	Class Number
A1	Abrasive manufacturing	24
A2	Air conditioning & heating contractor	26
A3	Air, motor, railroad, water freight terminal	24
A4	Airports and landing fields	27
A5	Amusement parks and establishments	25
A6	Animal hospital and veterinarian	6
A7	Animal kennels	6
A8	Antique store	6
A9	Apparel store	6
A10	Aquarium	5
A11	Art and school supply store	6
A12	Art store, retail	5
A13	Art studio	6
A14	Asphalt manufacturing	24
A15	Athletic field	14
A16	Auction room	8
A17	Auto accessory store	6
A18	Auto laundry (mechanical)	16
A19	Auto laundry (self-service)	16
A20	Auto service station	6
B1	Bakery	24
B2	Bakery, retail	6
B3	Bank, savings and loan association, excluding drive-in facilities	6
B4	Barber shop	7
B5	Battery and tire service shops	6
B6	Beauty shop	7
B7	Bedding manufacturing	24
B8	Beer garden — parking for all areas not within a building shall be calculated the same as for the gross floor area	8
B9	Billiard and pool halls	7
B10	Bingo parlors	20
B11	Blueprinting	6
B12	Boat and equipment sales and service	6
B13	Book and stationery store	6
B14	Boot and shoe manufacturing	24
B15	Botanical gardens	14
B16	Bottling companies	24
B17	Bowling alley	29
B18	Brick & structural clay products manufacturing	24
B19	Building materials & products sales & storage	26
B20	Business machine sales and service	6
B21	Business machine school	17
B22	Business school	17
B23	Bus terminal or depot	6
C1	Camera and photographic supply store	6
C2	Candy, nut and confectionery store	8
C3	Carpet and floor covering store	6
C4	Carpet manufacturing	24
C5	Cartage and express facilities	24
C6	Catering service	6
C7	Cement, bulk storage	24
C8	Cemeteries, columbariums, crematories and mausoleums	27
C9	Chemical processing and manufacturing	24
C10	China and glassware store	6
C11	Chiroprapist	7A

	Use	Class Number
C12	Chiropractor	7A
C13	Churches, chapels, temples, synagogues	20
C14	Civil defense— fire & police station	6
C15	Clothes pressing	7
C16	Clothing and costume rental	6
C17	Cloth products manufacturing	24
C18	Club or lodge, private: operated for the benefit of members and not for gain	7
C19	Cocktail lounge, night club	8
C20	Coin store	6
C21	Colleges, junior colleges, and universities	22
C22	Commercial and industrial products, photo studio, etc.	26
C23	Commercial camping grounds	13
C24	Commercial school or trade	47
C25	Commercial stadiums	20
C26	Computer technology school	47
C27	Concrete mixing plant	40
C28	Contractors and construction yards and office	26
C29	Convalescent home, extended care facility or rest home and sanitarium	27
C30	Convenience store	7
C31	Convention hall or exhibition hall	8
C32	Convent, monastery, nunnery	4
C33	Correctional institution	10
C34	Cosmetic manufacturing	24
C35	Crisis center	6
C36	Currency exchange	6
C37	Custom dressmaking	6
D1	Dairy and milk products processing or bottling establishment	2
D2	Dairy products store	8
D3	Dance hall	8
D4	Day care center or preschool facility	5
D5	Delicatessen	8
D6	Dental office	8
D7	Department store	6
D8	Diaper service	6
D9	Doctor's office	7A
D10	Dormitories	22
D11	Drive-in banking facility	28
D12	Drive-in theater (outdoor)	15
D13	Drive-in type restaurant where: Food is consumed on the premises, but not within a completely enclosed building, or food is served directly to the customers in parked motor vehicles	9
D14	Drugstore	6
D15	Dry cleaning and laundry receiving station	6
D16	Dry cleaning plant employing not more than six persons	6
D17	Dry cleaning plant employing seven or more persons	40
D18	Dry goods store	6
D19	Dumps and sanitary landfills	26
D20	Dwelling, multiple family	3
D21	Dwelling, multiple family for elderly or handicapped when associated with a public financial assistance program	1
D22	Dwelling, single family	3
D23	Dwelling, two family	3
E1	Electrical and household appliance store	6
E2	Electrical showrooms and shops	26
E3	Electric substation	24
E4	Electronic, scientific and precision instrument manufacturing	24
E5	Electroplating	24

	Use	Class Number
E6	Elementary school	40
E7	Emergency residential shelter	23
E8	Employment agency	6
E9	Engineers and architects offices and yards	6
E10	Exterminator	40
F1	Fairgrounds, rodeos, and grandstands	20
F2	Family home	4
F3	Feed and seed store	24
F4	Feed mills	24
F5	Film processing	6
F6	Financial institutions and uses	6
F7	Florist	6
F8	Food manufacturing, packaging and processing	24
F9	Forest preserves	14
F10	Foundries and forge plants	24
F11	Fraternity house	17
F12	Frozen food locker plants, including sale of frozen foods	6
F13	Fuel and ice plants and sales	24
F14	Fuels, solid or liquid, storage	24
F15	Funeral parlor	20
F16	Furniture, furnishings, domestic and commercial manufacturing	24
F17	Furniture store	6
F18	Fur processing	24
F19	Furrier	6
G1	Garage for storage, servicing, and repair of motor vehicles, including body repair, painting and engine rebuilding	6
G2	Garden supply, tool and seed store	6
G3	Gas regulator station	24
G4	Gift store	6
G5	Glass products production and sales	24
G6	Golf courses, public and private	12
G7	Golf driving ranges	29
G8	Government administration buildings without garage or shops	6
G9	Grain storage and processing	24
G10	Graphite products manufacturing	24
G11	Grave markers and monuments display and sales	5
G12	Greenhouses and nurseries, retail	11
G13	Greenhouses, wholesale	26
G14	Grocery or food store	7
G15	Grounds of recreational clubs/noncommercial	14
G16	Group home	18
G17	Gypsum manufacturing	24
H1	Haberdasheries	6
H2	Handball, racquetball, or squash courts	29
H3	Hand laundry	6
H4	Hardware store	6
H5	Health care facility	30
H6	Health clubs	7
H7	Hearing aid store	5
H8	Heavy machinery manufacturing	24
H9	Heliports, public and private	27
H10	Historic site	27
H11	Hobby shop	6
H12	Home for the aged	4
H13	Home furnishings	6
H14	Hospital	5
H15	Hotel	2
H16	Household appliance store	6

	Use	Class Number
H	Ice-cream store	8
I2	Indoor amusements, including indoor archery, rifle range, shooting gallery and other indoor amusement establishments	7
I3	Institution: 1) for care and residence of children and adults; 2) for treatment of alcoholism, drug addiction, or treatment and care of mentally ill or handicapped	4
I4	Insulating material manufacturing	24
I5	Interior decorator	5
J1	Jewelry store	6
J2	Junior high school	10
J3	Junkyard and auto graveyard	26
K1	Kiddy parks	25
L1	Laboratory; medical, dental or optical	10
L2	Laboratory; research and testing	10
L3	Labor union offices and lodges	6
L4	Laundry	24
L5	Laundry, self-service	6
L6	Leather goods and luggage store	6
L7	Leather tanning and curing	24
L8	Library, museum or art gallery, public	5
L9	Light machinery production; appliance and business machines	24
L10	Linen supply	26
L11	Linoleum manufacturing	24
L12	Liquor store	7
L13	Lithographing	6
L14	Locksmith	6
L15	Lodging house	2
M1	Machinery sales and service	10
M2	Machinery sales, no repair or service	10
M3	Machine shop	24
M4	Mail order house	10
M5	Massage salon	6
M6	Meat or fish market	6
M7	Meat packing	24
M8	Medical Offices	7A
M9	Meeting hall	20
M10	Metal reduction and refinement	24
M11	Metal stamping	24
M12	Microwave relay towers	10
M13	Millinery shop	6
M14	Miniature golf	25
M15	Mining operations	24
M16	Mobile home	3
M17	Mobile home display, sales and service	6
M18	Model garage display and sales	6
M19	Motel	2
M20	Motorecycle, bicycle and other outdoor recreational vehicle sales, rental & service	6
M21	Motor vehicle sales and service	6
M22	Musical instrument manufacturing	24
M23	Musical instruments sales and service	6
N1	Newspaper distribution agency	6
O1	Office, business and professional	6
O2	Office machine sales and service	6
O3	Optometrist	8
O4	Orthopedic & medical appliance manufacturing	24
O5	Orthopedic & medical appliance sales, service	6
O6	Osteopath	8

	Use	Class Number
Q7	Outdoor eating establishments	21
Q8	Outdoor rifle range, trap/skeet shooting range	13
P1	Paint, glass, and wallpaper store	6
P2	Paint products manufacturing	24
P3	Paper products manufacturing	24
P4	Par "3" golf courses	12
P5	Parks and playgrounds, public	14
P6	Reserved	
P7	Pawn shop	6
P8	Penny arcade, pinball, electronic and video games, and similar types of games	7
P9	Pet grooming studio	6
P10	Petroleum products, refining, storage and processing	24
P11	Pet shop	6
P12	Phonograph, record and music store	6
P13	Photography studio	6
P14	Photostatting	6
P15	Physical culture and health services	6
P16	Picture framing	6
P17	Pitch and putt golf courses	12
P18	Plastics manufacturing	24
P19	Plumbing showroom and shops	26
P20	Podiatrist	7A
P21	Polo fields	14
P22	Post office	6
P23	Pottery and ceramics manufacturing	24
P24	Printing and publishing	24
R1	Racetracks	20
R2	Radar installations and towers	10
R3	Radio and television stations and towers	10
R4	Railroad passenger station	8
R5	Recording studio	6
R6	Recreational and community center	6
R7	Rehabilitation house	18
R8	Religious retreat	4
R9	Repair of shoes, clothing and hats	6
R10	Repair, rental and servicing of any item, the retail sale of which is permitted in C-1, C-2, C-3, C-4 Districts	6
R11	Restaurants: Carry-out type where no food is consumed on the premises	8
R12	Restaurants: Family dining type, where all food is consumed within an enclosed structure	8
R13	Restricted production and repair	24
R14	Riding academy	27
R15	Rooming houses	2
R16	Rope, cord, and twine manufacturing	24
R17	Rubber manufacturing and processing	24
R18	Rummage shop	6
S1	School, music, dance and vocal	6
S2	Senior high schools	19
S3	Sewage treatment plant	24
S4	Sewing machine sales and service	6
S5	Shoe store	6
S6	Skating rinks	8
S7	Small animal grooming establishment	6
S8	Soap manufacturing	24
S9	Sororities	17
S10	Sporting goods manufacturing	24
S11	Sporting goods store	6

	Use	Class Number
S12	Stables, public	27
S13	Steel manufacturing	24
S14	Suntan centers	6
S15	Swimming pool, public	14
T1	Tailor shop	6
T2	Taverns	8
T3	Taxicab business	6
T4	Taxidermist	10
T5	Telecommunications	6
T6	Telemarketing	10
T7	Telephone exchange and equipment building	6
T8	Tennis courts and clubs	29
T9	Theaters (indoor)	21
T10	Ticket agency	6
T11	Tobacco store	6
T12	Toy store	6
T13	Trailer, camper or camper-trailer sales and other outdoor recreational vehicle sales, rental and service	23
T14	Travel agency	6
V1	Vocational school	17
W1	Warehousing and wholesaling establishments	24
W2	Warehousing, storage and distribution	24
W3	Waterworks, reservoir, pumping station and filtration plant	24
W4	Wearing apparel manufacturing	24
W5	Woodworking, planing mills and wood products manufacturing	24
Z1	Zoos or zoological gardens	13
Z2	Parking spaces not listed shall be as similar use allows as determined by Board of Adjustment	

165.70 NONCONFORMING BUILDINGS, STRUCTURES AND USES. Within the districts established by this Code, or by subsequent amendments thereto, there exist buildings, structures and uses which were lawful before this Code was passed or amended, but which would be prohibited or restricted under the terms of this Code or future amendments thereto.

1. Purpose. The purpose of this section is to provide for the regulation of nonconforming buildings, structures and uses and to specify those circumstances and conditions under which such nonconformities shall be permitted to continue. The intent of the regulation is not to force all nonconforming situations to be immediately brought into conformance. Instead the intent is to guide future uses and development in a direction consistent with city policy, and over time to bring the development into compliance with the city's regulations and Comprehensive Plan.

2. Authority for Continuance of Nonconformities and Regulation Thereof. Any nonconforming building, structure, or use which existed lawfully at the time of adoption of this Code and which remains nonconforming by the terms thereof, and any such lawful building, structure or use which shall become nonconforming upon the adoption of this Code, or any subsequent amendment thereto, may be continued subject to the regulations following in this section.

3. Nonconformity.

A. Nonconforming Use of Land. Where at the time of adoption of this Code, or subsequent amendments thereto, lawful use of land exists which would not be permitted by the regulations imposed by this Code, and where such use does not involve a building or structure, or in connection with which any building or structure, thereon is incidental or accessory to the principal use of the land, such use may be continued, provided:

(1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land.

(2) No such nonconforming use shall be moved in whole or in part to any adjoining property nor to any other portion of the lot or tract other than that occupied by such use at the time of adoption of this Code, or of a subsequent amendment thereto which rendered the use nonconforming.

(3) No additional structure not conforming to the terms of this Code shall be erected or placed on the lot and no existing nonconforming structure shall be enlarged or expanded.

(4) If no expansion or enlargement is made, the nonconforming use may be changed to another nonconforming use of the same classification or to a less nonconforming use. Whenever a nonconforming use has been changed to a conforming use or to a less nonconforming use, such use shall not be thereafter changed to a more nonconforming use.

(5) Where the nonconforming use status applies to a structure or building and the removal or destruction of such structure or building, or change of such structure or building to a conforming use shall eliminate the nonconforming status of the land, thereafter the land shall be used only for a conforming use.

B. Nonconforming Structures and Buildings Related to Bulk. Where at the time of adoption of this Code, or of subsequent amendments thereto, lawful use of a structure or building exists or may exist which could not be erected under the regulations imposed by this Code by reason of restrictions on area, lot coverage, height, yards, location on the lot, or other requirements concerning the structure or building, such structure or building may

be continued, provided no such nonconforming structure or building shall be altered in any way which would increase its degree of nonconformity but may be altered if such alteration does not increase its degree of nonconformity.

C. Nonconforming Structures and Buildings Related to Use. Where at the time of adoption of this Code, or of subsequent amendments thereto, lawful use of a structure or building exists which would not be permitted by the regulations in this Code, such use may be continued, provided:

(1) Enlargement or expansion of a nonconforming structure may be allowed under the following conditions:

a. Nonconforming single family structures located in the commercial and industrial districts as described in Section 165.16 may be allowed to expand. Also permitted is the establishment of additional accessory structures. All yard requirements of the district in which the nonconforming structure is located shall be adhered to with the exception that vertical expansions may be allowed provided the exterior walls of the addition extend no further than the exterior walls of the ground floor of the structure.

b. Nonconforming multi-family structures may be allowed to expand provided that the number of dwelling units are not increased. Also permitted is the establishment of additional accessory structures or the expansion of existing accessory structures. All yard requirements of the district in which the nonconforming structure is located shall be adhered to with the exception that vertical expansions may be allowed provided the exterior walls of the addition extend no further than the exterior walls of the ground floor of the structure.

c. Nonconforming commercial and industrial uses may expand under those conditions set forth in Section 165.84 "Conditional Expansions."

(2) Any nonconforming use may be extended throughout any existing parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Code, but no such use shall be extended to occupy any land outside the building.

(3) If no expansion or enlargement is made, the nonconforming use may be changed to another nonconforming use of the same classification or to a less nonconforming use. Whenever a nonconforming use has been changed to a conforming use or to a less nonconforming use, such use shall not be thereafter changed to a more nonconforming use.

(4) Where nonconforming use status applies to a structure or building and land on the same lot or tract, then the removal or destruction of such structure or building, or change of such structure or building to a conforming use eliminates the nonconforming use and the nonconforming status of the land, thereafter the land shall be used only for a conforming use.

(5) Any nonconforming structure or building allowed under this chapter may not be connected in any way to any other nonconforming or conforming structure or building. Any non-forming or conforming structure or building allowed under this chapter must have separate utility connections. All utility connections must

originate from the street and may not be connected to any existing utilities serving any nonconforming or conforming structure or building.

D. Nonconforming Signs. Nonconforming signs shall be regulated by the provisions contained in Chapter 166 of this Code.

4. Repairs and Maintenance. Ordinary repairs and maintenance may be carried out on land, structures or buildings nonconforming as to use or bulk, provided that no alterations shall be made which would add to the size, area, or degree of nonconformity.

5. Restoration of a Nonconforming Structure or Building.

A. Structure or Building Damaged or Destroyed. A nonconforming building or structure which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed sixty-five percent (65%) of the fair market value of the building before damage, based upon insurance value, shall not be restored except in conformity with all of the regulations of the district in which it is located.

(1) If a nonconforming building or structure is damaged less than sixty-five percent (65%), it may be repaired, restored, or reconstructed and used as before the time of damage provided that such repair, restoration or reconstruction is started within twelve (12) months of such damage and diligently prosecuted to completion.

B. Correcting an Unsafe Condition. Nothing in this Code shall be deemed to prevent the strengthening or restoring to a safe condition any structure, building, or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

6. Nonconforming Accessory Uses, Structures and Buildings. Nonconforming accessory uses, structures and buildings shall be subject to the provisions of this section. In addition, a nonconforming use of land, structure, or building which is accessory to a principal nonconforming use shall be discontinued if such principal use or structure is discontinued, unless such accessory use of land or structure shall therefore conform to all regulations of the district in which it is located.

7. Discontinuance of a Nonconforming Use. If the nonconforming use of a building, structure, or premise is discontinued or vacated for a continuous period of twelve (12) months, it shall not be renewed, and any subsequent use of the building, structure, or premises shall conform to the use regulations of the district in which such building, structure, or premises is located. However, where it can be established that a delay in reoccupying a property has been caused by governmental and/or court action, or other extenuating circumstances which is clearly beyond control of the property owner, the time period to retain nonconforming status may, if approved by the Board of Adjustment, be extended to twenty-four (24) months. Application for extension must be received before the expiration of the 12 month discontinuance or vacation.

8. Termination of Certain Nonconforming Uses and Structures. Certain uses involving a high degree of incompatibility and a relatively low amount of investment shall be terminated, or altered, as herein prescribed, following adoption of this Code.

A. Sight Distances. Fences, walls and foliage which impair sight distances at an intersection and thereby constitute a hazard to pedestrian or vehicular traffic shall be altered to comply with the provisions of this Section 165.21(8) herein, with one calendar year from the date of official notice from the Zoning Administrator.

B. Nonconforming Uses in C-ORS, C and I Districts. All uses in C-ORS, C and I Districts not now in compliance with the provisions of this Code setting for specifications for fencing or screening shall be altered so as to comply within two years from the date of official notice from the Zoning Administrator.

C. Nonconforming Open Storage Activities. Such uses as automobile wrecking and salvage, material storage and similar uses wherein no buildings or structures are used on connection with said use, or when the only buildings or structures or other physical improvements are accessory or incidental to such use, shall be terminated or made conforming within five (5) calendar years from the date of official notice from the Zoning Administrator.

D. Adult Entertainment. Any Adult Book Store, Adult Motion Picture Theater, Adult Mini Motion Picture Theater, Adult Massage Parlor, Adult Theater, Adult Artist-Body Painting Studio, Adult Modeling Studio, Adult Sexual Encounter Center, Adult Cabaret, or any other Adult Entertainment Establishment which at the time of the adoption of this Code becomes nonconforming because it does not meet the minimum separation requirements between it and any other such establishment, or between it and any school, church, or residential zoning district; or because it is located in a zoning district wherein such establishment is not a permitted use, shall terminate all uses defined herein no later than three (3) years after the date of the adoption of the Adult Entertainment Establishment Regulations Ordinance adding this section of Adult Entertainment to the 1995 Hiawatha Zoning Ordinance. However, if, in the opinion of the owner of the business involving such use, the termination creates an undue hardship, the owner may appeal to the Board of Adjustment for extension of time for the termination. It shall be the responsibility of the owner to show just cause for a time extension based upon evidence submitted by the owner which demonstrates by the greater weight of evidence that three years was not an adequate length of time to amortize the owner's investment in such establishment. The Board shall determine whether such a time extension shall be granted, and, if so, how long such extension shall be, based upon the evidence presented. However, no establishment shall be granted more than a one-time extension and no such extension shall be for longer than the minimum time determined necessary by the Board for the owner to amortize the investment which existed on the date of the Ordinance adding this section to the laws of Hiawatha was adopted. Any investments in said nonconforming establishment(s) subsequent to the adoption of the Code shall not be included for such amortization value purposes. Such nonconforming establishments shall not increase, enlarge, expand, extend or alter such land area, building or structure involved in such establishment except by change the use to another use which is permitted in that zoning district by the terms of the Unified Development Code.

E. Outside Vehicular Storage. When a combination of more than two vehicles, recreational vehicles, boats, campers, trailers or similar vehicles and equipment shall be parked or stored in the rear yard in the Agriculture and Single Family Residential Districts and on lots being used for a single-family or two-family dwelling the property shall be effectively screened on each side adjoining a street or property situated in a residence district by a wall, fence, or densely planted compact hedge not less than five and one-half feet in height. The fencing or screening shall be established within sixty (60) days from the date of official notice from the Zoning Administrator. The Zoning Administrator may grant an extension until such time as the ground is frost free.

165.70 NONCONFORMING BUILDINGS, STRUCTURES AND USES. Within the districts established by this Code, or by subsequent amendments thereto, there exist buildings, structures and uses which were lawful before this Code was passed or amended, but which would be prohibited or restricted under the terms of this Code or future amendments thereto.

1. Purpose. The purpose of this section is to provide for the regulation of nonconforming buildings, structures and uses and to specify those circumstances and conditions under which such nonconformities shall be permitted to continue. The intent of the regulation is not to force all nonconforming situations to be immediately brought into conformance. Instead the intent is to guide future uses and development in a direction consistent with city policy, and over time to bring the development into compliance with the city's regulations and Comprehensive Plan.

2. Authority for Continuance of Nonconformities and Regulation Thereof. Any nonconforming building, structure, or use which existed lawfully at the time of adoption of this Code and which remains nonconforming by the terms thereof, and any such lawful building, structure or use which shall become nonconforming upon the adoption of this Code, or any subsequent amendment thereto, may be continued subject to the regulations following in this section.

3. Nonconformity.

A. Nonconforming Use of Land. Where at the time of adoption of this Code, or subsequent amendments thereto, lawful use of land exists which would not be permitted by the regulations imposed by this Code, and where such use does not involve a building or structure, or in connection with which any building or structure, thereon is incidental or accessory to the principal use of the land, such use may be continued, provided:

(1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land.

(2) No such nonconforming use shall be moved in whole or in part to any adjoining property nor to any other portion of the lot or tract other than that occupied by such use at the time of adoption of this Code, or of a subsequent amendment thereto which rendered the use nonconforming.

(3) No additional structure not conforming to the terms of this Code shall be erected or placed on the lot and no existing nonconforming structure shall be enlarged or expanded.

(4) If no expansion or enlargement is made, the nonconforming use may be changed to another nonconforming use of the same classification or to a less nonconforming use. Whenever a nonconforming use has been changed to a conforming use or to a less nonconforming use, such use shall not be thereafter changed to a more nonconforming use.

(5) Where the nonconforming use status applies to a structure or building and the removal or destruction of such structure or building, or change of such structure or building to a conforming use shall eliminate the nonconforming status of the land, thereafter the land shall be used only for a conforming use.

B. Nonconforming Structures and Buildings Related to Bulk. Where at the time of adoption of this Code, or of subsequent amendments thereto, lawful use of a structure or building exists or may exist which could not be erected under the regulations imposed by this Code by reason of restrictions on area, lot coverage, height, yards, location on the lot, or other requirements concerning the structure or building, such structure or building may

be continued, provided no such nonconforming structure or building shall be altered in any way which would increase its degree of nonconformity but may be altered if such alteration does not increase its degree of nonconformity.

C. Nonconforming Structures and Buildings Related to Use. Where at the time of adoption of this Code, or of subsequent amendments thereto, lawful use of a structure or building exists which would not be permitted by the regulations in this Code, such use may be continued, provided:

(1) Enlargement or expansion of a nonconforming structure may be allowed under the following conditions:

a. Nonconforming single family structures located in the commercial and industrial districts as described in Section 165.16 may be allowed to expand. Also permitted is the establishment of additional accessory structures. All yard requirements of the district in which the nonconforming structure is located shall be adhered to with the exception that vertical expansions may be allowed provided the exterior walls of the addition extend no further than the exterior walls of the ground floor of the structure.

b. Nonconforming multi-family structures may be allowed to expand provided that the number of dwelling units are not increased. Also permitted is the establishment of additional accessory structures or the expansion of existing accessory structures. All yard requirements of the district in which the nonconforming structure is located shall be adhered to with the exception that vertical expansions may be allowed provided the exterior walls of the addition extend no further than the exterior walls of the ground floor of the structure.

c. Nonconforming commercial and industrial uses may expand under those conditions set forth in Section 165.84 "Conditional Expansions."

(2) Any nonconforming use may be extended throughout any existing parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Code, but no such use shall be extended to occupy any land outside the building.

(3) If no expansion or enlargement is made, the nonconforming use may be changed to another nonconforming use of the same classification or to a less nonconforming use. Whenever a nonconforming use has been changed to a conforming use or to a less nonconforming use, such use shall not be thereafter changed to a more nonconforming use.

(4) Where nonconforming use status applies to a structure or building and land on the same lot or tract, then the removal or destruction of such structure or building, or change of such structure or building to a conforming use eliminates the nonconforming use and the nonconforming status of the land, thereafter the land shall be used only for a conforming use.

(5) Any nonconforming structure or building allowed under this chapter may not be connected in any way to any other nonconforming or conforming structure or building. Any non-forming or conforming structure or building allowed under this chapter must have separate utility connections. All utility connections must

originate from the street and may not be connected to any existing utilities serving any nonconforming or conforming structure or building.

D. Nonconforming Signs. Nonconforming signs shall be regulated by the provisions contained in Chapter 166 of this Code.

4. Repairs and Maintenance. Ordinary repairs and maintenance may be carried out on land, structures or buildings nonconforming as to use or bulk, provided that no alterations shall be made which would add to the size, area, or degree of nonconformity.

5. Restoration of a Nonconforming Structure or Building.

A. Structure or Building Damaged or Destroyed. A nonconforming building or structure which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed sixty-five percent (65%) of the fair market value of the building before damage, based upon insurance value, shall not be restored except in conformity with all of the regulations of the district in which it is located.

(1) If a nonconforming building or structure is damaged less than sixty-five percent (65%), it may be repaired, restored, or reconstructed and used as before the time of damage provided that such repair, restoration or reconstruction is started within twelve (12) months of such damage and diligently prosecuted to completion.

B. Correcting an Unsafe Condition. Nothing in this Code shall be deemed to prevent the strengthening or restoring to a safe condition any structure, building, or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

6. Nonconforming Accessory Uses, Structures and Buildings. Nonconforming accessory uses, structures and buildings shall be subject to the provisions of this section. In addition, a nonconforming use of land, structure, or building which is accessory to a principal nonconforming use shall be discontinued if such principal use or structure is discontinued, unless such accessory use of land or structure shall therefore conform to all regulations of the district in which it is located.

7. Discontinuance of a Nonconforming Use. If the nonconforming use of a building, structure, or premise is discontinued or vacated for a continuous period of twelve (12) months, it shall not be renewed, and any subsequent use of the building, structure, or premises shall conform to the use regulations of the district in which such building, structure, or premises is located. However, where it can be established that a delay in reoccupying a property has been caused by governmental and/or court action, or other extenuating circumstances which is clearly beyond control of the property owner, the time period to retain nonconforming status may, if approved by the Board of Adjustment, be extended to twenty-four (24) months. Application for extension must be received before the expiration of the 12 month discontinuance or vacation.

8. Termination of Certain Nonconforming Uses and Structures. Certain uses involving a high degree of incompatibility and a relatively low amount of investment shall be terminated, or altered, as herein prescribed, following adoption of this Code.

A. Sight Distances. Fences, walls and foliage which impair sight distances at an intersection and thereby constitute a hazard to pedestrian or vehicular traffic shall be altered to comply with the provisions of this Section 165.21(8) herein, with one calendar year from the date of official notice from the Zoning Administrator.

B. Nonconforming Uses in C-ORS, C and I Districts. All uses in C-ORS, C and I Districts not now in compliance with the provisions of this Code setting for specifications for fencing or screening shall be altered so as to comply within two years from the date of official notice from the Zoning Administrator.

C. Nonconforming Open Storage Activities. Such uses as automobile wrecking and salvage, material storage and similar uses wherein no buildings or structures are used on connection with said use, or when the only buildings or structures or other physical improvements are accessory or incidental to such use, shall be terminated or made conforming within five (5) calendar years from the date of official notice from the Zoning Administrator.

D. Adult Entertainment. Any Adult Book Store, Adult Motion Picture Theater, Adult Mini Motion Picture Theater, Adult Massage Parlor, Adult Theater, Adult Artist-Body Painting Studio, Adult Modeling Studio, Adult Sexual Encounter Center, Adult Cabaret, or any other Adult Entertainment Establishment which at the time of the adoption of this Code becomes nonconforming because it does not meet the minimum separation requirements between it and any other such establishment, or between it and any school, church, or residential zoning district; or because it is located in a zoning district wherein such establishment is not a permitted use, shall terminate all uses defined herein no later than three (3) years after the date of the adoption of the Adult Entertainment Establishment Regulations Ordinance adding this section of Adult Entertainment to the 1995 Hiawatha Zoning Ordinance. However, if, in the opinion of the owner of the business involving such use, the termination creates an undue hardship, the owner may appeal to the Board of Adjustment for extension of time for the termination. It shall be the responsibility of the owner to show just cause for a time extension based upon evidence submitted by the owner which demonstrates by the greater weight of evidence that three years was not an adequate length of time to amortize the owner's investment in such establishment. The Board shall determine whether such a time extension shall be granted, and, if so, how long such extension shall be, based upon the evidence presented. However, no establishment shall be granted more than a one-time extension and no such extension shall be for longer than the minimum time determined necessary by the Board for the owner to amortize the investment which existed on the date of the Ordinance adding this section to the laws of Hiawatha was adopted. Any investments in said nonconforming establishment(s) subsequent to the adoption of the Code shall not be included for such amortization value purposes. Such nonconforming establishments shall not increase, enlarge, expand, extend or alter such land area, building or structure involved in such establishment except by change the use to another use which is permitted in that zoning district by the terms of the Unified Development Code.

E. Outside Vehicular Storage. When a combination of more than two vehicles, recreational vehicles, boats, campers, trailers or similar vehicles and equipment shall be parked or stored in the rear yard in the Agriculture and Single Family Residential Districts and on lots being used for a single-family or two-family dwelling the property shall be effectively screened on each side adjoining a street or property situated in a residence district by a wall, fence, or densely planted compact hedge not less than five and one-half feet in height. The fencing or screening shall be established within sixty (60) days from the date of official notice from the Zoning Administrator. The Zoning Administrator may grant an extension until such time as the ground is frost free.

165.82 VARIANCES.

1. Purpose. The Board, upon appeal in specific cases and after a public hearing, may vary the regulations of this Code in harmony with their general purpose and intent where the Board makes findings of fact in accordance with the standards hereinafter prescribed, and further, finds that there are practical difficulties or unnecessary hardships in the way of carrying out the liberal provisions of this Code.

2. Application For Variance and Notice of Hearing. An application for a variance shall be filed, in writing, with the Zoning Administrator. The application shall be in the number of copies and contain such information as the Board may, by rule, require. ~~The Board shall select a reasonable time and place for the hearing of the request for a variance. Notice of the time and place of such public hearing shall be published at least once in a publication of general circulation within the City of Hiawatha, said publication to be made not less than four (4) days nor more than 20 days before the date of the hearing.~~ The Board shall reach its decision within forty-five (45) days from the date of the hearing unless such time is extended by mutual consent of the petitioner and the Board.

~~2.3.~~ Public Hearing Notice. The Board shall set a public hearing for the application and shall publish notice of time and place of the hearing, in a publication of general circulation within the City of Hiawatha, not less than four (4) days nor more than 20 days before the date of such hearing.

~~3.4.~~ Notification Signs. The Zoning Administrator shall provide each applicant for a variance with at least two notification signs which shall be clearly posted by the applicant on the subject property. On a larger property additional such signs may be required. At least one sign shall be placed so that it is clearly visible from an abutting street, and if the subject property has frontage on more than one street, a sign shall be posted on each such frontage. When a property has little or no direct street frontage, additional signs may be required to be posted adjacent to and facing the surrounding properties. For each sign provided, the applicant shall pay a fee in an amount established from time to time by the City Council by resolution.

A. Sign Content. The notification signs shall indicate the zoning district classification and the nature of the requested variance, and the date, time and meeting place of the Board of Adjustment.

B. Time of Sign Posting. The notification signs shall be posted at least seven (7) days prior to the meeting of the Board of Adjustment and shall be maintained continuously on the property until after the public hearing of the Board.

C. Failure to Post Sign. Failure to post and maintain such notices as prescribed above may be considered by the Board as sufficient cause to defer the hearing on the application.

D. Sign Removal. Such signs shall be removed by the applicant within five (5) days after the public hearing. No person other than the applicant or his agent shall erect, remove or alter such signs. No one shall deface nor in any way affect the visibility or interfere with such signs.

4.5. Notification Letters. A list of all owners of property located within 200 feet of the lot on which a variance is being requested shall be furnished in writing to the Zoning Administrator at the time of application for a variance. The names and addresses of each property owner shall be as shown by the records of the County Auditor. However, if the property is shown to be in the name of more than one owner, a single notice shall be mailed to all owners at the address of record. Notice shall be sent by certified mail by the City Clerk's office so that the notice will be

received not less than four (4) nor more than 20 days prior to the scheduled Board of Adjustment hearing on the variance requested. Failure to receive a mailed notice shall not invalidate the proceedings nor constitute a defense to a proposed variance.

5.6. Standards for Variances. The Board shall not grant a variance unless it shall make findings based upon the evidence submitted in each specific case that a special condition or conditions exist to the degree that a literal enforcement of the provisions of the Code will result in an unnecessary hardship, and that granting such variance will not be contrary to the public interest nor to the spirit and intent of this Code. At a minimum, all the following findings shall be made in order to justify granting of a variance.

A. Unique Circumstances. The subject property is unique or exceptional as compared to other properties subject to the same provisions by reason of irregularity, narrowness, shallowness, or substandard or marginal size; exceptional topographical features; or other extraordinary conditions peculiar to and inherent in the property in question and which relate to or arise out of the property rather than the personal situation of the current owner of the property; and which amount to more than a mere inconvenience to the owner.

B. Not Exclusively For Financial Gain. The purpose of the variance is not based exclusively upon a desire to increase financial gain from the property. Proof that the property cannot be used for its highest or best use under the regulations, shall not in itself justify granting a variance.

C. Hardship Not Self-Created. The aforesaid unique or special condition existed at the time of the enactment of the provisions of this Code which affect it or was the result of government action, other than adoption of this Code, for which no compensation was paid, and has not been created by any persons presently having an interest in the property.

D. Substantial Rights Denied. The carrying out of the strict letter of the provisions would deprive the property owners of substantial rights commonly enjoyed by other property owners subject to the same provisions.

E. Not Special Privilege. The hardship is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other property subject to the same provisions.

F. Not Detrimental. Granting the variance will not be detrimental to the public welfare or materially injurious to the enjoyment, use or development of property in the vicinity, and would not materially impair an adequate supply of light and air to adjacent properties; would not substantially increase congestion in the public streets, nor increase the danger of flood or fire, or endanger the public safety, nor substantially diminish or impair property values in the vicinity.

G. No Other Remedy. There is no means other than the requested variance by which the hardship can be avoided or remedied to a degree sufficient to permit a reasonable use of the property.

6.7. Authorized Variances. Variances from the regulations of this Code shall be granted by the Board only in accordance with the standards established in Section 165.82(5) immediately above, and may be granted only in the following circumstances:

A. To allow any yard setback less than required.

B. To allow any yard encroachments greater than permitted.

- C. To allow the use of a lot for a use otherwise permitted when such use is prohibited solely because of the lot's area, width or depth does not meet minimum requirements.
- D. To allow building heights greater than the maximum height allowed with the Board of Adjustment using the knowledge of the surrounding area, total size of the structure compared to the requested height and location of the structure on the lot and in consideration of the surrounding neighborhood.
- E. To allow the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facilities by each user does not take place at approximately the same times.
- F. To reduce required off-street parking or loading facilities by not more than one space or by twenty-five percent (25%) of the required facilities, whichever is greater.
- G. To increase but not more than twenty-five percent (25%) the maximum distance that required off-street parking facilities are permitted to be located from the use served.
- H. To permit the reconstruction of a nonconforming structure which has been damaged to more than sixty-five percent (65%) of its fair market value, when the Board finds compelling necessity requiring continuation of such use.
- I. To waive any transitional yard screening requirements in a C or I district if the structure, use or building is already effectively screened by topography or existing screening comparable to the types required.
- J. To waive the screening and landscaping requirements for parking areas containing more than four parking spaces and adjoining or fronting on property situated in a residential district or any institutional premises if the closest point of such parking area is at least 100 feet from the nearest residential or institutional property line.
- K. To grant an extension of time for the termination of any nonconforming Adult Motion Picture Theaters, Adult Mini Motion Picture Theaters, Adult Massage Parlors, Adult Theaters, Adult Artist-Body Painting Studios, Adult Modeling Studios, Adult Sexual Encounter Center, Adult Cabaret or any other Adult Entertainment Establishment based upon evidence that three (3) years is not a sufficient amount of time to amortize the owner's investment in such establishment.
- L. To allow lots of record developed with more than one single family structure to be subdivided into individual lots for each structure, when one or more of the resulting lots do not meet lot area requirements or other bulk requirements. However, such variance shall not result in the creation of any lot which contains less than eighty percent (80%) of the minimum lot area required by the Unified Development Code regulations for the district within which the lots are located. Further, such action does not relieve the owner of compliance with applicable platting regulations.
- M. In the event that a residential structure, located on a lot created under this provision is subsequently removed, demolished, or is destroyed or damaged to the extent that the cost of restoration exceeds sixty-five percent (65%) of the fair market value prior to the occurrence, said structure shall not be restored nor shall a building permit be issued for a new structure unless specifically authorized by the Board as provided for under Section 165.82(6)(N) below of these regulations.
- N. To permit the restoration of a structure which has been damaged to more than sixty-five percent (65%) of its fair market value or construction of a new residential structure on lots created under Section 165.82(6)(L) above of these regulations.

O. To extend to 24 months the time a legal nonconforming use may be vacant or discontinued without requiring any subsequent use to conform to the use regulations of the district where it can be established that a delay in reoccupying a property has been caused by government and/or court action which is clearly beyond control of the property owner.

P. To allow a variance to the subdivision requirements where it can be shown that strict compliance with the requirements of this Code would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the Board may vary, modify or waive the requirements so that substantial justice may be done and the public interest is secured provided, however, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this Code. In granting a variance, the Board may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so varied, modified or waived.

~~7-8.~~ Specified Variances Prohibited. No variance shall be granted which would:

A. Permit a use which is not allowed as a permitted use by the provisions of this Code in the district in which a property is located, nor any use expressly or by implication prohibited therefrom.

B. Permit the creation of a lot or parcel that cannot be developed in compliance with the zoning, subdivision, and other regulations applicable thereto.

C. Be greater than the minimum variance necessary to relieve the practical difficulty or unnecessary hardship demonstrated by the applicant.

~~8-9.~~ Relief Less Than Requested. A variance less or different than the one requested may be granted when the records support the applicant's right to some relief but not the relief requested.

~~9-10.~~ Conditions on Variances. The Board may impose such conditions, including restrictions and safeguards, upon the property benefited and the variance granted as considered necessary to prevent or minimize adverse effects upon other property in the vicinity or upon public facilities and services. Such conditions shall be expressly set forth in the grant of variance. Violation of such conditions shall be a violation of this Code.

~~10-11.~~ Permits and Approvals Still Necessary. A grant of a variance shall not necessarily authorize immediate action. As appropriate and as required by the codes and ordinances of the City, other permits and approvals shall be obtained. These may include building permits, certificates of occupancy, subdivision approval, and the like. The relief accorded by the grant of variance and any conditions imposed thereon shall be taken in appropriate account in issuance of any said subsequent permits and approval(s).

~~11-12.~~ Subdivision Related Variances. Paragraphs 2 through 6 of this Section 165.82 shall not apply to variances of the requirements of Sections 165.47 through 165.67 of this Unified Development Code. An application for a variance from those requirements shall be filed, in writing, with the Zoning Administrator. The application shall be in the number of copies and contain such information as the City Council may, by resolution, require. Where it can be shown by the applicant that the requirements of Sections 165.47 through 165.67 of this Unified Development Code will result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the City Council may vary, modify or waive the requirements so that substantial justice may be done and the public interest is secured provided, however, that such variance, modification or waiver will not have the effect of nullifying the intent and purposes of this Code. By way of example, the City Council has the authority to issue a variance

of the subdivision regulations by permitting a conveyance of real estate using a plat of survey prior to approval of the final plat.

165.90 INITIATION OF AMENDMENTS TO THE ZONING DISTRICT MAP.

1. Authority. The City Council may, from time to time, in the manner hereinafter set forth, amend the Zoning District Map.
2. Purpose. The amendment process herein established is intended to provide a means for changing the zoning classification of specific parcels of property.
3. Initiation of Amendment. An amendment to the Zoning District Map may be initiated by a motion of the City Council or the Planning and Zoning Commission, or by the filing of an application by the owners of the property which is the subject of the proposal. Such motion or application shall be directed to the City Clerk, and contain the materials specified by Section 165.91.
4. Amendment Initiated by the City Council or Planning and Zoning Commission. When an amendment to the Zoning District Map is initiated by a motion of the City Council or the Planning and Zoning Commission, certain of the requirements contained in this section and Section 165.91 may be waived, including but not limited to: written petition, location map, site development plan, posting of notification signs, and payment of application fee. The initiating body shall, however, utilize alternative means which are determined to provide sufficient information and notice to the public. The procedure provided for in Section 165.90(5) shall in all instances be followed.

5. ~~Public Hearing~~ ~~Legal~~-Notice and Adjacent Property Owner Notification.

~~A. —Public Hearing Notice. The Council shall set a public hearing for the application and shall publish notice of time and place of the hearing, in a publication of general circulation within the City of Hiawatha, not less than four (4) days nor more than 20 days before the date of such hearing. In setting the public hearing, the Council shall allow time required by the Planning and Zoning Commission to review the application and return its report to the Council. Not less than four (4) nor more than twenty (20) days before the date of the public hearing to be held by the City Council to consider the amendment, notice of the time and place of such hearing shall be published in a newspaper printed and published at least once weekly and having general circulation in the City of Hiawatha, Iowa.~~

~~B.A.~~ Not less than four (4) nor more than twenty (20) days before the date of the public hearing to be held by the City Council to consider the amendment, notice of the time and place of such hearing shall be sent to the owners of any real property which is located within the City of Hiawatha and is either a part of the area which would be directly affected by the proposed amendment or located with five hundred (500) feet of any part of the area which would be directly affected by the proposed amendment. Owners of property which is a part of the area which would be directly affected by the proposed amendment or located within two hundred (200) feet of any part of the area which would be directly affected by the proposed amendment shall be notified by certified mail, and owners of other property located within five hundred (500) feet of any part of the area which would be directly affected by the proposed amendment shall be by regular mail.

~~B.B.~~ If the amendment is initiated by a property owner, it shall be the responsibility of the property owner to obtain a listing of the parties to whom notice must be provided by regular or certified mail from the Linn County Auditor, and to reimburse the City for the costs of mailing the required notices. Such notices shall be mailed to the address shown by the records of the County Auditor provided, however, that if the property is shown to be in the name of more than one owner, a single notice shall be mailed to all owners at the address of record.

~~D.C.~~ Failure of actual notice to any party, whether sent by regular or certified mail, shall not invalidate the proceedings or require the denial of the proposed amendment.

~~E.D.~~ Notwithstanding the above, if the proposed amendment would directly affect a more than ten (10) parcels of property, only published notice shall be required.

6. Notification Signs. The Zoning Administrator shall provide each applicant for an amendment to the Zoning District Map with at least two notification signs which shall be clearly posted by the applicant on the subject property. On a larger property additional such signs may be required. At least one sign shall be placed so that it is clearly visible from an abutting street and if the subject property has frontage on more than one street a sign shall be posted on each such frontage. When a property has little or no direct street frontage, additional signs may be required to be posted adjacent to and facing the surrounding properties. For each sign provided, the applicant shall pay a fee in an amount established from time to time by the City Council by resolution.

A. Sign Content. The notification signs shall indicate the request to amend the Zoning District Map, the existing and proposed zoning designation, and the date, time and place of the following meetings at which the proposed amendment will be review. The sign shall also contain any additional information as the Council shall, by rule, require.ed.

(1) Planning and Zoning Commission.

(2) City Council public hearing.

B. Time of Sign Posting. The notification signs shall be posted at least seven (7) days prior to the meeting of the Planning and Zoning Commission and shall be maintained continuously on the property until after the public hearings of the City Council.

C. Failure to Post Signs. Failure to post signs and maintain such notices as prescribed above may be considered by the Council as sufficient cause to defer the hearing on the application.

D. Sign Removal. Such signs shall be removed by the applicant within five (5) days after the public hearing. No person other than the applicant or his agent shall erect, remove or alter such signs. No one shall deface nor in any way affect the visibility or interfere with such signs.

~~6. Notification Signs:~~

~~A. Signs Required. The City Clerk shall provide each applicant for an amendment to the District Zoning Map with at least two rezoning notification signs containing the time, date and place of the Planning and Zoning Commission meeting at which the proposed amendment shall be considered. Said signs shall be clearly posted by the applicant on the property which is the subject of the rezoning request. On large parcels, additional signs may be required to be posted. At least one sign must be placed so that it may be seen from a street, and in cases of through lots and/or corner lots, a sign shall be posted on both frontages. When a property is on the interior of a block or tract of land, additional signs may be required to be posted adjacent to and facing the surrounding properties. For each sign provided, the applicant shall pay a fee in an amount established from time to time by the City Council by resolution.~~

~~B. Posting of Signs. Notification signs shall be posted at seven (7) days before the meeting of the Planning and Zoning Commission at which the proposed amendment shall be considered. It shall be the applicant's responsibility to assure that the signs remain posted until the date of the meeting. If the signs are not posted in accordance with these~~

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~~requirements, the Planning and Zoning Commission may delay consideration of the proposed amendment. The signs shall be removed by the applicant no later than five (5) days after final consideration of the proposed amendment by the City Council or withdrawal of the proposed amendment by the applicant.~~

~~C. Action at Other Than Specified Times. If the Planning and Zoning Commission is to consider the proposed amendment at any time other than that specified on the notification signs, the applicant may be required to obtain and post signs with the new dates.~~

165.96 DEFINITIONS. The following definitions shall govern the interpretation of the regulations of the City of Hiawatha Unified Development Code.

1. “Accessory building, structure, or use” means a building, structure or use which:
 - A. Is subordinate to and serves a principal building, structure, or use.
 - B. Is located on the same zoning lot as the principal building, structure, or use served, except as otherwise expressly authorized by the provisions of this Code.
 - C. Contributes to the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal building, structure, or use served.
 - D. Includes, but is not limited to, satellite antenna dishes, ~~solar panels and wind generators, in agricultural and residential districts.~~
2. “Adult artist–body painting studio” means an establishment or business which provides the services of applying paint or other substance whether transparent or nontransparent to or on the human body distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas (as defined herein).
3. “Adult book store” means an establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas (as defined herein) or an establishment or section devoted to the sales or display of such material.
4. “Adult cabaret” means any place holding a liquor license or beer permit, or combination for consumption of beer or liquor, or both, on the premises wherein entertainment is characterized by emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined herein).
5. “Adult entertainment establishment” means any other establishment not otherwise defined herein, but of the same general classification as the other establishments herein defined, having as a substantial or significant portion of its business the offering of entertainment, stocks in trade of materials, scenes or other presentations characterized by emphasis on depiction or description of specified sexual activities or specified anatomical areas (as herein defined).
6. “Adult massage parlor” means any place of business wherein any method of pressure on or friction against, or rubbing, stroking, kneading, tapping, pounding or vibrating the external parts of the body with the hand or any body parts, or by a mechanical or electrical instrument, under such circumstances that it is reasonably expected that the individual to whom the treatment is provided or some third person on his or her behalf will pay money or give other consideration or gratuity therefore, wherein the massage is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas (as defined herein).
7. “Adult mini motion picture theater” means an enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined herein), for observation by patrons therein.
8. “Adult modeling studio” means an establishment or business which provides the services of modeling for the purposes of reproducing the human body by means of photography, painting, sketching, drawing or otherwise wherein the activity is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas (as defined herein).
9. “Adult motion picture theater” means an enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting,

describing or relating to specified sexual activities or specified anatomical areas (as defined here) for observation by patrons therein.

10. “Adult sexual encounter center” means any business, agency, or persons who, for any form of consideration or gratuity, provide a place where three (3) or more persons, not all members of the same family, may congregate, assemble, or associate for the purposes of performing activities distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas (as defined herein).

11. “Adult theater” means a motion picture theater or stage show theater or combination thereof used for presenting materials distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas (as defined herein) for observation by patrons therein.

12. “Agriculture” means the raising of food and feed crops and products, and including tree and vine products, animal husbandry including bee-keeping, dairying, poultry, and pasturage and the like, but excluding commercial feed lots, fur farms, kennels, and boarding kennels, and boarding and riding stables. It includes the ordinary accessory uses and structures for preparing, treating, and storing products, equipment and machinery, provided, however, that the operation of any such accessory uses shall be secondary to that of ordinary agricultural activities.

13. “Airport” means an area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

14. “Alley” means a public or private right-of-way generally designed to provide a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

15. “Apartment” means a room or suite of rooms designed and arranged for use as a residence by a single family.

~~16. — “Apartment hotel” means a hotel not primarily for use by transients.~~

~~17.~~16. “Apartment house” – see definition of “dwelling, multiple-family.”

~~18.~~17. “Appeal” – see Section 165.81 of this Code.

~~19.~~18. “Automobile” means a four-wheeled, motor driven vehicle designed and intended primarily to carry not more than six (6) passengers but not including a bus, van, or motor home.

~~20.~~19. “Automobile service station” means an establishment for the retail sale of fuel, lubricants, tires, and other similar products and supplies for vehicles, including minor accessory parts. It may also include minor parts installation, towing, servicing, and minor repairs of vehicles; and vehicle washing facilities and trailer rental when secondary to the above activities. Major repairs and sale of vehicles are expressly excluded.

~~21.~~20. “Automobile salvage and wrecking” – see definition of “salvage yard.”

~~22.~~21. “Basement” means that portion of a building between floor and ceiling which is partly below grade but having more than one-half its height above the average grade of the adjoining ground. For the purpose of this Code a basement shall not be considered a story unless designed or used for habitable space or business purposes.

~~23.~~22. “Bed and breakfast home” means a dwelling unit within which a portion thereof is used to provide short-term lodging and meals for compensation for a limited number of overnight guests.

~~24.~~23. “Beer garden” means any establishment which includes any area out-of-doors or not completely contained within a building in which alcoholic beverages are served and ~~or~~ consumed, and may include

the serving or consumption of food and is associated with a special event or other outdoor activities. The facility shall be duly approved and licensed as required by applicable State and local regulations. “Beer garden” does not include outdoor seating areas of a restaurant or bar regularly open during their business hours.

~~25-24.~~ “Billboard” – see definition of “sign, advertising.”

~~26-25.~~ “Block” means a tract or area of land within a subdivision that is entirely bounded by streets, or by a combination of streets, public parks, cemeteries, railroad rights-of-way, shorelines of waterways, municipal boundary lines, township lines, county lines, or the boundary of the subdivision.

~~27-26.~~ “Board” means the Board of Adjustment of the City of Hiawatha, Iowa.

~~28-27.~~ “Boarding house” – see definition of “lodging house.”

~~29-28.~~ “Buildable area” means the area of a lot remaining after the minimum open space and/or yard requirements of this Code have been complied with.

~~30-29.~~ “Building” means any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind.

~~31-30.~~ “Building, attached” means a building which is joined to another building at one or more sides by a common wall, except that an accessory building, including a garage, shall be considered as attached to the principal building if connected by a roof.

~~32-31.~~ “Building, detached” means a building entirely surrounded by open space.

~~33-32.~~ “Building, height” means the vertical distance from the sidewalk level, or its equivalent established grade opposite the center of the front of a building to the highest point of the underside of the ceiling beams, in the case of a flat roof; to the desk line of a mansard roof; and to the mean level of the underside of the rafters between the eaves and the ridge of a gable, hip, or gambrel room. Where no sidewalk level has been established, the height of a building may be measured from the mean elevation of the finished lot grade at the front of the building.

~~34-33.~~ “Bulk” is the term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another and includes:

- A. Height and area of buildings.
- B. Location of exterior walls in relation to lot lines, streets, or other buildings.
- C. Gross floor area of buildings in relation to lot area.
- D. All open spaces allocated to buildings.
- E. Amount of lot area required for each dwelling unit.

~~35-34.~~ “Car-wash” means a building, or portion thereof, containing facilities for the primary purpose of washing automobiles, using production line methods with a chain conveyor, blower, steam cleaning device, and other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand-washing of such automobiles, whether by operator or by customer.

~~36-35.~~ “Cellar” means that portion of a building between floor and ceiling which is partly or entirely underground but having more than one-half its height below the average grade of the adjoining grade. For the purpose of this Code it shall not be considered a story.

~~37-36.~~ “Church” means a building, structure or group of buildings or structures which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith and having been granted an exemption from federal tax as a nonprofit religious organization.

~~38~~37. “City” means:

- A. The City of Hiawatha, Iowa.
- B. Persons authorized to perform specified functions on behalf of the City of Hiawatha, Iowa.

~~39~~38. “City Engineer” means the professional engineer registered in the State of Iowa designated as City Engineer by the Council or other hiring authority.

~~40~~39. “City Standards” means the design of improvements shall be in accordance with the Cedar Rapids Metropolitan Area Engineering Design Standards adopted by Resolution of the Hiawatha City Council.

~~41~~40. “Club” means building and facilities owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose but not primarily for profit nor to render a service which is customarily carried on as a business.

~~42~~41. “Commission” means the Planning and Zoning Commission of the City.

~~43~~42. “Communication tower” means a structure in a fixed location used as an antenna or to support antennas for the primary purpose of transmitting and/or receiving electronic signals.

~~44~~43. “Community center” means a building used for recreational, social, educational, and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or non-profit group or agency.

~~45~~44. “Comprehensive Plan” means the general plan for the development of the community, which may be titled master plan, comprehensive plan or some other title, which plan has been adopted by the Council. Such Comprehensive Plan shall include any part of such plan separately adopted and any amendment to such plan or parts thereof.

~~46~~45. “Convalescent home” – see definition of “health care facility.”

~~47~~46. “Convenience store” means an establishment for retail sale of petroleum products and other supplies for motor vehicles, as well as for the retail sale of a variety of other items typically sold in grocery stores.

~~48~~47. “Court” means an unoccupied open space, other than a yard, on the same lot with a building which is bordered on two or more sides by the building.

~~49~~48. “Coverage” means that part of a lot or tract covered by a building or buildings.

~~50~~49. “Crisis counseling center” means a primarily non-residential facility which provides counseling, referral, emergency mediation, and other similar human service functions, and may include temporary emergency lodging for families and individuals in immediate need.

~~51~~50. “Cul-de-sac” means a street having one end connecting to another street, and the other end terminated by a vehicular turn around.

~~52~~51. “Day care center” means:

A. A facility in which are received more than eleven (11) children for part or all of a day for care and/or instruction. The facility shall be approved and licensed by the State. The term day care center includes but is not limited to the following: nursery schools, child care centers, day nurseries, kindergartens, preschools and play groups, but does not include bona fide kindergartens or nursery schools operated by public or private elementary or secondary school systems. Day care center does not include a group day care home or a family day care home.

B. A facility which provides supervised activities as a principal use, on a daily basis, for adults who do not require specialized care and do not remain on the premises overnight.

C. A “group child day care home” is a facility providing nonresident child day care for less than twelve (12) children. No more than six (6) children, at one time, shall be less than six years of age, and there shall never be more than four (4) children under two years of age, present at any one time. All children including the provider’s not regularly in school full days, shall be included in the total.

D. A “family day care home” is a facility operated by a resident occupant which provides nonresident child care to less than seven (7) children.

~~53-52.~~ “Degree of nonconformity” means the degree of deviation of a particular nonconformity from uses or structures permitted within a district. The same uses classifications shall be interpreted to have the same degree of non-conformity for purposes of this Code. A determination of whether a decrease or an increase in the degree of non-conformity has occurred shall be based on the following listing of districts. Districts listed adjacent to each other on the list have the least degree of nonconformity. A, R-1, R-3, R-5, R-7, R-MH, C-ORS, C-2, C-3, C-4, C-R, C-WH, I-1, I-2.

CPR Zoning District Nonconformity: To be less nonconforming for CPR districts, the use must be permitted to the CPR use matrix.

~~54-53.~~ “Density” means a ratio of dwelling units or persons to land area.

~~55-54.~~ “Disabled” means, in reference to an individual, a physical or mental impairment that substantially limits one or more of the major life activities – caring for one’s self, performing manual tasks, walking, seeing, hearing, breathing, learning and working – and has continued over time and can be expected to continue indefinitely.

~~56-55.~~ “District” means any section or area of the City for which the regulations governing the use of buildings and premises, building bulk, and related matters are uniform.

~~57-56.~~ “Drive-in establishment” means an establishment which, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product which may be used or consumed in an automobile on the premises or to be entertained while remaining in an automobile. This term does not include sidewalk or patio cafes where service is provided to tables only.

~~58-57.~~ “Dwelling” means a building, or portion thereof, not a mobile home, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multiple family dwellings, but not including hotels or motels, or other transient accommodations, nor institutional care facilities such as hospitals, nursing homes or orphanages.

~~58.~~ “Dwelling, attached” means a dwelling which is joined to another dwelling at one or more sides by a common wall or walls, and where dwellings do not share entry or any interior common space - including duplexes, townhomes, row houses and zero lot line dwellings.

~~59.~~ EXCEPTION: Dwellings in a duplex may share an entrance and entry space.

~~60-59.~~ “Dwelling, detached” means a dwelling containing a single dwelling unit which is entirely surrounded by open spaces on the same lot.

~~61-60.~~ “Dwelling, multiple-family” means a building, or portion thereof, containing three or more dwelling units.

~~62-61.~~ “Dwelling, ~~multiple-family~~, mixed use” means a building or development dwelling or portion thereof containing one three or more dwelling units and additional occupancies or uses ~~usually primary non-residential and primary residential uses on the same development site.~~ Non-residential uses must be allowable or conditional uses within the zoning district. All dwelling units must be located above the first floor unless approved as part of a Planned Unit Development or designated watchman’s quarters.

~~63-62.~~ “Dwelling, single-family” means a building containing one dwelling unit only.

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~~64-63.~~ “Dwelling, two-family” means a building containing two dwelling units – also a duplex.

~~65-64.~~ “Dwelling unit” means a room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used, or intended to be used for living, sleeping, cooking, eating and sanitation, ~~by one family.~~

~~66-65.~~ “Easement” means authorization by a property owner, for the specified use by another, of any designated part of his or her property.

~~67-66.~~ “Efficiency unit” means a dwelling unit consisting of one principal room exclusive of bathroom, kitchen, hallway, closets, or dining alcove; directly off the principal room.

~~68-67.~~ “Emergency residential shelter” means a residential facility providing temporary lodging for families or individuals in immediate need. The facility may also provide limited temporary counseling, referral, mediation, and similar human service functions.

~~69-68.~~ “Emergency service and repairs” means those actions necessary for starting and/or moving a disabled vehicle; includes only repair or replacement of fuses, battery, tires, belts, hoses, headlights, lock and key service, glass replacement, jump starts, towing, and adding fuel.

~~70-69.~~ “Establishment, business” means a place of business carrying on operations, the ownership or management of which are separate and distinct from those of any other place of business located on the same zoning lot.

~~71-70.~~ “Extended care facilities” ~~means facilities designed to accommodate inpatients in need of lengthy recuperative periods; requires 24-hour nursing attention; periodic administering of medication, and periodic physical therapy for patients. See definition of “Health Care Facility”~~

~~72-71.~~ “Factory-built housing” means a factory-built structure designed for long-term residential use. For the purposes of these regulations, factory-built housing consists of three types: modular homes, mobile homes, and manufactured homes.

~~73-72.~~ “Factory-built structure” means any structure which is wholly, or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site.

~~74-73.~~ “Family” means one or more persons each related to the other by blood, marriage, adoption, legal guardianship or as foster parent-children who live together in a single dwelling and maintaining a common household. No more than five (5) persons not so related and living together on the premises as a common household may constitute a family. Domestic servants residing with said family are considered unrelated persons.

~~75-74.~~ “Family home” means a residential home which is licensed as a residential care facility under Chapter 135C of the *Code of Iowa*, or as a child foster care facility under Chapter 237 of the *Code of Iowa*, to provide room and board, personal care, rehabilitation services and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons, and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237 of the *Code of Iowa*.

~~76-75.~~ “Flood hazard area” means any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred (100) year flood, as designated by the Department of Natural Resources or the Federal Insurance Administration.

~~77-76.~~ “Flood plain” means that area of land adjoining a watercourse or other body of water which has been determined to be subject to periodic coverage by flood water.

~~78-77.~~ “Floodway” means:

A. The channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a one hundred (100) year flood without cumulatively raising the waterways surface elevation more than one foot.

B. It is the channel of a watercourse or body of water and those portions of the adjoining flood plains designating as necessary to carry and discharge the floodwater flow of such watercourse or body of water.

~~79-78.~~ "Floor area" means the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the center line of common walls separating two attached buildings. For determining off street parking and loading requirements for any specific use the floor area shall be the total amount of floor area, as described above, which is devoted to such specific use, including accessory storage areas such as counters, racks, or closets when located within selling or working areas; and any floor area devoted to selling activities, to the production, processing, or servicing of goods, or to offices. However, for such purpose floor area shall not include area devoted primarily to off-street parking or loading facilities.

~~80-79.~~ "Floor area ratio" means the quotient obtained by dividing the floor area of a building or buildings on a lot by the area of the lot.

~~81-80.~~ "Frontage" means the length of all the property fronting on one side of a street between the two nearest intersecting streets, measured along the line of the street, or if dead ended then all of the property abutting on one side between an intersecting street and the dead end of the street.

~~82-81.~~ "Frontage, zoning lot" means the length of all the property of such zoning lot fronting on a street measured between side lot lines.

~~83-82.~~ "Garage, private" means an accessory building or portion of a building designed or used for the storage of vehicles owned and used by the occupants of the building to which it is accessory or attached.

~~84-83.~~ "Garage, public" means a building or portion thereof designed or used for equipping, servicing, repairing, renting, selling or storing motor vehicles.

~~85-84.~~ "Grade" means the average elevation of the surface of the ground.

~~86-85.~~ "Group home" means a facility for the residence of six (6) or more individuals including resident persons providing care and supervision in a family setting. A group home shall be duly approved and licensed as required by applicable State and local regulations. A group home does not include facilities such as a family home, rehabilitation house, lodging house, fraternities, sororities, health care facility or similar institutions.

~~87-86.~~ "Halfway house" – see definition of "rehabilitation house."

~~88-87.~~ "Health care facility" means an establishment for provision of care to persons who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves and may or may not require continuous nursing care services and related medical service, but do not require hospital care. The facility shall be approved and licensed by the State.

~~89-88.~~ "Health club" means a nonmedical service establishment intended to maintain or improve the physical condition of persons. Contains exercise and game equipment and facilities, steam baths, and saunas, or similar equipment and facilities.

~~90-89.~~ "Height" – see definition of "building height."

~~91-90.~~ "Home occupation" means an activity conducted for gain entirely within a residential building, or an accessory building thereto, which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such building.

~~92-91.~~ "Hospital" means an establishment providing health services and medical or surgical care, primarily for temporary inpatients, to persons suffering from mental or physical illness, disease, injury, or

disability, and including any related facilities such as laboratories, outpatient care, obstetrical, central service, staff offices, or training facilities. "Hospital" does not include establishments which are intended primarily for permanent or long-term care or custodial care.

~~93-92.~~ "Hotel/motel" means an establishment in which lodging is provided to the public for compensation and which is open to transient guests, in contradistinction to a boarding room or lodging house. A hotel, includes a motor hotel, tourist court, executive inn, or similar use, but does not include mobile home parks or similar use. Services such as maid service, linen laundering and front desk service are customarily provided.

~~94.~~ ~~"Hotel, apartment"~~ – see definition of "apartment hotel."

~~95-93.~~ "Improvement" means changes to land necessary to prepare it for building sites, including but not limited to grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, drainageways, and other public works and apparatus.

~~96-94.~~ "Inoperable vehicles" means any motor vehicle, recreational vehicle, boat, trailer or semi-trailer which lacks a current registration, valid for that vehicle, and/or a component part which renders the vehicle unfit for legal use.

~~97-95.~~ "Institution" means an establishment occupied or operated by a private or public nonprofit corporation, association, organization, or group for use or benefit of the general public.

~~98-96.~~ "Junk" means all old or scrap copper, brass, lead, or any other nonferrous metal, old rope, rags, batteries, paper, trash, rubber, debris, waste, used lumber or salvaged wood, dismantled or inoperable vehicles, machinery and appliances or parts of such vehicles, machinery or appliances, iron, steel, or other old scrap ferrous material, old discarded glass, tinware, plastic, or old discarded household goods or hardware, or similar items or material.

~~99-97.~~ "Junkyard" – see definition of "salvage yard."

~~100-98.~~ "Kennel" means a building, structure, or use for the keeping, sheltering, breeding, training, or selling of dogs or domesticated animals.

~~101-99.~~ "Loading space, off-street" means an unobstructed area no part of which is located in any public right-of-way and the principal use of which is for the standing, loading, or unloading of trucks and trailers.

~~102-100.~~ "Lodge" – see definition of "club."

~~103-101.~~ "Lodging house" means a residential building, or portion thereof, containing rooms for accommodating, for compensation, three (3) or more persons who are not transients. Lodging may or may not include the serving of meals to the lodgers. Facilities for lodgers may include sleeping or living quarters or rooms with or without individual bathrooms, but shall not include individual cooking facilities. [Includes rooming houses, boarding houses, and buildings of dormitory use as defined in the International Building Code.](#)

~~104-102.~~ "Lot" means a designated parcel, tract, or area of land established by plan, subdivision, or as otherwise permitted by law, to be separately owned, used, developed or built upon.

~~105-103.~~ "Lot area" means the total horizontal area included within the lot lines.

~~106-104.~~ "Lot area per dwelling unit" means the amount of lot area required, by the applicable provisions of this Code, for each dwelling unit located on a lot.

~~107-105.~~ "Lot, corner" means a lot abutting upon two or more streets at their intersection or junction or a lot bounded on two sides by a curving street where the angle of intersection of such street right-of-way lines, or in the case of curved right-of-way lines, the extension of tangents drawn from each of the points

of intersection of the side lot lines and the street right-of-way line, intersect with each other to form an interior angle of less than 135 degrees.

~~108~~,106.“Lot coverage” – see definition of “coverage.”

~~109~~,107.“Lot depth” means the mean horizontal distance between the front lot line and rear lot line of a lot measured within the lot boundaries.

~~110~~,108.“Lot, double frontage” means any lot which is not a corner lot which abuts two streets.

~~111~~,109.“Lot, interior” means a lot other than a corner or reversed corner lot.

~~112~~,110.“Lot line” means a boundary of a lot.

~~113~~,111.“Lot line, front” means the boundary between the lot and street on which it fronts.

~~114~~,112.“Lot line, rear” means the lot boundary opposite and most distant from the front lot line.

~~115~~,113.“Lot line, side” means any lot line other than a front or rear lot line.

~~116~~,114.“Lot of record” means a lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Linn County; or a parcel of land, the deed to which was recorded in the office of said Recorder prior to the adoption of this Code.

~~117~~,115.“Lot, reversed corner” means a corner lot the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

~~118~~,116.“Lot, through” means a lot having a pair of opposite lot lines along two more or less parallel public streets, and which is not a corner lot. On a “through lot” both street lines shall be deemed front lot lines.

~~119~~,117.“Lot width” means the distance between side lot lines measured at the rear of the required front yard on a line parallel to the front lot line.

~~120~~,118.“Lot, zoning” means a single tract of contiguous land which, at the time of filing for a building permit or a certificate of occupancy, is designated by the owner or developer as a tract to be used, developed, or built upon as a unit under single or unified ownership or control and assigned to the particular use, building or structure for which the building permit or certificate of occupancy is issued and having frontage upon an approved street or place, and including such areas of land as may be required by the provisions of this Code for the building structure or use.

~~121~~,119.“Machines and equipment, heavy and commercial” shall include trucks, vehicles, machines and equipment not classified as Passenger vehicles, recreational vehicles or light duty machines and equipment or similar machines and equipment.

~~122~~,120.“Machines and equipment, light duty” shall include snowmobiles, boats, trailers with maximum carrying capacity of 5 tons, and trucks, tractors, machinery and equipment not over 2,000 lb GVW and similar machines and equipment.

~~123~~,121.“Manufactured home” means a factory-built, single-family structure which is manufactured or constructed under the authority of 43 U.S.C. Section 5403, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is to be used as a place for human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. For the purposes of this Code, a manufactured home shall be considered as a single-family detached dwelling. A manufactured home is the same as a mobile home except a manufactured home must meet the above cited U.S. Code requirements. It also must meet the State of Iowa requirements including the nonpermanent

hitch, wheels and axle as stated herein, and is also subject to additional local requirements which are also generally more stringent than requirements for mobile homes.

~~124-~~122.“Mini-warehouse facilities” means a building or group of buildings which are rented and designed, through individual compartments or controlled stalls for self-service storage purposes.

~~125-~~123.“Mobile home” means a factory-built structure which is transportable in one or more sections, is built on a permanent chassis, and is so designed and constructed to permit lawful occupancy as a dwelling whether attached or unattached to a permanent foundation. A mobile home may have wheels, axles, hitch and other appurtenances of mobility removed, but shall remain a mobile home; provided, however, that a mobile home may be classified as a “manufactured home” and be so regulated if it meets all the standards and qualifications contained within this Code’s definition of “manufactured home.”

~~126-~~124.“Mobile home park” means a parcel or tract of land with facilities designed for occupancy by mobile homes. Mobile home parks shall be designed in accordance with all applicable State regulations and Title IV, Chapter 7 of the Hiawatha Code of Ordinances. It shall not include any area in which any vehicles or unoccupied mobile homes are parked or stored for the purpose of inspection or sale.

~~127-~~125.“Modular home” means factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built homes.

~~128-~~126.“Motel” – see definition of “hotel/motel.”

~~129-~~127.“Motor vehicle” means any vehicle designed and intended to be either propelled by a motor contained by the vehicle or drawn by another motor vehicle.

~~130-~~128.“Motor vehicle, passenger” includes autos, motorcycles, vans, pickup trucks, trucks not exceeding 1.5 ton capacity, passenger vehicles not exceeding 15 passenger capacity and similar vehicles.

~~131-~~129.“Motor vehicles, recreational” includes bus campers, camper trailers, pickup campers, travel trailers, motor homes, and similar vehicles.

~~132-~~130.“Multiple-family dwelling” – see definition of “dwelling, multiple-family.”

~~133-~~131.“Nonconforming, legal” (lawful) means a building, structure, or use lawfully erected and/or used prior to the adoption of this Code, or amendments thereto, and which does not conform to the provisions of this Code, or amendment thereto, or the district within which such building, structure or use is located.

~~134-~~132.“Nonconformity, degree of” – see definition of “degree of nonconformity.”

~~135-~~133.“Nursery” means an establishment for the planting, raising, care, and/or sale of plants.

134. “Nursing home” – see definition of “health care facility.”

~~136-~~135.“Opaque” is defined as a structure which blocks or otherwise prevents the passage of light through 50% or more of its surface area.

~~137-~~136.“Outdoor eating establishment” means picnic tables, benches, counters and any similar facilities, or area, provided in conjunction with a restaurant for the serving and/or consumption of food out-of-doors, not serving alcoholic beverages and not contained within a building.

~~138-~~137.“Owner/Property” means the legal entity holding all titles to a property or such representative or agent empowered to act on the owner’s behalf. Includes the holder of legal title, any person having a freehold interest, or one having a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest.

~~139-~~138.“Parking space” means a surfaced area enclosed in the main building or in an accessory building, or unenclosed exclusive of driveways, permanently reserved for the temporary storage of one automobile

and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.

~~140~~,139.“Planned Unit Development” – see Section 165.66 of this Code.

~~141~~,140.“Plat” means a map, drawing or chart on which a subdivider’s plan for the subdivision of land is presented, which the subdivider submits for approval and intends, in the final form, to record.

~~142~~,141.“Plats Officer” means the individual assigned the duty to administer this chapter by the Council or other appointing authority.

138A. “Plat survey” means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor. The plat of survey is limited under these regulations to use for conveyance of single parcels of land, unless the requirements to file a subdivision plat are waived by the Council.

~~143~~,142.“Private,” in reference to a building, structure, utility, facility, or use, means owned and/or operated by someone other than a unit of government, or an agency of a government, unless the context clearly indicates that “private” is being used in the broader sense of something not open or available to the general populace.

~~144~~,143.“Property owner” – see definition of “owner/property.”

~~145~~,144.“Public,” in reference to a building, structure, utility, facility, or use, means owned and/or operated by a unit of government or an agency thereof, unless the context clearly indicates that “public” is being used in the broader sense of something available to the general populace.

~~146~~,145.“Public way” means any sidewalk, street, alley, highway, or other thoroughfare established for travel by vehicles or persons and open or available for use by the general public; and may be in either public or private ownership.

~~147~~,146.“Rehabilitation (halfway) house” means a facility that provides shelter, supervision and short-term rehabilitative services for six (6) or more persons who have had physical or social disabilities which make operation in society difficult and require the protection of a group setting to facilitate the transition to a functional member of society. Facilities participating in a work release, or similar programs from a State institution, and under the supervision of a Court, State or local agency shall be included within this definition.

~~148~~,147.“Refuse hauling facilities” means to include office buildings, employee parking and structures for the storage of garbage/hauling equipment (only when enclosed), which are utilized for collection and disposal of garbage, trash, junk, waste and rubbish materials, and providing that no open storage or disposal shall be allowed on-site.

~~149~~,148.“Religious facility” means a church, synagogue, temple, chapel, or similar place of religious worship or instruction.

~~150~~,149.“Residential zoning district” means any district identified as a residential district in Section 165.14.

~~151~~,150.“Resubdivision” means any subdivision of land which has previously been included in a recorded plat. In appropriate context, it may be a verb referring to the act of preparing a plat of previously subdivided land.

~~152~~,151.“Roadside stand” means a temporary structure and/or use, unenclosed and so designed and constructed that it can be easily moved.

~~153~~,152.“Rooming house” – see definition of “lodging house.”

~~154,153.~~“Salvage yard” means a lot or portion thereof where waste, discarded or salvaged materials are bought, sold, exchanged, baled, stored, packed, disassembled, or handled, including auto wrecking activities, building wrecking activities, used lumber places and places for storage of salvaged building materials and equipment; but not including places where such uses are conducted entirely within a completely enclosed building.

~~155,154.~~“Satellite antenna dish, commercial” – primarily under all public uses.

~~156,155.~~“Satellite antenna dish, residential” – primarily R District – under accessory building.

~~157,156.~~“School” means any building or part thereof which is designed, constructed or used for presenting formalized courses or curriculum for educational purposes.

~~158,157.~~“Setback” means the minimum horizontal distance between a lot line and a building or structure located upon such lot required by the provisions of this Code.

~~159,158.~~“Shopping center” means a group of commercial establishments generally planned, constructed and managed as a unit on a single site with common parking facilities.

~~160,159.~~“Sign” means any medium, including its component parts, which is used or intended to be used to direct attention to a business, product, service, subject, idea, premises, person, or thing.

~~161,160.~~“Sign, accessory” means a sign which directs attention to an establishment, business, profession, commodity, service, premises, person or thing which is located, produced, conducted, sold, or offered on the same lot upon which the sign is located.

~~162,161.~~“Sign, advertising” means a sign which directs attention to an establishment, business, profession, commodity, service, premises, person or thing which may be located, produced, conducted, sold, or offered elsewhere than on the lot upon which the sign is located.

~~163,162.~~“Sign, identification” means any sign designed to identify a specific person, firm, corporation, or primary trade name of permanent character identifiable with said person, firm, corporation, or primary trade name, and located on the building or immediate premises of said person, firm or corporation.

~~164,163.~~“Sign, information” means a sign displayed strictly for the direction, safety, or convenience of the public and which sets forth no advertisement. Information signs would include signs which identify parking areas and drives, restrooms, addresses, telephones, exits and entrances, no trespassing area, danger areas, and similar information.

~~165,164.~~“Sign, pole” means a sign with an elevated surface supported by one or more vertical poles or columns placed in the ground.

~~166,165.~~“Sign, roof” means a sign situated upon the roof of any building.

~~167,166.~~“Solar access” means a property owner’s right to have the sunlight shine on the owner’s land, enforced through the zoning height and setback requirements.

~~168,167.~~“Specified anatomical areas” shall include the following:

A. Less than completely and opaquely covered:

- (1) Human genitals, pubic region;
- (2) Buttock; and
- (3) Female breast below a point immediately above the top of the aureole;
and

B. Human male genitals, in a discernibly turgid state, even if completely and opaquely covered.

~~169,168.~~“Specified sexual activities” shall include the following:

- A. Human genitals in a state of sexual stimulation or arousal.
- B. Acts of human masturbation, sexual intercourse or sodomy.
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

~~170,169.~~ "Special use permit" - see Sections 165.25 and 165.85.

170. "Storage" (self-service facility) means real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to the space for the purpose of storing personal property.

171. Storage container: A commercial storage container is a modular metal box constructed to carry freight by being loaded and stacked for transport.

172. "Story" means that portion of a building, excluding a cellar, included between the surface of any floor and the surface of the floor next above, or if there is no floor above it, then the space between the floor and the ceiling next above it. If the basement area is used for housekeeping, business, or manufacturing use – as opposed to being used for utilities, recreation, or similar accessory uses – such basement shall be considered a story. Any portion of a story exceeding 12 feet in height shall be considered as an additional story for each additional 12 feet or fraction thereof.

173. "Story, half" means a partial story, under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his or her family or by a family occupying the floor immediately below it, shall be deemed a full story, as shall any partial story being used for general business or manufacturing purposes.

174. "Street, arterial" means a street primarily intended to carry traffic from one part of the City to another, and not intended to provide access to abutting property.

175. "Street line" means a dividing line between a lot, parcel, or tract of land and an abutting street.

176. "Street, major" means an arterial street or other street which has or is planned to have continuity to carry traffic from one section of the City to another.

177. "Street, private" means an approved public or private thoroughfare which provides a principal means of vehicular access to abutting property and/or for vehicular passage.

178. "Street, public" means public property, not an alley, intended for vehicular circulation. In appropriate context, the term "street" may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.

179. "Street, right-of-way" means the land, property, or interest therein, formally established and intended for a street.

180. "Structure" means anything constructed, erected, or placed with a more or less fixed location on the ground or attached or resting on something having a fixed location on the ground.

181. "Subdivider" means the owner of the property being subdivided or such other person or entity empowered to act on the owner's behalf.

182. "Subdivision" means the division of land into two or more parts for the purpose, whether immediate or future, of transfer of ownership and building development. The term, when appropriate to the context, may refer to the process of subdividing or to land subdivided. However, the sale or exchange of small parcels of land to or between the owners of adjacent platted lots where such sale or exchange does not create any additional lots and where the land sold or exchanged constitutes less than fifty percent (50%) of the area of the enlarged lot after such transfer, is not considered a subdivision.

183. "Taxicab" and/or "limousine business" means a firm which provides taxicab and/or limousine services within the corporate limits of the City of Hiawatha. The business shall not be established in a residential district, but must be operated from a property zoned to conduct such a business, as set forth in the zoning ordinance. Activities to be conducted include, but are not limited to: receiving calls and dispatching taxicabs, transferring driver's and/or vehicles, parking and storage of vehicles, storage of lost or misplaced baggage, maintenance and storage of business records, conducting employee meetings and related personnel matters.

184. "Use" means the purpose or purposes for which land or a structure is designed, arranged, or intended, or to which purpose land or a structure is occupied, maintained, leased, or operated.

185. "Use, accessory" – see definition of "accessory use."

186. "Use Classification" means the classification of a use is the sum total of the permitted, conditional use and nonpermitted zoning districts for that use.

187. "Use classification, same" means uses that are allowed in the exact same zoning districts in accordance with the Land Use Matrix Figure I and the CPR Matrix.

188. "Use, principal" means the main or primary purpose for which land or a structure is designed, arranged, or intended, or to which purpose land or a structure is occupied, maintained, leased, or operated.

189. "Utilities" means systems for the distribution or collection of water, gas, electricity, wastewater, storm water, communications systems, etc.

190. "Variance" – see Section 165.82 of this Code.

191. "Wetlands" means areas that are inundated or saturated on the surface by ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

192. "Yard" means a required open space on a lot between a lot line and a building or structure located on the lot, unoccupied and unobstructed from ground to sky, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

193. "Yard, front" means a yard extending across the full width of the lot, between the front lot line and the main building structure.

194. "Yard, rear" means a yard extending across the full width of the lot between the rear lot line and the main building or structure.

195. "Yard, side" means a yard between the side lot line and a principal building on a lot and extending from the front most line of a principal building to the rear most line of the building.

196. "Yard, ~~required~~ ~~side, non required~~" means a yard defined by a required setback and extending the full length of the lot along the designated line adjacent to the side lot line having the same width as the required side yard and extending from the front yard to the rear yard excluding the area of the required side yard. The area included in the non required side yard shall not be included in the area computed to meet the open space requirement of Section 165.47(6).

197. "Yard, transitional" means a yard which is required for a non-R District lot when said lot is adjacent to an R District lot.

198. "Zone" – see definition of "district."

<p><u>16 Business Services Contractor Limited: Uses include services usually delivered off site and includes incidental uses contained within buildings such as showrooms, storage of materials, storage of vehicle and equipment. These uses have limited customer traffic on site. Including but not limited to telecommunications companies, building contractors, engineering firms, mechanical / electrical/plumbing contractors, caterers, lawn care and landscapers.</u></p>																														
<p><u>Business Services Contractor Industrial: Uses include services usually delivered off site and includes incidental uses not contained within buildings such as showrooms, materials storage, vehicle and equipment storage. These uses have limited customer traffic on site. Including but not limited to industrial contractors, equipment rentals and contractors using vehicles and equipment larger than three tons.</u></p>																														
<p><u>Adult Entertainment Establishments</u></p>	See Section 165.24																													
<p><u>Pawn Brokers and Delayed Deposit Services</u></p>	See Section 165.24A																													
<p><u>▲</u></p>																														

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<u>RETAIL AND REPAIR</u>	<u>A</u>	<u>R-1</u>	<u>R-3</u>	<u>R-5</u>	<u>R-7</u>	<u>R-MH</u>	<u>C-ORS</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>C-R</u>	<u>C-WH</u>	<u>I-1</u>	<u>I-2</u>	<u>1</u>	<u>2</u>	<u>3</u>
<u>Retail Convenience Limited: Retail related to neighborhood convenience limited to pharmacies and food stores for pre-packaged foods such as grocery stores and prepared on-site foods including but not limited to meat markets, delis, bakeries, and ice cream parlors.</u>								P	P	P					P	P	P
<u>Retail General: retail uses characterized by shops and stores where all commodities and transactions are inside buildings. Includes rentals but no additional services such as repairs or installations. Including but not limited to department stores, clothing stores, malls and specialty stores.</u>									P	P					P	P	P
<u>Retail and Repair: uses include medium to small commodity sales with associated repair and rental services including but not limited to computer sales, appliance sales and residential outdoor equipment.</u>									P	P		P	C				P
<u>Retail Large Commodity: Includes retail and rental uses which may rely on outside storage and display such as cars, boats, trailers, building materials, mobile home sales, grave monuments and nurseries.</u>									P	P		P	C				
<u>Retail Industrial Commodity: Characterized by sales and repair of industrial equipment and products. Including but not limited to industrial equipment, construction machines, farm implement, seed and feed stores.</u>												P	C	P			
<u>▲</u>																	
<u>STORAGE AND WAREHOUSE & DISTRIBUTION</u>	<u>A</u>	<u>R-1</u>	<u>R-3</u>	<u>R-5</u>	<u>R-7</u>	<u>R-MH</u>	<u>C-ORS</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>C-R</u>	<u>C-WH</u>	<u>I-1</u>	<u>I-2</u>	<u>1</u>	<u>2</u>	<u>3</u>
<u>Storage Limited: uses include only mini storage and self storage facilities.</u>									¹⁷ C	¹⁷ C		P	P	P			

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<u>Warehouse and Distribution Limited</u> : Characterized by significant truck traffic and inside storage and distribution activity. Including but not limited to general warehousing, wholesale and distribution, refuse and recycling in accordance with state laws.										<u>C</u>	<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>			
<u>Warehouse and Distribution General</u> : Characterized by significant truck traffic and outside storage and distribution activity. Including but not limited to general warehousing, wholesale and distribution and recycling in accordance with state laws.														<u>C</u>	<u>C</u>	<u>P</u>			
<u>Refuse Hauling</u>														<u>C</u>	<u>C</u>	<u>C</u>			
<u>A</u>																			
<u>PRODUCTION AND MANUFACTURING</u>	<u>A</u>	<u>R-1</u>	<u>R-3</u>	<u>R-5</u>	<u>R-7</u>	<u>R-MH</u>	<u>C-ORS</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>C-R</u>	<u>C-WH</u>	<u>I-1</u>	<u>I-2</u>	<u>1</u>	<u>2</u>	<u>3</u>		
<u>Production and Processing Limited</u> : uses include assemblies and production contained completely inside buildings with limited combustibles which do not include noise, odor, hazardous chemicals or large commodities. Includes incidental truck traffic, associated assembly, distribution and storage. Including but not limited to garment printing and embroidery, laundries and dry cleaning, sporting goods assembly, printing, audio and visual production, photo processing, picture framing and taxidermy.										<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>
<u>Production and Processing General</u> : uses include assemblies and production contained completely inside buildings with limited combustibles which may include noise, odor, hazardous chemicals or large commodities. Includes incidental truck traffic, associated assembly, wholesale, distribution and storage. Including but not limited to bakeries, tooling and light metal fabrication, dairy product processing, food packaging, concrete										<u>C</u>	<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>			

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<u>fabrication,</u>																		
<u>Manufacturing Limited: uses include assemblies and production contained completely inside buildings which may include combustible products, noise, odor, hazardous chemicals or large commodities. Includes incidental truck traffic, associated assembly, wholesale, distribution and storage. Including but not limited to clothing manufacturing, carpet manufacturing, and finished wood products.</u>													<u>P</u>	<u>P</u>	<u>P</u>			
<u>Manufacturing Industrial: Characterized by the use of heavy equipment and some exterior processes. Including but not limited to asphalt product manufacturing, stone and masonry manufacturing, concrete mixing plant</u>													<u>C</u>		<u>P</u>			
<u>Heavy Industrial Activities: Characterized by the use of heavy equipment in production and processes necessarily outside. Including but not limited to salvage yards.</u>															<u>C</u>			
<u>Quarries and other extraction uses</u>	<u>C</u>															<u>¹⁸C</u>		
<u>Sanitary Land Fills</u>	<u>C</u>															<u>C</u>		
<u>Wind Generators, Commercial</u>	<u>P</u>												<u>C</u>	<u>C</u>	<u>C</u>			
<u>▲</u>																		
<u>TRANSPORTATION AND UTILITIES</u>	<u>A</u>	<u>R-1</u>	<u>R-3</u>	<u>R-5</u>	<u>R-7</u>	<u>R-MH</u>	<u>C-ORS</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>C-R</u>	<u>C-WH</u>	<u>I-1</u>	<u>I-2</u>	<u>1</u>	<u>2</u>	<u>3</u>	
<u>Bus Terminals</u>									<u>P</u>	<u>P</u>				<u>C</u>				
<u>Airports</u>	<u>C</u>													<u>C</u>	<u>C</u>			

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<u>Heliports</u>	C						C				C	C	C			
<u>Railroad Facilities</u>							C				P	P	P			
<u>Essential Services</u>	165.21 (1)															
<u>Communication Towers</u>	165.27 (Conditional use required unless accessory to Residential Occupancy)															

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¹Legal non-conforming uses are exempt from this table. See section 165.70

³Exercise areas are to be screened by fences and year round vegetative barrier. See 165.83 for additional conditions.

⁴ Requires 4 or more units with a homeowners association with individual unit ownership. Minimum square footage of primary floor dwelling unit – 800 sq. ft

⁵ No more than four guest rooms allowed.

⁶ There shall be a minimum separation of one-quarter mile between any family home, group home, emergency residential shelter or rehabilitation house. The distance separation shall be measured from lot line to lot line.

⁷ These uses also require a Planned Unit Overlay as specified by Section 165.66. PUD Overlay District Requirements of Section 165.47(6)(A)(2), the 15% green space requirement may not apply. No more than 4 units for rental allowed in any building. Dwelling units are not permitted below the second floor in CPR-1.

⁸ No more than 4 units for rental allowed in any building

⁹ Excluded are trade and vocational schools having a customer trade or utilizing, servicing or repairing vehicular or heavy equipment and machinery as a principal activity. When not involved with any danger of fire or explosion nor offensive noise, vibration, smoke, dust, odor, glare, heat or other objectionable influences.

¹⁰ When not involved with any danger of fire or explosion nor offensive noise, vibration, smoke, dust, odor, glare, heat or other objectionable influences.

¹¹ Garages for storage, repair and servicing of motor vehicles with any motor vehicle sales being secondary to the principal use and outdoor storage and display of motor vehicles limited to an area no greater than the gross square footage of the principal structure.

¹² Excludes Adult Entertainment. See section 165.24

¹³ No beer gardens as defined in 165.96 permitted.

¹⁴ Beer gardens as defined in 165.96 and not associated with a special event permit, require a conditional use.

¹⁵ Operated by a public agency; (see essential services 165.21 (1))

¹⁶ Service vehicles less than three ton may be stored outside if screened as for outside storage in 165.23

¹⁷ Mini storage buildings shall be located behind a principle permitted use building for the specified zone.

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¹⁸ Limited to rock, sand, gravel production and preparation