

ORDINANCE NO. 15-09

AN ORDINANCE AMENDING SECTION 176.22-1(F) OF THE MARION CODE OF ORDINANCES RELATED TO RESIDENTIAL DWELLING UNITS ABOVE THE GROUND FLOOR WITHIN THE C-3, GENERAL 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 176.22 and inserting in lieu thereof the following:

176.22 C-3 GENERAL COMMERCIAL. The C-3, General Commercial District is intended to provide areas for all types of retailing and service uses, certain wholesale and warehouse uses, and some limited industrial activities normally associated with commercial uses. This district is designed to accommodate commercial areas where customers reach individual business establishments primarily by automobile.

1. Principal Permitted Uses. The following principal uses are permitted in the C-3 District:

A. Retail businesses which supply commodities on the premises:

(1) Retail businesses permitted in the C-2 District.

(2) Automobile, boat, camper, farm implement, heavy equipment, mobile home, motorcycle, bicycle, and recreational vehicle sales, service, and rental.

(3) Automobile service stations, gas stations, automobile and vehicle repair shops, towing service, automobile laundries/car washes, tire, battery and automobile accessory sales and service. Automobile storage is permitted provided there is a six-foot high solid screening from adjoining properties.

(4) Building service and supply stores and lumber yards.

(5) Tombstone and monument sales.

(6) Water softener sales and service.

(7) Restaurants, cocktail lounges, taverns, and dancing establishments, including the serving of beer and alcoholic beverages, and also including drive-in and drive-through service.

B. Personal service businesses which perform services on the premises:

(1) Personal service establishments permitted in the C-2 District.

(2) Veterinary clinics providing onsite service to domestic animals only and do not include: outdoor kennels, commercial boarding services except as an accessory use, crematory services or 24 hour emergency service. Veterinary clinics providing any service restricted above shall be located at least 100 feet from any lot in an "R" District; all outdoor kenneling shall be limited to clinics located in an "I" District.

(Ord. 14-16 – Nov. 14 Supp.)

(3) Automobile driving schools.

(4) Athletic and amusement establishments such as miniature golf courses, "pitch and putt" and "par three" golf courses, bowling alleys, pool halls, dancing establishments, gymnasiums, swimming pools, skating rinks, indoor archery ranges and shooting galleries, tennis courts, handball and racquetball courts, coin-operated game establishments, and similar uses, but not including massage establishments.

(5) Drive-in theaters, but not including adult theaters, provided that patron entrance and exit drives lead only to major streets as designed on the City's Major Street Plan, at points at least 200 feet from any intersection, and further provided that the motion picture screen cannot be seen from any street or from any R District.

(6) Food locker rentals.

(7) Taxidermist establishments.

(8) General service and repair establishments, including air conditioning, appliance, electrical, furniture, heating, painting, plumbing, sheet metal, upholstery, and similar uses.

C. Business service establishments:

(1) Business service establishments permitted in the C-2 District.

(2) Cartage, express, and parcel delivery service.

(3) Auction houses, but not livestock auction houses.

(4) Contractors yards, shops, and offices.

D. Professional office establishments permitted in the C-2 District.

E. Public, quasi-public, and governmental buildings and facilities:

(1) Public, quasi-public, and governmental buildings and facilities permitted in the C-2 District, except that day care centers are conditional uses in this district.

(2) Bus depots.

(3) Ambulance services.

(4) Public service and municipal garages.

(5) Buildings and facilities essential to the physical welfare of an area such as electrical distribution substations, pipeline pumping stations, gas regulator stations, water storage facilities, and similar uses.

F. Residential uses: Hotels and motels.

(1) Dwelling units and rooming units above a permitted commercial use allowed in Section 176.22, so long as said unit is located within a second story or higher.

G. Wholesale and warehouse uses:

(1) Direct selling establishments where products are stored and distributed.

- (2) Warehouse establishments.
- (3) Wholesale and distributor establishments.
- (4) Wholesale meat cutting and processing establishments, but not including meat packing.

H. Industrial-type uses:

- (1) Establishments for processing or manufacturing of goods for sale only at retail and primarily on the premises, provided such processing or manufacturing is permitted in the I-1 District.
- (2) Printing, publishing, and lithography establishments.

I. Sexually oriented businesses (as defined and regulated under Chapter 127 of this Code of Ordinances), provided that:

(1) The sexually oriented business may not be operated within 1,000 feet of (a) a church, synagogue, chapel or similar place of religious worship or instruction; (b) a public or private elementary or secondary school; (c) a boundary of a residential zoning district; (d) a library, or a public park, playground or other recreational facility; (e) a licensed day care center or nursery or preschool, or (f) another sexually oriented business.

(2) A sexually oriented business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business.

(3) For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, or library, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot, or licensed day care center.

(4) For purposes of paragraph (3), the distance between any two sexually oriented business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

2. Conditional Uses. The following conditional uses are permitted in the C-3 District only when authorized by the Zoning Board of Adjustment as provided in Section 176.36.

- A. Day care centers.
- B. Fuel oil dealers.
- C. Bottled gas dealers.
- D. Radio or television broadcasting stations, studios or facilities.
- E. Truck terminals.
- F. Hay, grain, and feed stores.
- G. Adult bookstores, adult theaters, provided that any structures associated therewith shall be at least 500 feet from any lot in an R or O District, or any public

or private school, library, park, playground or other recreational facility, and at least 500 feet from the nearest property line of any church, synagogue, chapel or similar place of religious worship or instruction.

H. Amusement parks, including permanent carnivals and similar private outdoor amusement facilities, provided that such facilities shall be located at least 500 feet from any lot in an R or O District, or any public or private school library, park, playground, or other recreational facility, and at least 500 feet from the nearest property line or any church, synagogue, chapel, or similar place of religious worship or instruction.

I. Similar and compatible uses to those allowed as principal permitted uses in this district.

J. Farm and gardens supply establishments, commercial greenhouses and nurseries, and disinfecting and exterminating services.

3. Site and Structure Requirements.

A. Minimum lot area - none.

B. Minimum lot width - none.

C. Front yard setback - 12 feet.

D. Side yard setback – none; corner side yard setback - 12 feet.

E. Rear yard setback - none, except when a lot abuts an R district in which case the rear yard setback shall be 15 feet.

F. 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 ($\frac{1}{2}$) 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.

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 provision 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.

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.

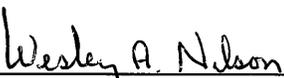
Section 4. That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

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



Raleigh J. Spinks, 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
marion times on the 21 day of
may, 20 15.
Wes Nelson

City Clerk