

3.8 (R-3 HIGH DENSITY RESIDENTIAL DISTRICT)

The R-3 District is established to provide areas for high density attached single family dwellings and multi-family apartment style dwellings.

(a) Permitted uses.²⁸

1. Two family attached dwellings
2. Attached (townhouse style) single family dwellings
3. Multi-family apartment buildings
4. Family Day Care Homes
5. Existing one and two family dwellings.

(b) Conditional uses.²⁹

1. Public and semi-public uses
2. Community living arrangements
3. Home Occupations, see Chapter 17, Section 3.18 below
4. Utilities
5. Planned Residential Developments (see 3.6(B))
6. Child Day Care Operations
7. Residential housing including , but not limited to apartments or similar structures for habitation by the elderly not requiring specialized residential medical or nursing care.
8. New One and two family dwellings.
9. Bed and Breakfast Establishments. As defined in Chapter 17, Section 12.
10. The outside storage of more than one of each of the following: building for winter ice fishing, recreational mobile home trailer, recreational camping trailer, recreational motor home, utility tractor, race car or other recreational vehicle, or more than two (2) boats (including canoes) over sixteen (16) feet in length, provided the above is or are owned by the resident or family members.
11. Existing single family dwellings that are rented to tourists or other transients for a period less than one (1) month.

(c) Minimum lot area –

- Two family dwelling 8,000 sq.ft.
- Attached single family dwellings 10,000 sq.ft.
- Apartment dwellings 12,000 sq.ft.
- Minimum lot area per dwelling unit for attached housing.
- Efficiencies 1,000 sq.ft.
- 1 bedroom 1,500 sq.ft.
- 2 bedroom 2,000 sq.ft. more than 2 bedrooms 500 sq.ft. each additional bedroom over 2

(d) Minimum lot width - 80 ft.

(e) Minimum yard requirements - front 25 ft.; side 1/2 the building height or corner lot street yards 15 ft.; rear 25 ft.

(f) Maximum lot coverage - 40%

(g) Maximum building height - 4 stories or 45 ft.

3.9 (R-4 MOBILE HOME DISTRICT)

The R-4 District is established to provide areas for established mobile homes.

(a) Permitted uses.³⁰

1. Single family mobile homes and single multi-section manufactured dwellings.
2. Existing single-family dwellings (must comply with R-1 standards).
3. Family Day Care Homes

(b) Conditional uses.³¹

1. Additional outside storage (see 3.6(B))
2. Public and semi-public uses
3. Home Occupations, see Chapter 17, Section 3.18 below
4. Child day care operations
5. Mobile home parks governed by Chapter 12.15 of the City Municipal Code
6. Planned Residential Developments as per Section 3.6.

²⁸ Section 3.0 – 3.8 (a) – Amended by Ordinance 2014-29

²⁹ Section 3.0 – 3.8 (b) – Amended by Ordinance 2014-29

³⁰ Section 3.0 – 3.9 (a) – Amended by Ordinance 2014-29

³¹ Section 3.0 – 3.9 (b) – Amended by Ordinance 2014-29

easements, and railroad rights-of-way or such lines extended; unless otherwise noted on the zoning map. The boundaries of the Floodplain Overlay Districts are based on flood profiles for the 1965 high-water for the Mississippi River.

3.3 (VACATION OF STREETS AND ALLEYS)¹⁷

Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts. Any utility easements shall be reserved unless specifically waived. A processing fee of \$100.00 shall be charged to any applicant requesting vacation of a public street or alley.

3.4 (ANNEXATION AND CONSOLIDATIONS)

Annexations to or consolidations with the City subsequent to the effective date of this ordinance shall be placed temporarily in the AT Agricultural Transition District unless the annexation ordinance places the land in another district.

3.5 (ZONING MAP)¹⁸

A certified copy of the zoning map shall be adopted and approved with the text as part of this title Chapter and shall bear upon its face the attestation of the Mayor and City Clerk and shall be available to the public in the office of the Zoning Administrator. Changes thereafter to the districts shall not be effective until entered and attested to by the Mayor and City Clerk on this certified copy.

3.6 (R-1 LOW DENSITY RESIDENTIAL DISTRICT)

The R-1 District is established to provide areas primarily for low density detached single family homes.

(a) Permitted uses.¹⁹

1. New or relocated single-family detached dwellings providing same have a minimum core living area of at least 24 feet in length by 24 feet in width.
2. Existing single-family dwellings and additions thereto which are in existence and in conformity with the zoning code (this chapter) at the time of the effective date of Ordinance No. 95-11.
3. Family Day Care Homes.

(b) Conditional uses.²⁰

1. Public and semi-public uses.
2. Home Occupations, see Chapter 17, Section 3.18 below
3. Community Living Arrangements
4. Child day care operations
5. The outside storage of more than one of each of the following: building for winter ice fishing, mobile home trailer, camper, utility tractor, two (2) boats or canoes over sixteen (16) feet, race car or other recreational vehicle, provided the above named are owned by the resident or family members.
6. Planned Residential Developments. In order to allow greater flexibility in land use and building design without increasing the intensity of use, the Plan Commission may allow as a conditional use the following variations from the district requirements.
 - a. More than one (1) structure may be placed on a lot provided that the total number of dwelling units permitted in the district (based on the minimum lot area required) is not exceeded. The required land area per dwelling unit shall remain the same, but the requirement may be met by providing the area in commonly owned space.
 - b. The yard requirements between buildings shall be fixed by the Plan Commission. Building setbacks from the perimeter of the site shall comply with front yard, rear yard and side yard requirements of the district.
 - c. Private streets may be approved to serve uses within the site provided that the site proposed for PRD has frontage on a public street.
7. Duplex conversion of large older homes.
8. Utilities.
9. Bed and Breakfast Establishments. As defined in Chapter 17, Section 12.

¹⁷ Section 3.0 – 3.3 - Amended by Ordinance 2004-10

¹⁸ Section 3.0 – 3.5 - Amended by Ordinance 790, Ordinance 99-02 and Ordinance 2010-14

¹⁹ Section 3.0 – 3.6 (a) – Amended by Ordinance 2014-29

²⁰ Section 3.0 – 3.6 (b) – Amended by Ordinance 2014-29

10. Existing single family dwellings that are rented to tourists or other transients for a period less than one (1) month.
- (c) Minimum lot area - 6,000 sq. ft.
- (d) Minimum lot width - 60 feet.
- (e) Minimum yard requirements - front 15 ft.; side 8 ft.; corner lot street yard 15 ft.; rear 25 ft.²¹
- (f) Maximum lot coverage - 30%
- (g) Maximum building height - 3 stories or 35 feet.
- (h) All principal structures must be set on an enclosed concrete, masonry, or treated wood foundation supporting the structure.²²

3.7 (R-2 MEDIUM DENSITY RESIDENTIAL)

The R-2 District is established to provide areas for medium density residential uses.

- (a) Permitted uses.²³
 1. New or relocated, single-family detached dwellings, minimum living area 24 feet in width and 24 feet in length.
 2. New and relocated two-family attached dwellings, minimum living area 24 feet in width and 24 feet in length per unit.
 3. Existing single-family and two-family dwellings and additions thereto which are in existence and in conformity with the zoning code (this chapter) at the time of the effective date of Ordinance No. 95-11.
 4. Family Day Care Homes.
- b) Conditional uses.
 1. Attached (townhouse style) single family dwellings up to eight (8) units per building.
 2. Home Occupations, see Chapter 17, Section 3.18 below
 3. Public and semi-public uses.
 4. Child day care operations.
 5. Additional outside storage (see 3.6(B))
 6. Community living arrangements
 7. Planned Residential Developments (see 3.6 (B))
 8. Conversion of large older homes (homes with original floor area greater than two-thousand (2,000) sq. ft., to more than 2 living units.²⁴
 9. Utilities²⁵
 10. Bed and Breakfast Establishments. As defined in Chapter 17, Section 12.
 11. Existing single family dwellings that are rented to tourists or other transients for a period less than one (1) month.
- (c) Minimum lot area
 - One family detached dwellings 6,000 sq. ft.
 - Two family dwellings 8,000 sq. ft.
 - Attached (townhouse style) single family dwellings 10,000 sq. ft.
 - Minimum lot area per dwelling unit
 - Efficiency 1,500 sq.ft.
 - 1 bedroom 2,000 sq.ft.
 - 2 bedroom 2,500 sq.ft. more than 2 bedrooms
 - 550 sq.ft. for each additional bedroom over 2
- (d) Minimum lot width - 80 ft.
- (e) Minimum yard requirements - front 15 ft.; side 8 ft.; corner lot street yards 15 ft.; rear 25 ft.²⁶
- (f) Maximum lot coverage - 35%
- (g) Maximum building height - 3 stories or 35 ft.
- (h) All principal structures must be set on an enclosed concrete, masonry or treated wood foundation supporting the structure.²⁷

²¹ Section 3.0 – 3.6 (e) - Amended by Ordinance 2006-06

²² Section 3.0 – 3.6 (h) - Created by Ordinance 95-11

²³ Section 3.0 – 3.7 (a) - Created by Ordinance 95-11 and amended by Ordinance 2014-29

²⁴ Section 3.0 – 3.7 (b) (8) - Revised by Ordinance 689

²⁵ Section 3.0 – 3.7 (b) (9) - Revised by Ordinance 689

²⁶ Section 3.0 – 3.7 (e) - Amended by Ordinance 2006-06

²⁷ Section 3.0 – 3.7 (h) - Created by Ordinance 95-11

7. Agreements, by-laws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the Planned Community Development.

b. At a regular meeting, the Plan Commission shall approve or require changes consistent with the approved general development plan. Upon final approval of the Specific Implementation Plans they shall be filed with the Zoning Administrator and shall be referred to in regard to enforcement or modification of the development plans. All covenants, restrictions or contractual agreements with the City shall be recorded with the Register of Deeds before final issuance of building permits.

(e) Modifications. Any subsequent change of use of any parcel of land or addition or modification of any approved development plans shall be submitted to the Plan Commission for approval. Minor changes can be granted administratively by the Plan Commission. Major changes shall require a public hearing preceded by a Class 2 Notice.

3.16 (AT AGRICULTURAL TRANSITION DISTRICT)

The purposes of the AT District are to provide for the orderly transition of agricultural land to other uses in areas planned for eventual City expansion and to ensure that development is compatible with City land use plans and policies.

(a) Permitted uses

1. Beekeeping; dairying; floriculture; orchards; plant nurseries; animal hospitals; truck farming, sod farming; horticulture; grazing; greenhouses; viticulture; paddocks; equestrian trails; nature trails; stables; forest and game management; livestock and poultry raising (except for commercial operations); roadside stands not exceeding one per farm, and similar agricultural uses.

2. Two single family dwelling units for resident owner/operators and their children and parents or laborers principally engaged in conducting a permitted or approved conditional use.

(b) Conditional Uses.³⁹

1. Mineral extraction operations

2. The storage and sale of seed, feed fertilizer and other products essential to farm production.

3. Housing for seasonal farm laborers

4. More than two single family dwelling units for resident owner/operators and their children and parents or laborers principally engaged in conducting a permitted or approved conditional use.

5. Utilities.

(c) Lot area requirements. Farm units-minimum 5 acres; Additional farm-related housing-minimum 20,000 sq. ft., maximum 80,000 sq. ft.; Agriculturally-related business uses-minimum 1 acre.

(d) Minimum yard requirements. Additional farm-related housing shall comply with the provisions of the R-1 District. Farm buildings-side 50 ft.; rear 50 ft.

(e) Maximum building height. Two (2) times their distance from adjacent lot lines.

(f) Pre-existing residences in the Agricultural Transition District that do not conform to district standards may be continued in residential use and are not subject to the limitation of Section 7.0 Nonconforming Uses, however, are subject to R-1 District Regulations.

3.17 (FLOODPLAIN OVERLAY DISTRICTS)⁴⁰

Repealed.

3.18 (HOME OCCUPATIONS)⁴¹

(1) PURPOSE. The purpose of this ordinance is to regulate the owners and operators of home-based businesses to ensure compliance of such businesses with this code.

(2) DEFINITIONS. For the purposes of this section, the following definitions shall be applied.

(a) "Heavy equipment" means backhoes, trenchers, loaders, tractors, bulldozers, graders, cranes, forklifts or similar like equipment.

(b) "Home-based business" means any business that is a home occupation in a residential district or a portion of a district governed by residential zoning requirements.

³⁹ Section 3.0 – 3.16 (b) (5) - Revised by Ordinance 689

⁴⁰ Section 3.0 – 3.17 - Amended by Ordinance 2010-14

⁴¹ Section 3.0 – 3.18 – Created by Ordinance 2014-29

(c) "Home occupation" means any gainful occupation conducted in a residential structure which meets all of the following conditions:

1. Employees. Only occupants of the home or no more than one (1) non-occupant as a conditional use permit.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation. Day care and home care are exempt from the 25% gross floor area requirement.
3. No home occupation shall be conducted in more than fifty (50) percent of accessory buildings, unless approved with a conditional use permit.
4. All sales in connection with such home occupation shall be clearly related to the service provided.

(d) "Professional home offices" shall be defined, for the purposes of this section, in terms of the following two categories: residences of doctors or medicine, dentistry, architects, land architects, professional engineers, registered land surveyors, accountants, investment advisors, lawyers and insurance and real estate brokers; and residences of other recognized professions and occupations of a service or craft character in which the work space does not exceed fifty percent (50%) of the area of only one floor of the residence and no more than one (1) non-resident person is employed. If under twenty-five percent (25%) no conditional use permit is required. If over fifty percent (50%), no conditional use permit may be allowed.

(e) "Visible" shall be defined as parked on the driveway or on the street.

(3) IMPACT ON NEIGHBORS.

(a) No vehicular traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.

(b) No home occupation may have deliveries to or from the dwelling more than once in any one month or four times in any 12-month period by truck tractor trailer having a combined maximum vehicle and load weight limit in excess of 10,000 pounds or trailers requiring a license to be operated on highways in the state. This delivery restriction does not apply to step van vehicles such as United Parcel Service or Federal Express vehicles.

(c) No equipment/process that creates visual/audio electrical interference.

(d) There shall be no noise, fumes, glare or vibrations generated by the home occupation which have a detrimental effect on neighboring properties.

(e) There shall be no visual external display of products on the premises.

(f) There shall be no external evidence of the home occupation, with the exception of signage.

(g) No combustibles, oxidizers or other potentially dangerous supplies or equipment shall be stored on the premises, unless locked in a metal locker, designed for storage of same.

(4) SIGNAGE. No advertising sign of any character shall be permitted for any home-based business, except for one non-illuminated sign, not exceeding four (4) square feet in area.

(5) VEHICLES. Only one (1) vehicle whose primary use is associated with the Home Occupation, and is licensed and registered to the owner of the Home Occupation, may be visible.

(6) ZONING REQUIREMENTS. Home Occupation shall only be conducted in a Residential Zoning District or in Duplex or Multi-Family zoned districts, where it shall be considered a conditional use with the owner /landlord's written approval or authorization and/or as a condition of the lease/contract.

(7) HOME OCCUPATIONS ALLOWED. When within the above requirements, a home occupation includes, but is not limited to, the following:

- (a) Licensed Childcare Operation with less than four (4) children present at any one time
- (b) Computer Sales and Consultation
- (c) Computerized Sign Making
- (d) Draperies, Tailors and the like
- (e) Insurance, Accounting and/or Investment Office
- (f) Telecommunications Office
- (g) Telemarketing Office

(8) HOME OCCUPATION PERMITS. The following may be permitted uses providing annual inspections are made of the premises to determine and evaluate Health Safety, Public Welfare and Neighborhood Property

Considerations. These conditional use permits shall be brought to the Plan Commission. All Conditional Use Permits issued to Home Occupation uses shall be subject to the fees established by the Plan Commission. An initial Conditional Use Permit shall be reviewed by the Plan Commission at the first regularly-scheduled meeting held after one year has passed from the issuance of the initial Conditional Use Permit, for the purpose of determining whether the home-based business is meeting the conditions of this code and any additional requirements of the Conditional Use Permit. A Conditional Use Permit may not be transferable due to the sale of the property or transfer of said property to another person, firm, corporation or legal entity.

- (a) Professional Home Offices
- (b) Any home occupation with a non-occupant employee
- (c) Any home occupation in a Duplex or Multi-Family Zoned District (R-2, R-3 or R-4)
- (d) Any home occupation not defined in Section 7 above

(9) **NOT ACCEPTABLE AS HOME OCCUPATIONS.** The following shall not be acceptable as home occupations.

- (a) Auto or Light Truck Repair
- (b) Auto or Light Truck Sales
- (c) Welding or Metal Working Shops
- (d) Any and all businesses that would store or park heavy equipment on residential property.
- (e) Restaurants
- (f) Households holding rummage sales more than four (4) times per year.
- (g) Machine, tool and die, or similar type shops.
- (h) Heating, ventilation, air conditioning or similar businesses.
- (i) Any other uses or occupation that would have negative impact on the neighborhood and property values, or affects the health, safety and welfare of adjacent residents.

(10) **STATE AND FEDERAL LAWS APPLICABLE.** All Home Occupations shall comply with applicable State and Federal laws, rules and regulations and prior to the issuance of a Home Occupation Permit, the applicant shall furnish proof of compliance.

SECTION 4.0 (TRAFFIC, PARKING AND ACCESS)

4.1 (INTERSECTION VISIBILITY REQUIREMENTS)

At all intersections of streets or alleys, no fence, hedge, wall, sign or other structure shall be erected, placed, planted or allowed to grow in such a manner as to impede more than fifteen percent (15%) of the vision area between a height of two and one-half (2 1/2) feet and ten (10) feet above the established curb level of the intersection of streets or alleys in the area bounded by the street lines (curbs) and a line joining points along said street lines twenty five (25) feet from the point of intersection. In the case of major streets and highways intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

4.2 (LOADING REQUIREMENTS)

In all districts adequate loading areas shall be provided so that all vehicles loading, maneuvering to do so, or unloading are completely off the public ways. Existing uses are exempted from this requirement.

4.3 (PARKING REQUIREMENTS)⁴²

In all districts, except B-1 Central Business District, and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended or increased, off-street parking stalls for all vehicles in accordance with the following:

- (a) Adequate access - driveways. Adequate access to public street shall be provided for each parking space, and driveways shall be at least ten (10) feet wide for parking areas for less than ten (10) vehicles and two ten (10) feet lanes for parking lots for ten (10) or more vehicles. No driveway may be closer than two (2) feet to an abutting property line other than a street line, with the exception that on a lot where the side yard distance to the principal structure is less than fifteen (15) feet or where two adjacent lots have a common driveway serving both and it is established by recorded mutual easement, then the two (2) foot minimum distance shall not apply.⁴³

⁴² Section 4.0 – 4.3 - Revised by Ordinance 97-04

⁴³ Section 4.0 – 4.3 (a) - Repealed and recreated by Ordinance 806 and amended by Ordinance 2014-27