

ORDINANCE NO. 15-08

AN ORDINANCE AMENDING SECTION 176.21-3(F) OF THE MARION CODE OF ORDINANCES RELATED TO BUILDING HEIGHT REQUIREMENTS WITHIN THE C-2, CENTRAL BUSINESS DISTRICT COMMERCIAL ZONING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION, IOWA:

Section 1. The Code of Ordinances is amended by deleting section 176.21 and inserting in lieu thereof the following:

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:
 - (1) 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 - 5 stories or 75 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 or parts of ordinances in conflict herewith are repealed.

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

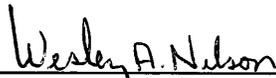
Section 4. That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Passed and approved this 7th day of May, 2015.



Raleigh J. Spirks, Jr., Mayor pro tem

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 mandotimes on the 21 day of may, 2015.
Wes Nelson, CAB

City Clerk