

Sec. 22-29. - Office Commercial Zone (C-1).

- (a) *Purpose.* This commercial classification is intended primarily for uses involving business and institutional uses which do not involve the direct sale or display of goods, the production of goods or the storage or shipment of bulk or large volume materials. Convenience commercial facilities, restaurants and certain other uses are allowed when appropriate conditions and safeguards indicated in this section are fulfilled. Uses in this district should have good access to arterial or collector streets. This district is sometimes suitable for use as a buffer separating other commercial zones from residential districts.
- (b) *Basic use standards.* Uses in a C-1 zone must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses.
- (1) *Lot size.*
- a. The minimum lot area shall be ten thousand (10,000) square feet.
 - b. The minimum lot width shall be seventy (70) feet.
 - c. The minimum lot depth shall be ninety (90) feet.
- (2) *Yards.*
- a. The minimum depth of the front yard will be twenty-five (25) feet.
 - b. The minimum yard depth (if not the front yard) for portions of the property abutting a public right-of-way or residential district shall be fifteen (15) feet.
- (3) *Lot coverage.* Buildings shall not cover more than sixty (60) per cent of the lot area.
- (4) *Building height.* No building shall exceed a height of sixty-five (65) feet above grade.
- (c) *Other applicable use standards.*
- (1) Site plan review shall be required for uses which have buildings with more than four thousand (4,000) square feet of floor area.
 - (2) Accessory buildings shall comply with all yard, lot coverage and building height requirements of this chapter.
 - (3) Every lot shall abut a street other than an alley for at least fifty (50) feet.
 - (4) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.
 - (5) All uses will comply with applicable access, parking and loading standards in sections 22-60 () and 22-61 ()
 - (6) Conditional uses will meet the requirements in sections 22-74 () through 22-86 ()
 - (7) Signs will comply with standards referred to in section 22-55 ()
 - (8) All other applicable ordinance requirements will also be satisfied.

(Ord. No. H-186, § 30-29, 6-15-81; Ord. No. H-207, § 1, 5-3-82; Ord. No. I-147, § 3, 2-3-86; Ord. No. I-148, § 1, 2-3-86; Ord. No. I-308, § 1, 2-6-89; Ord. No. K-24, § 8, 8-21-00; Ord. No. K-122, § 1, 12-17-01; Ord. No. L-295, § 11, 11-4-13)

Sec. 22-32. - Central Commercial Zone (C-4).

- (a)

Purpose. This district is intended to serve as a primary center of commercial and institutional activity and as a readily identifiable focal point of the community and surrounding area. It is intended to be an intensively used area catering primarily to the pedestrian. The district is not suitable for low intensity uses requiring a large tract of land, most types of repair services, warehouses and other uses which would detract from the character of the area.

- (b) *Basic use standards.* Uses in a C-4 zone, except multifamily housing developments, must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses.
 - (1) *Yards.* The minimum yard depth for portions of the property abutting a residential district or across an existing street from a residential district will be fifteen (15) feet.
 - (2) Reserved.
- (c) *Other applicable use standards.*
 - (1) Uses identified as a permitted use within the Use Table are only permitted if they do not include drive-in purchase or service facilities which make it possible for a person to transact business from a vehicle. Uses identified as a permitted use within the Use Table that have drive-in purchase or service facilities which make it possible for a person to transact business from a vehicle shall be allowed as a conditional use.
 - (2) Site plan review shall be required for all uses which have buildings with more than four thousand (4,000) square feet of floor area.
 - (3) Indoor storage will not be the principal use of the ground floor of any building.
 - (4) Accessory buildings shall comply with yard, lot coverage and building height requirements of this chapter.
 - (5) Every lot shall abut a street other than an alley for at least fifteen (15) feet.
 - (6) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.
 - (7) All uses will comply with applicable access, parking and loading standards in sections 22-60 () and 22-61 ()
 - (8) Conditional uses will meet the requirements in sections 22-74 () through 22-86 ()
 - (9) Signs will comply with standards referred to in section 22-55 ()
 - (10) All other applicable ordinance requirements will also be satisfied.

(Ord. No. H-186, § 30-32, 6-15-81; Ord. No. I-26, § 1, 8-15-83; Ord. No. I-120, § 4, 7-15-85; Ord. No. J-199, § 1, 8-20-96; Ord. No. J-517, § 5, 8-2-99; Ord. No. K-24, § 11, 8-21-00; Ord. No. K-258, § 1, 1-20-04; Ord. No. L-97, § 3, 11-16-09; Ord. No. L-295, § 14, 11-4-13 ())

Sec. 22-34. - Light Industrial Zone (I-1).

- (a) *Purpose.* The purpose of this district is to provide for industrial and related uses with limited objectionable external effects in areas that are suitable for such operations due to the desirability of site characteristics, adequacy of utilities, appropriateness of transportation facilities and other factors. Acceptable manufacturing, warehousing, heavy commercial and similar uses are encouraged. Uses in the district may perform a support role for uses in other industrial areas.
- (b) *Basic use standards.* Uses in an I-1 zone must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses.
 - (1) *Lot size.*

- a. The minimum lot width shall be one hundred (100) feet.
- b. The minimum lot depth shall be one hundred (100) feet.
- (2) *Yards.* The minimum yard depth for portions of the property abutting a public right-of-way or nonindustrial district will be fifteen (15) feet.
- (c) *Other applicable use standards.*
 - (1) Site plan review shall be required for uses which have buildings with more than four thousand (4,000) square feet of floor area.
 - (2) Accessory buildings shall comply with all yard, lot coverage and building height requirements of this chapter.
 - (3) Every lot shall abut a street other than an alley for at least fifty (50) feet.
 - (4) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.
 - (5) All uses will comply with applicable access, parking and loading standards in sections 22-60 () and 22-61 ()
 - (6) Conditional uses will meet the requirements in sections 22-74 () through 22-86 ()
 - (7) Signs will comply with standards referred to in section 22-55 ()
 - (8) All other applicable ordinance requirements will also be satisfied.

(Ord. No. H-186, § 30-36, 6-15-81; Ord. No. H-245, § 1, 12-20-82; Ord. No. I-26, § 4, 8-15-83; Ord. No. K-24, § 14, 8-21-00; Ord. No. L-04, § 1, 3-3-08; Ord. No. L-97, § 4, 11-16-09; Ord. No. L-267, § 2, 11-5-12; Ord. No. L-295, § 17, 11-4-13)

Sec. 22-36. - General and Recreational Open Space Zone (OS-1).

- (a) *Purpose.* This zone is intended primarily for uses which, by their nature of development, contribute open space and visual relief, significant to the area's development pattern, in part, due to the scenic value or the buffering functions of the use. The zone is designed to achieve this by primarily allowing recreational uses.
- (b) *Basic use standards.* Uses in an OS-1 zone must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses:
 - (1) *Lot size.*
 - a. The minimum lot width shall be one hundred (100) feet.
 - b. The minimum lot depth shall be one hundred (100) feet.
 - (2) *Yards.* The minimum yard depth for portions of the property abutting a public right-of-way or residential district will be fifteen (15) feet.
 - (3) *Lot coverage.* Buildings shall not cover more than forty (40) per cent of the lot area.
 - (4) *Building height.* No building shall exceed a height of thirty-five (35) feet above grade.
- (c) *Other applicable use standards.*
 - (1) Site plan review shall be required for uses which have buildings with more than four thousand (4,000) square feet of floor area.
 - (2) Accessory buildings shall comply with all yard, lot coverage and building height requirements of this chapter.
 - (3) Every lot shall abut a street other than an alley for at least fifty (50) feet.
 - (4) Materials or objects which would detract from the open space character of an uncovered or

unenclosed area will not be permitted in such an area.

- (5) All uses will comply with applicable access, parking and loading standards in sections 22-60 () and 22-61 ()
- (6) Conditional uses will meet the requirements in sections 22-74 () through 22-86 ()
- (7) Signs will comply with standards referred to in section 22-55 ()
- (8) All other applicable ordinance requirements will also be satisfied.

(Ord. No. H-186, § 30-36, 6-15-81; Ord. No. H-245, § 1, 12-20-82; Ord. No. 1-26, § 4, 8-15-83; Ord. No. K-24, § 17, 8-21-2000; Ord. No. L-295, § 21, 11-4-13 ())

Sec. 22-42. - Planned unit redevelopment zone (PUR).

- (a) *Purpose.* The Planned Unit Redevelopment (PUR) zone is intended to encourage comprehensive redevelopment within existing residential and commercial areas of the city. It is designed to achieve a desirable environment through application of flexible and diversified land development standards in an overall site plan. It is further intended to promote economics in land development, maintenance, street systems and utility networks, resulting in the provision of needed housing and the redevelopment of older, less economically viable areas.
- (b) *General standards for approval.* Prior to including a tract of land in the PUR zone or approving a final redevelopment plan, the city commission shall determine that:
- (1) The planned unit redevelopment is an effective and unified treatment of the development possibilities of the project site while remaining consistent with the comprehensive plan, avoiding environmental hazards and making appropriate provisions for the preservation of natural features such as shorelands and wooded cover.
 - (2) The planned unit redevelopment will not create excessive traffic congestion on nearby streets or overburden the following public facilities and services in terms of their capacities, operational costs or maintenance costs: water, sewer, storm drainage, electrical services, fire protection, police protection and schools.
 - (3) A need exists for the planned unit redevelopment at the proposed location and the applicant has the capacity to assure completion of the project.
 - (4) The planned unit redevelopment complies with standards referred to in this section, additional zoning ordinance provisions and other city laws.
- (c) *Potential uses.* The following uses are allowed in a planned unit redevelopment if the city commission considers them appropriate for the particular redevelopment being proposed, compatible with nearby uses, and consistent with the comprehensive plan and if other applicable standards are satisfied:
- (1) Duplexes, triplexes and quadraplexes.
 - (2) Multifamily housing developments.
 - (3) Retail sales establishments, except stores selling automobiles, other large motorized vehicles or mobile homes.
 - (4) Motels/hotels.
 - (5) Personal service establishments.
 - (6) Finance, insurance and real estate service establishments.
 - (7) Business service establishments.
 - (8) Communication service establishments.
 - (9) Professional service establishments.
 - (10) Educational service establishments.
 - (11) Indoor amusement, entertainment and/or recreation establishments.
 - (12) Public and semi-public uses including outdoor park and recreation facilities.
 - (13) Temporary uses meeting the requirements in section 22-65 ()

(14) Such other uses the city commission may consider appropriate.

- (d) *Basic use standards.* Area, width, depth, yard and lot coverage requirements for lots in a planned unit redevelopment shall be determined by the city commission on the basis of relevant characteristics of the use, the rest of the planned unit redevelopment and the surrounding area, including those characteristics relating to use compatibility, physical feature constraints and utility and transportation capacities.
- (e) *Open spaces.*
- (1) In all planned unit redevelopments the area devoted to common open space, exclusive of aquatic areas, shall be increased ten (10) per cent beyond that which existed prior to the PUR.
 - (2) No area may be accepted as common open space within a planned unit redevelopment unless it meets the following requirements:
 - a. The location, shape, size and character of the common open space is suitable for the development.
 - b. The common open space is for amenity or recreational purposes and the uses authorized are appropriate for the scale and character of the redevelopment based on consideration of its size, density, expected population, topography and the number and type of dwellings provided.
 - c. The common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation should be left unimproved. The buildings, structures and improvements to be permitted in the common open space are appropriate to the uses which are authorized for the common open space.
 - d. Waterfront access for the public, such as walkways, trails, waterfront seating or landscaped areas, will be provided, whenever possible, when consistent with the scale of the use, surrounding uses, security and proximity to the waterfront.
 - e. No parking facilities will be included in areas designated as common open space unless the parking facilities are intended to provide access to the common open space area and are not intended to meet the ordinance requirements for other uses. No streets will be designated as common open space.
 - f. The redevelopment schedule which is part of the redevelopment plan coordinates the improvement of the common open space and the construction of buildings and other structures in the common open space with the building of residential dwellings in the planned unit redevelopment.
 - g. If buildings or structures are to be constructed in the common open space, the developer will provide a bond or other adequate assurances that the building and structures will be completed. The director of the department of planning and development shall release the bond or other assurances when the buildings and structures have been completed according to the redevelopment plan.
- (f) *Various environmental standards.*
- (1)

Uses having potential air-polluting sources such as stacks, burning facilities, concentrations of motor vehicles and dust-generating processes shall be located and designed to provide adequate separation of these sources from other development and especially residential neighborhoods, institutional uses and outdoor recreation areas. Any adverse air quality impacts of the use will be reduced to the extent practical.

- (2) The redevelopment plan shall include provisions needed to control water and wind erosion during and after construction associated with the redevelopment. Runoff from impervious surfaces or other potential polluting sources in the redevelopment area shall be managed so as to reduce the adverse water quality impacts to the extent possible.

(g) *Transportation.*

- (1) A suitable site layout will be used for all street and on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths and other transportation facilities. Suitability, in part, shall be determined by the potential impact of these facilities on safety, traffic flow and control and emergency vehicle movements.
- (2) Principal vehicular access points shall be designed to permit smooth traffic flow and to minimize hazards to vehicular and pedestrian traffic. Minor streets within a planned unit redevelopment shall not be connected to streets outside the redevelopment in such a way as to encourage their use by through traffic.
- (3) Streets in a planned unit redevelopment may be dedicated to public use or may be retained in private ownership, except the city commission may require arterial and collector streets to be dedicated to the public. When considered appropriate by the city commission, city requirements concerning rights-of-way and street pavement widths may be reduced and those requiring curbs and gutters may be waived, notwithstanding provisions to the contrary in this Code of Ordinances.

(h) *Compatibility with adjacent development.* If topographical or other barriers near the perimeter of the planned unit redevelopment do not provide reasonable privacy for existing or potential uses adjacent to the redevelopment, the city commission shall require an attractively designed and maintained buffer in the form of vegetation, fencing, walls and/or berms.

(i) *Landscaping.* The planned unit redevelopment shall comply with the provisions of a landscape plan approved by the city commission. This plan must at a minimum be consistent with landscaping requirements in section 22-59 ()

(j) *Unified control.* All land intended to be included in the planned unit redevelopment shall be under the legal control of the applicant, whether that applicant be an individual, partnership or corporation or group of individuals, partnerships and/or corporations.

(k) *Maintenance of common areas.* Common open space, streets and any area or facility designated by the city commission as a shared area will comply with the following provisions:

- (1) The property will be conveyed under one of the following options:
 - a. To a public agency which agrees to maintain the property and buildings or structures placed on it; or
 - b. To association(s) of owners and/or tenants, created as a nonprofit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions that are acceptable to the city commission as providing for the continuing care of the property.

- (2) The property may not be put to a use not specified in the final redevelopment plan unless the final redevelopment plan is first amended to permit the use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of the property, and all rights to enforce these covenants against any use permitted are expressly reserved.
- (3) If the property is not conveyed to a public agency, the covenants and restrictions that govern the association of owners and/or tenants will at least include the following provisions:
 - a. Membership must be mandatory for each home buyer or tenant and each successive buyer or tenant.
 - b. The association must be responsible for liability insurance, local taxes and the maintenance of property.
 - c. Owners and tenants must pay their pro rata share of the cost.
 - d. The association must be able to adjust assessments to meet changing needs.
 - e. The city must be authorized to enforce these and other provisions governing the use, improvement and maintenance of the property.
- (4) If the property is not conveyed to a public agency then, in addition to those requirements set forth hereinabove, there shall be delivered to the building official at or before the time the first building permit is obtained an instrument in recordable form containing:
 - a. A legal description of the property upon which the dwelling units are to be constructed;
 - b. A statement of the total area contained within such description;
 - c. A statement of the number of existing or proposed units situated on the subject property;
 - d. A statement of the number of dwelling units for which the application is made;
 - e. A restriction prohibiting any further development or construction beyond what is set forth in the instrument.

The building official shall thereafter issue permits in accordance with what is set forth in the aforesaid instrument provided all other requirements of this chapter are met and thereafter no further permits shall be issued for any additional units on the tract described. The instrument shall be recorded to place all persons on notice of its contents and limitations upon further building.

- (l) *Utility easements.* Easements necessary for the orderly extension and maintenance of public utilities may be required as a condition of approval.
- (m) *Other standards.* All planned unit developments will comply with regulations affecting signs referred to in section 22-55 (), and applicable with portions of the city's regulations governing subdivisions. In case of conflict the city commission shall determine the requirement for the PUR. The city commission may also establish additional requirements which it considers necessary to assure that a planned unit redevelopment conforms to the intent of this section.
- (n) *Special application requirements.* When an application is submitted to include property in a PUR zone, the following items will be submitted, in addition to other information submitted in accordance with section 22-127 (), the city's subdivision regulations or other city laws:
 - (1) *Written documents.*
 - a. A statement of planning objectives to be achieved by the planned unit redevelopment through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed redevelopment.

- b. Material which presents firm evidence of unified control of the entire area within the proposed planned unit redevelopment, including a certificate of apparent ownership and encumbrance with the opinion of counsel representing the applicant establishing that the applicant has the unrestricted right to impose all of the covenants and conditions upon the land as are contemplated by the provisions of these regulations.
 - c. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned unit redevelopment, such as land areas and dwelling units.
 - d. A redevelopment schedule indicating:
 - 1. The approximate date when renovation or construction of the project can be expected to begin.
 - 2. The stages in which the project will be built and the approximate date when each stage can be expected to begin.
 - 3. The anticipated rate of redevelopment.
 - 4. The approximate date when each stage in the redevelopment will be completed.
 - 5. The area, location and degree of development of common open space that will be provided at each stage.
 - e. Quantitative data for the following: Total number and type of dwelling units; parcel sizes; proposed lot coverage of buildings and structures; approximate residential gross densities; total amount of open space (including separate figures for common open space and usable open spaces); and the total amount of non-residential acreage (including a separate figure for commercial and industrial acreage).
 - f. A statement indicating the justification for a gross density in excess of eighteen (18) units per acre if such a density is being proposed.
 - g. Agreements, provisions and covenants which govern the use, maintenance and continued protection of the planned unit redevelopment and any of its common open space or other shared areas. This material shall include material which binds successors in title to any commitments concerning completion of the project and its maintenance and operation.
- (2) *Site plan and supporting maps.* Maps with the following minimum information must be submitted:
- a. The existing site conditions, shorelines, floodplains, unique natural features and forest cover.
 - b. A grading plan for the site showing future contours for locations where the existing grade is to be changed by more than two (2) feet.
 - c. A general landscape plan for the planned unit redevelopment.
 - d. Proposed lot lines and other divisions of land for management, use or allocation purposes.
 - e. The approximate location of present and proposed buildings and structures.
 - f. The location and size of all areas proposed to be conveyed, dedicated or reserved for streets, parks, playgrounds, public and semi-public buildings and similar uses.
 - g. The existing and proposed vehicular circulation system, including off-street parking and loading areas.
 - h. The existing and proposed pedestrian circulation system, including its interrelationships

with the vehicular circulation system, indicating proposed treatments of points of conflict.

- i. The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric and gas lines.
 - j. Enough information on land areas adjacent to the proposed planned unit redevelopment to indicate the relationship between the proposed redevelopment and adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of the landscape.
 - k. The proposed treatment of the perimeter of the planned unit redevelopment, including materials and techniques used such as screens, fences and walls.
- (o) *Special planned unit redevelopment review procedures.*
- (1) Planned unit redevelopments will be reviewed in at least three (3) phases—A preapplication conference, a preliminary redevelopment plan phase and a final redevelopment plan phase. The preapplication conference will involve a minimum of one informal discussion between the applicant and staff of the department of planning and development on the proposed planned unit redevelopment.
 - (2) At the request of the applicant, an optional phase, a concept plan phase, will take place. For this phase, a map showing the general layout of uses in the proposed planned unit redevelopment will be submitted along with written material mentioned in this section in (n)(1)(a), (n)(1)(c), (n)(1)(d) and (n)(1)(e). A public hearing will be held by the city planning board on the proposal and it will approve, approve with conditions or disapprove the concept plan.
 - (3) The preliminary redevelopment plan will include information specified in subsection (p) of this section. The procedure for reviewing the preliminary redevelopment plan is the procedure set forth in section 22-128 () for amending this chapter. If the proposed planned unit redevelopment involves the subdividing of land which is regulated by the city, the preliminary plat should be reviewed concurrently with the preliminary redevelopment plan. Approval of a preliminary redevelopment plan or approval of the plan with conditions shall occur concurrently with a change in zoning for the property. If the city planning board approved the concept plan or approved it with conditions, the board will not change its earlier opinion unless it determines that it is appropriate due to new information or due to differences between the concept plan and preliminary redevelopment plan.
 - (4) Within a year of the date of approval of a preliminary redevelopment plan or approval of the plan with conditions, the applicant shall file with the department of planning and development a final redevelopment plan containing in final form the information required in the preliminary plan. This plan may be for the entire development or, when submission in stages has been authorized, for the first stage of the redevelopment. If the planned unit redevelopment involves the subdividing of land which is regulated by the city, the final plat should be reviewed concurrently with the final redevelopment plan.
 - (5) The staff of the department of planning and development shall have a maximum of thirty-five (35) days from the submission of a complete final redevelopment plan to review the plan and prepare comments concerning the plan. Prior to acting on the final redevelopment plan, the city commission shall hold a public hearing in accordance with section 22-143 (). The city commission shall approve, approve with conditions or disapprove the final redevelopment plan within twenty (20) days of the public hearing, except the city commission with good cause demonstrated may allow an extension of time.

- (6) If the city commission finds evidence of a significant deviation from the preliminary redevelopment plan, the city commission shall advise the applicant to submit an application for an amendment to the preliminary redevelopment plan. An amendment shall be reviewed using the same procedure as was used for the preliminary redevelopment plan, except that this chapter will not need to be amended. If no significant deviation from the preliminary redevelopment plan is found, the city commission will approve the portions of the planned unit redevelopment in the final plan.
- (7) If an amended preliminary redevelopment plan is not submitted within seventy-five (75) days of the city commission decision to require such an amendment, or if the amended preliminary redevelopment plan is not approved or approved with conditions, the city commission shall initiate proceedings for rezoning all of the property in the planned unit redevelopment.
- (p) *Adherence to approved final redevelopment plan.* Building permits for construction shall be issued only if consistent with an approved final redevelopment plan.
 - (1) Minor changes not altering the intent and purpose of the approved final redevelopment plan may be approved by the director of planning and development after such departmental comment as he deems appropriate. The director shall also advise the city commission of his administrative determination at the earliest practicable opportunity and such determination shall become effective unless the city commission thereupon finds that the proposed change is substantial in nature and advises the applicant to apply for an amendment of the approved redevelopment plan.
 - (2) Substantial changes in requested uses, density, phasing or other specifications of the approved redevelopment plan must be approved by the city commission after it has held a public hearing and after review of the proposed changes by the city planning board.
 - (3) The amendment of an approved redevelopment shall be in the manner provided for adoption of the redevelopment plan.

(Ord. No. H-186, § 30-42, 6-15-81; Ord. No. K-258, § 3, 1-20-04; Ord. No. L-260, § 3, 6-18-12)