

**Section 6. R-5 PLANNED UNIT DEVELOPMENT.** The “R-5” District is intended and designed to provide a means for the development of large tracts of ground on a unit basis, allowing greater flexibility and diversification of land uses and building locations than the conventional single lot method provided in other sections of this Zoning Code. It is the intent of this section that the basic principles of good land use planning including an orderly and graded relationship between various types of uses be maintained and that the sound zoning standards as set forth in this Zoning Code and statutes concerning population density, adequate light and air, recreation and open space, and building coverage be preserved. Planned Unit Developments shall be permitted on any five (5) acre or larger tract of land that has been zoned or rezoned for P.U.D. purposes by the City Council.

1. **Principal Permitted Uses.** Buildings and permitted conditional uses shall be used only for residential purposes; occupant garages, occupant storage space and similar accessory uses; non-commercial recreational facilities, and community activities, including churches and schools, with the following exception; On a tract of land in excess of 80 acres or more, up to five percent of the total net area may be developed for commercial uses such as those found in the C-1 classification district. The following is a description of permitted uses:

A. One-family dwellings, to include manufactured homes in accordance with the following definitions:

(2) Manufactured home, provided it is located and installed according to the same standards for a foundation system, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot. “Manufactured home” means a structure built according to construction standards promulgated by the United States Department of Housing and Urban Development under authority of 42 U.S.C. Sec. 5403.

B. Two-family dwellings.

C. Multiple-family dwellings, including row housing cooperative apartment houses and condominium units.

D. Churches, cathedrals, temples, and similar places of worship, provided that all principal buildings be set back a minimum of fifty (50) feet from all property lines.

E. Publicly owned museums, libraries, parks and playgrounds, community centers and similar uses.

- F. Publicly owned golf courses, country clubs, tennis courts and similar recreational uses, provided that any such use not be operated primarily for commercial gain.
- G. Public and parochial schools, elementary and secondary, and other educational institutions having established current curriculum the same as ordinarily given in the Southeast Polk public school system, but excluding boarding schools, nursery schools and child care centers, provided that all principal buildings are set back a minimum of fifty (50) feet from all property lines.
- H. Any use that is approved and made a part of the Development Plan, subject to any conditions attached thereto, shall be permitted.

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

- A. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.
- B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- C. Private swimming pools when enclosed by a non-climbable fence at least six (6) feet in height.
- D. TV Dish Antennas in accordance with Chapter 165 Article 4 of the Zoning Code - General Regulations.

## 3. **Permitted Conditional Uses.**

- A. Home occupations. A conditional use permit must be applied for and received from the Board of Adjustment for a home occupation which does not meet the requirements set forth in Chapter 165 Article 4 of the Zoning Code - General Regulations.
- B. Communication towers (freestanding type), see Chapter 165 Article 4 of the Zoning Code – General Regulations.
- C. Communication towers of the building-supported type, see Chapter 167.13 of the Zoning Code – General Regulations.
- D. Wind Energy Conversion Systems (WECS), see Chapter 165 Article 4 of the Zoning Code – General Regulations.

- 4. **Bulk Regulations.** Although a P.U.D. is intended to promote and permit flexibility of design and thereby may involve modifications of conventional regulations or standards, certain requirements which are set forth below shall be applied to ensure that the development is compatible with the intent of this ordinance. Height, setback, bulk, and other requirements set out in the Development Plan shall constitute the basis for and become the zoning

requirement for that particular P.U.D., provided that refinements may be made through final plan approval if not defined as a substantial modification. In addition, the following minimum requirements shall be observed.

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

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

- J. There shall be a minimum setback of twenty (20) feet for any garage whose opening faces the street.
- K. Permanent care and maintenance of open space, recreation amenities, and other common elements shall be provided in a legally binding form. Any of these items not dedicated to the City or held in single ownership, will require the submittal of proposed bylaws of a homeowner's association fully defining the functions, responsibilities and operating procedures of the association. The applicant shall file the proposed documents governing the association for review by legal counsel for compliance with the following requirements at the time the final plat or site plan is filed;
  - (1) Membership shall be mandatory for each home buyer and any successive buyer.
  - (2) The open space restrictions shall be in perpetuity, or automatically renewable, and shall not terminate except by approval of both the homeowners' association and the City.
  - (3) The homeowners' association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.

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

Additionally, the proposed bylaws shall include but not be limited to the following provisions:

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

- O. Covenants to run with the land, in favor of the City and all persons having a proprietary interest in any portion of the development premises, verifying that the owner of the land or successors in interest will maintain all interior streets, parking areas, sidewalks, common land, parks and plantings which have not been dedicated to the City in compliance with City ordinances.
- P. Any additional agreements required by the Council at the time of Development plan approval.
- Q. A final plat shall be submitted for each phase of the final plan. The subdivider shall also submit a site plan for that part of the final plan that is multi-family or commercial, per the Site Plan Ordinance (See Chapter 165 Article 6).
- R. Signs in accordance with Chapter 165 Article 1 of this Code.

## 5. Procedure.

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

(9) Generalized building locations for small P.U.D. proposals.

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

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

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

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

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

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

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

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

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

Upon approval of final plans, building permits shall be issued in the same manner as for building permits generally. In any event where platting is required, no building permits shall be issues until the final plat is approved and recorded and all other requirements complied with. Final plans shall be binding on the petitioner and any and all successors

in title so long as P.U.D. zoning applies to the land, unless amended in accordance with the procedures set forth.

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

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

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

- 6. Information Required on the Development Plan Application.** The following information, plans and maps shall be submitted as part of the application for a Planned Unit Development:
- A. Names, addresses, and telephone numbers of owners, developer, and designer; name of development, date, north point, and scale;
  - B. Legal description of the P.U.D., and map of the boundary of the proposed P.U.D. as well as interior boundaries of proposed development phases, and of any existing separate ownership's;
  - C. Sufficient information on adjacent properties to indicate relationships to the proposed development, including such information as land divisions, land use, pedestrian and vehicular circulation, significant natural features or physical improvements, and drainage pattern;
  - D. Existing site conditions including contours at intervals sufficient to indicate topographic conditions (generally two feet), drainage ways and 100 year flood plains, floodways, heavy woods or other significant natural areas, and existing structures;
  - E. General locations of proposed lots and attached residential, multiple family, commercial (where permitted), recreational facilities; further delineating areas with different uses or building types, and gross density per acre;
  - F. General location and size of areas to be dedicated or reserved for common open space, park, schools, recreation area, and similar uses, and how any private facilities are proposed to be maintained;
  - G. Existing and proposed general circulation systems, including streets, pedestrianways, major off-street parking and loading areas, and major points of access;
  - H. Existing and proposed general sanitary and storm sewer systems, water mains, and drainageways;
  - I. Proposed development standards, including uses, density, floor area ratios for nonresidential developments, lot areas and widths, setbacks, and exceptions or variances from general requirements of zoning and other ordinances;
  - J. Sewer usage computations in accordance with the criteria of the sewer district;
  - K. Treatment of transitional zones around the perimeter of the project for protection of adjoining properties, including setbacks and buffer areas, landscaping, fences or other screening, height limitations, or other provisions;

- L. A narrative or graphic explanation of the planing and design concepts and objectives the owner intends to follow in implementing the proposed development, including a description of the character of the proposed development; the rationale behind the assumptions and choices made; the compatibility with the surrounding area; and design considerations for architecture, engineering, landscaping, open space, and so forth;
- M. A statement of intent with regard to selling or leasing all or portions of the proposed development;
- N. Proposed energy conservation methods, such as siting or design of structures; and
- O. Proposed phasing timetable.

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

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

7. **Referral to Council.** The Final Plan and required documents shall be reviewed by the Commission for compliance with the "R-5" standards and substantial compliance with the Development Plan. The Commission's recommendations and report on the Final Plan shall be referred to the Council for final approval. The Final Plan, consisting of a final subdivision plat or site plan shall be approved by the Council before any building permit is issued.
8. **Contingent Approval.** The Council may make the approval of the development plan contingent upon the completion of construction and improvements within a reasonable period of time; provided, however, that in the determination of such period, the Council shall consider the scope and magnitude of the development project and any schedule of construction and improvements submitted by the developer. Failure to complete all construction and improvements within said period of time shall be deemed sufficient cause for the Council to rezone the unimproved property to the

classification effective at the time of original submission of the development plan, unless an extension as recommended by the Commission and approved by the Council for due cause is shown. Any proposed change in the development plan after approval by the Council shall be resubmitted and considered in the same manner as the original proposal. The term "unimproved" property shall mean all property situated within a stage or stages of the final development plan upon which the installation of improvements has not been commenced.

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

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

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

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

10. **Zoning Density of R-5 Districts.** The zoning density of R-5 districts shall be determined by the Planning and Zoning Commission recommendation as

approved or amended or finally passed by the Council; and the density shall be established and interpreted by the administration of the Zoning Code upon the basis of the plan for the overall development of the tract as the plan is approved and filed with the Council on final passage. In determining the density of the R-5 district, it shall be considered what the zoning is of adjoining property and the use of adjoining property and density of adjoining property; however, this policy shall not be binding on the Council in setting the final density for the R-5 zoned properties. In no case shall an average density be approved which exceeds 20 dwelling units per acre. Each parcel of real estate that is zoned R-5 must have its density determined on the merits of each case. Any real estate zoned R-5 prior to the enactment of the ordinance codified herein shall be bound by the density that is shown in the plans as accepted and approved by the Council for the development of said real estate.

**Section 7. C-1 RESIDENTIAL-COMMERCIAL.** The “C-1” District is intended and designed to provide space for limited professional, retail, and service activities which serve adjacent residential areas with reasonable proximity for the satisfaction of daily consumer needs.

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

- A. Residential uses, if attached to a permitted commercial use. Residential units not permitted on first floor of structure.
- B. Hospitals, clinics, group medical centers or the office of a doctor, dentist, osteopath or similar profession.
- C. Business and professional offices including the following: law, engineering, real estate, insurance, financial and similar uses.
- D. Funeral homes or mortuaries.
- E. Personal service businesses such as beauty and barber shops, shoe repair, and similar uses.
- F. Retail business or service establishments such as the following:
  - (1) Clothes cleaning and laundry pickup stations
  - (2) Drug stores
  - (3) Gift shops
  - (4) Photographic studios
  - (5) Post office substations
  - (6) Movie Rental
  - (7) Combinations of the above uses.

2. **Permitted Accessory Uses.**

- A. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.
- B. Signs in accordance with Chapter 165 Article 1 of this Ordinance.
- C. Temporary buildings for uses incidental to construction work, said buildings shall be removed upon the completion of construction or abandonment of the construction site.
- D. TV Dish Antennas in accordance with Chapter 165 Article 4 of the Zoning Code - General Regulations.

### 3. **Permitted Conditional Uses.**

- A. Home occupations. A conditional use permit must be applied for and received from the Board of Adjustment for a home occupation which does not meet the requirements set forth in Chapter 165 Article 4 of the Zoning Code - General Regulations.
- B. Wind Energy Conversion Systems (WECS), see Chapter 165 Article 4 of the Zoning Code – General Regulations.

### 4. **Bulk Regulations.** The following minimum requirements shall be observed subject to the modifications contained in Chapter 165 Article 4.

- A. Minimum lot area. 9,000 square feet.
- B. Maximum Density. 10 units per acre.
- C. Lot width: Commercial uses – No minimum; commercial with attached dwelling units – 85 feet; corner lots – 85 feet; No public sanitary sewer – 100 feet.
- D. Front yard. 30 feet.
- E. Side yards. 11 feet on each side for principal building; 4 feet for accessory buildings.
- F. Rear yard. 40 feet, (3 feet for accessory buildings).
- G. Maximum Height. Principal building - 35 feet; accessory building - 14 feet.
- H. Maximum number of stories. Principal building – 2½ stories; accessory building - 1 story.
- I. A minimum of 15% of the lot area shall be retained as landscaped open space to include such items as walks, trees, shrubs, fountains, or other ornamental features.

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

(A) Minimum Lot Area	9,000 sq. ft.
(B) Maximum Density	10 units per acre.
(C) Lot Width	Commercial: No Minimum ( <i>Unless a corner lot</i> ) Commercial with dwelling units: 85 ft. Corner Lot: 85 ft. Without Public sanitary sewer: 100 ft.
(D) Front Yard Setback	30 ft.
(E) Side Yard Setbacks	Principal building: 11 ft. / side. Accessory building: 4 ft.
(F) Rear Yard Setback	Principal building: 40 ft. Accessory building: 3 ft.
(G) Maximum Height	Principal building: 35 ft. Accessory building: 14 ft.
(H) Maximum Stories	Principal building: 2½ Stories Accessory building: 1 story
(I) Open Space	15% of lot area

**Section 8. C-2 GENERAL COMMERCIAL.** The “C-2” District is designed to provide space for the general retail and professional office uses and efficient development of major retail shopping areas (other than shopping centers in the “C-3” District). The uses permitted are intended to accommodate both the general retail consumer and the needs and services of the automobile traveling consumer. Since such areas will be along major entrances to the City and heavily traveled arterial streets, it is essential to maintain an aesthetically pleasing appearance through proper design, site layout and landscaping, and to minimize interference with through traffic.

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

A. Retail or service such as the following:

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

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

B. Combinations of the above uses.

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

A. Uses of land and or structures clearly subordinate and customarily incidental to the principal uses, including storage of merchandise and preparation of certain products, shall be permitted subject to the standards set forth in subsection 5, Performance Standards.

B. Signs in accordance with Chapter 165 Article 1 of this Ordinance.

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

D. TV Dish Antennas in accordance with Chapter 165 Article 4 of the Zoning Code - General Regulations.

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

3. **Permitted Conditional Uses.**

A. Light manufacturing, assembly or treatment of articles or merchandise from the following previously prepared material: canvas, cellophane, cloth, fiber, glass, leather, paper, clay, plastic, precious or semiprecious metals, textiles and yarn, provided that the entire operation is conducted within a building and that no raw materials or manufactured products are stored outside the building and further providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emissions of dust, fumes, gas, odor or smoke.

B. Wind Energy Conversion Systems (WECS), see Chapter 165 Article 4 of the Zoning Code – General Regulations.

4. **Bulk Regulations.** The following minimum requirements shall be observed subject to the modifications contained in Chapter 165 Article 4.

A. Lot Area. None

B. Front Yard. 50 feet

C. Side Yard. None except where side yard is adjacent to an “R” District, in which case a buffer yard shall be provided. See subsection 5, Performance Standards, subparagraph F.

D. Rear Yard. 25 feet

E. Maximum Height. 65 feet

F. Maximum Number of Stories. 4

G. A minimum of 15% of the lot area shall be retained as landscaped open space to include such items as walks, trees, shrubs, fountains, or other ornamental features.

H. Off Street Parking and Loading. See Chapter 165 Article 4.

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

(A) Minimum Lot Area	None
(B) Front Yard Setback	50 ft.
(C) Side Yard Setbacks	None Buffer if adjacent to "R"
(D) Rear Yard Setback	25 ft.
(E) Maximum Height	65 ft.
(F) Maximum Stories	4
(G) Open Space	15% of Lot Area.

## 5. Performance Standards.

A. Outdoor activities shall be limited to display of merchandise for retail sale and storage, provided that such storage shall be fully enclosed and screened from view from adjacent streets and residentially zoned parcels by a six-foot high masonry fence supplemented by coniferous plantings as necessary to further screen such storage; further provided, that no display or storage shall be permitted in the required front yard unless expressly allowed.

B. Certain products such as bakery goods may be produced on the premises provided that:

- (1) Such production shall be clearly accessory to the retail use of the premises;
- (2) All such products shall be sold at retail on the premises on which they are produced, provided that such provision shall not be construed to prohibit operation of a catering service or limited wholesale of goods produced and clearly accessory to the retail use of the premises.

C. No noise, vibration, hazard, glare, air pollutants such as fumes or dust odor other than that which might originate from food preparation by a bakery or restaurant, or electromagnetic disturbances shall be generated.

D. The intent of this section is to discourage large scale wholesale operations; therefore, bulk shipments and deliveries. Goods and

products sold at wholesale shall be subordinate to and clearly accessory to retail use of the premise.

- E. All refuse collection areas shall be fully enclosed by a six-foot high opaque wood fence or masonry wall.
- F. Where property zoned "C-2" is adjacent to any property zoned for residential use, a buffer shall be provided by any one or approved combination of the following options:
  - (1) A buffer yard of 15 feet in width; 1 6-foot high masonry wall to be designed with face brick, stucco or similar finished surface facing toward the residential district; or
  - (2) A buffer yard of 26 feet or more in width; and 5 over-story trees, 10 under-story trees, and 20 shrubs for each 100 lineal feet; or
  - (3) A buffer yard 35 feet or more in width; 4-foot high earth berm or opaque wood fence; and 4 over-story trees, 6 coniferous trees, and 15 shrubs for each 100 lineal feet.

The buffer yard shall be located on the entire common perimeter of the contrasting uses, and extend to the lot lines. No part of any required buffer shall be used for parking, storage, loading, active recreation, locating refuse containers, or similar activity which may create a nuisance. Where a residentially zoned area has been subdivided, the developer of a vacant commercial property shall be responsible for providing the buffer; where the commercial buildings exist or are under construction, the developer of a vacant residential area shall provide the buffer.

- G. For those properties in nonconformance with this chapter, refer to Chapter 165 Article 3 of this Code of Ordinances.

**Section 9. C-3 PLANNED COMMERCIAL.** The “C-3” District is intended to provide for the development of shopping centers. For the purposes of this section, the term “shopping center” means a planned retail and service area under single ownership, management, or control characterized by a concentrated grouping of stores and compatible uses, with various facilities designed to be used in common, such as ingress and egress roads, extensive parking accommodations, etc. Since shopping center developments, whether large or small, have a significant effect upon the comprehensive plan for the development of the City, extensive authority over their development is retained by the Council and the Planning Commission. Many matters relating to the shopping center’s design, its potential for success or failure and its effect upon surrounding neighborhoods must be considered by the Council and Commission in order to be reasonably assured that the area will not eventually become blighted. It is further intended that in the event of an applicant’s failure to construct a shopping center in accordance with a reasonable time schedule, the Council shall enact the necessary legislation to reclassify the area to another classification consistent with the surrounding neighborhood. Such action would also, because of the reduction in commercial zoning in a given area, provide conditions whereby it could be reasonable for the Council to classify other areas in the vicinity for shopping center use.

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

- D. A statement of financial responsibility to assure construction of the shopping center, including landscaping, in accordance with the plan and the requirements of this section.

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

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

A. Retail or service establishments such as the following:

- (1) Antique shops
- (2) Apparel shops
- (3) Art shops
- (4) Auto and home supply stores
- (5) Baby and children’s stores
- (6) Bakeries and baker outlets - retail sales only
- (7) Bicycle shops, sales and repairs
- (8) Book stores
- (9) Camera stores
- (10) Car washes
- (11) Clubs and lodges
- (12) Collection office of public utility
- (13) Confectionery stores, including ice cream or snack bars
- (14) Consumer retail uses, personal services or business
- (15) Convenience or quick stop stores

- (16) Dairy stores - retail only
- (17) Dance studios
- (18) Delicatessens
- (19) Drug Stores
- (20) Dry goods stores
- (21) Florist shops and greenhouses
- (22) Furniture stores
- (23) Gas stations
- (24) Gift Shops
- (25) Grocery stores including supermarkets
- (26) Hardware stores
- (27) Hobby shops
- (28) Hotels, motels and tourist courts
- (29) Household appliances - sales and repair
- (30) Jewelry stores and watch repair shops
- (31) Key shops
- (32) Launderettes; coin-operated dry-cleaning establishments; and dry-cleaning or pressing establishments
- (33) Leather goods store
- (34) Meat market for storage and retail sales only
- (35) Music stores
- (36) Music studios
- (37) Paint and wallpaper stores
- (38) Printing shops
- (39) Professional offices
- (40) Public buildings and utilities, including administrative and sales office, equipment storage buildings, and enclosed storage
- (41) Radio and television sales and repair shops
- (42) Real estate, insurance and financial institutions
- (43) Restaurants, night clubs, cafes, taverns
- (44) Shoe and hat repair shops

(45) Tailor and dressmaking shops

(46) Toy stores

(47) Variety stores

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

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

D. Photographic Studios

E. Personal service businesses such as beauty and barber shops, shoe repair, and similar uses.

F. Post office substations

G. Combinations of the above uses.

2. **Permitted Accessory Uses.**

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

B. Signs in accordance with Chapter 165 Article 1 of this Code of Ordinances.

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

D. TV Dish Antennas in accordance with Chapter 165 Article 4 of the Zoning Code - General Regulations.

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

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

4. **Landscaping.** A minimum of 15% of the area shall be returned as landscaped open space to include such items as walks, trees, shrubs, fountains or other ornamental features.

5. **Signs.** Signs in accordance with Chapter 165 Article 1 of this Code of Ordinances.

6. **Off Street Parking and Loading.** See Chapter 165 Article 4.

**Section 10. C-4 CENTRAL BUSINESS.** The “C-4” District is intended to accommodate the variety of retail stores and related activities which occupy the prime area within the central business district. It is intended that this district not be mapped outside the original (downtown) business core.

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

A. Retail or service such as the following:

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