

DIVISION 14. SUPPLEMENTARY REGULATIONS.**Section 14-100. Off-street parking.**

(1) No building shall be erected, unless there is provided on the lot, space for the parking of automobiles or trucks and space for loading and unloading in accordance with the following minimum requirements:

- (a) Bowling alley: Five (5) parking spaces for each alley.
- (b) Business, professional or public office building studio, bank, medical or dental clinic: Three (3) parking spaces plus one (1) additional parking space for each four hundred (400) square feet of floor area over one thousand (1,000).
- (c) Church: One (1) parking space for each four (4) seats in the main auditorium.
- (d) College or school: One (1) parking space for each eight (8) seats in the main auditorium or three (3) spaces for each classroom, whichever is greater.

- (e) Community center, library or museum: Ten (10) parking spaces plus one (1) additional space for each three hundred (300) feet of gross floor area in excess of two thousand (2,000) square feet.
- (f) Dwellings - single family: One (1) parking space for each dwelling unit.
- (g) Dwellings (single or multiple family) from 0 to 10 dwellings per acre of residential area: One (1) parking space for each dwelling unit.
- (h) Dwellings (single or multiple family) from 11 to 25 dwellings per acre of residential area: One and one-half (1 ½) parking spaces for each dwelling unit.
- (i) Hospital, sanitarium, home for the aged, or similar institution: One (1) parking space for each three (3) beds.
- (j) Hotel: One (1) parking space for each sleeping room or suite plus one (1) space for each two hundred (200) square feet of commercial floor space contained therein.
- (k) Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or similar establishment: One (1) parking space for every two (2) employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.
- (l) Mortuary or funeral home: One (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors, and individual funeral service rooms.
- (m) Private club or lodge: Five (5) parking spaces plus one (1) additional space for each two hundred (200) square feet of floor in activity and meeting rooms.
- (n) Restaurant, night club, café or similar recreation or amusement establishment: One (1) parking space for each one hundred (100) square feet of gross leasable area.
- (o) Retail store or personal service establishment: One (1) parking space for each two hundred (200) square feet of gross leasable area.

(p) Rooming house, lodging house, fraternity or sorority: One (1) parking space for each two (2) beds.

(q) Sports arena, stadium or gymnasium (except school): One (1) parking space for each five (5) seats or bench seating spaces.

(r) Theater or auditorium (except school): One (1) parking space for each five (5) seats or bench seating spaces.

(s) Outdoor or mixed facilities and combinations of any permitted uses: A sufficient number of spaces which will, in the determination of the Planning, Zoning and Variance Commission, make reasonable and adequate provision for the highest expected volume of users. Such determination may be based upon the following:

(I) The designed capacity of such facilities.

(II) An overall plan for concentration or concentrations of parking with appropriate consideration of designed landscaping and relation to the surroundings.

(III) Trade-off, or alternating use of parking area(s) by uses occurring during different hours, seasons, or days.

(IV) For Planned Unit Developments, cluster developments or other types of design innovations, the required off-street parking shall be as required above for each separate use. In addition, demonstration of sufficient parking facilities must be made to satisfy other needs or uses as may be developed in the PUD or other type of design development. Also the Commission may set forth any additional parking requirements which, in its opinion, may be needed to satisfy the parking demand for any use developed in the PUD.

Section 14-101. Additional height and area regulations.

The following additional height and area regulations shall apply to all zone districts as set forth in this Article:

(1) Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, wireless towers, grain elevators, or necessary mechanical appurtenances may

exceed the maximum height regulations of the zone district in which they are located provided the maximum height for the use under question is set by the Commission, but in no instance shall such use exceed one hundred feet (100') in height.

(2) Hospitals, institutions or schools, when permitted in a zone district, may exceed the maximum height regulations of the zone district in which they are located provided the maximum for the use under question is set by the Commission, but in no instance shall such use exceed forty-five feet (45') in height.

(3) For the purpose of the side yard regulations, a two-family dwelling or a multiple dwelling shall be considered as one (1) building occupying one lot unless developed as a Planned Unit Development.

(4) Unless authorized by the Commission, no basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.

(5) An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten feet (10'). An unenclosed vestibule containing not more than forty (40) square feet may project into a front yard for a distance not to exceed four feet (4').

(6) Open-lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than three and one-half feet (3 ½') and where the same are so placed as not to obstruct light and ventilation.

(7) Terraces, uncovered porches, platforms and ornamental features which do not extend more than three feet (3') above the floor level of the ground story may project into a required yard provided these projections be at least two feet (2') from the adjacent side lot line.

(8) Established front yards may be adjusted according to prevailing setbacks in the following cases:

(a) Where forty percent (40%) or more of the frontage on the same side of a street between two intersecting streets is developed with two (2) or more buildings that have (with a variation of five feet (5') or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing building nearest the street line.

(b) Where forty percent (40%) or more of the frontage on one side of a street between two intersecting streets is developed with two (2) or more

buildings that have a front yard of less depth than herein required and a building is to be erected on a parcel of land that is within one hundred feet (100') of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings on each side. If a building is to be erected on a parcel of land that is within one hundred feet (100') of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

(c) The required side yard on the street side of a corner lot shall be one-half (1/2) the required front yard on such street, provided that no adjacent structures front on the same street, in which case the entire required front yard must be provided, and no accessory building shall project beyond the required front yard on either street.

(d) Where lots have double frontage, the required front yards shall be provided on both streets.

Section 14-102. Basic considerations for conditional uses and uses by special permit.

Any conditional use or use by special permit allowed in the various zone districts as provided in this Article shall be subject to the following basic considerations and other considerations as may be deemed necessary by the Commission in order to protect the general health, safety, welfare and morals of the area in which a conditional use may be located.

(1) That such use does not create any danger to safety in surrounding areas, does not cause water pollution and does not create offensive noise, vibration, smoke, dust, odors, heat, glare, snow storage problems, or other objectionable influences beyond the boundaries of the property on which such use is located.

(2) That upon the discretion of the Commission a written explanation may be required indicating the methods to be used to minimize smoke, odors, dust, and similar environmental and snow storage problems which might result from the operation of the proposed conditional use.

(3) Special permits shall be approved only after a public hearing notification of such which has been published in a newspaper of general circulation at least fifteen (15) days prior to the hearing.

Section 14-103. Mini-warehouses

(1) Purpose.

The purpose of this Section is to describe the requirements for the approval of the use of property for mini-warehouse development. Mini-warehouse clients are home dwellers, and people living in small homes. Other customers include small commercial clients, local merchants, small contractors, and professionals. Storage limitations in current housing developments have generated a public need for a place to store excess property or seasonal goods. Because of the unique problems peculiar to mini-warehouse development, the procedures and requirements set forth in this section are established to enable the evaluation of proposals for such developments in relation to compatibility with surrounding properties and to ensure that adequate provisions are made for such factors as, but not limited to, exterior appearance, landscaping and screening, on-site parking and circulation, fire protection, outdoor storage, public improvements, the types of items that can be stored, and use limitations of the storage. (Ord. 1704, eff., 9-27-02)

(2) Definitions.

Dead Storage - Goods not in use and not associated with any office, retail or other business use on premise in a self-storage facility or structure. (Ord. 1704, eff., 9-27-02)

(3) Development review applications.

Applications for a conditional use permit for a mini-warehouse development shall be made by the property owner or his agent to the Planning Commission on forms prescribed for this purpose by the Planning Department. Outdoor storage is to be considered a separate conditional use requiring a separate permit. Outdoor storage is not allowed on a mini-warehouse site unless specifically addressed during the conditional use process. (Ord. 1704, eff., 9-27-02)

(4) Planning Commission action.

The Commission, by conditional use permit, may authorize as a sole use, mini-warehousing and outdoor storage only in the following districts:

- I - Industrial zone district;
- HDR - High Density Residential zone district;
- CC - Community Commercial zone district. (Ord. 1704, eff., 9-27-02)

(5) Lot Requirements.

(a) Lot size to be a minimum of one-half (½) acre. (Ord. 1704, eff., 9-27-02)

(b) Lot coverage to be a maximum of fifty percent (50%). (Ord. 1704, eff., 9-27-02)

(6) Development regulations.

(a) A mini-warehouse shall be located contiguous to a public right-of-way. (Ord. 1704, eff., 9-27-02)

(b) All buildings shall be set back not less than twenty-five feet (25') from a right-of-way when located in any zone district. There shall be a twenty-foot (20') building setback line from all other property boundaries. (Ord. 1704, eff., 9-27-02)

(c) Where the parcel is adjacent to an LDR, MDR, HDR, MHR, PUD, HP, or RE district, a 20-foot landscaped yard shall be provided on the parcel adjacent to the district and a 20-foot landscaped front yard shall be provided when within 100 feet of an LDR, MDR, HDR, MHR, PUD, HP or RE district or when across the street from such districts. Landscaping shall be in addition to any architectural screening type fence. Such fence, when required, shall be solid or semisolid and constructed to prevent the passage of debris or light and constructed of either brick, stone, architectural tile, masonry units, wood, or other similar material (not including woven wire) and shall not be less than five feet nor more than eight feet in height. (Ord. 1704, eff., 9-27-02)

(d) Residential quarters for a manager or caretaker may be included within the mini-warehouse development. (Ord. 1704, eff., 9-27-02)

(e) Parking: Each mini-storage facility shall provide two parking spaces for the manager or caretaker unit and a minimum of five spaces located adjacent or in close proximity to the manager's unit for customer parking. No off-site parking will be accepted for parking requirements. (Ord. 1704, eff., 9-27-02)

(f) Driving/loading lanes shall be a minimum of twenty-two feet (22') in width when cubicles open onto one side of the lane only and a minimum of thirty feet (30') when cubicles open onto both sides of the lane. Driveway corners shall have a minimum thirty-foot (30') radius. Dead end driveways shall in no instance exceed in length the requirements of

the Fire Code and in instances that dead end driveways exceed one hundred fifty feet (150') in length; same shall be reviewed and approved in writing by the local Fire Dept. (Ord. 1704, eff., 9-27-02)

(g) An emergency ingress/egress may be required in addition to at least one main ingress/egress for customer use. (Ord. 1704, eff., 9-27-02)

(7) Use Restrictions

No activities other than rental of storage units and pick-up and deposit of dead storage shall be allowed within the self-storage complex. Other permitted uses may be allowed on the property subject to all applicable Zoning District Regulations. General commercial uses set out under the Community Commercial Zoning District are permitted on residual commercially zoned acreage that is not involved in the mini-storage complex. Watchman's or manager's quarters are permitted subject to compliance with residential building code requirements. Examples of activities prohibited at Self-Storage Facilities include, but are not limited to, the following: (Ord. 1704, eff., 9-27-02)

(a) Commercial wholesale or retail sales, or miscellaneous auctions and garage sales prohibited except for the purpose of foreclosure liquidation by a proprietor. (Ord. 1704, eff., 9-27-02)

(b) The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment. (Ord. 1704, eff., 9-27-02)

(c) The operation of power tools, spray-painting equipment, table saws, lathers, compressors, welding equipment, kilns or other similar equipment. (Ord. 1704, eff., 9-27-02)

(d) The establishment of a transfer and storage business. (Ord. 1704, eff., 9-27-02)

(e) Any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations. (Ord. 1704, eff., 9-27-02)

(f) Storing of radioactive materials, explosives and flammable or hazardous chemicals. (Ord. 1704, eff., 9-27-02)

(g) Use as a residence or for housing animals is prohibited. (Ord. 1704, eff., 9-27-02)

(h) Utilizing the Self-Storage Facility for other than dead storage (see definition). (Ord. 1704, eff., 9-27-02)

(i) Outdoor storage of materials, including; boats, RV's, trailers, and similar vehicles are not allowed without specific conditional use approval. (Ord. 1704, eff., 9-27-02)

Note: All storage, rental or purchase contracts shall include the above listed restrictions. (Ord. 1704, eff., 9-27-02)

Section 14-104. Non-conforming uses and structures.

(1) Nonconformance. Certain uses of land and buildings may be found to be in existence at the time of passage of the Zoning Ordinance which do not meet the requirements as set forth herein. It is the intent of this Section to allow the continuance of such nonconforming use. However, the owner of each nonconforming use or property must register, with the City Council, the use of such property within one (1) year following the adoption of Ordinance Number 1032, and in addition, every five (5) years thereafter such nonconforming use or property must be verified by questionnaire from the City Council that such use is still operating and in existence on the property.

(2) Expansion or enlargement. Except as provided in the HP - Historic Preservation Zone District a nonconforming structure to be extended or enlarged shall conform with the provisions of this Article; a nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the enactment of the Zoning Ordinance.

(3) Repairs and maintenance. Except as provided in the HP - Historic Preservation Zone District the following changes or alterations may be made to a nonconforming building or to a conforming building housing a nonconforming use:

(a) Maintenance repairs that are needed to maintain the good condition of a building, except that if a building has been officially condemned, it may not be restored under this provision.

(b) Any structural alteration that would reduce the degree of nonconformance or change the use to a conforming use.

(4) Restoration or replacement.

(a) If a nonconforming activity is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before the

occurrence shall exceed fifty percent (50%) of the cost of reconstructing the entire activity, it shall be restored only if such use complies with the requirements of this Article.

(b) If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty percent (50%) of the cost of reconstructing the entire structure, it shall be restored only if it complies with the requirements of this Article.

(c) Where a conforming structure devoted to a nonconforming activity of a nonconforming structure is damaged less than fifty percent (50%) of the cost of reconstructing the entire structure, it may be repaired or restored, provided any such repair or restoration is started within twelve (12) months and is completed within eighteen (18) months from the date of partial destruction.

(d) The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.

(5) Discontinuance.

(a) Whenever a nonconforming use has been discontinued for a period of six (6) months it shall not thereafter be re-established and any future use shall be in conformance with the provisions of this Article.

(b) Any nonconforming use in existence at the time of the effective date of the Zoning Ordinance that has an assessed valuation of all improvements of One Hundred Fifty Dollars (\$150.00) or less shall be discontinued within two (2) years from the effective date of the Zoning Ordinance.

(6) Nonconforming lots. Nonconforming lots on record at the time of passage of the Zoning Ordinance may be built upon provided that all other relevant district requirements are met and the approval of the Commission is obtained.

(7) Change in nonconforming use. No nonconforming use of a building or lot may be changed to another nonconforming use. A nonconforming use of a building or lot may be changed to a conforming use.

(8) Construction prior to ordinance passage. Nothing herein contained shall

require any change in plans, construction, or designated use of a building or structure for which a building permit has been issued or City approval obtained and construction of which shall have been diligently prosecuted within three (3) months of the date of such permit or approval.

(9) Special exceptions to provisions on expansion of nonconforming uses. The Commission may authorize, upon appeal in specific cases, an exception permitting an increase in either or both the land area or the floor area in a structure or structures occupied by a nonconforming use, subject to terms and conditions fixed by the Commission. Every exception authorized hereunder shall be personal to the applicant therefore and shall not be transferable, shall run with the land only after the construction of any authorized structure and only for the life of such structure. No exception shall be authorized hereunder unless the Commission shall find that all the following conditions exist:

- (a) That the use is a nonconforming use as defined by this Section and is in full compliance with all requirements of this Section applicable to nonconforming uses;
- (b) That, owing to exceptional and extraordinary circumstances, literal enforcement of the provisions of this Article regarding nonconforming uses will result in unnecessary hardship;
- (c) That the exception will not substantially or permanently injure the appropriate use of adjacent conforming property in the same zone district or other zone districts;
- (d) That the exception will not alter the essential character of the district in which is located the property for which the exception is sought;
- (e) That the exception will not weaken the general purposes of this Article or the regulations established herein for the specific district;
- (f) That the exception will be in harmony with the spirit and purposes of this Article;
- (g) That the exception will not adversely affect the public health, safety, or welfare.