



CITY OF LINDEN

PLANNING COMMISSION MEETING AGENDA

LOCATION: LOOSE SENIOR CENTER, 707 NORTH BRIDGE STREET, LINDEN, MI 48451

Monday, May 4, 2026

7:00 P.M.

I. CALL TO ORDER

II. ROLL CALL

(A) Excused Absent Member(s)

III. MINUTES APPROVAL

(A) Minutes of the April 6, 2026 Regular Meeting

IV. PUBLIC HEARINGS/SPECIAL PRESENTATIONS

(A) PC-03b-26 Revised Draft of Proposed Housing Readiness Zoning Ordinance Amendments

V. PUBLIC COMMENT (NON-AGENDA ITEMS ONLY)

Any person wishing to address the Planning Commission on non-agenda items only are asked to state their name and address for the record and limit their comments to five minutes, or ten minutes if representing a group of persons. Opportunity will be given to address the Planning Commission on Agenda items as they are called on the Agenda.

VI. COMMUNICATIONS

VII. UNFINISHED BUSINESS

(A) PC-03b-26 Revised Draft of Proposed Housing Readiness Zoning Ordinance Amendments

VIII. NEW BUSINESS

IX. COMMISSIONER COMMENTS & REPORTS

X. ADJOURNMENT

**CITY OF LINDEN
REGULAR MEETING MINUTES
PLANNING COMMISSION**

Monday, April 6, 2026

7:00 P.M.

CALL TO ORDER

The regular meeting of the Linden Planning Commission was called to order at 7:00 p.m. by Chairperson Aaron Wiens. The meeting was held at The Loose Senior Citizen Center located at 707 North Bridge Street, Linden, Michigan 48451.

ROLL CALL

Present: James Hurst, Aaron Wiens, Jerry Link, Matt Mlinarich, John Hartranft, Cody Roblyer, Brad Dick

Absent: Phillip Steele, George Horn

Others Present: Ellen Glass, City Manager; Adam Young, City Planner/Zoning Administrator; Nicole Weissenborn, Deputy Clerk

(A) Excuse Absent Members(s)
None.

MINUTES APPROVAL

Motion by Dick, second by Roblyer to approve the minutes from the February 2, 2026 Regular Planning Commission meeting.

PUBLIC HEARING/SPECIAL PRESENTATION

None.

CITIZENS' COMMENTS - NON-AGENDA ITEMS ONLY

None.

COMMUNICATIONS

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

(A) PC-03-26, Revised Draft of Proposed Housing Readiness Zoning Ordinance
Amendments

Young reviewed his staff report: After receiving the Planning Commission's recommendation, the City Council reviewed and deliberated on the proposed amendments during several meetings and study sessions. During their March 9, 2026 study session, the Council requested numerous changes to the proposed amendments. We then prepared an updated draft of amendments, dated March 12, 2026, for further review by the Council which occurred during their March 23, 2026 regular meeting. Because the updated draft of amendments included new changes that were not included in the draft that was reviewed during the October 2025 public hearing, we advised the Council that the revised amendments should be sent back to the Planning Commission to hold another public hearing. The Council agreed and referred the amendments back to the Planning Commission.

Commissioners and Young discussed the ordinance language including houses in a commercial district, insurance concerns, traffic, ADU's, definitions and languages. Wiens requested that a public hearing be scheduled. Commissioners agreed.

COMMISSIONER/COMMITTEE REPORTS

Hartranft requested an update on the Linden Mill. Glass responded.

No other comments.

ADJOURNMENT

The meeting was adjourned by Chairperson Wiens at 7:25 p.m.

Respectfully Submitted,

Nicole Weissenborn, Deputy Clerk

Approved: _____

DRAFT



**CITY OF LINDEN
PLANNING COMMISSION
NOTICE OF PUBLIC HEARING FOR ZONING TEXT AMENDMENTS**

NOTICE IS HEREBY GIVEN, the City of Linden Planning Commission will conduct a public hearing on Monday, May 4, 2026, at 7:00 p.m., within the Loose Senior Center, located at 707 North Bridge Street, Linden, MI 48451. The purpose of this hearing is to provide opportunity for public comment on proposed amendments to Chapter 154 (Zoning) of the City of Linden Code of Ordinances. The proposed amendments pertain to housing, including residential uses and residential care facilities. Amendments to the following sections are proposed: Section 154.007 (Definitions); Section 154.048 (Purposes and Uses within Zoning Districts); Section 154.090 (Adult Foster Care Facilities); new Section 154.101 (Townhouses); Section 154.138 (PUD Project Design Standards); Section 154.178 (Table of Off-Street Parking Requirements); and, new Section 154.203 (Single Family Dwelling as a Nonconforming Use).

The text of the proposed amendments are available for public review at City Offices located at 132 East Broad Street, Linden, MI 48451 during regular business hours Monday through Friday. Please contact the City Clerk by 4:00 p.m. the day of the meeting by phone at (810) 735-7980 or by email at clerk@lindenmi.us should you have any special needs or requests for accommodations. Persons wishing to comment may do so during the public hearing. Written comments may also be submitted prior to 4:00 p.m. on May 4, 2026 via email to clerk@lindenmi.us or addressed to:

Linden City Clerk's Office
P.O. Box 507
Linden, MI 48451

Post: April 15, 2026
Publish: April 19, 2026

PLANNING COMMISSION STAFF REPORT

MEMO NO.: PC-03b-26

FROM: Adam Young, AICP, City Planner

AGENDA: May 4, 2026, New Business (A)

TOPIC: Housing Readiness Zoning Ordinance Amendments – Public Hearing

Background: As you may recall, the Planning Commission held a public hearing in October 2025 on proposed zoning ordinance amendments pertaining to housing. After the public hearing, the Planning Commission forwarded a recommendation of adoption to City Council.

After receiving the Planning Commission’s recommendation, the City Council reviewed and deliberated on the proposed amendments during several meetings and study sessions. During their March 9, 2026 study session, the Council requested numerous changes to the proposed amendments. We then prepared an updated draft of amendments, dated March 12, 2026, for further review by the Council which occurred during their March 23, 2026 regular meeting. Because the updated draft of amendments included new changes that were not included in the draft that was reviewed during the October 2025 public hearing, we advised the Council that the revised amendments should be sent back to the Planning Commission to hold another public hearing. The Council agreed and referred the amendments back to the Planning Commission.

At the April 6, 2026 meeting, the Planning Commission reviewed the amendments and requested two minor changes. We have prepared a revised draft of amendments, dated April 28, 2026, which incorporates these two minor changes:

- The definition for “Assisted Living” was revised to eliminate a specific age restriction for residents, as assisted living facilities have different age restrictions (i.e., 55 and over, 62 and over).
- The definition for “Dwelling, Townhouse” was revised to indicate that, where provided, townhouses would have a separate basement.

The Planning Commission agreed that a public hearing should be held to gain citizen comments on the draft. This public hearing has been noticed and scheduled for the May 4, 2026 Planning Commission meeting.

Requested Action: Hold the public hearing. After the public hearing is closed, the Planning Commission should consider forwarding the proposed amendments to City Council for adoption.

City Planner’s Recommendation: Consider changes based on any public comments received, and forward the proposed amendments to City Council for adoption.

Recommended Motion: N/a

I move that the proposed housing-focused Zoning Ordinance amendments, as outlined in the report dated April 28, 2026, are forwarded to the City Council for adoption.

Attachments:

- Revised Draft of Proposed Housing Readiness Zoning Ordinance Amendments, dated April 28, 2026

City of Linden Zoning Ordinance

Chapter 154: Zoning of the Code of Ordinances

Housing-Focused Zoning Ordinance Amendments

April 28, 2026 DRAFT

Incorporating changes requested by City Council
during their March 9, 2026 Study Session
and changes requested by the Planning Commission
during their April 6, 2026 Regular Meeting

Key:

Text proposed to be added

~~Text proposed to be deleted~~

Wade Trim commentary, if appropriate

(4) ADULT FOSTER CARE SMALL GROUP HOME. An owner-occupied facility with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.

ALLEY. Any dedicated public right-of-way 30 feet or less in width, affording secondary means of access to abutting property not intended for general vehicle circulation nor as primary means of access to property.

ALTERATION. Any change, addition, or modification to a building or structure, including accessory wall signs, which alters structure, exterior walls, or is related to a change of occupancy. Covering of exterior doors, windows, walls, or changes to free-standing or wall sign face are included in this definition.

AMATEUR RADIO ANTENNAS, SATELLITE DISH ANTENNA, AND OTHER SIMILAR STRUCTURES.

(1) Any fixture or apparatus located outdoors, which is designed or utilized to transmit or receive radio, microwave, television, or similar waves, signals, or electrical impulses.

(2) The term ANTENNA shall include, but shall not be limited to, TELEVISION ANTENNAS, CITIZEN BAND RADIO ANTENNAS, AMATEUR RADIO ANTENNAS, and SATELLITE DISHES.

ARCADE. Any place, premises, establishment, building, or portion thereof in a retail or commercial facility in which are located for public use five or more coin or token operated amusement devices. This definition does not include establishments not open to the general public.

AS-BUILT SURVEY. Plans that indicate final construction that occurred on the subject site.

ASSISTED LIVING. Housing facilities designed and typically limited to residents over a certain age, who, because of physical or other limitations, need special care and other services and where 24 hour personal care and congregate meals are provided. Facilities contain congregate kitchens, dining and living areas and separate sleeping rooms for residents. Operation of assisted living facilities provide special support services such as, assistance with personal care and daily living needs, transportation and limited medical care.

ASSISTED LIVING FACILITY. An unlicensed residential facility providing housing, two (2) or more group meals a day for compensation, incidental nursing or medical services and some or all of the following services: transportation, ambulatory assistance, prescription scheduling, laundry, housekeeping or shopping.

Wade Trim Commentary: This term is not currently included within the zoning ordinance and should be added. An assisted living facility does not require State licensing.

DRIVE-IN ESTABLISHMENT. A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in or momentarily stepped away from their motor vehicles, rather than within a building or structure, so that consumption of goods or services within motor vehicles may be facilitated.

DRIVE-THROUGH ESTABLISHMENT. A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to services patrons from a window or booth while in their motor vehicles, rather than within a building or structure, so that consumption of goods or services off the premises may be facilitated.

DRIVEWAY. A way located upon a parcel, lot or limited common area, specifically constructed and maintained to provide ingress and egress from the road or street onto the site and circulation about the site. In order to be considered a DRIVEWAY under this chapter, such an area must be surfaced with concrete, asphalt, brick, cut stone, or a minimum four-inch depth of crushed materials (stone, concrete, asphalt and the like) having a size of at least one-half inch in diameter. Further, such DRIVEWAY must be properly graded for drainage and be maintained in good condition free of dust, trash and debris. Within a front yard, newly constructed driveways shall be no less than ten feet in width, and shall be no wider than 32 feet or the width of the garage, whichever is greater.

DWELLING. A building used exclusively as a residence by not more than one family but in no case shall a travel trailer, motor home, trailer coach, automobile chassis, tent, or other portable building be considered a DWELLING.

DWELLING, MULTIPLE-FAMILY. A building consisting of three or more dwellings.

DWELLING, SINGLE-FAMILY. A building designed for, or occupied exclusively by, one family.

DWELLING, THREE-FAMILY. A building designed exclusively for occupancy by three (3) families living independently of each other.

DWELLING, TOWNHOUSE. A self-contained single dwelling unit attached to a similar single dwelling unit with party or common walls, designed as part of a series of three (3) or more dwelling units, each with: a separate entryway with direct access to the outdoors at ground level, a separate basement (where provided), a separate garage, separate utility connections and defined front yards. Townhouses may also be known as attached single-family dwelling units, row houses, clustered single family dwellings, or stacked ranches. Any three (3) or more attached dwellings not meeting the above criteria shall be considered a multiple-family dwelling.

Wade Trim Commentary: These new definitions are proposed to account for these unique housing types.

DWELLING, TWO-FAMILY. A building consisting of two dwellings.

(e) No building, structure, fence, or other permanent improvement shall be permitted to be erected or located within a public right-of-way except for those improvements authorized by the city.

(4) Application of height regulations.

(a) No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, as set forth in § 154.049.

(b) Roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar mechanical equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, and screens, flagpoles, chimneys, smokestacks, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure shall exceed by more than 15 feet the height limit of the district in which it is located.

(c) Wireless communication facilities shall be subject to the regulations set forth in § 154.098.

(5) Location and number of buildings on lot of record.

(a) Every building erected, altered, or moved shall be located on a lot of record as defined herein.

(b) Only one single-family dwelling shall be permitted per lot. Where more than one single-family dwelling is located on a lot of record at the time of adoption of this chapter, said dwelling shall not be divided from the lot except in conformity with the requirements of this chapter.

(Ord. 285, passed 12-8-2003) Penalty, see § 154.999

§ 154.048 PURPOSES AND USES WITHIN ZONING DISTRICTS.

(A) R-1, R-2, and R-3, Single-Family Residential Districts.

(1) Purpose. These districts are provided for in those areas of the city served by public water and a public sanitary sewer and where the principal use is intended to be single-family dwellings developed at various lot sizes. In addition to the dwellings permitted in this zoning district, certain non-residential and public uses may be permitted through special use approval.

(2) Permitted uses.

- (a) A single-family dwelling and any use, building, or structure accessory thereto;
- (b) Public parks and playgrounds;
- (c) Family day care home;

(d) Adult foster care small group homes serving six persons or less and adult foster care family homes;

(e) Private, elementary, middle, and high schools; and/or

(f) Churches, synagogues, and other places of worship.

(3) Special uses.

(a) Open space development subject to the provisions of § 154.086;

(b) Golf courses, including accessory golf driving ranges;

(c) Country clubs, public swimming pools and recreation clubs, private parks and playgrounds;

(d) Private nursery schools and kindergartens;

(e) Group day care homes and day care centers subject to the provisions of § 154.089;

(f) Adult foster care small group homes between six and 12 persons ~~and adult foster care large group homes~~ subject to the provisions of § 154.090;

Wade Trim Commentary: Due to their potential impacts on neighborhood character, adult foster care large group homes (13-20 residents) are not considered appropriate within the R-1, R-2, and R-3 Districts.

(g) Two-family dwellings;

(h) Bed and breakfast establishments in the R-3 District, subject to the provisions of § 154.097;

(i) Public buildings and facilities; and/or

(j) Sale of weapons.

(B) R-4, Multiple-Family Residential District.

(1) Purpose. This district is composed of those areas of the city where the principal use is intended to be multiple-family dwellings. Areas zoned R-4 shall be served by public water and public sanitary sewers, and which abut or are adjacent to such other uses, buildings, structures, or amenities, which support, complement, or serve such a multiple-family density. In addition to the dwellings permitted in this zoning district, certain non-residential and public uses may be permitted through special use approval.

(2) Permitted uses.

(a) All permitted uses allowed in the R-1, R-2, and R-3 Districts; ~~and/or~~

~~(b) Multiple-family dwellings and any use, building, or structure accessory thereto;~~

~~(c) Elderly housing; and/or~~

~~(d)~~ (b) Two-family dwellings.

Wade Trim Commentary: The City Council indicated that three-family dwellings and townhouses should only be allowed after special land use (SLU) review and approval in the R-4 District. Because multiple-family dwellings and elderly housing can be just as intensive or even more intensive than three-family dwellings and townhouses, we presume that the City Council also wants multiple-family dwellings and elderly housing subject to special land use (SLU) review and approval.

(3) Special uses.

(a) Group day care homes and day care centers subject to the provisions of § 154.089;

(b) Adult foster care small group homes between six and 12 persons and adult foster care large group homes subject to the provisions of § 154.090;

(c) Adult foster care congregate facilities subject to the standards of § 154.090;

(d) Three-family dwellings;

(e) Townhouses, subject to the standards of § 154.101;

(f) Multiple-family dwellings and any use, building, or structure accessory thereto;

(g) Elderly housing;

~~(d)~~ (h) Nursing homes, assisted living facilities, and convalescent centers; ~~and/or~~

~~(e)~~ (i) Sale of weapons.

Wade Trim Commentary: Based on direction from the City Council, we are now showing three-family dwellings, townhouses, multiple-family dwellings, and elderly housing as being allowed in the R-4 District but only after special land use (SLU) review and approval.

(C) R-5, Mobile Home Park Residential District.

(1) Purpose. The intent of this district is to provide for mobile home residential development in areas where the street network, public services, and infrastructure are capable of supporting such development. Areas zoned R-5 shall be located in areas which are compatible with the character and density of adjacent uses.

(2) Permitted uses.

(a) Mobile home parks subject to the provisions set forth in § 154.088; and/or

(b) Parks and playgrounds.

(3) Special uses.

(a) All special uses allowed in the R-1, R-2, and R-3, ~~and R-4~~ Districts; and/or

(b) Sale of weapons.

Wade Trim Commentary: This wasn't specifically discussed during the March 9, 2026 City Council work session. However, the City Council did indicate that three-family dwellings and townhouses should not be allowed in the R-5 District. Based on this direction from City Council, the reference to allowing all special land uses in the R-4 District would need to be deleted – this would prevent three-family dwellings and townhouses (and other multi-family residential types) from being allowed in the R-5 District.

(D) LS, Local Service District.

(1) Purpose. The district is designed primarily for the convenience of persons residing in the city by providing office, limited retail, and business service uses that serve the adjacent and surrounding neighborhoods. It is the purpose of these regulations to permit development of the enumerated functions in a manner which is compatible with uses in the surrounding area. To these ends, certain uses are excluded which would function more effectively in other districts.

(2) Permitted uses.

(a) Executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, and sales offices;

(b) Medical and dental offices, including clinics and medical laboratories;

(c) Banks, credit unions, savings and loan associations;

(d) Public parks and playgrounds;

(e) Public buildings and facilities;

(f) Photographic studios;

(g) Food services including grocery, meat market, bakery, restaurant, delicatessen, and fruit market, and similar self-service units but not including any business of a drive-in type;

(h) Retail sales of drug and health care products, hardware, gifts, dry goods, notions, sporting goods, clothing, furniture, and appliances;

(i) Retail office supply, computer, and business machine sales;

(j) Business service establishments such as printing and photocopying services, mail and packaging services, and typing and secretarial services;

(k) Florist shops;

(l) Personal service establishments, such as barber and beauty shops; watch, clothing, and shoe repair; furniture repair; locksmith; and similar establishments;

(m) Private service clubs, social organizations, and lodge halls;

(n) Funeral homes; and/or

(o) Churches, synagogues, and other places of worship-;

(3) Special uses.

(a) Veterinary offices and hospitals, including accessory boarding, provided no outdoor exercise runs or pens are permitted;

(b) Retail sale of alcoholic beverages;

(c) Joint working and living quarters (work/live unit), subject to § 154.099;

(d) Sale of weapons;

(e) Day care centers subject to the provisions of § 154.089; and/or

(f) Radio, television, and electrical appliance repair, and shops of plumbers, electricians, and other similar services and trades and subject to § 154.101.

(E) GC, General Commercial District.

(1) Purpose. This district is intended to accommodate office, business service, and retail uses that serve a larger market than LS District including the city and portions of the surrounding townships. It is the purpose of these regulations to permit development of the enumerated functions in a manner which is compatible with uses in the surrounding area. To these ends, certain uses are excluded which would function more effectively in other districts.

(2) Permitted uses.

(a) All permitted ~~and special~~ uses allowed in LS Local Service District, ~~except for joint working and living quarters~~;

Wade Trim Commentary: This amendment is recommended to eliminate confusing/conflicting language. (For example, day care centers are allowed in the LS District as a special land use – the current language would thus allow day care centers as a permitted use in the GC District, yet day care centers are specifically listed as a special land use later in the GC District.) We also do not see a reason why joint working and living quarters should be prohibited within the GC District.

(b) Grocery stores, meat market, bakery, delicatessen, and fruit market, and similar retail sales of food and beverages;

(c) Retail sales of candy and confections, antiques, gifts, dry goods, notions, toys, musical instruments, and clothing;

(d) Retail sales of drug and health care products, hardware, sporting goods, furniture, paint and home decorating products, and appliances;

- (e) Retail sale of alcoholic beverages;
 - (f) Radio, television, and electrical appliance repair, and shops of plumbers, electricians, and other similar services and trades;
 - (g) Standard and/or carry out restaurants;
 - (h) Laundromats and dry cleaning establishments; and/or
 - (i) Planned shopping centers.
- (3) Special uses.
- (a) All special uses allowed in LS Local Service District;
 - (b) Bar/lounge serving alcoholic beverages and/or providing entertainment;
 - (c) Fast-food, drive-in, and drive-through restaurants;
 - (d) Lodging facilities;
 - (e) Sale of new and used automobiles, boats, mobile homes, farm machinery, and other vehicles provided outdoor sales comply with the requirements set forth in § 154.092;
 - (f) Automobile service stations and washes subject to the requirements set forth in § 154.094;
 - (g) Recreation and amusement services, including theaters, bowling alleys, roller and ice skating rinks, billiard halls, and miniature golf;
 - (h) Farm supply and feed stores;
 - (i) Sale of building materials, nursery stock, and garden supplies provided outdoor sales comply with the requirements set forth in § 154.068;
 - (j) Kennels, including commercial boarding and breeding facilities;
 - (k) Sale of weapons;
 - (l) Day care centers subject to the provisions of § 154.089;
 - (m) Brewpubs, micro-breweries, small wineries and small distilleries subject to the provisions of § 154.100; and/or
 - (n) Animal control shelters and animal protection shelters.

(F) CBD, Central Business District.

(1) Purpose. This district is designed to provide for a variety of office, business service, entertainment, and retail uses which occupy the prime retail frontage, by serving the comparison, convenience, and service needs of the market area which includes the city and surrounding townships. The regulations of the CBD District are designed to promote

(3) Off-street parking shall be provided at a rate of one space per employee plus one space for every five children enrolled at the facility;

(4) A fenced outdoor play area of at least 1,000 square feet shall be provided on the premises. Said play area shall not be located within the front setback. This requirement may be waived by the Planning Commission if public play area is available 500 feet from the subject parcel; and

(5) Appropriate licenses with the state shall be maintained.

(Ord. 285, passed 12-8-2003) Penalty, see § 154.999

§ 154.090 ADULT FOSTER CARE FACILITIES.

(A) Intent. It is the intent of this section to establish standards for adult foster care facilities, which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.

(B) Application of regulations.

(1) A state licensed adult foster care small group home serving six persons or less and adult foster care family home shall be considered a residential use of property and a permitted use in all residential districts.

(2) The Planning Commission may, by issuance of a special use permit, authorize the establishment of adult foster care small group homes serving between six and 12 persons ~~and adult foster care large group homes serving between 13 and 20~~ in the following zoning districts: R-1; R-2; R-3; R-4; and R-5.

(3) The Planning Commission may, by issuance of a special use permit, authorize the establishment of ~~an adult foster care large group homes serving between 13 and 20 and~~ adult foster care congregate ~~facility facilities~~ serving more than 20 adults in the R-4 District.

Wade Trim Commentary: Due to their potential impacts on neighborhood character, adult foster care large group homes (13-20 residents) are not considered appropriate within the R-1, R-2, and R-3 Districts. They should only be allowed as a special use only within the R-4 District.

(C) Standards for adult foster care small group homes serving between six and 12 persons and adult foster care large group homes. Such homes shall be considered as a special land use subject to the requirements and standards of § 154.023 and the following additional standards:

(1) A site plan, prepared in accordance with § 154.024, shall be required to be submitted;

(2) The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of 1,500 square feet per adult, excluding employees and/or care givers;

(3) The property is maintained in a manner that is consistent with the character of the neighborhood;

(4) One off-street parking space per employee and/or caregiver shall be provided;

(5) At its sole discretion, the Planning Commission may determine that landscape screening in accordance with § 154.111(E) is required; and

(6) Appropriate licenses with the state shall be maintained.

(D) Standards for adult foster care congregate facilities. Such facilities shall be considered as a special land use subject to the requirements and standards of § 154.023 and the following standards:

(1) A site plan, prepared in accordance with § 154.024, shall be required to be submitted;

(2) The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of 1,500 square feet per adult, excluding employees and/or care givers;

(3) Parking requirements as required for convalescent homes and similar facilities, set forth in §§ 154.175 through 154.184 shall be met;

(4) All landscape requirements set forth in § 154.111 shall be met; and

(5) Appropriate licenses with the state shall be maintained.

(Ord. 285, passed 12-8-2003) Penalty, see § 154.999

§ 154.091 SELF-STORAGE FACILITIES.

Self-storage facilities shall be subject to the following requirements and conditions.

(A) No activity other than rental of storage units and the rental of outside storage space for recreational vehicles shall be allowed. No commercial, wholesale, retail, industrial, or other business use on, or operated from, the facility shall be allowed, other than those sales conducted to liquidate stored items as performed by owner.

(B) The storage of any toxic, explosive, corrosive, flammable, or hazardous materials is prohibited. Fuel tanks on any motor vehicle, boat, lawn mower, or similar property will be drained or removed prior to storage. Batteries shall be removed from vehicles before storage.

(4) The living area of the work/live unit shall be attached to or part of the primary building in which a business is normally operated.

(D) Integration of commercial and living space. The commercial use shall be the primary focus of the front of the building. Living space shall be physically integrated into the work/live unit and shall not be separately rented, leased, or sold. Mezzanines and lofts within the unit may be used as living space subject to compliance, with the other provisions of this section.

(E) Parking requirements. Work/live units shall comply with the parking standards set forth in §§ 154.175 through 154.184. A minimum of two spaces for the residential use shall be included as part of the parking calculation. The Planning Commission may modify this requirement to decrease or increase the required parking as appropriate to allow for the reuse of existing structures with limited parking or to accommodate authorized employees and/or customer or client visits.

(F) Operating requirement.

(1) A work/live unit shall be occupied and used only by the owner of the business within the unit and his or her immediate family (specifically defined as spouse and children/stepchildren).

(2) The owner or developer of any structure containing work/live units shall provide written notice to all work/live occupants and users that the surrounding area may be subject to levels of dust, fumes, noise, or other effects associated with commercial uses at higher levels than would be expected in more typical residential areas. Noise and other standards shall be those applicable to commercial properties in the LS District.

(3) An ongoing business must exist to allow residential occupancy of the work/live unit. If the business ceases to operate, the special land use permit shall end and the living area must be vacated within six months of the last day of business.

(4) The business and residential areas must be maintained separately and no business activity inclusive of, but not limited to, storage of any inventory or servicing or maintenance of any product shall be allowed in the residential area.

(5) Special use permits under this section shall be issued for a period of one year and must be renewed annually by application of the occupants. No fee shall be required for this renewal.

(Ord. 285, passed 12-8-2003) Penalty, see § 154.999

§ 154.100 TOWNHOUSES.

Townhouses are subject to the following standards:

(A) A townhouse development shall be serviced by municipal sewer.

(B) Minimum lot area and lot frontage requirements shall be in accordance with the following standards: Each two-unit townhouse building site shall contain a minimum lot frontage of one hundred (100) feet and a minimum lot area of twenty thousand (12,000) square feet; Each three-unit townhouse building site shall contain a minimum lot frontage of one hundred fifty (150) feet and a minimum lot area of fifteen thousand (15,000) square feet; and, Each four-unit townhouse building site shall contain a minimum lot frontage of two hundred (200) feet and a minimum lot area of twenty thousand (20,000) square feet.

(C) No townhouse shall be less than twenty-four (24) feet in width.

(D) The distance between any two (2) structures within a townhouse development shall not be less than twenty-five (25) feet.

(E) Any townhouse development adjoining any single-family residential district or use shall be provided with a minimum twenty (20) foot wide greenbelt buffer planted with landscaped plants, the configuration and design of which is subject to the review of the Planning Commission. A greenbelt buffer shall also be provided along all street frontages which shall not be less than ten (10) feet in width.

(F) Off-street parking shall be provided in accordance with § 154.178.

Wade Trim Commentary: These proposed provisions are intended to ensure that any new townhouse development will be appropriately integrated within the R-4 District. As a special land use, the Planning Commission could also attach conditions which are deemed necessary given the unique context of the request.

PLANNED UNIT DEVELOPMENT DISTRICT

§ 154.135 PURPOSE AND INTENT.

Planned unit development (PUD) district regulations are intended to provide for various types of land uses planned in a manner which shall: encourage the use of land in accordance with its character and adaptability; conserve natural resources and energy; encourage innovation in land use planning; provide enhanced housing, employment, shopping, traffic circulation, and recreational opportunities for the people of the city; and bring about a greater compatibility of design and use. The provisions of this subchapter provide enabling authority and standards for the submission, review, and approval of applications for planned unit developments.

(Ord. 285, passed 12-8-2003)

§ 154.136 PUD REGULATIONS.

(A) A planned unit development (PUD) may be applied for in any zoning district. The granting of a planned unit development application shall require a rezoning by way of amendment of this chapter upon the recommendation of the Planning Commission and approval of the City Council.

(B) Any land use authorized in this chapter may be included in a planned unit development, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure the compatibility of varied land uses both within and outside the development.

(C) The applicant for a planned unit development must demonstrate each of the following criteria as a condition to being entitled to planned unit development treatment:

(1) Granting of the planned unit development will result in at least one of the following:

(a) A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations;

(b) Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or

(c) A nonconforming use shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.

(2) The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, streets, and utilities;

(3) The proposed development shall be consistent with the public health, safety, and welfare of the city;

(4) The proposed development shall not result in an unreasonable negative environmental impact on the subject site or surrounding land;

(5) The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties;

(6) The proposed development shall be under single ownership and/or control such that there is a single person having responsibility for completing the project in conformity with this chapter; and

(7) The proposed development shall be consistent with the goals and policies of the Master Plan.

(Ord. 285, passed 12-8-2003)

§ 154.137 PROCEDURE FOR REVIEW.

(A) Pre-application conference. Prior to the submission of an application for planned unit development approval, the applicant shall meet with the Zoning Administrator, together with any staff and consultants the Administrator deems appropriate. The applicant shall present at such conference, or conferences, at least a sketch plan of the proposed planned unit development, as well as the following information: total number of acres in the project; a statement of the number of residential units, if any; the number and type of non-residential uses, the number of acres to be occupied by each type of use; the known deviations from ordinance regulations to be sought; the number of acres to be preserved as open or recreational space; and all known natural resources and natural features to be preserved.

(B) Preliminary plan.

(1) Following the pre-application conference, the applicant shall submit a preliminary site plan of the proposed planned unit development. The preliminary site plan shall be prepared in accordance with the standard set forth in § 154.024(C). A narrative report shall accompany the site plan providing a description of the project, discussing the market concept and feasibility of the project, and explaining the manner in which the criteria set forth in § 154.136(C) have been met.

(2) The preliminary plan shall be noticed for public hearing as a zoning amendment before the Planning Commission. Following the hearing, the Planning Commission shall review the preliminary site plan and shall take one of the following actions.

(a) Approval.

1. Upon finding that the preliminary plan meets the criteria and standards set forth in §§ 154.135 and 154.136, the Planning Commission shall grant preliminary approval.

Approval shall constitute approval of the uses and design concept as shown on the preliminary plan and shall confer upon the applicant the right to proceed to preparation of the final plan.

2. Approval of the preliminary plan by the Planning Commission shall not constitute rezoning of the property to PUD nor bind the City Council to approval of the final plan.

(b) Tabling. Upon finding that the preliminary plan does not meet the criteria and standards set forth in §§ 154.135 and 154.136, but could meet such criteria if revised, the Planning Commission may table action until a revised preliminary plan is resubmitted.

(c) Denial. Upon finding that the preliminary plan does not and cannot meet the criteria and standards set forth in §§ 154.135 and 154.136, the Planning Commission shall deny preliminary approval.

(C) Final plan. Within six months following receipt of the Planning Commission comments on the preliminary plan, the applicant shall submit a final plan and supporting materials conforming with this section. If a final plan is not submitted by the applicant for final approval within six months following receipt of Planning Commission comments, the preliminary plan approval becomes null and void.

(1) Information required. A final site plan and application for a PUD shall contain the following information:

(a) A site plan meeting all requirements of § 154.024(D);

(b) A separately delineated specification of all deviations from this chapter, which would otherwise be applicable to the uses and development proposed in the absence of this planned unit development subchapter;

(c) A specific schedule of the intended development and construction details, including phasing or timing;

(d) A specific schedule of the general improvements to constitute a part of the development including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features;

(e) A specification of the exterior building materials with respect to the structures proposed in the project; and

(f) Signatures of all parties having an interest in the property.

(2) Planning Commission and action.

(a) The final plan shall constitute an application to amend this chapter, and shall be noticed for public hearing as a zoning amendment before the Planning Commission, and otherwise acted upon by the Planning Commission and the City Council, as provided by law.

1. Approval. Upon finding that the final plan meets the criteria and standards set forth in §§ 154.135 and 154.136, the Planning Commission shall recommend approval to the City Council.

2. Tabling. Upon finding that the final plan does not meet the criteria and standards set forth in §§ 154.135 and 154.136, but could meet such criteria if revised, the Planning Commission may table action until a revised final plan is resubmitted.

3. Denial. Upon finding that the final plan does not and cannot meet the criteria and standards set forth in §§ 154.135 and 154.136, the Planning Commission shall recommend denial to the City Council.

(b) The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the planned unit development project including, without limitation, recommendations with respect to matters on which the City Council must exercise discretion.

(3) City Council action.

(a) Upon receiving a recommendation from the Planning Commission, the City Council shall review the final plan. Taking into consideration the recommendations of the Planning Commission and the criteria and standards set forth in §§ 154.135 and 154.136, the City Council shall approve, table or deny the final plan.

(b) Prior to approval of a final plan, the City Council shall require all standards and conditions of approval to be incorporated in a development agreement. The agreement shall be prepared by the City Attorney, reviewed by the City Planner, approved by the City Council, and signed by both the city and the applicant.

(Ord. 285, passed 12-8-2003; Ord. 361, passed 6-8-2015)

§ 154.138 PROJECT DESIGN STANDARDS.

(A) Residential design standards.

(1) The property shall be a minimum size of ~~two acres~~ **one acre**.

Wade Trim Commentary: The city's Master Plan outlines four "priority redevelopment sites" that "have significant potential for redevelopment and, if developed, would greatly contribute to the improvement of the community." (These sites include the Evan's Building, DPW Yard, Parkside, and Old Theater and are described on pages 66 through 73 of the Master Plan.) All four of these sites have the potential to accommodate some component of residential use. However, three of these four sites are less than two acres in size and would be disqualified from applying under the PUD option. This proposed amendment would lower the minimum parcel size qualification from two acres to one acre.

(2) (a) Residential density shall not be greater than the maximum density permitted in the zoning district in which the property is situated immediately prior to reclassification under this subchapter.

(b) Additional density for residential uses may be allowed at the discretion of the Planning Commission and based upon a demonstration by the applicant of consistency with

the Master Plan and of planning and design excellence resulting in a material benefit to the city, adjacent land uses, and/or the ultimate users of the project, where such benefit would otherwise be unlikely to be achieved without the application of the PUD regulations including, without limitation, innovative design producing significant energy efficiency, pedestrian or vehicular safety, long term aesthetic beauty, and protection and preservation of natural resources and features.

(B) Non-residential design standards.

(1) The property shall be a minimum size of one acre.

(2) Non-residential uses may be permitted in combination with other non-residential uses or as part of a common development with residential uses.

(3) The non-residential uses, including parking and vehicular traffic ways, shall be separated and buffered from residential units in a manner consistent with good land and community planning principles.

(C) General design standards.

(1) (a) All regulations applicable to setbacks, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the development based upon zoning districts in which the use is listed as a principal permitted use. In all cases, the strictest provisions shall apply.

(b) Notwithstanding division (C)(1)(a) above, deviations with respect to such regulation may be granted as part of the overall approval of the planned unit development, provided features or elements demonstrated by the applicant and deemed adequate by the Planning Commission are designed into the project plan for the purpose of achieving the objectives of this subchapter.

(2) To the maximum extent feasible, the development shall be designed so as to preserve the natural resources and natural features. The benefit, which would reasonably be expected to accrue from the proposal, shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state, and national concern for the protection and preservation of the natural resources or features and the following criteria:

(a) The availability of feasible and prudent alternative methods of accomplishing any development;

(b) The extent and permanence of the beneficial or detrimental effects of the proposed activity; and

(c) The size, quality, and rarity of the natural resources or natural features which would be impaired or destroyed.

(3) A perimeter setback and berming shall be required from the Planning Commission for the purpose of buffering the development in relation to surrounding properties. If the planned unit development project includes non-residential uses adjacent to a district

authorizing residential uses, and/or if the project is larger than one acre in area, such perimeter setback shall be established with a dimension from the property line of up to 50 feet at the discretion of the Planning Commission, taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.

(4) Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.

(5) Underground installation of utilities shall be required, including electricity and telephone, as found necessary by the Planning Commission.

(6) Pedestrian walkways shall be separated from vehicular circulation, as found necessary by the Planning Commission.

(7) Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.

(8) Where non-residential uses adjoin off-site residentially zoned property, noise reduction, and visual screening mechanisms such as earthen and/or landscape berms and/or decorative walls, shall be employed. The Planning Commission, at its discretion, shall review and approve the design and location of such mechanisms.

(9) The City Council upon the recommendation of the Planning Commission shall resolve all ambiguities as to applicable regulations using this chapter, the Master Plan, and other city standards or policies as a guide.

(Ord. 285, passed 12-8-2003) Penalty, see § 154.999

§ 154.139 CONDITIONS.

(A) Reasonable conditions may be required with the approval of a planned unit development, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.

(B) Conditions imposed shall be designed to: protect the public health, safety, and welfare; preserve natural features and resources; and be necessary to meet the intent and purpose of this chapter, and ensure compliance with the standards of this chapter. All conditions imposed shall be made a part of the record of the approved planned unit development.

(Ord. 285, passed 12-8-2003) Penalty, see § 154.999

§ 154.140 PHASING AND COMMENCEMENT OF CONSTRUCTION.

(A) Phasing. Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. All conditions that are phase specific shall be completed during development of the subject phase, and cannot be postponed for completion during other phases. In addition, in developments which include residential and non-residential uses, the relative mix of uses, and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable at the discretion of the City Council after recommendation from the Planning Commission.

(B) Commencement and completion of construction. To ensure completion of required improvements, the city is authorized to impose performance guarantees in accordance with § 154.027. Construction shall be commenced within one year following final approval of a planned unit development and shall proceed substantially in conformance with the schedule set forth by the applicant, as required by division (A) above. If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void, provided, an extension for a specified period may be granted by the City Council upon good cause shown if such request is made to the City Council prior to the expiration of the initial period. Moreover, in the event a site plan has expired, the City Council, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner and, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in light of then existing and applicable law and ordinance provisions.

(Ord. 285, passed 12-8-2003) Penalty, see § 154.999

§ 154.141 EFFECT OF APPROVAL.

(A) When approved, the planned unit development amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such amendment.

(B) Notice of adoption of the final PUD plan and conditions shall be recorded by the applicant at the County Register of Deeds, evidence of which shall be supplied to the Zoning Administrator.

(Ord. 285, passed 12-8-2003) Penalty, see § 154.999

(4) Restriction on parking on private property. It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property without the authorization of the owner or agent of such property.

(Ord. 285, passed 12-8-2003; Ord. 381, passed - - 2017) Penalty, see § 154.999

§ 154.177 OFF-STREET PARKING REQUIREMENTS.

(A) Generally. The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the schedule set forth in § 154.178. Parking requirements listed in § 154.178 shall not include off-street stacking spaces for drive-through facilities set forth in § 154.181.

(B) Similar uses and requirements. When a use is not specifically mentioned, the requirements of off-street parking for a similar use shall apply as determined by the Planning Commission.

(C) Collective provisions. Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided:

(1) Such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with § 154.178. However, the Planning Commission may reduce the total number of spaces by up to 25% upon a determination that the peak space requirements for the individual uses occur at distinctly different times;

(2) Each use served by collective off-street parking shall have direct access to the parking without crossing any public rights-of-way; and

(3) Written easements which provide for continued use and maintenance of the parking shall be submitted to the city for approval.

(D) Parking exemption. As of the effective date of this chapter, buildings and uses located within the Central Business District (CBD) shall be exempt from providing off-street parking. However, in no case shall a building or use be expanded to remove off-street parking established before the effective date of this chapter. Parking areas constructed in the CBD shall meet all design requirements of this chapter.

(E) Flexibility in application.

(1) (a) The city recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards set forth in § 154.178 may result in development with inadequate parking or parking far in excess of that which is needed.

(b) The former situation may lead to traffic congestion or unauthorized parking on adjacent streets or neighboring sites. The latter situation may result in excessive paving and stormwater runoff and a waste of space, which could be left as open space.

(2) The Planning Commission, based on a recommendation from the Planning Consultant may permit deviations from the requirements of § 154.178 and may require more or allow less parking whenever it finds that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question.

(3) (a) The Planning Commission shall attach conditions to the approval of a deviation from the requirement of § 154.178 that bind such approval to the specific use in question.

(b) Where a deviation results in a reduction of parking, the Planning Commission may further impose conditions which ensure that adequate reserve area is set aside for future parking, as needed.

(Ord. 285, passed 12-8-2003; Ord. 371, passed 6-8-2015) Penalty, see § 154.999

§ 154.178 TABLE OF OFF-STREET PARKING REQUIREMENTS.

The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following table.

<i>Use</i>	<i>Required No. of Parking Spaces</i>	<i>Per Each Unit of Measure as Follows:</i>
<i>Automotive Uses</i>		
Automotive repair facilities and collision shops	3	Per each service stall, plus 1 per each employee at peak shift, plus 1 per each service vehicle
Automobile service stations with convenience store	1	Per each pump unit, plus 3 per each service stall, plus 1 per each employee at peak shift, plus 1 per each 150 sq. ft. of floor area devoted to retail sales and customer service
Automobile service stations without convenience store	1	Per each pump unit, plus 3 per each service stall, plus 1 per each employee at peak shift
Car washes (automatic)	1	Per 200 sq. ft. of floor area of customer waiting and service areas, plus 1 per each vacuum station, plus 1 per each employee at peak shift, plus stacking spaces required per § 154.181
Car washes (self-serve)	1	Per each wash stall, plus 1 per each vacuum station, plus 1 per each employee

		at peak shift, plus stacking spaces required per § 154.181
Sales of automobile, boats, mobile homes, farm machinery, and other vehicles	1	Per each 200 sq. ft. of showroom floor area, plus 1 per each employee at peak shift, plus 1 per each service stall
General Commercial Uses		
Bars/lounges	1	Per each 3 persons based upon the maximum occupancy load as established by Fire and/or Building Codes, plus 1 per each employee at peak shift
Convenience stores and video stores	1	Per 150 sq. ft. of floor area
Fast-food restaurants	1	Per each 125 sq. ft. of floor area, plus 1 per each employee at peak shift, plus stacking spaces required per § 154.181
Garden stores and nurseries, farm supply and feed stores, building material sales	1	Per each 800 sq. ft. of floor area
Grocery stores, drugstores, and other self-serve retail establishments	1	Per 150 sq. ft. of floor area
Lodging facilities	1	Per each guest bedroom, plus 1 per employee at peak shift, plus amount required for accessory uses, such as a restaurant or cocktail lounge
Movie theaters	1	Per each 4 seats based on the maximum seating capacity, plus 1 per each employee at peak shift
Planned shopping center	1	Per 200 sq. ft. of floor area for the first 15,000 sq. ft., plus 1 per 250 sq. ft. of floor area in excess of 15,000 sq. ft.
Retail sale of furniture, appliances, hardware	1	Per each 150 sq. ft. of floor area, plus 1 per each employee at the peak shift
Retail stores, not specifically enumerated herein	1	Per each 150 sq. ft. of floor area specified herein
Standard restaurants	1	Per each 3 seats, based on maximum occupancy per Building Code, plus 1 per each employee at peak shift
Industrial Uses		
Contractors office	1	Per each employee at peak shift
Industrial or manufacturing	1	Per each employee at peak shift, or 1 per each 800 sq. ft. of floor area (whichever is

establishments		greater)
Self-storage facilities	1	Per each employee at peak shift, plus 1 per each 250 sq. ft. of office area
Warehouses and storage buildings	1	Per each employee at peak shift, or 1 per each 2,000 sq. ft. of floor area (whichever is greater)
<i>Institutional Uses</i>		
Child care center or nursery schools	1	Per each 5 students, plus
Churches/other institutions for religious worship	1	Per each 3 seats based on maximum seating capacity in the main place of assembly therein, as established by Fire and/or Building Codes
Day care homes	1	Per each employee and/or caregiver
Elementary and middle schools	1	Per each teacher, plus 1 per each 25 students, plus 1 per each employee at peak shift, plus 1 per 3 seats for auditoriums, stadiums, and the like
High schools, trade schools, colleges, and universities	1	Per each teacher, plus 1 per each 10 students, plus 1 per each employee peak shift, plus 1 per three seats for auditoriums, stadiums, and the like
Hospitals	1	Per each 4 beds, plus 1 per staff doctor, plus 1 per each employee at peak shift
Libraries and museums	1	Per each 500 sq. ft. of floor area
Nursing homes, assisted living facilities , and convalescent centers	1	Per each 5 beds, plus 1 per each staff doctor, plus 1 per each employee at peak shift
Private clubs and lodges	1	Per each 3 individual members allowed within the maximum occupancy load as established by Fire and/or Building Codes
Stadiums, sports arenas, and auditoriums	1	Per each 3 seats based on maximum seating capacity per Building Code
<i>Office and Service Uses</i>		
Banks	1	Per each 200 sq. ft. of floor area, plus stacking spaces required per § 154.181
Barber and beauty shops	3	Per each chair
Business and professional offices	1	Per each 200 sq. ft. of floor area
Funeral home or mortuary	1	Per 50 sq. ft. of floor area
Laundromats	1	Per 2 wash machines
Medical and dental office	1	Per each 150 sq. ft. of floor area
Photographic studios; watch, clothing, and shoe	1	Per 250 sq. ft. of floor area

repair; and similar personal service establishments		
Recreational Uses		
Bowling alleys	4	Per bowling lane, plus 1 per employee at peak shift, plus amount required for accessory uses such as a restaurant or cocktail lounge
Community building	1	Per each 3 seats based on the maximum occupant load per the Building Code
Golf course, open to the general public	5	Per each hole, plus 1 per each tee of driving range, plus 1 per each employee at peak shift, plus amount required for accessory uses such as a restaurant or cocktail lounge
Private country club, swim or golf clubs, fitness center, or other similar uses	1	Per each 2 memberships, plus 1 per each employee at peak shift, plus amount required for accessory uses such as a restaurant or cocktail lounge
Residential Uses		
Adult foster care homes	1	Per each 3 beds, plus 1 per each employee at peak shift
Elderly housing	1	Per each dwelling unit, plus 1 per each 10 dwelling units, plus 1 per each employee at peak shift
Mobile home parks	2	Per each trailer unit, plus 1 per each 3 dwelling units, plus 1 per each employee at peak shift
Townhouses, three-family dwellings, and multiple-family dwellings	2	Per each dwelling, plus 1 per each 10 dwelling units
Single- or two-family dwelling	2	Per each dwelling unit

Wade Trim Commentary: This amendment clarifies the off-street parking needed for assisted living facilities, townhouses, and three-family dwellings.

(Ord. 285, passed 12-8-2003) Penalty, see § 154.999

§ 154.179 OFF-STREET PARKING LOT DESIGN AND CONSTRUCTION.

(A) The construction of any parking lot shall be in accordance with the requirements of the provisions of this chapter and completed before a certificate of occupancy is issued.

(B) Unless incorporated in a site plan, prepared and approved in accordance with § 154.024, plans for the development of any parking lot must be submitted to the Zoning

(b) Street crossings. Where it is necessary for the pedestrian access to cross maneuvering aisles or internal roadways, the crossings shall emphasize and place priority on pedestrian access and safety. The pedestrian crossings must be well marked using such pavement treatments, signs, striping, signals, lighting, pedestrian safety islands, landscaping, and other traffic calming techniques.

(Ord. 285, passed 12-8-2003) Penalty, see § 154.999

§ 154.184 OUTDOOR STORAGE OF RECREATION VEHICLES.

In all residential districts, a recreational vehicle may be parked or stored subject to the following conditions.

(A) Storage or parking shall not be permitted on vacant lots or parcels.

(B) Unless within a completely enclosed building, a recreational vehicle shall be parked or stored in one of the following manners:

(1) Within the side or rear yard, but no closer than five feet from any side or rear lot line; or

(2) In those instances where the side or rear yard is not accessible or has insufficient clearance for the passage of a recreational vehicle, the Zoning Administrator may allow the parking or storage of a recreational vehicle in the front yard. In those instances where a recreational vehicle is to be parked or stored in a front yard, only the driveway portion of such yard shall be utilized and in no instance shall such recreational vehicle be parked or stored in a manner which obstructs pedestrian or vehicular visibility.

(C) No recreational vehicle shall be used for living, sleeping, or housekeeping purposes on the premises, except for occasional living purposes to accommodate visitors not to exceed a maximum period of two weeks.

(D) No recreational vehicle shall be stored on a public street or right-of-way or private road easement.

(E) A recreational vehicle stored outside shall be in a condition for the safe and effective performance of its intended function.

(Ord. 285, passed 12-8-2003) Penalty, see § 154.999

NONCONFORMING USES, STRUCTURES, AND LOTS

§ 154.195 INTENT.

Certain existing lots, structures, and uses of lots and structures were lawful before this chapter was adopted, but have become nonconformities under the terms of this chapter

and its amendments. It is the intent of this chapter to permit such nonconformities to remain until they are discontinued or removed, but not to encourage their survival or, where discontinuance or removal is not feasible, to gradually upgrade such nonconformities to conforming status. Nonconformities shall not be enlarged, expanded, or extended, except as provided herein, and shall not be used as grounds for adding other structures and uses of lots and structures which are prohibited. Nonconformities are declared by this chapter to be incompatible with the structures and uses permitted in the various districts.

(Ord. 285, passed 12-8-2003)

§ 154.196 NONCONFORMING LOTS.

(A) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lots shall conform to the regulations for the district in which such lot is located.

(B) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the lands involved shall be considered to be an undivided parcel for the purpose of this chapter, and no portion of said parcel or lot shall be used or sold which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel or lot be made which leaves remaining any parcel or lot with width or area below the requirements stated in this chapter.

(Ord. 285, passed 12-8-2003) Penalty, see § 154.999

§ 154.197 NONCONFORMING USES OF LAND.

Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of the chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions.

(A) No such nonconforming uses shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.

(B) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.

(C) If such nonconforming use of land ceases operation for more than six consecutive months, or for 18 months during any three-year period, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

(Ord. 285, passed 12-8-2003) Penalty, see § 154.999

§ 154.198 NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions.

(A) No such structure may be enlarged or altered in a way which increases its nonconformity.

(B) Should such structure be destroyed by any means to an extent of more than 50% of replacement value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

(C) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord. 285, passed 12-8-2003) Penalty, see § 154.999

§ 154.199 NONCONFORMING USES OF STRUCTURES AND LAND.

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this chapter that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

(A) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

(B) Any nonconforming use may be extended throughout any interior part of a building which was manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.

(C) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations pertaining to the uses permitted in the district in which such structure is located, and the nonconforming use may not thereafter be resumed. Section 154.198 of this section shall apply to any nonconformity relating to the structure(s).

(D) If such nonconforming use of land ceases operation for more than six consecutive months, or for 18 months during any three-year period, any subsequent use of such land shall conform to the regulations specified by the ordinance pertaining to the uses permitted in the district in which such land is located. Structures occupied by seasonal uses shall be excepted from this provision only so long as seasonal uses shall continue.

(E) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(F) (1) If no structural alterations are made, any nonconforming use of structure, or structure and premises, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use.

(2) In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this chapter.

(3) Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.

(Ord. 285, passed 12-8-2003) Penalty, see § 154.999

§ 154.200 REPAIRS AND MAINTENANCE.

(A) On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding 50% of the replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased.

(B) (1) A nonconforming structure, nonconforming portion of a structure, or a structure containing a nonconforming use which is physically unsafe or unlawful due to lack of repairs and maintenance, as determined by the Building Official may be restored to a safe condition.

(2) Where enlargement or structural alternation is necessary to allow compliance with health and safety laws or ordinances, the cost of such work shall not exceed 25% of the structure's fair market value, as determined by the assessor at the time such work is done. (Ord. 285, passed 12-8-2003) Penalty, see § 154.999

§ 154.201 USES ALLOWED AS SPECIAL APPROVAL USES, NOT NONCONFORMING USES.

Any use for which special approval is permitted as provided in this chapter shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

(Ord. 285, passed 12-8-2003) Penalty, see § 154.999

§ 154.202 CHANGE OF TENANCY OR OWNERSHIP.

A change of tenancy, ownership, or management of any existing nonconforming uses of land, structures, and premises is permitted provided no change in the nature or character of such nonconforming uses occur except in conformity with the provisions of this chapter.

(Ord. 285, passed 12-8-2003) Penalty, see § 154.999

§ 154.203 SINGLE FAMILY DWELLING AS A NONCONFORMING USE.

Notwithstanding any of the requirements outlined in Sections 154.195 through 154.202 above, an existing, lawfully established single family dwelling and customary accessory structures located in a non-residential zoning district may be repaired, structurally altered, or replaced if destroyed, provided that:

(A) Such work shall conform to all applicable standards of this chapter as if the property and use were located in the single family residential zoning district (R-1, R-2 or R-3) most similar in terms of the minimum lot width and area requirements to the size of the subject lot.

(B) The use, dwelling, and accessory structures shall be maintained in conformance with all other applicable federal, state, and local laws, ordinances, regulations and rules.

Wade Trim Commentary: The City Council requested this exception to be included for nonconforming single family dwellings within non-residential zoning districts so that they can be rebuilt if destroyed.

Note: The possibility of a nonconforming commercial building being rebuilt if destroyed was also discussed during the City Council Study Session. We did not include a provision to this effect in this draft of zoning amendments. It is our opinion that, if a nonconforming commercial use in a residential zoning district was destroyed, the property owner should be required to seek a rezoning to a commercial district. This would allow for input from neighboring property owners during a public hearing and the City Council could approve or deny the rezoning request on a case-by-case basis.