

## ZONING

### Sec. 32-245. Table of uses.

(a) When uses in a district are listed as both permitted and as conditional uses, or when any other conflict appears in this chapter with respect to permitted uses within a district, the more restrictive portion shall be applied.

(b) Uses shall be allowed according to the use table in subsection (c) of this section. When a specific use is not listed, the closest similar listed use shall determine the restrictions and conditions which apply.

(c) Uses in conservancy, agricultural, residential and general business districts:

USE	ZONING DISTRICT				
	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
<i>(KEY)</i> <i>P = Permitted</i> <i>C = Conditional use permit and public hearing</i> <i>I = Interim Use Permit and public hearing</i> <i>CC = Certificate of compliance</i> <i>A = Permitted accessory use</i> <i>N = Not permitted</i>					
Agriculture. (See section 32-345.)	C	P	P	P	N
Agricultural business, seasonal.	N	C	C	N	N
Airports, airstrip, heliports. (See section 32-279.)	N	C	C	N	N
Animals, commercial training.	N	C	N	N	N
Animals, domestic farm (See section 32-337.)	N	P	P	P	N
Antennas or towers over 35 feet in height (as permitted by section 32-249.)	N	C	C	C	C
Archery range, commercial outdoors.	C	C	C	N	N
Armories, convention halls and similar uses.	N	N	N	N	N
Apartment buildings.	N	N	N	N	N
Auto/car wash.	N	N	N	N	C
Auto reduction yard; junk yard.	N	N	N	N	N
Automobile repair.	N	N	N	N	C
Automobile service station. (See section 32-340.)	N	N	N	N	C
Bed and breakfast. (See section 32-327.)	N	C	C	C	N
Blacktop or crushing equipment for highways.	N	C	N	N	N
Boarders.	N	N	N	N	N
Boat dock, noncommercial. (See county chapters 2 and 7.)	A	A	A	A	N
Boat, trailer, marine sales--enclosed.	N	N	N	N	C
Broadcasting studio.	N	N	N	N	C
Business--seasonal.	N	C	C	C	C
Campgrounds, tents and tent trailers only.	N	N	N	N	N
Care facility. (See section 32-338(c).)	N	C	C	C	N
Cemeteries.	N	C	C	C	N
Churches.	C	C	C	C	C
Clear cutting. (See sections 32-343, 32-348 and 32-246(b)(8).)	N	C	C	C	N
Clubs or lodges.	N	C	C	C	C

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Cluster developments.	N	N	N	N	N
Commercial recreation.	C	C	C	C	C
Community Solar Energy System	N	N	N	N	N
Schools - commercial	N	N	N	N	C
Convents.	N	C	C	C	N
Disposal areas--liquid waste.	N	N	N	N	N
Disposal areas--solid waste.	N	C	N	N	C
Disposal areas--solid and liquid waste.	N	N	N	N	N
Domestic pets.	P	P	P	P	N
Drive-in business.	N	N	N	N	N
Essential services--government uses, buildings and storage.	C	C	C	C	C
Essential services--transmission services, buildings and storage.	C	C	C	C	C
Explosives--manufacture, storage. (See section 32-324.)	N	N	N	N	N
Explosives--utilization. (See section 32-324.)	N	C	C	N	N
Farm.	-----See "Agriculture"-----				
Farm equipment sales.	N	N	N	N	C
Feedlots, commercial. (See sections 32-337 and 32-345.)	N	C	N	N	N
Fences. (See section 32-315.)	A	A	A	A	A
Flammable gases and liquids, business/distribution.	N	N	N	N	N
Forestry Products and Processing (non-retail)	N	I	I	N	N
Forests.	P	P	P	P	C
Fuel sales.	N	N	N	N	C
Funeral homes.	N	N	N	N	N
Garage, private. (See section 32-313.)	A	A	A	A	N
Garage--Repair.	N	N	N	N	C
Garage--Storage.	N	N	N	N	C
Golf courses	N	C	C	C	N
Grading.	-----See section 32-342-----				
Guest house. (See section 32-326.)	N	N	N	N	N
Gun clubs or ranges, indoor	N	C	C	N	C
Home occupations (meeting criteria).	P	P	P	P	N
Home occupations (not meeting criteria).	N	C	C	C	N
Horse boarding and training facilities.	P/C	P/C	P/C	P/C	N
Hotel or motel.	N	N	N	N	N
Identification and nameplate signs.	-----See article IV, division 3-----				
Incidental repair.	N	A	N	N	N
Information centers.	N	CC	C	C	N
Institutional housing.	N	N	N	N	N
Interim uses. (See section 32-335.)	N	C	C	N	C
Junkyard.	N	N	N	N	N
Kennels--private.	N	C	C	C	N
Kennels--commercial.	N	C	N	N	N
Land reclamation. (See section 32-342).	N	C	C	C	C
Landscaping and decorative features. (See section 32-319.)	A	A	A	A	A
Lodging room.	N	N	N	N	N

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Manufacturing--general.	N	N	N	N	C
Manufacturing--limited.	N	N	N	N	C
Medical uses.	N	C	C	C	C
Mining. (See section 32-344.)	C	C	N	N	N
Manufactured home--care facility. (See section 32-338(c).)	C	C	C	C	N
Manufactured home court/park.	N	N	N	N	N
Manufactured home--other.	-----See section 32-338(1)-----				
Manufactured home--temporary dwelling (See section 32-338(d)).	N	C	N	N	N
Motel or hotel.	N	N	N	N	N
Multiple family dwellings (with central sewer).	N	N	N	N	N
Nature centers, private or public.	C	C	C	C	C
Nursery--commercial.	CC	P	C	C	N
Nurseries--day and school.	N	C	C	C	N
Nursery and garden supplies (exterior or enclosed sales).	N	N	N	N	C
Offices.	N	N	N	N	C
Off-street loading. (See section 32-322.)	N	N	N	N	A
Off-street parking. (See article IV, division 2 of this chapter).	A	A	A	A	A
Parks.	C	C	C	C	C
Photo, art studio.	N	N	N	N	C
Planned unit developments.	N	N	N	N	N
Public enclosed rental storage or garages.	N	N	N	N	C
Racetracks.	N	N	N	N	N
Railroad operations.	N	C	C	N	N
Recreation, Commercial indoor.	N	N	N	N	N
Recreation, Commercial outdoor.	N	C	C	C	C
Recreation, private.	C	C	C	C	N
Recreation equipment storage--commercial (inside storage only).	N	C	C	N	C
Recreation equipment storage--private (side and rear yard only). (See section 32-316.)	A	A	A	A	N
Reduction or processing of refuse, trash and garbage.	N	C	N	N	N
Rental of cars, trailers, campers, trucks and similar equipment.	N	N	N	N	C
Research.	N	N	N	N	C
Residential--multiple family (with central sewer).	N	N	N	N	N
Residential--single-family detached dwellings. (See section 32-246.)	CC	P	P	P	N
Residential--townhouse.	N	N	N	N	N
Residential--two-family dwellings (duplex). (See section 32-246.)	N	N	N	N	N
Residential--waterfront uses.	A	A	A	A	N
Residential Solar Energy Systems -- Building Mounted	N	P	P	P	P
Residential Solar Energy Systems -- Ground Mounted	N	CC	CC	CC	CC

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Resorts.	C	C	C	C	N
Rest or nursing homes.	N	N	N	N	N
Restaurants, Bars and Taverns	N	N	N	N	C
Retail business.	N	N	N	N	C
Roadside sales stand (seasonally operated).	CC	CC	CC	CC	N
Roads--private.	N	N	N	N	N
Rural Event Facility	N	C	C	N	N
Sales, auto--open lot displays with on-site display office. (See section 32-336.)	N	N	N	N	C
Sales--open lot (outdoor displays but no office).	N	N	N	N	C
Schools--public and private.	N	C	C	C	N
Signs--advertising. (See article IV, division 3 of this chapter).	N	N	N	N	C
Signs--other than permitted accessory signs.	-----See article IV, division 3-----				
Shooting preserve. (See section 32-328)					
Commercial	N	C	N	N	N
Personal	N	C	N	N	N
Private	N	C	N	N	N
Shopping center.	N	N	N	N	N
Storage, highway construction equipment during construction.	N	C	C	C	N
Storage--as a principal use. (See section 32-316.)	N	C	C	C	C
Storage--normally incidental to the principal use. (See section 32-316.)	A	A	A	A	A
Storage--not accessory to a permitted principal use. (See section 32-316.)	N	C	C	C	N
Structure--historic, scenic, etc.	C	C	C	C	C
Structure--temporary or interim use. (See section 32-335.)	N	N	N	N	N
Supper club.	N	C	C	N	C
Swimming pool--commercial. (See section 32-334.)	N	N	N	N	N
Swimming pool--residential. (See section 32-334.)	CC	CC	CC	CC	N
Terminal--transportation or motor freight.	N	N	N	N	C
Theater.	N	N	N	N	C
Theater--drive-in.	N	N	N	N	N
Townhouse.	N	N	N	N	N
Trailer/recreation vehicle. (See section 32-339.)	CC	CC	CC	CC	N
Trailer/recreation vehicle parks--seasonal use.	N	N	N	N	N
Utility substations.	C	C	C	C	C
Vegetative cutting.	-----See section 32-348-----				
Vehicle sales--enclosed. (See section 32-336.)	N	N	N	N	C
Veterinary clinic.	N	C	N	N	C
Warehousing.	N	N	N	N	C
Waterfront uses--residential.	A	A	A	A	N
Wholesale business.	N	N	N	N	C

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Wildlife reserve--private or public.	P	P	P	P	N
Wind energy conversion systems (WECS)	N	CC	CC	N	N

(Ord. No. 50, §§ 601.01, 603.02, 604, 12-7-1982; Ord. No. 53, § 2(606.03), 7-7-1983; Ord. No. 54-B, § 1, 6-5-1984; Ord. No. 58-A, § 1, 8-5-1986; Ord. No. 54C-2003, § 3, 2-4-2003; Ord. No. 2004-109, §§ 1, 2, 8-3-2004; Ord. No. 2005-117, § 3, 11-1-2005; Ord. No. 2015-41, 12-1-2015; Ord. No. 2015-42, 12-1-2015; Ord. No. 2015-44, 1-5-2016; Ord. No. 2016-46, 6-7-2016; Ord. No. 2017-53, 12-5-2017)

### Sec. 32-246. Minimum area, maximum height and other dimensional requirements.

(a) *Dimensional requirements.* The following chart sets out the minimum area, maximum height and other dimensional requirements of each zoning district.

	Zoning District					
	AP	A-1	A-2	R-1	C	GB
<b>Density Requirements</b>						
Maximum Density (one dwelling unit/acre) <sup>a</sup>	40	10	10	10	10	-
<b>Minimum Lot Size</b>						
Minimum Lot Area per dwelling unit (acres) <sup>b</sup>	5	5	5	5	5	-
Minimum Lot Area per non-residential structure (acres)	See section 32-313(b)					2.5
Minimum Lot Depth (feet)	300	300	300	300	300	150
Minimum Lot Width (feet) <sup>c,d</sup>	300	300	300	300	300	300
Minimum Lot Width on a cul-de-sac (feet) <sup>c,d</sup>	160	160	160	160	160	160
<b>Minimum Frontage</b>						
Frontage on an Improved Public Road	300	300	300	300	300	300
Frontage on a cul-de-sac	60	60	60	60	60	60
<b>Minimum Setbacks (feet)</b>						
Front Yard	80	65	65	65	65	65
Front Yard along Arterials (from centerline)(feet) <sup>e</sup>	150	150	150	150	150	150
Side Yard (from street in case of corner lot)	80	65	65	65	65	65
Side Yard (from interior lot line)	40	20	20	20	20	20
Rear Yard	50	50	50	50	50	30
Structural Setback from Wetland Type 3, 4 or 5	75	75	75	75	75	75
Subsurface Treatment System from Wetland Type 3, 4 or 5 <sup>8</sup>	50	50	50	50	50	50
Maximum Height (feet)	35	35	35	35	35	35
<b>Additional Standards</b>						
Minimum Buildable Area (acres) <sup>f</sup>	1	1	1	1	1	1
Maximum Floor Ratio	30%	30%	30%	30%	30%	40%
Parking Surfaces or Structures of any type	50%	50%	50%	50%	50%	80%
Minimum Floor Area Per Dwelling (sq. ft.)	1,000	1,000	1,000	1,000	1,000	-

*Note: If standards within the Code conflict with the table above, the standards within the Code apply. The table does not include all dimensional standards within the code.*

<sup>a</sup> The maximum density in the AP District is one unit per 40 acres or according to the State Statutes, Section 473H03. Additional Density Restrictions apply. See subsection (c) of this section. Subsection (c) restricts density to no more than four home sites per quarter-quarter section, if any quarter-quarter section contains less than 40 acres.

<sup>b</sup> Lot averaging allows the property owner to create parcels smaller than those of a conventional subdivision plan provided the density of the development does not exceed the maximum density permitted for the zoning district. Subsection (c) 2 of this section requires a minimum of twenty (20) acres of contiguous land for a subdivision which creates new residential lots.

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<sup>c</sup> Lot width is defined as the horizontal distance between the side lot lines of a lot measured at the front setback line.\

<sup>d</sup> At some place on the lot, a 300-foot diameter circle must be inscribed.

<sup>e</sup> See section 32-248 (c) of this chapter.

<sup>f</sup> See subsection (b)4 of this section.

<sup>g</sup> See section 32-247(4) of this chapter.

<sup>8</sup> See Chapter 12, Section 12-260 subsections (1) and (3).

### (b) *Additions and exception to the minimum area, height and other requirements.*

- (1) *Existing Lot defined.* For the purpose of this article, the term “existing lot” means a lot or parcel of land which was of record as a separate lot or parcel in the Office of the County Recorder or Registrar of titles on or before the date of adoption of the ordinance from which this chapter is derived.
- (2) *Existing Lot of Record exemptions..* Any such lot or parcel created in accordance with the city subdivision regulations in effect at the time that such Lot was created that is at least 2.5 acres in size, shall be exempt from the requirements of subsection (3), pertaining to area, lot width, lot depth and lot frontage and shall be considered buildable if the lot or parcel can comply with the remaining requirements of this section and meet the minimum setback requirements as stated within Section 32-246 (a)
- (3) *Undersized lots.* If in a group of two or more contiguous lots or parcels of land owned or controlled by the same person, any individual lot or parcel does not meet the full width, depth, frontage or area requirements of this article, such individual lot or parcel cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots or parcels under the same ownership so that the combination of lots or parcels will equal one or more parcels of land each meeting the full lot width and area requirements of this article.
- (4) *Subdivision of lots.* Any lot or parcel of land subdivided by any means for purposes of erecting a structure after the effective date of the ordinance from which this chapter is derived must be approved as required by the city’s subdivision regulations. All new lots created must have at least one (1) acre of accessible buildable land. Buildable land is defined as land with a slope of less than twenty-five (25) percent, and outside of any required setbacks, above any floodway, drainage way, or drainage easement. Property situated within shorelands or floodplains are also subject to the requirements set forth in those respective ordinances.
- (5) *Lots in the floodplain.* All lots in a designated floodplain shall be subject to the county floodplain ordinance as well as regulations provided by this chapter and chapter 14.
- (6) *Heavily wooded sites.* On any lot, clear cutting shall require a conditional use permit. A certificate of compliance shall be required for all cutting on all slopes in excess of eighteen percent. On such slopes, a revegetation plan shall also be required prior to issuance of a building permit. (See sections 32-343 and 32-348.)
- (7) *On-site sewage treatment.* Single family homes and commercial buildings shall demonstrate suitable soil conditions for a minimum on-site sewage treatment area sufficient to accommodate the original drainfield and replacement drainfield.
- (8) *Determining the front lot line.* A single front lot line shall:
  - i. Be designated by the time the lot is platted or for unplatted lots, at the time of address designation by the Building Inspector or Zoning Administrator.