

TITLE 10  
CHAPTER 12  
**ZONE REGULATIONS**

SECTION:

- 10-12-1: Use Regulations
- 10-12-2: Area Regulations

**10-12-1: USE REGULATIONS**

A. Land Use Chart: Land and buildings in each of the following zones may be used for any of the following listed uses but no land shall hereafter be used, and no building or structure shall hereafter be erected, altered or converted which is arranged or designed or used for other than those uses specified for the zone in which it is located, as set forth by the following use chart and indicated by:

- P Permitted use
- C Conditional permitted use
- “ “ Not permitted (absence of any symbol/letter or listing)
- H Home occupation use permit required

Table 1, Land Use Chart

| <u>Land Use Description</u>  | <u>A</u> | <u>R1</u> | <u>C1</u> | <u>PR</u> | <u>PUD</u> | <u>MU</u> |
|--|----------|-----------|-----------|-----------|------------|-----------|
| <b>Residential</b>   |          |           |           |           |            |           |
| 1. Dwelling, single family detached                                      | P        | P         |           |           | P          | C         |
| 2. Dwelling, single family attached                                      |          |           |           |           | P          | C         |
| 3. Dwelling, two family  |          |           |           |           | P          | C         |
| 4. Dwelling, Multi Family  |          |           |           |           |            | P         |
| 5. Residential Facility for Elderly Persons                              | C        | C         | P         |           | C          | C         |
| 6. Residential Facility for Persons with a Disability                    | C        | C         | P         |           | C          | C         |
| 7. Secondary Residential Unit (may only be occupied by a related person) | P        | P         |           |           | P          | C         |
| 8. Apartment (within owner occupied structure)                           | P        | P         | P         |           |            | C         |
| 9. Flag Lot  |          | C         |           |           |            | C         |
| <b>Accessory and Incidental Uses</b>                                     |          |           |           |           |            |           |
| 20. Accessory Building   | P        | P         | P         |           | P          | P         |
| 21. Accessory Agricultural Building                                      | P        |           |           |           |            |           |
| 22. Private Swimming Pool  | C        | C         | C         |           | C          | C         |
| 23. Solar Panels   | P        | P         | P         | P         | P          | P         |
| 24. Livestock, Livestock Corral  | P        |           |           |           |            |           |
| 25. Off street Parking incidental to main use                            | P        | P         | P         | P         | P          | P         |
| 26. Household Pets   | P        | P         | C         |           | P          | P         |
| 27. The keeping of three or more dogs or cats                            | C        | C         | C         |           |            |           |
| 28. Exceptions to Height Requirements Allowed (see 10-13-10)             | C        | C         | C         | C         | C          | C         |

|   | <u>A</u> | <u>C</u><br><u>R1</u> | <u>C1</u> | <u>P</u><br><u>PR</u> | <u>C</u><br><u>PUD</u> | <u>C</u><br><u>MU</u> |
|---|----------|-----------------------|-----------|-----------------------|------------------------|-----------------------|
| 29. Sports Court Fencing                            |          |                       |           |                       |                        |                       |
| <b>Institutional And Special Service Uses</b>       |          |                       |           |                       |                        |                       |
| 30. Rest Home, Nursing Center                       | C        | C                     | P         |                       | C                      | C                     |
| 31. Nursery, Day Care Center (4 or more persons)    | C        | C                     | C         |                       |                        | C                     |
| 32. Home occupation                                 | H        | H                     |           |                       | H                      | H                     |
| 33. Library, Archives, Cultural Center, Museum      | C        | C                     | P         | C                     | C                      | C                     |
| 34. Public Building/Agency                          | C        | C                     | P         | C                     | C                      | C                     |
| 35. Utilities, public or private                    | C        | C                     | C         | C                     | C                      | C                     |
| 36. Utility Shops, Storage Yards                    | C        |                       | C         | C                     |                        |                       |
| 37. Tennis, Swim Club, Private                      | P        |                       | P         |                       | P                      | P                     |
| 38. Water Well, Reservoir, Storage Tank             | C        | C                     | P         | C                     | C                      | C                     |
| 39. Church  | C        | C                     | P         | C                     | C                      | C                     |
| 40. School, public or private                       | C        | C                     | C         | C                     | C                      | C                     |
| 41. Cemetery  |          |                       |           | P                     |                        |                       |
| <b>Commercial and Retail Uses</b>                   |          |                       |           |                       |                        |                       |
| 50. Hotel/Conference Center                         |          |                       | P         |                       |                        | P                     |
| 51. Motel   |          |                       | P         |                       |                        | P                     |
| 52. Gasoline Sales, Car Wash                        |          |                       | C         |                       |                        |                       |
| 53. Antique or Collectible Shop                     |          |                       | P         |                       |                        | P                     |
| 54. Book or Stationary Store                        |          |                       | P         |                       |                        | P                     |
| 55. Bank, Savings and Loan, Credit Union            |          |                       | P         |                       |                        | P                     |
| 56. Barber or Beauty Shop                           | H        | H                     | P         |                       |                        | P                     |
| 57. Bakery or Confectionery Shop, Retail Sales      |          |                       | P         |                       |                        | P                     |
| 58. Bed and Breakfast Inn                           | C        | C                     | P         |                       |                        | P                     |
| 59. Cafeteria, Restaurant, Fast Food                |          |                       | P         |                       |                        | C                     |
| 60. Camera, Photography Studio                      |          | H                     | P         |                       |                        | P                     |
| 61. Clinic, Medical, Dental                         |          |                       | P         |                       |                        | P                     |
| 62. Drug Store or Pharmacy                          |          |                       | P         |                       |                        | P                     |
| 63. Department or Retail Store                      |          |                       | P         |                       |                        | C                     |
| 64. Florist Shop                                    | P        |                       | P         |                       |                        | P                     |
| 65. Farmers Market                                  |          |                       |           | C                     |                        |                       |
| 66. Garden Shop, Plant Sales, Nursery               | P        |                       | P         |                       |                        |                       |
| 67. Hobby Shop                                      |          |                       | P         |                       |                        | P                     |
| 68. Kennel  | C        | C                     | C         |                       |                        |                       |
| 69. Laundry or Self Service Laundry                 |          |                       | P         |                       |                        | C                     |
| 70. Movie Theater, Indoor Recreation                |          |                       | P         |                       |                        | P                     |
| 71. Professional Office*                            |          | C                     | P         |                       |                        | P                     |
| 72. Optical Shop                                    |          |                       | P         |                       |                        | P                     |
| 73. Pet Shop for small animals, birds               |          |                       | P         |                       |                        | P                     |
| 74. Personal Custom Services, Tailor, Milliner, etc |          | H                     | P         |                       |                        | P                     |
| 75. Shoe and Shoe Repair                            |          | H                     | P         |                       |                        | P                     |
| 76. Studio, Health, Exercise, Dance, Music, Drama   |          | H                     | P         |                       |                        | P                     |
| 77. New Car Sales                                   |          |                       | P         |                       |                        |                       |
| 78. Brew Pub  |          |                       | C         |                       |                        | C                     |
| 79. Restaurant w/Liquor License                     |          |                       | C         |                       |                        | C                     |
| 80. Adult-Oriented Business                         |          |                       | C         |                       |                        |                       |
| 81. Body Art  |          | H                     | C         |                       |                        |                       |
| <b>Agricultural and Related Uses</b>                |          |                       |           |                       |                        |                       |
| 90. Beekeeping                                      | P        |                       |           |                       |                        |                       |
| 91. Orchard for commercial use                      | P        |                       |           |                       |                        |                       |
| 92. Crop production for sale                        | P        |                       |           |                       |                        |                       |

\*Only a structure that is residential in appearance and maintains the character of the existing neighborhood in style and heights can be used for a professional office in a residential zone. An office building that is commercial in appearance cannot be constructed in a residential zone. (4-2010, 7-13-10) (1-2015, 6-23-15) (1-2016, 3-22-16)

- B. Classification of New and Unlisted Uses; Procedure: Should the zoning administrator and the building inspector determine that a type or form of land use which an applicant is seeking to locate in the city does not appear as a permitted or conditional use, he or she shall refer the request to the planning commission which shall determine the appropriate classification as follows:
1. Should the commission determine that the new or unlisted use for all intents and purposes, is listed under another name or category, they shall so inform the zoning administrator and/or building inspector to proceed accordingly; or
  2. The planning commission shall gather facts concerning the nature of the use, types of activities, impacts, etc., and shall transmit its findings and recommendations to the mayor and city council, who shall amend the land use chart. (Ord., 1-22-2002)
- C. Uses Prohibited in Zones Unless Expressly Permitted: This title prohibits uses of land other than those expressly permitted within this title, excepting uses permitted by action of the planning commission and pursuant to express authority under the terms of this title. The planning commission and appeal authority shall not permit a use within a zone, which is not expressly permitted by the terms of this title, unless it can be shown that the use is similar to other uses permitted in the zone. (Ord., 1-22-2002; amd. Ord. 0-01-13, 1-11-2005, eff. retroactive to 11-26-2002; Ord. 04-12-14, 1-11-2005, eff. retroactive to 12-14-2004)

**10-12-2: AREA REGULATIONS**

- A. Residential Space Requirement Chart: The minimum lot sizes and setback distances for residential uses are listed in the following table 2:

Table 2, Residential Space Requirement Chart

| <u>Residential Uses</u>                      | <u>A</u> | <u>R-1-8</u> | <u>R-1-10</u> | <u>R-1-12</u> | <u>PUD</u> |
|--|----------|--------------|---------------|---------------|------------|
| <b>Lot Size</b>                              |          |              |               |               |            |
| Minimum lot size                             | 5 acres  | 8,000 sq.ft. | 10,000 sq.ft  | 12,000 sq.ft. | *          |
| Minimum lot width (measured at setback time) | 200 feet | 80 feet***   | 80 feet       | 95 feet       | *          |
| <b>Lot Setbacks</b>                          |          |              |               |               |            |
| <b>Principal Uses (in feet):</b>             |          |              |               |               |            |
| Front Yard                                   | 50       | 20           | 20            | 25            | *          |
| Attached Garage, door facing street          | 50       | 25           | 25            | 25            |            |
| Side Yard (interior lot)                     | 20       | 10 *****     | 10            | 10            | *          |
| Side Yard (on street)                        | 30       | 20           | 20            | 25            | *          |
| Rear Yard                                    | 30       | 15           | 15            | 20            | *          |
| <b>Accessory Uses (in feet):</b>             |          |              |               |               |            |
| Front Yard                                   | 50       | 25           | 25            | 30            | *          |
| Side Yard ****                               | 20       | 3            | 3             | 3             | *          |
| Side yard on street                          | 30       | 25           | 25            | 30            | *          |
| Rear Yard                                    | 20       | 3            | 3             | 3             | *          |
| Natural waterways                            | 30       | 30           | 30            | 30            | 30         |

|   | <u>A</u> | <u>R-1-8</u> | <u>R-1-10</u> | <u>R-1-12</u> | <u>PUD</u> |
|---|----------|--------------|---------------|---------------|------------|
| Height (in feet)  |          |              |               |               |            |
| Principal uses (max.)                                       | 35       | 35           | 35            | 35            | 35         |
| Accessory uses (max.)                                       | **       | **           | **            | **            | **         |
| Principal uses (min.)                                       | 10       | 10           | 10            | 10            | 10         |
| Fences and Walls (max. height in feet)                      |          |              |               |               |            |
| Front Yard  | 4        | 4            | 4             | 4             | 4          |
| Side Yard (interior lot)                                    | 6        | 6            | 6             | 6             | 6          |
| Side Yard (on street)                                       | 4        | 4            | 4             | 4             | 4          |
| Rear Yard   | 6        | 6            | 6             | 6             | 6          |
| Rear Yard on a street (except corner lot) (2-2017, 3-14-17) | 6        | 6            | 6             | 6             | 6          |
| Rear yard on a street (corner lot) (2-2017, 3-14-17)        | 4        | 4            | 4             | 4             | 4          |

\*Planned unit development (PUD) requirements may be altered and are subject to discretionary approval by the planning commission on a per application basis.

\*\*Accessory uses shall be no greater in height than the height of the principal use on the same lot, and in no case shall the height of the accessory use exceed 25 feet.

\*\*\*The minimum lot width (as measured at the setback line) in the R-1-8 zone may be reduced subject to the following conditions:

1. The lot being considered for an exception shall be created or subdivided from a legally existing lot that measures less than the minimum width required by this Zoning Ordinance but no less than seventy (70) feet, as measured at the setback line.
2. The width of the lot created, as measured at the setback line shall not be less than seventy (70) feet.
3. The front yard of the lot created shall front on a public or private street.

The City may deny any request to reduce the minimum lot-width in the R-1-8 zone upon finding:

1. That the lot being considered is owned by the same entity as at least one adjacent lot, and in which the combination of the lots could allow for all lot widths to meet the requirements of this Zoning Ordinance, provided that no structure exists that would preclude such lot combination from taking place.
2. That granting an exception in lot width would adversely impact the character of the existing neighborhood and urban design of the City.

\*\*\*\* If the accessory building is located within 10 feet behind the front setback, the principle use setbacks will apply. (7-2009, 12-8-2009)

\*\*\*\*\* Properties with residential homes built prior to 1940 in the R-1-8 zone are exempt from the 10-foot minimum sideyard (interior lot) setback with the following conditions: Additions or remodels made to said homes may extend the same non-conforming line of such an existing home, but in no case, shall any addition or remodel (including structural overhang and cantilevers) be closer to the adjacent property line than five (5) feet, i.e., a five (5) foot setback shall be maintained in all cases. The eaves shall not extend beyond 16" of the existing roof line or eave.

B. Nonresidential Space Requirement Chart: The minimum lot sizes and setback distances for nonresidential uses are listed in the following table 3:

Table 3, Nonresidential Space Requirement Chart

|  |           |
|--|-----------|
| <u>Nonresidential Uses**</u>                     | <u>C1</u> |
| Lot Setbacks                                     |           |
| Principal uses (in feet):                        |           |
| Front yard                                       | 30        |
| Side yard  | 0         |
| Side yard adjacent to residential zone or street | 30*       |
| Rear yard  | 0         |
| Rear yard adjacent to residential zone or street | 30*       |
| Natural waterways                                | 30        |
| Accessory uses (in feet):                        |           |
| Front yard                                       | 30        |
| Side yard  | 0         |
| Side yard adjacent to residential zone or street | 30*       |
| Rear yard  | 0         |
| Rear yard adjacent to residential zone or street | 30*       |
| Height   |           |
| Principal uses (maximum height in feet)          | 45        |
| Accessory uses (maximum height in feet)          | 20        |
| Fences and Walls (maximum height in feet)        |           |
| Front yard                                       | 8         |
| Side yard  | 8         |
| Rear yard  | 8         |

\*Must be landscaped to provide a buffer zone between commercial and residential zones.

\*\*See title 10 Chapter 7 for Mixed Use Zone yard requirements.

(Ord., 1-22-2002, 6-2014)