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MEMORANDUM

TO: PLANNING COMMISSION
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: PUBLIC HEARING FOR ZONING ORDINANCE AMENDMENT RELATING TO PUBLIC BUILDINGS
DATE: JULY 15, 2024

Staff recently reviewed the zoning ordinance to determine what, if any, land use approvals would be needed for the Police Station to move by the Fire Station (in an I-1 Light Industrial District) as well as for the post office to move to a yet to be determined location. It has been identified that both such uses are not currently defined in the zoning ordinance.

In past practice, the city has considered uses such as the post office and government uses (police, fire, city hall, utilities, public works) under the definition of “essential services”. In recent discussions with City Attorney Scott Riggs, he stated that the “essential services” definition does not allow all those uses and is really limited to just utilities and associated buildings and that a zoning ordinance amendment would be necessary to adequately accommodate said uses.

At the June 26th Planning Commission meeting, staff presented a concept report regarding amending the zoning ordinance to either amend the definition of “essential services” or to add a new definition for “public buildings”. The Planning Commission noted support for adding the public buildings definition to the zoning ordinance and listing public buildings as a conditional use in all zoning districts. Based on the feedback received, staff has drafted this report and scheduled a public hearing to consider the zoning ordinance amendments.

Existing Zoning Ordinance Language-

Under Section 302 for Definitions, the following is the existing definition of essential services which will remain and is specific to utilities:

70. Essential Services - The erection, construction, alteration, or maintenance by private or public utilities, or municipal departments of underground, surface, or overhead services such as telephone, gas, electrical, steam, hot water, communication, water and sewage transmission and collection systems, and the equipment, appurtenances and related structures necessary for furnishing of adequate service by such private or public utilities or municipal departments. Essential services does not include personal wireless service antennas or support structures.

Proposed Zoning Ordinance Language-

Amendments are shown as follows: ~~struck out~~ and added.

Public Building - Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, or municipal without reference to the ownership of the building or of the realty upon which it is situated. A building belonging to or used by the public for the transaction of public or quasi-public business. For the purposes of this definition, a public building does not include a building located within a city park.

The above definition would certainly cover public uses such as fire stations, police station, city halls and even post offices.

With this new definition, said use needs to be added to permitted or conditional use categories for zoning districts. Staff would recommend the following for placement of the new “public building” use:

Include as a Permitted Use in the following districts:

Section 610 - B-3 Highway Commercial – Add as 2(Q)

Section 611 - I-1 Light Industrial – Add as 2(O)

Include as a Conditional Use in the following districts:

Section 603 - RL-90 Single Family Residential – Add as 4(F)

Section 604 - RL-84 Single Family Residential – Add as 4(F)

Section 605 - RL-70 Single Family Residential – Add as 4(G)

Section 606 - RM Medium Density Residential – Add as 4(F)

Section 607 - RH High Density Residential – Add as 4(H)

Section 608 - B-1 Central Business – Add as 4(J)

Section 609 - B-2 General Business – Add as 4(X)

Staff understands that the Planning Commission noted support at the June Planning Commission meeting to have “public building” be a conditional use in ALL zoning districts, however, staff suggests making it a permitted use in the B-3 and I-1 Districts as those districts are not subject to design requirements present in the B-1 and B-2 Districts and generally would have adjacent uses that would not have as many conflicts as might be found in the permitted and conditional uses in the other commercial district. In any case, staff does recommend that public buildings require a conditional use permit in all residential districts due to the conflicts that could arise in those zoning districts without additional conditions to mitigate the possible effects.

Staff welcomes additional discussion on which districts this new defined use should be permitted or conditional uses.

Recommendation

Staff recommends that the Planning Commission hold the required public hearing on July 24th, 2024 to gather public input and to forward a recommendation on the proposed amendment to the City Council for consideration at their meeting on August 5th, 2024.

Attachments

1. Zoning District Details

603 RL-90 Single Family Residential District

1. Purpose

This district is intended for detached single family, low density development in developed and developing areas of the City that are predominantly residential in character.

2. Permitted Uses

- A. Accessory uses
- B. Day Care Facilities, In-home
- C. Essential services
- D. Home occupations
- E. Recreation, Public
- F. Single family dwelling units

3. Permitted Accessory Uses

- A. Accessory buildings
- B. Fences
- C. Residential recreation equipment
- D. Off-street parking serving the property
- E. Nameplate and temporary signs
- F. Gardening, where no sale of products is conducted
- G. Landscaping and landscaping features

4. Conditional Uses

- A. Educational buildings and uses including primary and secondary public and private schools and institutions for higher education
- B. Bed and Breakfast Homes
- C. Religious Institution
- D. Nursing homes and assisted living facilities
- E. Any house or other principal structure moved onto a lot

5. Bulk Standards

- A. Minimum Lot Area: 9,000 square feet
- B. Minimum Lot Width: 65 feet
- C. Minimum Front Yard Setback: 30 feet
- D. Minimum Side Yard Setback: 7 feet
- E. Minimum Rear Yard Setback: 30 feet
- F. Maximum Height: 35 feet
- G. Maximum Land Coverage by Structures: 40 percent

1. Purpose

This district is intended to allow existing and infill detached single family, low density development in previously platted areas of the community.

2. Permitted Uses

- A. Accessory uses
- B. Day care facilities, in home
- C. Essential services
- D. Home occupations
- E. Recreation, public
- F. Single family dwelling units

3. Permitted Accessory Uses

- A. Accessory buildings
- B. Fences
- C. Residential recreation equipment
- D. Off-street parking serving the property
- E. Nameplate and temporary signs
- F. Gardening, where no sale of products is conducted
- G. Landscaping and landscaping features

4. Conditional Uses

- A. Educational buildings and uses including primary and secondary public and private schools and institutions for higher education
- B. Religious Institutions
- C. Nursing Homes and Assisted Living Facilities
- D. Bed and breakfast homes, if lot size is 9,000 square feet or larger
- E. Any house or other principal structure moved onto a lot

5. Bulk Standards

- A. Minimum Lot Area: 8,400 square feet
- B. Minimum Lot Width: 60 feet
- C. Minimum Front Yard Setback: 30 feet
- D. Minimum Side Yard Setback: 7 feet
- E. Minimum Rear Yard Setback: 30 feet
- F. Maximum Height: 35 feet
- G. Maximum Land Coverage By Structures: 40 percent

1. Purpose

This district is intended to allow existing and infill detached single family residences in areas historically platted for small lots.

2. Permitted Uses

- A. Accessory uses
- B. Day care facilities, in home
- C. Essential services
- D. Home occupations
- E. Recreation, public
- F. Single family dwelling units

3. Permitted Accessory Uses

- A. Accessory buildings
- B. Fences
- C. Residential recreation equipment
- D. Off-street parking serving the property
- E. Nameplate and temporary signs
- F. Gardening, where no sale of products is conducted
- G. Landscape features

4. Conditional Uses

- A. Educational buildings and uses including primary and secondary public and private schools and institutions for higher education
- B. Religious Institution
- C. Health Care Facilities
- D. Nursing homes and assisted living facilities
- E. Bed and breakfast homes, if lot size is 9,000 square feet or larger
- F. Any house or other principal structure moved onto a lot

5. Bulk Standards

- A. Minimum Lot Area: 7,000 square feet
- B. Minimum Lot Width: 50 feet
- C. Minimum Front Yard Setback: 25 feet
- D. Minimum Side Yard Setback: 7 feet
- E. Minimum Rear Yard Setback: 30 feet
- F. Maximum Height: 35 feet
- G. Maximum Land Coverage by Structures: 40 percent

1. Purpose

This district is intended for single family attached two to eight unit residences at medium densities of up to 12 units per acre in areas appropriate for buffering single family districts from business and industrial districts and major roadways.

2. Permitted Uses

- A. Single family dwelling unit
- B. Two family dwelling units and twinhomes
- C. Townhouses, up to eight attached units
- D. Apartments, up to eight attached units
- E. Essential services
- F. Home occupations
- G. Accessory uses
- H. Day care facilities, In-home
- I. Recreation, public

3. Permitted Accessory Uses

- A. Accessory buildings
- B. Fences
- C. Residential recreation equipment
- D. Off-street parking serving the property
- E. Nameplate and temporary signs
- F. Gardening, where no sale of products is conducted
- G. Landscaping and landscaping features

4. Conditional Uses

- A. Educational buildings and uses including primary and secondary public and private schools and institutions for higher education
- B. Religious Institutions
- C. Nursing homes and assisted living facilities
- D. Bed and breakfast homes, if lot size is 9,000 square feet or larger
- E. Any house or other principal structure moved onto a lot

5. Bulk Standards

- A. Minimum Lot Area:
 - 1. Single family: 7,000 square feet
 - 2. Two family units: 7,000 square feet per dwelling unit
 - 3. Three through eight unit buildings: 3,000 square feet per dwelling unit
- B. Minimum Lot Width:
 - 100 feet for multi unit buildings
 - 50 feet for single family dwelling units
- C. Minimum Front Yard Setback: 30 feet
- D. Minimum Side Yard Setback:
 - 10 feet for multi unit buildings
 - 7 feet for single family dwelling units
- E. Minimum Rear Yard Setback: 30 feet

- F. Maximum Height: 50 feet
- G. Maximum Land Coverage by Structures: 40 percent
- H. Minimum Floor Area (two or more unit buildings):
 - 1. Efficiency Unit: 400 square feet
 - 2. One bedroom apartment: 600 square feet
 - 3. Two bedroom units: 750 square feet
 - 4. Three bedroom units: 950 square feet
- I. Useable Open Space Per Dwelling Unit (two or more unit buildings):
 - 1. 400 square feet

607 **RH High Density Residential District**

1. Purpose

This district is created to allow high density multi-family dwellings of up to 32 units per acre. This district is located in areas of transition, lower density residential areas and nonresidential areas.

2. Permitted Uses

- A. Single family dwelling unit
- B. Two family dwelling units and twinhomes
- C. Townhouses
- D. Apartments
- E. Essential services
- F. Home occupations
- G. Accessory uses
- H. Day care facility, in home
- I. Recreation, public

3. Permitted Accessory Uses

- A. Accessory buildings
- B. Fences
- C. Residential recreation equipment
- D. Off-street parking serving the property
- E. Nameplate and temporary signs
- F. Gardening, where no sale of products is conducted
- G. Landscaping and landscaping features

4. Conditional Uses

- A. Manufactured/Modular home parks
- B. Educational buildings and uses including primary and secondary public and private schools and institutions for higher education
- C. Religious Institutions
- D. Nursing homes and assisted living facilities
- E. Bed and breakfast homes, if lot size is 9,000 square feet or larger
- F. Bed and breakfast inns
- G. Any house or other principal structure moved onto a lot

5. Bulk Standards

- A. Minimum Lot Area: 1,300 square feet per dwelling unit for multi unit buildings
7,000 square feet per unit for single and two family dwelling units
- B. Minimum Lot Width: 100 feet for multi unit buildings
50 feet for single family dwelling units
- C. Minimum Front Yard Setback: 30 feet
- D. Minimum Side Yard Setback: 20 feet for multi unit buildings
7 feet for single family dwelling units
- E. Minimum Rear Yard Setback: 30 feet
- F. Maximum Height: 50 feet
- G. Maximum Land Coverage By Structures: 40 percent
- H. Minimum Floor Area (2 or more unit buildings):
 - 1. Efficiency Unit: 400 square feet
 - 2. One bedroom apartment: 600 square feet
 - 3. Two bedroom units: 750 square feet
 - 4. Three bedroom units: 950 square feet
- I. Useable Open Space Per Dwelling Unit (two or more unit buildings):
 - 1. 300 square feet

608 B-1 Central Business District

1. Purpose

The purpose of this district is to encourage the continuation of a viable downtown area by allowing retail, service, office and entertainment facilities as well as public and semi-public uses. In addition, residential uses will be allowed to locate above the commercial establishments. Any use in this district shall not be required to provide off-street parking.

2. Permitted Uses

- A. Automobile parking lots, parking garages, bus stations
- B. Clinics
- C. Day care facilities
- D. Drinking establishments
- E. Dwelling units, apartments - containing five or less units, located above the first floor of a building
- F. Entertainment and amusement facilities
- G. Essential services
- H. Hotels
- I. Motels
- J. Office uses
- K. Physical recreation or training
- L. Quasi-public organizations
- M. Recreation, public
- N. Restaurants, class I
- O. Restaurants, class II
- P. Restaurants, class III
- Q. Retail establishments and service establishments
- R. Seasonal produce stands
- S. Brewpubs

3. Permitted Accessory Uses

- A. Uses incidental to the principal uses such as off-street parking and loading and unloading areas, interior storage of merchandise.

4. Conditional Uses

- A. Auto repair, minor
- B. Bed and breakfast inns
- C. Fuel stations
- D. Dwelling units, apartments - containing more than five (5) units, and located above the first floor of a building
- E. Outdoor seating for food service businesses and drinking establishments
- F. Recreation, commercial
- G. Any principal structure moved onto a lot
- H. Religious institutions
- I. Small Breweries

5. Interim Uses

Other temporary uses subject to Section 506 of the Zoning Ordinance determined by the City Council to be of the same general character as the permitted uses and conditional uses above and found not to be detrimental to existing uses and the general public health, safety, and welfare.

6. Bulk Standard

- A. Lot size: No requirement
- B. Front side and rear yards: Each permitted or conditional use including accessory uses in the B-1 district shall have a front, side or rear yard of not less than 10 feet when such use is abutting an alley, or any railroad right of way, which yard may be used only for access to the use or for landscaping purposes.
- C. Maximum Height: 36 Feet

609 B-2 Community Commercial District

1. Purpose

This district is established to accommodate the type of businesses that are oriented to the traveling public and require highway access. To minimize unmanageable strip development, common access drives and frontage roads should be integrated into site plans and platting.

2. Permitted Uses

- A. Clinics
- B. Day care facilities
- C. Drive-thru businesses
- D. Essential services
- E. Hotels

- F. Motels
 - G. Office uses
 - H. Physical recreation or training
 - I. Recreation, public
 - J. Restaurants, Class I
 - K. Restaurants, Class II
 - L. Restaurants, Class III
 - M. Retail and service establishments
 - N. Seasonal produce stands
 - O. Temporary buildings/uses
 - P. Brewpubs
3. Permitted Accessory Uses
- A. Uses incidental to the principal uses such as off-street parking and loading and unloading areas, storage of merchandise.
4. Conditional Uses
- A. Automobile parking lots, parking garages, bus stations
 - B. Automobile repair, major
 - C. Automobile repair, minor
 - D. Bed and breakfast inns
 - E. Boat and motorcycle repair
 - F. Car washes
 - G. Fuel stations
 - H. Drinking establishments
 - I. Dwelling unit, apartments – must be located above the first floor of a building
 - J. Entertainment and amusement facilities
 - K. Exterior storage
 - L. Funeral homes
 - M. Health care facilities
 - N. Landscape nurseries and garden supply stores
 - O. Motor vehicle and recreation equipment sales
 - P. Outdoor seating for food service business and drinking establishments
 - Q. Quasi public organizations and fraternal clubs
 - R. Recreation, commercial
 - S. Religious institutions
 - T. Retail center (strip mall)
 - U. Veterinary clinic
 - V. Any principal structure moved onto a lot
 - W. Small Breweries
5. Interim Uses
- A. Other temporary uses subject to Section 506 of the Zoning Ordinance determined by the City Council to be of the same general character as the permitted uses and conditional uses above and found not to be detrimental to existing uses and the general public health, safety, and welfare.
6. Bulk Standards

- A. Minimum Lot Area: 20,000 square feet
- B. Minimum Lot Width: 80 feet
- C. Minimum Front Yard Setback: 30 feet along collector and arterial roadways
15 feet along residential and local roadways
- D. Minimum Side Yard Setback: 10 feet
- E. Minimum Rear Yard Setback: 30 feet
- F. Minimum Alley Setback: 10 feet
- G. Maximum Height: 35 feet or 3 stories
- H. Maximum Land Coverage by Structures: 40 percent

610 **B-3 Highway Commercial District**

1. **Purpose**

This district is established to accommodate the type of businesses that are oriented to the traveling public and require highway access. This district is intended to allow existing businesses and redevelopment/infill of certain types of businesses, but not encourage expansion of the overall zoning boundary of the district.

2. **Permitted Uses**

- A. Drive-thru businesses
- B. Essential services
- C. Hotels
- D. Landscape nurseries and garden supply stores
- E. Motels
- F. Office uses
- G. Physical recreation or training
- H. Public utilities
- I. Recreation, public
- J. Restaurants, Class I
- K. Restaurants, Class II
- L. Restaurants, Class II
- M. Retail and service establishments
- N. Seasonal produce stands
- O. Temporary building / use
- P. Brewpubs

3. **Permitted Accessory Uses**

- A. Uses incidental to the principal uses such as off-street parking and loading and unloading areas, and storage of merchandise.

4. **Conditional Uses**

- A. Automobile parking lots, parking garages, bus stations
- B. Automobile repair, minor
- C. Automobile repair, major
- D. Bed and breakfast inns
- E. Boat and motorcycle repair

- F. Car washes
- G. Fuel stations
- H. Dwelling unit, apartments – must be located above the first floor of a building
- I. Entertainment and amusement facilities
- J. Exterior storage
- K. Farm implement dealers
- L. Kennel, commercial
- M. Lumberyard
- N. Manufactured home sales
- O. Manufacturing, light
- P. Mini storage / self storage
- Q. Motor vehicle and recreation equipment sales
- R. Outdoor seating for food service businesses and drinking establishments
- S. Quasi-public and fraternal organizations
- T. Recreation, commercial
- U. Religious institutions
- V. Veterinary clinic
- W. Warehouse and distribution
- X. Any principal structure moved onto a lot
- Y. Small Breweries

5. Interim Uses

- A. Other temporary uses subject to Section 506 of the Zoning Ordinance determined by the City Council to be of the same general character as the permitted uses and conditional uses above and found not to be detrimental to existing uses and the general public health, safety, and welfare.

6. Bulk Standards

- A. Minimum Lot Area: 20,000 square feet
- B. Minimum Lot Width: 80 feet
- C. Minimum Front Yard Setback: 40 feet
- D. Minimum Side Yard Setback: 10 feet
- E. Minimum Rear Yard Setback: 10 feet
- F. Minimum Alley Setback: 10 feet
- G. Maximum Height: 35 feet or 3 stories
- H. Maximum Land Coverage by Structures: 40 percent

611 I-1 Light Industrial District

1. Purpose

This district is intended to provide for industrial uses for activities that, because of their nature, are not well suited for close proximity to residential and business areas of the community. Existing industry that is located close to residential areas is allowed to continue and must meet certain performance criteria when applicable. Industrial areas have good access to highway and railroad lines because of their need to receive and distribute products and goods.

2. Permitted Uses

- A. Automobile repair – major
 - B. Automobile repair – minor
 - C. Billboard signs
 - D. Car washes
 - E. Essential services
 - F. Industry, light
 - G. Lumberyards
 - H. Manufacturing, light
 - I. Public utility
 - J. Recreation, public
 - K. Research facilities
 - L. Warehouse and distribution
 - M. Small Breweries
 - N. Breweries
3. Permitted Accessory Uses
- A. Accessory buildings related to the operations of the principal use
 - B. Parking lots
4. Conditional Uses
- A. Exterior storage
 - B. Industry, heavy
 - C. Manufacturing, heavy
 - D. Mini storage/self storage
 - E. Physical recreation or training
 - F. Recreation, commercial
 - G. Recycling centers
 - H. Any principal structure moved onto a lot
 - I. Distilleries
 - J. Micro-distilleries
 - K. Indoor Firing Ranges
 - L. Retail sales which are accessory to the principal use within a building provided that the area used for retail sales does not exceed 30 percent of the gross floor area of the building for single tenant buildings and does not exceed 30 percent of any tenant space for multi-tenant leased buildings. Maximum retail space shall in no case exceed 5,000 sq. ft.
 - M. Fuel stations
5. Prohibited Uses
- A. Sanitary landfills
 - B. Distillation processes
 - C. Manufacturing of explosives
 - D. Livestock feeding yards, slaughter houses, or processing plants
 - E. Mining operations
 - F. Any industry that creates an excessive odor, noise, air, or environmental pollution problem.
6. Interim Uses

- A. Other temporary uses subject to Section 506 of the Zoning Ordinance determined by the City Council to be of the same general character as the permitted uses and conditional uses above and found not to be detrimental to existing uses and the general public health, safety, and welfare.

7. Bulk Standards

- A. Minimum Lot Area: 40,000 square feet
- B. Minimum Lot Width: 150 feet
- C. Minimum Front Yard Setback: 40 feet
- D. Minimum Side Yard Setback: 15 feet
- E. Minimum Rear Yard Setback: 25 feet (50' when abutting a residential district)
- F. Minimum Alley Setback: 10 feet
- G. Maximum Height: 50 feet
- H. Maximum Land Coverage by Structures: 40 percent