Section 14.01.008 – Definitions

"Athletic facility means a privately owned indoor and/or outdoor facilities devoted to organized sports, including but not limited to, soccer, basketball, gymnastics, and tennis. This use is distinct from Amusement (Indoor) and Amusement (Outdoor) in that it is less intense and would generate less traffic, noise, and other objectionable nuisances to adjacent properties."

• Rationale: This is new definition and use added because it is a less intense but similar use to Outdoor Amusement and Indoor Amusement that would allow these types of facilities is a be located closer to or within residential areas. Outdoor Amusement includes uses like racetracks, theme parks and stadiums. This use is meant to capture uses like soccer fields that local sports groups would utilize.

"Commercial off-street parking means the use of a site for the parking of motor vehicles on a temporary basis within a privately owned off-street parking facility. This use includes, but is not limited to, commercial parking lots and garages and excludes parking as an accessory use. This use is intended for customers to temporarily park their motor vehicles while visiting nearby uses. This use does not include vehicle storage or the parking of commercial or fleet vehicles."

• Rationale: This is clarifying within the definition of Commercial Off-Street Parking that it is not intended for vehicle storage or fleet vehicles.

"Construction services means a commercial use that displays or stockpiles large-scale intensive outdoor operations and contracting equipment, machinery, and other materials."

• Rationale: This term and use is being removed because it is duplicated with Construction and Equipment Sales, Major as well as Contractor's Shop

"Liquor sales means the use of a site for the retail sale of alcoholic beverages for off-premises consumption. This use includes liquor stores and bottle shops."

 Rationale: This term and use is being removed because it is duplicated by Alcoholic Beverage Sales – Off-premises

"Off-site accessory parking means the use of a site for the provision of parking spaces, together with driveways, aisles, turning and maneuvering areas, clearances, and similar features, located on a different site from the principal use and intended for use by customers or employees of the principal use. The principal use shall be located no further than an adjacent property or across one public or private right-of-way. This use does not include vehicle storage."

• Rationale: This is clarifying that Off-site Accessory Parking does not include vehicle storage. Vehicle Storage is defined as "a garage, parking lot, or other facility owned or operated by a person or business, other than a governmental entity, for storing or parking ten or more motor vehicles, including motorized waterborne vehicles, per year.

This definition does not include businesses with the primary purpose of vehicle sales on the property within the corporate limits of the city, such as automotive dealerships."

"Open or outdoor storage means the keeping, in an unroofed area, of any goods, junk, material or merchandise, in the same place for more than 24 hours."

• Rationale: This term is being replaced by a new term for "Outdoor Storage"

"Outdoor display and sales means the outdoor display or sale of finished products actively available for sale for less than 24 hours a day. This definition does not include products in shipping boxes, crates, on pallets, or other shipping containers, which shall be considered Outdoor Storage."

• Rationale: There is a term for Outdoor Storage but not one defining Display. This adds that definition

"Outdoor storage means the outdoor storage of products or goods that have a large size, mass, or volume that occur on site for more than 24 hours such as, but not limited to, heavy equipment, freight or commercial motor vehicles, trailers, construction materials, and raw, processed or packaged materials including any products on pallets, in shipping containers or in crates."

• Rationale: The previous definition was deleted and replaced with this new term.

"Portable building sales means a site on which factory-manufactured portable buildings, such as manufactured homes, are displayed and offered for sale or order to the general public."

 Rationale: This term and use were previously undefined. This adds the definition and in later sections the use is added into the Non-Residential and Mixed-Use districts permitted uses section

"Truck stop means a gasoline station also providing major or minor automobile repair to commercial vehicles."

"Truck stop or Travel Center means a use primarily engaged in the maintenance, servicing, storage, parking or repair of commercial vehicles, including the sale of fuels or other petroleum products, and the sale of accessories or equipment for trucks and similar commercial vehicles. A travel center or truck stop may also include overnight accommodations, showers, restaurant facilities, game rooms, vehicle scales, and/or other activities intended primarily for use of truck crews and interregional travelers."

 Rationale: The definition for Truck Stop is being updated to be more inclusive of the types of services provided.

Section 14.02.005 - Residential Land Use Table

Residential Use "Single Family Attached (3 or more units)" is hereby amended in its entirety as follows:

A	SF-E	SF-1	SF-2	TF	TH	MF-1	MF-2	MH-1	MH-2
---	------	------	------	----	----	------	------	------	------

Single-family						
attached (3 or			P	C	C	
more units)						

• Rationale: Single Family Attached (townhomes) were Permitted "P" in Multi-Family 15 (MF-1) and Multi-Family 25 (MF-2). Conditions on SF Attached in MF districts have been added so the "P" was changed to a "C"

Non-Residential Use "Athletic Facility" is hereby added immediately following Non-Residential Use "Amenity Center" to read as follows:

	Α	SF-E	SF-1	SF-2	TF	TH	MF-1	MF-2	MH-1	MH-2
Athletic Facility	C/S	C/S	C/S	C/S						

• Rationale: This adds the new term "Athletic Facility" as a Non-Residential Use in Residential Districts. It would be require a Specific Use Permit and need to meet certain conditions in order to locate in Agricultural and Single Family districts. The Conditions are added in a later section.

Section 14.02.006 – Residential Land Use Conditions

The Residential Land Use and Conditions for "Athletic Facility" and "Single Family Attached (3 or more units) are hereby added in alphabetical order to read as follows:

Athletic Facility	 Must be screened and buffered to minimize their impact.
	• May operate only between 7:00 a.m. and 9:00 p.m.
	 Cannot have loudspeakers or equipment that emits audible signals such as beeps, buzzers and bells that would be audible off the site
Single Family Attached (3 or more units)	 When located in a MF-1 or MF-2 district, the following development standards of the Townhome district apply to each Single Family Attached structure: Maximum height, Minimum dwelling unit size, Maximum dwelling units, and Maximum units per structure. When constructed in a common development (same property) with Multi-Family structures, all setback

	 types for the entire property follow the more restrictive standard. Architectural, parking and landscaping standards for the Single Family Attached (Townhome) district apply to Single Family Attached structures and areas.
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• Rationale: These additions add the conditions that an Athletic Facility or SF Attached in MF need to meet in order to be permitted within a residential district.

Section 14.02.007(b) – General Development Regulations for Single Family Standard

Section 14.02.007(b) of the Zoning Ordinance is hereby amended to revise the Single Family Standard (SF-2) District "Exterior Side Setback to Residential" to read as follows:

Exterior Side Setback to Residential	7.5' 5'

• Rationale: Reduced the side setback in SF-2 district from 7.5' to 5'. SF-2 is intended to be a denser single family district with 60' wide lots vs 70' wide lots in SF-1. The reduced setback allows for suitable buildable area on the narrower lots.

Section 14.02.007(c) – Residential Development Standards Table Notes

- "(3) On approval by the commission, SF-1 and SF-2 lots platted prior to 1980 having approximately 5,750 square feet of lot area may request approval of reduced setbacks from one or more of the setback requirements for the zoning district. The commission shall consider the lot uses to determine whether reduction of the setback requirements is appropriate. Upon approval of building plans, the setbacks may be not less than five-foot side yard, ten-foot rear yard, 15-foot street side yard setback and 20-foot front yard setback. Lots owned by the same person may be combined into one building site."
 - Rationale: Removing the 1980 platting requirement allows lots in the older part of the city which are 5,750 sf (50'x 115') to be combined or rotated by plat and still be able to request a setback waiver. This helps make single family residential development in the older part of the city easier.
- "(5) SF-1 and SF-2 lots within the Historic District as defined in section 14.02.031 may have minimum lot sizes of 5,750 square feet and minimum lot widths of 50 feet when being replatted by a Short Form Final Plat or Amended Plat."
 - Rationale: This allows for replatted lots in the older part of the city, the Historic District, to be less than the required square footages. This helps make single family residential development in the older part of the city easier.

Section 14.02.007(d)(6) – Residential Accessory Building Setback Table

Section 14.02.007(d)(6) Table 6(A) of the Zoning Ordinance is hereby amended to revise "Accessory structures 120 s.f. and over, excluding detached garage" as follows:

Accessory structures 120 s.f. and over, excluding	25'	7.5' 5'	5'	15'
detached garage				

• Rationale: The Rear Setback is being reduced for Accessory Structures, excluding detached garages, from 7.5' to 5'. This makes placing sheds or detached covered patios easier to on properties.

Section 14.02.017(b) – Non-residential Uses in Non-residential and Mix-use Zoning Districts

Section 14.02.017(b) of the Zoning Ordinance is hereby amended to add the Non-Residential and Mixed-Use District use "Alcoholic Beverage Sales – Off-premises" immediately following the use "Alcoholic beverage establishment" to read as follows:

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Alcoholic											
Beverage					D	D	D	D	D		
Sales – Off-					P	P	P	P	P		
premises											

• Rationale: This already defined term is replacing "Liquor Sales" in our code so this section adds it into our permitted uses table

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Athletic Facility	C	C	C								

• Rationale: This adds the new term Athletic Facility into the section for non-residential uses with conditions, which are added later

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Construction											
and									D	D	D
Equipment									Р	P	P
Sales (Major)											

• Rationale: Added use as permitted in Heavy Industrial

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Construction Services								E	E	C	C

• Rationale: Term was deleted as its function was covered by Construction and Equipment Sales, Major and Contractor's Shop

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Gasoline											
Station (Full								C/S	C		
Service)											

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Gasoline											
Station					C/S		C/S	C/S	C		
(Limited)											

• Rationale: Added that Gas Stations require a Specific Use Permit in C-2 Medium Commercial. It has been expressed by the community there is an over abundance of gas stations and this would allow the P&Z and Council greater oversight in the location and necessity of future gas stations in C-2 Medium Commercial zones.

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Liqour Sales					P	P	P	P	P		

• Rationale: This term was deleted and replaced by Alcoholic Beverage Sales – Off-premises

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Portable									D	D	
Building Sales									Г	Г	

• Rationale: Adds the new term to the non-residential permitted uses table in C-3 Heavy Commercial and IN-1 Light Industrial

	OS	I-1	I-2	GO	NB	DB	C-1	C-2	C-3	IN-1	IN-2
Smoke Shop											
or Tobacco							P	P	P		
Store											

• Rationale: Added term as Permitted in C-1 Light Commercial

Section 14.02.018 – Non-residential and Mixed-use District Conditions

Light Commercial (C-1)	• Uses shall be conducted entirely within an enclosed building except for customary outdoor uses, as approved by the Development Services Director, on an area that is improved with concrete, asphalt, or another all-weather solid surface. All-weather solid surface does not include gravel, base material, or similar. All sales of merchandise shall be consummated indoors, and no cash register or package-wrapping counter shall be located outdoors.
	 Outdoor display must be in accordance with section 14.02.049 Merchandise must be new, first-hand and sold on premises, except for antique shops. Establishments located on property that is within 300 feet of any property zoned for residential use when the commercial use is first established may not be open to the general public before 5:00 a.m. and must be closed to the general public by 12:00 a.m., except for commercial uses on along US Hwy 290.
Medium Commercial (C-2)	 Uses shall be conducted primarily within an enclosed building except for customary uses on an area that is improved with concrete, asphalt, or another all-weather solid surface. All-weather solid surface does not include gravel, base material, or similar. Outdoor display must be in accordance with section 14.02.049
Heavy Commercial (C-3)	 Uses shall be conducted primarily within an enclosed building except for customary uses on an area that is improved with concrete, asphalt, or another all-weather solid surface. All-weather solid surface does not include gravel, base material, or similar. Outdoor display must be in accordance with section 14.02.049

• Rationale: Clarified what "All-weather surface" means within Commercial districts

Neighborhood	Business	• Uses shall be conducted entirely within an enclosed building
(NB)		except for customary outdoor uses, as approved by the
		Development Services Director, on an area that is
		improved with concrete, asphalt, or another all-weather solid
		surface. All-weather solid surface does not include

gravel, base material, or similar. All sales of merchandise shall be consummated indoors, and no cash register or package-wrapping counter shall be located outdoors.
• Outdoor display must be in accordance with section 14.02.049
 Merchandise must be new, first-hand and sold on premises, except for antique shops.
• Establishments located on property that is within 300 feet of any property zoned for residential use when the commercial use is first established may not be open to the

• Drive-through facilities are prohibited

general public before 5:00 a.m. and must be closed to the general public by 12:00 a.m., except for commercial uses

• Rationale: Clarified what "all-weather surface" means as well as prohibited drive-through facilities. Neighborhood Business districts are intended to be directly adjacent to or within residential areas so drive-throughs are not compatible.

on along US Hwy 290.

Downtown Business (DB)	 Uses shall be conducted entirely within an enclosed building except for customary outdoor uses, as approved by the Development Services Director, on an area that is improved with concrete, asphalt, or another all-weather solid surface. All-weather solid surface does not include gravel, base material, or similar. All sales of merchandise shall be consummated indoors, and no cash register or packagewrapping counter shall be located outdoors.
	Outdoor display must be in accordance with section 14.02.049
	 Merchandise must be new, first-hand and sold on premises, except for antique shops.
	 Establishments located on property that is within 300 feet of any property zoned for residential use when the commercial use is first established may not be open to the general public before 5:00 a.m. and must be closed to the general public by 12:00 a.m., except for commercial uses
	on US Hwy 290.Drive-through facilities are prohibited

• Rationale: Clarified what "all-weather surface" means as well as prohibited drive-through facilities. Neighborhood Business districts are intended to be directly adjacent to or within residential areas so drive-throughs are not compatible. Also removed time limit on when business can operate to promote commercial activity in the downtown area.

Section 14.02.019 - Non-residential and Mixed-use Land Use Conditions

Athletic Facility	Athletic facilities within 300 feet of residential zoning districts, places of residence such as nursing homes and extended care facilities, and lodging establishments when first established must meet the following conditions:
	 Must be screened and buffered to minimize their impact
	 May operate only between 7:00 a.m. and 9:00 p.m.
	• Cannot have loudspeakers or equipment that emits audible signals such as beeps, buzzers and bells that would be audible off the site.

• Rationale: Adds Conditions of Athletic Facilities in Commercial districts

Contractor's Shop	• Liquids, gels, and pastes (e.g., paints, sealers, etc.) are stored only in enclosed buildings.
	There is no storage of explosives.
	• There is storage of no more than 50 gallons of motor fuel.
	• There is no disposal of inoperable machines or wastes onsite.
	The areas used for storage of materials, fleet vehicles, or similar must be wholly enclosed within a structure or otherwise fully screened from view from adjacent residential areas, public rights-of-ways, major drive aisles, and parkland.

• Rationale: Adds screening requirements for storage areas

Construction Services	 Liquids, gels, and pastes (e.g., paints, sealers, etc.) are stored only in enclosed buildings.
	 There is no storage of explosives.
	There is storage of no more than 50 gallons of motor fuel.
	There is no disposal of inoperable machines or wastes on-
	site.

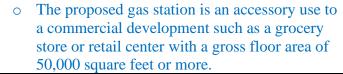
• Rationale: Term and use are deleted since it is duplicated by Construction and Equipment Sales, Major and Contractor's Shop

• Permitted only within 200 feet of the right-of-way lines
of intersecting streets, unless the use is an accessory use
to a commercial development such as a grocery store or
retail center with a gross floor area of 50,000 square feet
or more

- Permitted at a maximum of two corners at an intersection of two arterial streets; and a maximum of one corner of an intersection with a collector or local street.
- Permits Only automotive repair (minor) uses is permitted
- Automobile washing facilities shall follow conditions of that use
- No more than four multi-fuel dispensers (eight fuel positions) shall be permitted except where one of the following conditions is met:
 - The property is located along and has direct access from US Highway 290 East
 - The proposed gas station is an accessory use to a commercial development such as a grocery store or retail center with a gross floor area of 50,000 square feet or more.
- In no case shall a gas station be permitted more than ten multi-fuel dispensers (twenty fuel positions)
- Multi-fuel dispensers, air, vacuum, and water stations must be 100 feet from a residential district.
- Fuel positions, air, vacuum, water stations and other similar equipment is prohibited between the principal structure and the property line of a residential district and shall comply with the building setbacks in all other circumstances.
- Freestanding light fixtures shall be reduced in height to 15 feet if the use is adjacent to a residential district.

Gas	Station,	Limited
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- Permitted only within 200 feet of the right-of-way lines of intersecting streets, unless the use is an accessory use to a commercial development such as a grocery store or retail center with a gross floor area of 50,000 square feet or more
- Permitted at a maximum of two corners at an intersection of two arterial streets; and a maximum of one corner of an intersection with a collector or local street.
- Automotive repair and automobile washing facilities are prohibited.
- No more than four multi-fuel dispensers (eight fuel positions) shall be permitted except where one of the following conditions is met:
 - The property is located along and has direct access from US Highway 290 East



- In no case shall a gas station be permitted more than ten multi-fuel dispensers (twenty fuel positions)
- In the Neighborhood Business (NB) and Light Commercial (C-1) districts the canopy and arrangement of multi-fuel dispensers shall be designed in a relatively square pattern as opposed to a linear distribution of the multi-fuel dispensers, as depicted below (where X = one multi-fuel dispenser = two fuel positions):

Acceptable Pump Arrangement

 $X \quad X$

X X

Unacceptable Pump Arrangement

 $X \qquad X \qquad X \qquad X$

- Multi-fuel dispensers, air, vacuum, and water stations must be 100 feet from a residential district.
- Fuel positions, air, vacuum, water stations and other similar equipment is prohibited between the principal structure and the property line of a residential district and shall comply with the building setbacks in all other circumstances.
- Freestanding light fixtures shall be reduced in height to 15 feet if the use is adjacent to a residential district.
- Rationale: Adds Conditions to Full Service and Limited Service Gas Stations. Provides a
 maximum number of pumps, locations of facilities when adjacent to residential uses,
 limits lighting height adjacent to residential uses. In Limited Service uses in NB and C-1
 provides for pump arrangement.

Section 14.02.046(1) – Accessory Structures

- "(B) Accessory structures, with exception of carport, may encroach into required yards according to each zoning districts permitted encroachment allowances."
 - Rationale: Allows permitted carports to follow the setback of "Accessory Structures over 120 sf, excluding detached garage" so they would have a 25' front setback, 5' side setback, 5' rear setback, and 15' streetside setback.

- "(I) Accessory structures shall be architecturally consistent with the principal structure. Portable classrooms installed for the school district on district owned property are exempt from this requirement."
 - Rationale: Provides an exemption for the school district to make locating portable classrooms as accessory structures easier.

Section 14.02.049(c) – Outdoor Storage and Display

- "(5) The outdoor display area shall not exceed ten percent of the square footage of the principal structure or 500 square feet, whichever is less, with the following exceptions:
 - (A) Outdoor home accessory sales are exempt from this requirement.
 - (B) Passenger vehicle sales and rental. Outdoor display of passenger vehicles for sale or rent is exempt from this requirement. This does not include vehicles used for moving.
 - (C) Moving vehicle rental. Rental of vehicles utilized for moving of goods, personal or commercial, are limited to a maximum of four parking spaces. All other moving vehicles shall be screened in accordance with the outdoor storage requirements.
 - (D) Garden Centers are exempt from this requirement.
 - (E) Heavy Equipment, Machinery, and Trailers. Large heavy equipment, construction machinery, and trailers associated with a Construction and Equipment Sales, Major or Truck and Trailer Sales use are exempt from this requirement.
 - (F) Portable building sales. Outdoor display of portable buildings for sale associated with Portable Building Sales use are exempt from this requirement."
 - Rationale: Clarified that Passenger Vehicle Rental exemption also includes Sales. Added exemption for Heavy Equipment, Machinery, Trailers as well as Portable Buildings as these uses require outdoor display
- "(8) Outdoor display is not required to be screened. Outdoor display facing a public right-of-way or drive aisle is not required to be screened. Outdoor display visible to adjacent residentially zoned property or parkland shall be screened. This screening may be satisfied by bufferyard landscaping."
 - Rationale: Expanded that outdoor display facing residential areas or parkland is required to be screened.

Section 14.02.049(e) – Outdoor Storage and Display

"(3) A six-foot wall is required to screen outdoor storage when the property is located adjacent to property zoned more restrictive than the subject site, or when the storage is visible from a public right-of-way or parkland. This requirement is in addition to the screening requirements of this code, except where there is conflict this provision controls."

- Rationale: Added that when outdoor storage is visible from parkland it is required to be screened.
- "(6) The outdoor storage area is limited to a maximum one percent of the square footage of the principal structure or tenant space, or 100 square feet, whichever is less, within NB, DB, C-1, and C-2 districts with the following exceptions:
- (A) Mini storage facilities which may provide for outside storage of vehicles (automobiles and recreational vehicles) are limited to a maximum area of 20 percent of the gross site area, if the aforementioned screening is provided.
- (B) Accessory use of vehicle storage is exempt from the limitation on area as long as all other provisions for outdoor storage are met. For example, trucks utilized for moving, fleet vehicles or vehicles receiving auto repair."
 - Added a maximum of 100 sf for outdoor storage in NB, DB, C-1, and C-2 districts
- "(8) Outdoor storage of equipment and vehicular storage shall be on a paved surface of asphalt, concrete, or another all-weather solid surface. All-weather solid surface does not include gravel, base material, or similar. In C-3, IN-1 and IN-2 districts this provision may be modified by the Development Services Director."
 - Rationale: Adds a surfacing requirement for outdoor storage areas but allows flexibility in Heavy Commercial and Industrial zones.

Section 14.05.002(b)(C) – Planned Unit Development Procedures

- "(C) Standards required by the base zoning apply in a planned unit development except that the following regulations and standards may be varied in the adoption of the planned unit development, provided that the plan is consistent with sound urban planning and good engineering practices:
 - (i) Front, side and rear setbacks Setbacks
 - (ii) Maximum height
 - (iii) Maximum lot coverage
 - (iv) Floor area ratio
 - (iv) Minimum lot width
 - (v) Minimum lot area
 - (vi) Off-street parking requirements

- (vii) Number of Maximum dwelling units per acre
- (viii) Minimum dwelling unit size
- (ix) Accessory building regulations
- (x) Sign regulations along with a development agreement
- (xi) Landscaping regulations along with a development agreement
- (xii) Land uses and land use conditions
- (xiii) Architectural standards along with a development agreement
- (xiv) Special district requirements pertaining to the base zoning"
- Rationale: Increased what can be modified in a Planned Unit Development zoning ordinance to provide the design flexibility that a PUD is intended to allow