

DIVISION 1. GENERALLY

Sec. 36-111. Use districts established.

All land in the city shall be assigned to one of the following zoning districts:

- (1) *Parks and Open Space District.* POS park and open space district, see section 36-151.
- (2) *Residential districts.*
 - a. R-1 single-family residence district, see section 36-163.
 - b. R-2 single-family residence district, see section 36-164.
 - c. R-3 two-family residence district, see section 36-165.
 - d. R-4 multiple-family residence district, see section 36-166.
 - e. R-C high-density multiple-family residence district, see section 36-167.
- (3) *Commercial districts.*
 - a. C-1 neighborhood business district, see section 36-193.
 - b. C-2 general commercial district, see section 36-194.
- (4) *Office district.* O office district, see section 36-223.
- (5) *Industrial districts.*
 - a. I-P industrial park district, see section 36-243.
 - b. I-G general industrial district, see section 36-244.
- (6) *Mixed use district.* M-X mixed use district, see sections 36-261 through 36-266.
- (7) *Planned Unit Development (PUD) District,* See Section 36-32.

(Code 1976, § 14:5-1.1; Ord. No. 2462-15, 2-2-15)

Sec. 36-112. Overlay districts established.

Overlay districts are as follows:

- (1) FW floodway district, see section 36-294.
- (2) FF flood fringe district, see section 36-294.
- (3) FP general floodplain district, see section 36-294.
- (4) TDM travel demand management district, see sections 36-321 through 36-330.

(Code 1976, § 14:5-1.2)

Sec. 36-113. Map.

The boundaries of the use districts listed in section 36-111 are shown on the zoning map, as amended. The map is certified by the city clerk and is stored in the office of community development, and is referred to as the "zoning map" or "map," in this chapter. The map and all of the notations, references and other information shown on it shall have the same force and effect as if fully set forth in this chapter and are hereby made a part of this chapter by reference.

(Code 1976, § 14:5-1.3)

Sec. 36-114. Boundaries.

District boundary lines indicated on the zoning map follow lot lines, the center lines of streets or alleys projected, railroad right-of-way lines, the center of watercourses, or the corporate limit lines as they exist upon the effective date of the ordinance from which this chapter is derived. If use district boundary lines do not follow any of the above-described lines, the use district boundary lines are established as drawn on the zoning map. Where a district boundary line divides a lot of record which was in single ownership at the time of enactment of the ordinance from which this chapter is derived and places portions of such lot of record in two or more use districts, any portion of such lot within 50 feet on either side of dividing district boundary line may be used for any use permitted in either use district. If the lot shall be wider than the 50-foot limitation, the use district line as shown shall prevail.

- (1) Appeals from the zoning administrator's determination and questions of doubt concerning the exact location of district boundary lines shall be heard by the board of zoning appeals.
- (2) Whenever any street, alley or other public way is vacated by official action of the city, the location of the zoning district line shall not be affected by such proceeding.
- (3) A determination of whether a property is within the boundaries of the FW, FF or FP district shall be made by the zoning administrator. Any person objecting to that determination may appeal to the zoning administrator by submitting a topographic survey which includes the contour of the flood protection elevation and the location and elevation of all proposed structures. The zoning administrator may change the determination based on the topographic survey, but the zoning administrator shall notify the commissioner of the state department of natural resources at least ten days before granting the permit. Provisions for the modification of floodplain district boundaries are contained in division 8 of article IV of this chapter.

(Code 1976, § 14:5-1.4)

Sec. 36-115. Land use by zoning district.

(a) Designation and reference. The land uses listed in this section are specifically designated and refer to the detailed listing of land uses contained in section 36-142 et seq.

(b) Land uses permitted. Land uses listed as "permitted" are permitted by the general land use requirements of this chapter; subject to the general requirements of the specific zoning district in which they are located, any additional requirements imposed by applicable overlay zoning districts as designated on the official zoning map, the general requirements of this chapter, and any and all other applicable city, county, state and federal regulations as may be amended from time to time.

(c) **Land uses permitted with conditions.** Land uses listed as "permitted with conditions" are subject to all of the requirements of land uses permitted by right plus those additional controls which are listed following the specific land use. Land uses permitted with conditions do not require a public hearing process.

(d) **Land uses permitted as a conditional use.** Land uses listed as "permitted as a conditional use" are permitted subject to all the requirements applicable to uses permitted by right plus all general conditional use and any additional requirements applicable to that particular land use contained in divisions 3 through 6 of this article and those general conditions contained under section 36-33. Each conditional use application shall be considered a unique situation and shall not be construed as precedents for similar requests. Further conditions may be imposed on any conditional use by the planning commission or city council in response to special conditions of the use or site. (Ord. No. 2419-12, 9-14-2012)

(e) **Land uses permitted as accessory uses.** Land uses listed as "permitted as an accessory use" are permitted subject to all of the requirements applicable to uses permitted by right, plus any additional requirements applicable to that particular land use contained in divisions 3 through 6 of this article. Accessory uses other than required off-street parking may not occupy more than 25 percent of the total floor area of any development unless further restricted in the district regulations. (Ord. No. 2462-15, 2-2-2015)

(f) **Land uses permitted as temporary uses.** Temporary land uses are permitted subject to all the requirements applicable to uses permitted by right as listed in subsection (b) of this section, plus any additional requirements applicable to that particular land use as contained in section 36-82. (Ord. No. 2462-15, 2-2-2015)

(g) **Full compliance necessary.** Although a land use may be indicated as permitted by right, permitted with conditions, or permitted as a conditional use in a particular use district, it does not follow that such a land use is permitted or permissible on every parcel in such use district. No land use is permitted or permissible on a parcel unless it can be located thereon in full compliance with all of the standards and regulations of this chapter which are applicable to the specific land use and parcel in question, or unless an appropriate variance has been granted under section 36-34. (Ord. No. 2462-15, 2-2-2015)

TABLE 36-115A – (Repealed, Ord. No. 2312-06, 4-14-2006)

TABLE 36-115C

Intensity Class Measures

| | <i>Maximum Density Factor (DU/Acre)</i> | <i>Maximum Impervious Surface Ratio</i> | <i>Maximum Floor Area Ratio</i> | <i>Maximum Height (in feet)</i> | <i>Maximum Trips/AC/Day</i> | <i>Gross Building Area</i> | <i>Hours of Operation</i> | <i>Resultant Land Use Intensity Class</i> |
|------------------|---|---|---------------------------------|---------------------------------|-----------------------------|----------------------------|---------------------------|---|
| Residential uses | 9 | -- | -- | 30 | 100 | 2,000 | | Class 1 |
| All other uses | -- | 0.30 | 0.15 | 30 | 100 | 2,000 | 6:00 a.m./ 6:00 p.m. | |
| Residential uses | 15 | -- | -- | 35 | 300 | 5,000 | -- | Class 2 |
| All uses | -- | 0.40 | 0.25 | 35 | 300 | 5,000 | 6:00 a.m./ 10:00 p.m. | |
| All uses | 20 | 0.60 | 0.50 | 40 | 650 | 10,000 | 6:00 a.m./ 12:00 p.m. | Class 3 |
| All uses | 30 | 0.70 | 0.80 | 50 | 1,000 | 20,000 | 6:00 a.m./ 12:00 p.m. | |
| All uses | 40 | 0.80 | 1.00 | 75 | 1,500 | 50,000 | 24 hours | Class 5 |
| All uses | 50 | 0.90 | 1.40 | 150 | 2,500 | 100,000 | 24 hours | |
| All uses | 50+ | 0.90+ | 1.40+ | 150+ | 2,500+ | 100,000+ | | Class 7 |

*Based on Institution of Transportation Engineers' Trip Generation manual.

Note: The column showing the highest land use intensity class will determine the land use intensity for the land use.

**TABLE 36-115D
OPEN SPACE REQUIREMENTS**

| Zoning District | Single Family | Cluster Housing | Multi-Family | Elderly Housing | Nursing Home | Group Home |
|---|---------------|---------------------|--------------|-----------------|--------------|------------|
| R1-Single Family Residential | 600/OLA | 400/OLA or 12% DORA | NA | NA | 12% DORA | 12% DORA |
| R2-Single Family Residential | 400/OLA | 400/OLA or 12% DORA | NA | NA | 12% DORA | 12% DORA |
| R3-Two-Family Residential | 400/OLA | 400/OLA or 12% DORA | NA | NA | 12% DORA | 12% DORA |
| R4-Multi-Family Residential | 400/OLA | 400/OLA or 12% DORA | 12% DORA | 12% DORA | 12% DORA | 12% DORA |
| RC-Multi-Family Residential | NA | 400/OLA or 12% DORA | 12% DORA | 12% DORA | 12% DORA | 12% DORA |
| C1-Neighborhood Commercial | NA | NA | 12% DORA | 12% DORA | NA | NA |
| C2-General Commercial | NA | NA | 12% DORA | 12% DORA | NA | NA |
| O-Office | NA | NA | 12% DORA | 12% DORA | NA | NA |
| MX-Mixed Use | NA | NA | 12% DORA | 12% DORA | NA | NA |
| Reductions may be allowed via the PUD process, if the development meets certain criteria. | | | | | | |
| OLA = Open Lot Area DORA = Designed Outdoor Recreation Area | | | | | | |

(Code 1976, § 14:5-2.1; Ord. No. 2192-01, 3-5-2001; Ord. No. 2220-02, § 2, 3-18-2002; Ord. No. 2226-02, § 2, 6-3-2002; Ord. No. 2228-02, § 2, 7-15-2002; Ord. No. 2234-02, § 2, 12-2-2002; Ord. No. 2239-03, 4-7-2003; Ord. No. 2267-04, 4-12-2004; Ord. No. 2312-06, 4-14-06; Ord. No. 2419-12, 9-14-2012)

Secs. 36-116--36-140. Reserved.