

CHAPTER 1169. Zoning Districts and Use Regulations

Section 1169.03 Base Zoning District Purpose Statements

1169.03. BASE ZONING DISTRICT PURPOSE STATEMENTS

The following are the statements of purpose for each of the base zoning districts established in this zoning code.

A. F-P Flood Plain District

The purpose of the F-P Flood Plain District is to protect land which is subject to periodic flooding as depicted on the current Flood Rate Insurance Map as defined in Section 1333.05 of the Codified Ordinances from intensive development, and to maintain areas subject to periodic flooding to provide necessary flood control.

B. S-I Special District

The purpose of the S-I Special District is to provide for large public or semi-public land holdings, land suitable for non-commercial recreation, areas to be kept open for highway interchanges or takeoff or landing of aircraft, or land to be kept open to protect the source water supply.

C. A-I Agriculture District

The purpose of the A-I Agriculture District is to provide for agricultural and other rural purposes on land which is level or gently rolling.

D. R-1 Low Density Residence District

The purpose of the R-1 Low Density Residence District is to provide for relatively low density residential development conveniently accessible to community facilities.

E. R-2 Medium Density Residence District

The purpose of the R-2 Medium Density Residence District is to provide for medium density residential development conveniently accessible to community facilities.

F. R-3 Medium to High Density Residence District

The purpose of the R-3 Medium to High Density Residence District is to provide for moderately high density residential development conveniently accessible to community facilities and major traffic arteries.

G. R-4 Mobile Home Parks District

The purpose of the R-4 Mobile Home Parks District is to provide for mobile home parks in areas which have access to community services and major thoroughfares, and which lend themselves to effective buffering.

H. O-R Office-Residential District

The purpose of the O-R Office-Residential District is to provide a neighborhood-scale mix of uses including apartments, regional and professional offices, institutional uses, and personal services.

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Section 1169. 06 Principally Permitted Uses

1169. 06. PRINCIPALLY PERMITTED USES

A. General Provisions

Subsection 1169. 06 C. Permitted Use Table, lists the principal uses allowed within all zoning districts except for overlay zoning districts and planned unit developments (See CHAPTER 1171. Planned Unit Development Overlay District Regulations).

B. Explanation of Permitted Use Table

1. Permitted Use

- a. A "P" in a cell indicates that a use is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this code.
- b. Permitted uses are approved administratively by the zoning commissioner where a zoning permit is required or by the planning commission where a site plan review is required. See Section 1165. 06 Site Plan Review for the applicability of site plan review.

2. Permitted Uses with Standards

- a. A "PS" in a cell indicates that a use category is allowed by-right in the respective zoning district if it meets the additional standards set forth in the numerically referenced sections. Permitted uses with standards are subject to all other applicable regulations of this code.
- b. Uses permitted with additional standards are approved administratively by the zoning commissioner where a zoning permit is required or by the planning commission where a site plan is required. See Section 1165. 06 Site Plan Review for the applicability of site plan review.

3. Conditional Uses

- a. A "C" in a cell indicates that a use may be permitted if approved through conditional use permit review (See Section 1165. 07 Conditional Use Permit). Conditional uses may be subject to use-specific standards as identified in the last column of Table 1169. 06-1: Principally Permitted Uses. Conditional uses are subject to all other applicable regulations of this code.
- b. The existence or lack of additional use-specific standards in this code shall not be implied to be the only standards the use is required to meet. Any use that is permitted as a conditional use shall be subject to the general review standards for all conditional uses established in Section 1165. 07 Conditional Use Permit.

4. Prohibited Uses

A blank and/or shaded cell indicates a use that is prohibited in the respective zoning district.

5. Numerical Reference

The numbers contained in the "Additional Requirements" column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the "Additional Requirements" column apply in all zoning districts unless otherwise expressly stated.

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Section 1169.06 Principally Permitted Uses

6. Use Determination and Unlisted Uses

- a. The zoning commissioner shall make the determination if a proposed use is permitted, permitted with standards, a conditional use, or a prohibited use under the provisions of this section and code.
- b. The zoning commissioner may determine that a proposed use is substantially similar to a use that is permitted, permitted with standards, or a conditional use established in Table 1169.06-1: Principally Permitted Uses based on the proposed use activities, character of use, similarity to existing uses within the city, or information on the use as may be available from third-party land use resources such as documentation from the American Planning Association, Urban Land Institute, or similar organizations. If the zoning commissioner finds that the proposed use is substantially similar to a use established in Table 1169.06-1: Principally Permitted Uses, the application shall be processed in the same manner as the similar use.
- c. If the zoning commissioner makes the determination that a use is prohibited, the application shall not be processed and the application fee shall be returned.
- d. If the applicant disagrees with the zoning commissioner’s determination regarding the proposed use, the applicant may choose to take one of the following actions:
 - i. The applicant may appeal the determination of the zoning commissioner to the BZBA pursuant to Section 1165.09 Appeals;
 - ii. The applicant may submit an application for a zoning text amendment to include the proposed use and applicable standards pursuant to Section 1165.03 Zoning Text and Map Amendments; or
 - iii. The applicant may present their case to the planning commission and/or city council to request that the city initiate a text amendment to address the proposed use and applicable standards.

C. Permitted Use Table

TABLE 1169.06-1: PRINCIPALLY PERMITTED USES																
P = PERMITTED PS = PERMITTED WITH STANDARDS C = CONDITIONAL USE BLANK CELL = PROHIBITED																
USE TYPE	F-P	S-1	A-1	R-1	R-2	R-3	R-4	O-R	B-1	B-2	B-3	B-4	M-1	M-2	M-3	ADDITIONAL REQUIREMENTS
AGRICULTURAL USE CLASSIFICATION																
Agriculture	P	P	P	C										P	P	C
Forestry	P	P	P													
Plant Cultivation	P	P	P	P	P	P	P	P								
Specialized Animal Raising and Care	C		C													
RESIDENTIAL USE CLASSIFICATION																
Adult Family Homes or Small Residential Facilities			C	C	C	C		C								1169.08 A. 1.

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Adult Group Homes or Large Residential Facilities			C	C	C	C		C								1169.08 A. 1.
Apartments on Upper Floors								P		P	C	C				1169.08 A. 2.
Dwellings, Multi-Family						P		P	C	C	C	C				
Dwellings, Single-Family			P	P	P	P				P						
Dwellings, Two-Family				C	P	P				P						
Dwellings, Zero Lot Line			Permitted if approved as a PUD.											1171.07 A. 5.		
Mobile Home Parks							PS									1169.08 A. 3.
Nursing or Convalescent Homes		C		C	C	C		C	C	C	C					1169.08 A. 4.
PUBLIC AND INSTITUTIONAL USE CLASSIFICATION																
Airports		C	C													
Cemeteries		C	C													
Charitable and Philanthropic Institutions			C					P	P	P						
Community Gardens	PS	PS	PS	C	C	C	C	C					PS	PS	PS	1169.08 B. 1.
Cultural Institutions			C					P								
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Hospitals		C									C					
Parking Lots & Garages	C									C	PS	PS	PS	PS	PS	1169.08 B. 2.
Public and Government Buildings or Uses	C	P	P	P	P	P	P	P	P	P	P	P	C	C	C	
Public Community Centers	C	P		C	C			P	P	P	P	P	P	P	P	
Recreational Facilities, Noncommercial	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Religious Places of Worship		P	P	P	P	P	P	P	C	C	C	C	C	C	C	
Solar Farms		C	C										C	C	C	
Telecommunication Towers and Facilities		C											C	C	C	1169.08 B. 3.
COMMERCIAL USE CLASSIFICATION																
Animal Hospitals & Veterinary Clinics									C	C	C					1169.08 C. 1.
Assembly Halls & Conference Centers								P	P	P	C	C	C			1169.08 C. 2.
Automotive Fuel Sales									C	C	P	C	C	C	C	1169.08 C. 3.
Automotive Repair									C	C	P	C	C	C	C	1169.08 C. 4.
Automotive Sales or Rental									C	C	P	C	C	C	C	1169.08 C. 5.
Automotive Service									C	C	C	C				1169.08 C. 3.
Bakeries & Dairies											C					
Banks and Financial Institutions								C	C	P	P	P				
Bars or Taverns								C	C	C	C	C	C	C	C	
Bed and Breakfast Establishments						C										1169.08 C. 6.
Boarding Houses				C	C			C	C	C	C					
Building Trades & Services											P	P	P	P		
Car Washes										PS	PS	PS				1169.08 C. 7.
Clubs, Lodges, or Other Social Meeting Places								C	P	P	C	C	C			1169.08 C. 8.
Commercial Entertainment Facilities										C	C	P				

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Commercial Recreation Facilities, Indoors		C	C	C	C	C					C	C	P	C	C	
Commercial Recreation Facilities, Outdoors		C	P	C	C						C		C			1169.08 C. 9.
Convenience Stores								C	C	C	P	P				
Dry Cleaner								P	P	P	P	P				
Educational Institutions, Commercial								P		P						
Family Day Care Home, Type A				C	C	C	C									
Family Day Care Home, Type B				P	P	P	C									
Funeral Homes and Mortuaries				C	C	C		C	C	C	P					
Garden or Landscape Supply Store											P	P	P			
Green Houses and Nurseries			P										P			
Hotels & Motels										P	P	C				
Internet Cafés									C	C	C	C				
Internet Sweepstakes Establishments											C	C				
Kennels			PS										PS	PS	PS	1169.08 C. 10.
Laundry or Laundromat									P	P	P	P				
Lodging Houses					C	C		C	C	C	C					
Lumber Yard											C	C	P	P	P	
Medical and Dental Centers or Outpatient Clinics						C		P	P	P	P	P				
Mobile Home Sales							C									
Nursery Schools or Childcare Centers					C	C	C	C	C	C	C					1169.08 C. 11.
Offices								P	P	P	P	P	P	P	P	
Printing & Publishing								C	C	C	C	C	C			
Restaurants								C	C	P	P	P	C	C	C	1169.08 C. 12.
Restaurants, Fast Food								C	C	C	P	C	C	C	C	
Retail and Service Commercial Uses								P	P	P	P	P	P	C	C	
Self-Storage Facilities or Mini-Warehouses													PS	PS	PS	1169.08 C. 13.
Services, Business								P	P	P	P	P				
Services, Financial								P	P	P	P	P				
Services, Personal								P	P	P	P	P				
Services, Professional				C	C	C		P	P	P	P	P				
Sexually Oriented Businesses															PS	1169.08 C. 14.
Tattoo/Piercing Parlors or Studios								C	C	C	C	C				
Transportation Equipment Sales & Repair											P	P	P	P	P	
Transportation & Trucking Terminals											C	C	C	C	P	
Truck, Trailer, or Farm Implement Sales and Service													PS	PS	PS	
Truck Washes											PS	PS	P	P	P	1169.08 C. 7.

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Section 1169.07 Similar Use Determination

TABLE 1169.06-1: PRINCIPALLY PERMITTED USES																
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USE TYPE	F-P	S-1	A-1	R-1	R-2	R-3	R-4	O-R	B-1	B-2	B-3	B-4	M-1	M-2	M-3	ADDITIONAL REQUIREMENTS
Wholesale Businesses											C	C	P	P	P	
INDUSTRIAL USE CLASSIFICATION																
Auto & Metal Salvage Operations (Junkyard)															C	1169.08 D. 1.
Building Materials Sales & Storage													P	P		1169.08 D. 2.
Bulk Plant													C	C	C	
Contractor Offices and Storage													P	P	P	1169.08 D. 3.
Crematory								C	C	C	C		C	C	C	1169.08 D. 4.
Grain Elevator & Feed Mills														C	P	
Laboratories								C					P	P	P	
Manufacturing, General															P	
Manufacturing, Limited														P	P	
Manufacturing, Restricted													P	P	P	
Mineral, Gravel, or Sand Extraction	C		C											C	C	1169.08 D. 5.
Oil & Gas Well														C	C	
Oil & Gas Well Equipment Sales & Storage															P	
Research & Development Facilities		C											C	C	C	
Sawmill															C	
Slaughterhouses															C	
Stockyards															C	
Warehousing, Distribution, or Storage Facility													P	P	P	

1169.07. SIMILAR USE DETERMINATION

- A.** Where there is a proposed use that is not currently listed in Table 1169.06-1: Principally Permitted Uses, the zoning commissioner may review the use to determine the appropriate zoning districts, if any, where the use may be permitted.
- B.** The zoning commissioner should consider the nature, operation, and function of the use in its determination of the appropriate district.
- C.** The zoning commissioner may find that the use is not compatible with any existing zoning district and not permit the use under the current zoning code or, as an alternative, the zoning commissioner may make a recommendation to the planning commission that a new district and/or new provisions be adopted pursuant to Section 1165.03 Zoning Text and Map Amendments.

1169.08. USE SPECIFIC REGULATIONS

The following section contains additional standards that shall be met by an applicant for uses that are either permitted with use-specific standards or as conditional uses. In addition to meeting the following