

ORDINANCE NO. 13-27

AN ORDINANCE AMENDING SECTION 176.06 RULES AND DEFINITION, 176.19 O-2 OFFICE PARK, AND 176.21 C-2 CENTRAL BUSINESS DISTRICT COMMERCIAL OF THE MARION CODE OF ORDINANCES TO ESTABLISH REGULATION RELATING TO DISTANCE REQUIREMENTS BETWEEN DELAYED DEPOSIT SERVICE USES (CASH ADVANCE SERVICES) AND CERTAIN OTHER PROTECTED USES.

Section 1. The Code of Ordinances is amended by deleting Section 176.06, 176.19, and 176.21 in the entirety and inserting in lieu thereof the following.

176.06 RULES AND DEFINITIONS. In the interpretation of this chapter, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise. In the construction of this chapter, the rules as set forth in Chapter 4 of the Code of Iowa, *Construction of Statutes*, shall be observed. In addition, the word "Commission" means the Planning and Zoning Commission of the City, the word "lot" includes the words "plot," "parcel" and "tract," and the words "used or occupied" include the words "intended, arranged or designed to be used or occupied." The following words are defined for use in this chapter:

1. "Academy" (music, art, or dance) means a building consisting of classrooms, instruction areas, performance or recital areas, and accessory areas in which music, art or dance instruction is the primary and principal activity.
2. "Accessory building, structure, or use" means a building, structure, or use which is subordinate to and serves a principal building, structure, or use; is located on the same zoning lot as the principal building, structure, or use served, except as otherwise expressly authorized by the provisions of this Ordinance; and contributes to the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors, of or to the principal building, structure, or use served.
3. "Agriculture" means the raising of food, feed and fiber crops and products, and including trees and vine products; animal husbandry including bee keeping, dairying, poultry, and pasturage, and the like; but excluding commercial feedlots and fur farms. It includes the accessory uses and structures for preparing, treating, and storing products, equipment and machinery, provided, however, that the operation of any accessory uses shall be secondary to that of ordinary agricultural activities.
4. "Airport" means any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.
5. "Alley" means a public right-of-way generally designed to provide a secondary means of vehicular access to abutting properties.
6. "Automobile repair shop" means an establishment performing only vehicle repair and which does not involve the retail sale of fuel, lubricants, tires, and other similar products and supplies for vehicles.
7. "Automobile service station" means an establishment for the retail sale of fuel, lubricants, tires, and other similar products and supplies for vehicles, including minor accessory parts. It may also include vehicle repair, parts installation, towing services, vehicle washing facilities, and other similar services and activities. Trailer rental is permitted when secondary to other activities.

8. "Basement" means a portion of the building partly underground but having less than one-half its clear height below the average grade of the adjoining ground.
9. "Block" means a tract of land having frontage on one side of a street and lying between two (2) nearest intercepting or intersecting streets, railroad rights-of-way, waterways, and other barriers.
10. "Boarding house" means a building other than a hotel or motel, where for compensation and arrangement, lodging and/or meals are provided for three (3) or more persons.
11. "Buildable area" means the area of lot remaining after the minimum yard and/or open space requirements of this Ordinance have been complied with.
12. "Building" means any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattel, or property of any kind.
13. "Building, attached" means a building which is joined to another building at one or more sides by a common wall, except that any accessory building, including a garage, shall also be considered as attached to the principal building if connected by a roof.
14. "Building, detached" means a building having no structural connection with another building.
15. "Building, front lot line of" means the line of the face of the building nearest the front lot line.
16. "Building height" means the vertical distance measured from the lot grade level to the highest point of the coping of a flat roof, the deck line of a mansard roof, or the mean height level between the eaves and the ridge of a gable, hip or gambrel roof.
17. "Building, principal" means a building in which is conducted the main or principal use of the lot in which said building is situated.
18. "Bulk" means the term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and includes: height and area of buildings; location of exterior walls in relation to lot lines, streets, or other buildings; gross floor area of buildings in relation to lot area; all open spaces allocated to buildings; and amount of lot area required for each dwelling.
19. "Business" means the engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services, the maintenance or operations of offices or recreational and amusement enterprises for profit.
20. "Cellar" means a portion of the building partly underground, but having half or more of its clear height below the average grade of the adjoining ground. A cellar is not a story for the purpose of height measurement.
21. "Club" – See definition of "lodge."
22. "Conditional use" means the use allowed in a zoning district after approval is granted by the Zoning Board of Adjustment according to the provisions set forth in Section 176.36 of this Ordinance.
23. "Coverage" means that part of a lot or tract covered by a building or buildings.
24. "Day care center" means a facility in which are received six (6) or more children for part or all of a day and includes but is not limited to the following: nursery school, kindergarten, child care center, day nursery, preschool, and playground. It does not

include bona fide kindergartens or nursery schools operated by public or private elementary or secondary systems.

25. "Degree of nonconformity" means the degree of deviation of a particular nonconformity from uses or structures permitted within a zoning district. The principal uses listed under a specific zoning district shall be interpreted to have the same degree of nonconformity for the purposes of this Ordinance.

26. "Delayed Deposit Services Use" means an individual, group of individuals, partnership and association, corporation or any other business unit or legal entity, who for a fee accepts a check dated subsequent to the date it was written or to a check dated on the date it was written and holds said check for a period of time prior to deposit or presentment pursuant to an agreement with, or any representation made to the maker of the check, whether express or implied. For the purposes of this title "check" means a check, draft, share draft, or other instrument for the payment of money.

27. "Density" means the ratio of dwelling units or persons to land area.

28. "Developmentally disabled" means the disability of a person which has continued or can be expected to continue indefinitely and which is one of the following:

A. Attributable to mental retardation, cerebral palsy, epilepsy or autism.

B. Attributable to any other condition found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons or requires treatment or services similar to those required for the persons.

C. Attributable to dyslexia resulting from disability described in either paragraph A or B.

D. Attributable to a mental or nervous disorder.

29. "District" means any section or area of the City for which the regulations governing the use of building and premises, bulk, and related matters are uniform.

30. "Dwelling" means a building or portion thereof designed for or used for residential occupancy, but not including hotels or motels, lodging or boarding houses, institutional care facilities such as hospitals, nursing homes, or orphanages.

31. "Dwelling, single-family" means a building containing one dwelling unit only.

32. "Dwelling, two-family" means a building consisting of two (2) dwelling units.

33. "Dwelling, four-family" means a building consisting of four (4) dwelling units.

34. "Dwelling, multiple-family" means a building consisting of three (3) or more dwelling units.

35. "Dwelling unit" means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used, or intended to be used, for living, sleeping, cooking, and eating by one family. The term includes manufactured/mobile homes but does not include house trailers or recreational vehicles.

36. "Family" means:

A. In an A-1, R-1, R-2, or MH district, one or more persons each related to the other by blood, marriage, adoption, legal guardianship or as foster or step parent-child who are living together in a single dwelling or maintain a common household. No more than two persons not so related, and the children of either

or both, including children by adoption, legal guardianship or as foster or step parent-child, living together on the premises as a common household, may constitute a family. A family may also include domestic servants and health care providers residing with the said family. A family also includes a functional family of more than two unrelated persons, living as a single housekeeping unit, that has received a special use permit under Section 176.36-4. A family may also consist of not more than eight persons in a group home along with the group home staff. In no case may a family, however above constituted, exceed the occupancy limits set out in the codes adopted in Chapters 160 and 164 of the Marion Code of Ordinances.

B. In R-3 and R-4 Districts, one or more persons each related to the other by blood, marriage, adoption, legal guardianship or as foster or step parent-child who are living together in a single dwelling or maintain a common household. No more than four persons not so related, and any of their children, including children by adoption, legal guardianship or a foster or step parent-child, living together on the premises as a common household, may constitute a family. A family may also include domestic servants and health care providers residing with the said family. A family also includes a functional family of more than four unrelated persons, living as a single housekeeping unit, that has received a special use permit under Section 176.36-4. A family may also consist of not more than twelve persons in a group home along with the group home staff. In no case may a family, however above constituted, exceed the occupancy limits set out in the codes adopted in Chapters 160 or 164 of the Marion Code of Ordinances.

C. In R-5, R-6, R-6A and RT-1 districts, one or more persons each related to the other by blood, marriage, adoption, legal guardianship or as foster or step parent-child who are living together in a single dwelling or maintain a common household. No more than six persons not so related, and any of their children, including children by adoption, legal guardianship or as foster or step parent-child, living together on the premises as a common household, may constitute a family. A family may also include domestic servants and health care providers residing with the said family. A family also includes a functional family of more than six unrelated persons, living as a single housekeeping unit that has received a special use permit under Section 176.36-4. A family may also consist of any number of persons in a group home along with the group home staff. In no case may a family, however above constituted, exceed the occupancy limits set out in the codes adopted in Chapters 160 and 164 of the Marion Code of Ordinances.

(Ord. 20-18 – Nov. 02 Supp.)

37. "Family home" means a residential home which is licensed as a residential care facility under Chapter 135C of the Code of Iowa, or as a child foster care facility under Chapter 237 of the Code of Iowa, to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons, and any necessary support personnel. However, "family home" does not mean an individual foster care family licensed under Chapter 237 of the Code of Iowa.

38. "Feedlot, commercial" means any time 500 or more cattle, swine, or sheep, or 30,000 or more fowl are housed or penned and fed in a confined area.

39. "Floor area, gross" means the sum in square feet of the floor area of all roofed portions of a building, as measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. It does not include porches, garages,

or space in a basement or cellar when such basement or cellar is used for storage or other such incidental use. For determining off-street parking and loading requirements, the floor area of the specified use shall exclude stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms, and similar spaces.

40. "Frontage, street" means the length of all the property fronting on one side of a street between the two nearest intersecting streets; measured along the line of the street, or if dead-ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

41. "Frontage, zoning lot" means the length of all the property of such zoning lot fronting on a street measured between side lot lines.

42. "Gas station" means an establishment selling fuel, lubricants, coolants, and similar commodities, but not including the performance of vehicle repair or maintenance of any kind.

43. "Grade" means, for buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street. For buildings having walls adjoining more than one main street, the average of all walls adjoining the streets shall be the grade. For buildings having no walls adjoining the streets, the average level of the finished surface of the ground adjacent to the exterior walls of the buildings shall be the grade. Any wall approximately parallel to and not more than five (5) feet from a street line shall be considered as adjoining a street. Where no sidewalk exists, the grade shall be established by the City Engineer.

44. "Group home" means a facility for the residence of six (6) or more individuals including resident persons providing care and supervision in a family setting. A group home shall be duly approved and licensed as required by applicable State and local regulations. A group home does not include a facility such as a family home, rehabilitation house, lodging house, fraternity, sorority, health care facility or similar institution.

45. "Health club" means a non-medical service establishment intended to maintain or improve the physical condition of persons and containing exercise and game equipment and facilities, steam baths, saunas or similar equipment and facilities. This definition shall not be construed to include massage establishments as defined herein.

46. "Height" – See definition of "building height."

47. "Hotel" means a building in which lodging and/or boarding are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to transient guest as compared to a boarding or lodging house.

48. "Institution" means an establishment occupied or operated by a private or public nonprofit corporation, association, organization, or group for use or benefit of the general public.

49. "Intensity of use, change in" means an increase to an existing use of a building, structure, or land area through the addition of dwelling units, gross floor area, seating capacity, additional employment, or similar unit of measure.

50. "Junkyard" – See definition of "salvage yard."

51. "Kennel" means a building, structure, or use where four (4) or more dogs or small animals over four (4) months of age are kept for sale, breeding, or boarding.

52. "Loading space, off-street" means an unobstructed area located totally outside of any street or alley right-of-way and the principal use of which is for standing, loading, or unloading of trucks or trailers.
53. "Lodge" means a building or portion thereof or premises owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purposes primarily for the exclusive use of members and their guests, but not primarily for profit or to render a service which is customarily carried on as a business.
54. "Lodging house" means a residential building or portion thereof containing room for accommodating, for compensation, three (3) or more persons who are not transients. "Lodging" may or may not include the serving of meals to the lodgers. Facilities for lodgers shall not include individual cooking facilities, but may include sleeping or living quarters or rooms with or without individual bathrooms.
55. "Lot" means a zoning lot unless the context clearly indicates a lot of record, in which case it is a lot of record.
56. "Lot area" means a total horizontal area included within the lot lines, exclusive of street, highway, alley, or other rights-of-way.
57. "Lot, corner" means a lot at the junction of and abutting two (2) or more intersecting streets and/or places.
58. "Lot coverage" means the percentage of the lot area covered by the building area.
59. "Lot depth" means the mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.
60. "Lot, double frontage" means a lot having a frontage of two (2) non-intersecting streets, as distinguished from a corner lot.
61. "Lot, interior" means a lot other than a corner or reversed corner lot.
62. "Lot line" means a boundary of a lot.
63. "Lot line, front" means the boundary between the lot and the street on which it fronts.
64. "Lot line, rear" means the lot boundary opposite and most distant from the front lot line.
65. "Lot line, side" means any lot line other than a front or rear lot line.
66. "Lot of record" means a lot which is a part of a subdivision, the plat of which has been recorded in the office of the County Recorder; or a parcel of land, the deed of which was recorded in the office of the County Recorder prior to March 24, 1962.
67. "Lot, reversed corner" means a corner lot in which the street side lot line is substantially a continuation of the front lot line of the first lot to its rear. The rear of the corner lot is adjacent to the side of the lot to the rear, whether across an alley or not.
68. "Lot width" means the distance between side lot lines measured at the rear of the required front yard on a line parallel to the front lot line.
69. "Lot, zoning" means a single tract of contiguous land which, at the time of filing for a building permit or certificate of occupancy, is designated by the owner or the developer as a tract to be used, developed, or built upon as a unit under single or unified ownership or control and assigned to the particular use, building, or structure for which the building permit or certificate of occupancy is issued and includes such areas

of land as may be required by the provisions of this Ordinance for the building, structure, or use.

70. "Massage establishment" means any place of business wherein any treatment, technique, or method of treatment of a massage or a massage service is administered, practiced, used, given or applied.

71. "Motel" means a building or group of buildings in which lodging is provided and offered primarily for transient occupancy and in which each unit has convenient access to a parking space for the use of unit's occupants.

72. "Nonconforming, legal" (lawful) means a building, structure, or use lawfully erected and/or used prior to the adoption of this Ordinance, or amendments thereto, and which does not conform to the provision of this Ordinance, or amendments thereto, for the zoning district within which such building, structure or use is located.

73. "Nonconformity, degree of" – See definition of "Degree of Nonconformity."

74. "Nursery" means land, buildings, structures, or combination thereof for the storage, cultivation, and transporting of live trees, shrubs, or plants offered for retail sale on the premises, and including products used for gardening and landscaping.

75. "Nursing home" means a home or facility for aged or chronically ill persons in which three (3) or more persons not of the immediate family are received, kept, and provided with care, shelter, and food, for compensation; but not including hospitals, clinics, or similar establishments devoted primarily to the diagnosis, treatment and care of the sick or injured.

76. "Open space" means the land area of a site not covered by buildings, rights-of-way, parking lots, parking structures, or accessory buildings, except recreational structures, and which is available to all occupants of units for whose use the space is intended. "Open space" does not include school sites and commercial areas.

77. "Parking space, off-street" means a space other than a street or alley designed for use or used for the temporary parking of a motor vehicle.

78. "Permitted use" means any use which complies with the applicable regulations of this Ordinance governing permitted uses in the zoning district in which such use is located.

79. "Place" means an open, unoccupied area officially and permanently reserved for use as access to abutting property.

80. "Principal use" means the main or primary use for which land or a structure is designed, arranged, or intended, or to which purpose land or a structure is occupied, maintained, leased, or operated.

81. "Private" means, in reference to a building, structure, utility, facility or use, owned by someone other than a unit of government, or an agency of government, unless the context clearly indicates that "private" is being used in a broader sense of something not open or available to the general populace.

82. "Public" means, in reference to a building, structure, utility, facility or use, owned and/or operated by a unit of government or an agency thereof, unless the context clearly indicates that "public" is being used in the broader sense of something available to the general populace.

83. "Public way" means any sidewalk, street, alley, highway, or other thoroughfare, established for travel by vehicles or persons and open or available for use by the general public; and may be in either public or private ownership.

84. "Rehabilitation (halfway) house" means a facility that provides shelter, supervision and short-term rehabilitation services for six (6) or more persons who have or have had physical or social disabilities which make operation in society difficult and require the protection of a group setting to facilitate the transition to a functional member of society. Facilities participating in a work release, or similar programs from a State institution, and under the supervision of a court, State or local agency shall be included within this definition.

85. "Restaurant" means a business where the dispensing and consumption of edible foodstuff and/or beverage is the principal business operation, including a café (indoor and outdoor), cafeteria, coffee shop, lunch room, tea room, and dining room; but not including as the principal use a bar, cocktail lounge, or tavern.

86. "Restaurant, drive-in" means a restaurant in which food is served directly to customers in motor vehicles for consumption on the premises.

87. "Restaurant, drive-through" means a restaurant in which food is served directly to customers in motor vehicles for consumption off the premises.

88. "Salvage yard" means a lot or portion thereof where waste or discarded or salvaged materials are bought, sold, exchanged, baled, stored, packed, disassembled, or handled, including auto wrecking operations, building wrecking activities, used lumber places, and places for storage of salvaged building materials and equipment; but not including places where such uses are conducted entirely within a completely enclosed building.

89. "Setback" means the minimum horizontal distance between a lot line and a building or structure located upon such a lot, as required by the provisions of this Ordinance.

90. "Sexually oriented business" means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center or any other commercial establishments which offer products, services, or experiences appropriate only for adults by reason of an emphasis on "specified sexual activities" or "specified anatomical areas" as defined in Chapter 127 of this Code of Ordinances.

91. "Story" means that portion of a building, excluding a cellar, included between the surface of any floor and the surface of the floor next above; or if there is no floor above it, then the space between the floor and the ceiling next above it. If the basement area is used either for general housekeeping or general business or industrial use - as opposed to being used primarily for storage, utilities, or similar accessory uses - such basement shall be considered a story.

92. "Story, half" means a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story, except that any partial story used for residence purposes shall be deemed a full story.

93. "Street" means an approved public or private thoroughfare which provides a principal means of vehicular access to abutting property and/or for vehicular passage.

94. "Street line" means a dividing line between a lot, parcel, or tract of land and an abutting street.

95. "Structure" means anything constructed, erected, or placed with a more or less fixed location on the ground, or attached or resting on something having a fixed location on the ground. Among other things, "structure" includes buildings, walls, fences, signs, and billboards.

96. "Unified control" means the combination of two (2) or more tracts of land wherein each owner has agreed that his tract of land shall be developed as part of a planned development or similar type of development and shall be subject to the control applicable to such development.
97. "Use" means the specific purpose or purposes for which land or a structure is designed, arranged, intended, or for which it is or may be occupied, maintained, leased, or operated.
98. "Use, accessory" – See definition of "accessory use."
99. "Use, conditional" – See definition of "conditional use."
100. "Use, permitted" – See definition of "permitted use."
101. "Use, principal" – See definition of "principal use."
102. "Variance" means a modification of the strict terms of the relevant regulations of this Ordinance where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.
103. "Yard" means an open space on a lot between a building or structure and the adjoining lot lines, unoccupied and unobstructed by any portion of the structure, from the ground upward, except as otherwise provided in this Ordinance. In measuring a yard for the purposes of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.
104. "Yard, front" means a yard extending across the full width of a lot between the front lot line and the main building or any projection thereof, except as otherwise provided in this Ordinance.
105. "Yard, rear" means a yard extending across the full width of a lot between the rear lot line and the main building or structure, or any projection thereof, except as otherwise provided in this Ordinance.
106. "Yard, side" means a yard between the main building and the side lot line and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the sides of the main building or any projection thereof, except as otherwise provided in this Ordinance.
107. "Zoning Official" means the individual appointed by the City Manager to administer and enforce the Zoning Ordinance.

176.19 O-2 OFFICE PARK. The O-2, Office Park District is intended to provide for office and related accessory commercial uses in an environment free from intrusion by heavy commercial and lower density residential uses. This district is intended to accommodate new development in the outlying areas of the community.

1. Principal Permitted Uses. The following principal uses are permitted in the O-2 District:

- A. Professional office establishments permitted in the O-1 District.
- B. Business service establishments which provide services on the premises:
 - (1) Business service establishments permitted in the O-1 District.
 - (2) Banks and similar financial institutions.
 - a. Banks and similar financial institutions shall not include Delayed Deposit Service Uses.
- C. Personal service establishments which perform services on the premises:
 - (1) Barber and beauty shops.
 - (2) Physical culture and health clubs including licensed therapeutic massage establishments.
 - (3) Day care centers.
- D. Public, quasi-public and governmental buildings and facilities:
 - (1) Public, quasi-public, and governmental buildings and facilities permitted in the O-1 District.
 - (2) Post Office substations.
- E. Retail businesses which supply commodities on the premises:
 - (1) Book, stationery and office supply stores.
 - (2) News dealers.
 - (3) Bakeries.
 - (4) Restaurants, including the sale of alcoholic beverages, provided that no drive-in or drive-through service is provided.

2. Conditional Uses. The following conditional uses are permitted in the O-2 District only when authorized by the Zoning Board of Adjustment as provided in Section 176.36:

- A. Public or quasi-public buildings and facilities essential to the physical welfare of an area such as electrical distribution substations, gas regulator stations, water storage facilities, and similar uses.
- B. Radio or television broadcasting stations, studios or facilities.
- C. Similar and compatible uses to those allowed as principal permitted uses in this district.

3. Site and Structure Requirements.

- A. Minimum lot area - None.
- B. Minimum lot width - None.

- C. Front yard setback - 25 feet.
- D. Side yard setback - 7 feet
- E. Corner side yard setback -12 feet.
- F. Rear yard setbacks - None, except when abutting a lot in an R district, in which case there shall be a setback of 25 feet or 20 percent of the lot depth; whichever amount is smaller, but in no event less than 15 feet.
- G. Maximum height - 3 stories or 45 feet, whichever is less, except that the maximum height may increase by one (1) foot for each one-half (½) foot that the front, rear and side yard setbacks are increased over the required minimums, up to a maximum of 150 feet in height with no limit on the number of stories.
- H. Open space required - 25% of the first three (3) acres and 10% of the area over three acres of the total area of the lot.

4. Other Provisions.

- A. Accessory Uses. Uses and structures accessory to a principal permitted use or a conditional use are permitted subject to the provisions of Section 176.32.
- B. Temporary Uses. Temporary uses are permitted subject to the provisions of Section 176.35(13).
- C. Signs. Signs are permitted subject to the provisions of Section 176.31.
- D. Off-Street Parking and Loading. Off-street parking and loading facilities shall be provided according to the provisions of Section 176.29.
- E. Open Storage. All operations, including the storage of anything except merchandise displayed for sale or lease, or equipment and vehicles, shall be conducted in a fully enclosed building or entirely behind solid walls or fences which conceal them from visibility from off the lot.
- F. Performance Standards. No flammable, reactive, explosive, toxic, or radioactive materials may be stored, handled or utilized unless the Building Official and the Fire Chief determine that such use does not constitute a hazard to adjacent properties based upon standards and criteria set forth in local, State and Federal codes, rules and/or regulations.
- G. Landscaping/Open Space Requirements. The required open space shall be landscaped. The landscaping and open space requirements for this zoning district shall be established by resolution of the Council from time to time. Said requirements shall by reference be effective as part of this Ordinance.
- H. Screening. Any portions of an O-2 zoned parcel containing exterior storage, parking or loading service areas shall be screened as provided in Subsection 176.29(2)(H)(7) in order to protect non-commercial property from the activity located on O-2 zoned property. The screening shall be composed of a combination of solid fencing, opaque plant materials, earthen structures and/or retaining walls of sufficient height to effectively screen the property from view of the non-commercial property.

176.21 C-2 CENTRAL BUSINESS DISTRICT COMMERCIAL. The C-2 Central Business District Commercial District is intended to establish and preserve a convenient and attractive central business district offering a wide range of concentrated retail, office, and service uses.

1. Principal Permitted Uses. The following principal uses are permitted in the C-2 District:

- A. Retail businesses which supply commodities on the premises:
 - (1) Retail businesses permitted in the C-1 District.
 - (2) Auto accessory stores.
 - (3) Furniture, home furnishings, paint, wall covering, floor covering and similar stores.
 - (4) Household appliance.
 - (5) Leather goods and luggage stores.
 - (6) Liquor stores.
 - (7) Office supply stores.
 - (8) Pet shops.
 - (9) Restaurants, cocktail lounges, taverns, and dancing establishments, including the serving of alcoholic beverages and beer, but not including drive-in or drive-through service except as conditional uses.
- B. Personal service establishments which perform services on the premises:
 - (1) Personal service establishments permitted in the C-1 District.
 - (2) Physical culture and health clubs including licensed therapeutic massage establishments.
 - (3) Indoor theaters, but not including drive-in theaters or adult theaters.
- C. Business service establishments which perform services on the premises:
 - (1) Business service establishments permitted in the C-1 District.
 - (2) Banks, savings and loans, and financial institutions. Shall not include Delayed Deposit Service Uses.
- D. Professional office establishments:
 - (1) Professional office establishments permitted in the C-1 District.
 - (2) Business offices including the sale and display of goods, wares, or merchandise on the premises.
- E. Public, quasi-public, and governmental buildings and facilities:
 - (1) Public, quasi-public, and governmental buildings and facilities permitted in the C-1 District.
 - (2) Off-street parking lots and garages.
 - (3) Post offices.
 - (4) Private clubs and lodges.

- F. Residential uses: Dwelling units and rooming units in nonresidential uses.
2. Conditional Uses. The following conditional uses are permitted in the C-2 District only when authorized by the Zoning Board of Adjustment as provided in Section 176.36:
- A. Gas stations selling fuel, lubricants, coolants, and other commodities but not including the performance of vehicle repair and maintenance of any kind.
 - B. Drive-in or drive-through restaurants.
 - C. Auction Houses.
 - D. Public or quasi-public buildings and facilities essential to the physical welfare of an area such as electrical distribution substations, gas regulator stations, pipeline pumping stations, water storage facilities, and similar uses.
 - E. Delayed Deposit Services Uses shall be subject to the following standards
 - (i) A distance separation of 1,000 feet from any child care center, educational facility, park or recreational facility, religious institution or other delayed deposit services use.
 - F. Similar and compatible uses to those allowed as principal permitted uses in this district.
3. Site and Structure Requirements.
- A. Minimum lot area – none.
 - B. Minimum lot width – none.
 - C. Front yard setback – none.
 - D. Side yard setback – none; corner side yard setback – none.
 - E. Rear yard setback – none.
 - F. Maximum height – 3 stories or 45 feet.
 - G. Open space required – none.
4. Other Provisions.
- A. Accessory Uses. Uses and structures accessory to a principal permitted use or a conditional use are permitted subject to the provisions of Section 176.32.
 - B. Temporary Uses. Temporary uses are permitted subject to the provisions of Section 176.35(13).
 - C. Signs. Signs are permitted subject to the provisions of Section 176.31.
 - D. Off-Street Parking and Loading. No off-street parking and loading facilities are required in the C-2 District.
 - E. Open Storage. All operations, including the storage of anything except merchandise displayed for sale or lease or equipment and vehicles, shall be conducted within a fully enclosed building or entirely behind solid walls or fences which conceal them from visibility from off the premises.
 - F. Performance Standards. No flammable, reactive, explosive, toxic or radioactive materials may be manufactured, stored, handled or utilized unless the Building Official and the Fire Chief determine that such use does not

constitute a hazard to adjacent properties based upon standards and criteria set forth in local, State and Federal codes, rules and/or regulations.

Section 2. All ordinances and or parts of ordinances in conflict herewith are repealed.

Section 3. That the changes as provided in this Ordinance shall be made part of the replacement pages of the Code of Ordinances of the City of Marion and made a part of said Code as provided by law.

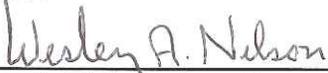
Section 4. That this Ordinance shall be in full force and effect from its passage and publication as provided by law.

Passed and approved this 5th day of December, 2013.



Snooks Bouska, Mayor

ATTEST:



Wesley A. Nelson, City Clerk

CERTIFICATE OF SERVICE

The undersigned City Clerk of Marion, Iowa certifies that the Ordinance + summary shown immediately above was published in the marion times on the 12th day of December, 20 13.
Wes Nelson jrct
City Clerk