

ORDINANCE NO. 010-11

AN ORDINANCE AMENDING CHAPTER 32 OF THE MUNICIPAL CODE OF THE CITY OF CEDAR RAPIDS, IOWA, BY AMENDING SUBSECTION 32.04.020, THE PERMITTED USE TABLE 32.04-1 BY ADDING THE "RAISING OF URBAN CHICKENS" AS AN ACCESSORY USE IN THE RESIDENTIAL ZONING DISTRICTS AND ALL RESIDENTIAL USES AND ADDING "WIND ENERGY CONVERSION SYSTEMS AS A CONDITIONAL USE IN ALL DISTRICTS AND BY AMENDING SECTION 32.09.020 DEFINITIONS OF THE ZONING ORDINANCE BY DELETING SUBSECTION 32.09.020.17A THROUGH 17T THEREFROM AND ENACTING A NEW SUBSECTION 32.09.020.17A THROUGH 17T IN LIEU THEREOF TO CHANGE THE TERM "WIND ENERGY CONSERVATION SYSTEMS" TO "WIND ENERGY CONVERSION SYSTEMS" WHERE IT IS FOUND IN SUBSECTION 32.09.020.17Q.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that Chapter 32 of the Municipal Code of the City of Cedar Rapids, Iowa, the Zoning Ordinance is amended as follows:

Section 1. That Chapter 32 is hereby amended by deleting Subsection 32.04.020. the Permitted Use Table, Table 32.04-1 and adding the following new Subsection 32.04.020. the Permitted Use Table, Table 32.04-1 thereto:

TABLE 32.04-1: PERMITTED USES

USES	Residential Districts									Commercial & Industrial Districts								Special Purpose Districts					Use Specific Standards	
	A	R T	R 1	R 2	R 3	R 3 D	R T N	R M F 1	R M F 2	O S	C 1	C M U	C 2	C 3	C 4	I 1	I 2	P U B	A R	S H W F O	P U D O	R M H O		
PRINCIPAL USES																								
Residential Uses																								
Household Living																						U		
Single-family detached dwelling, including manufactured homes	P	P	P	P	P	P	P	P	P													U	P	32.04.030.A.
Single-family attached dwelling, 2 unit maximum						P	P	P	P													U		32.04.030.A.
Two family dwelling						P		P	P													U		

TABLE 32.04-1: PERMITTED USES

USES	Residential Districts								Commercial & Industrial Districts								Special Purpose Districts					Use Specific Standards		
	A	T	R1	R2	R3	R3D	R3N	R3M1	R3M2	O	S	C1	C2	C3	C4	I1	I2	PUB	ARB	SHWFO	PUDO		RWHO	
Dwelling units located on ground floor	P	P	P	P	P	P	P	P	P			C	P	C	C	C							U	
Dwelling or rooming units located above ground floor	P	P	P	P	P	P	P	P	P			P	P	P	P	P							U	32.04.030.A.
Mobile home																						U	P	32.04.030.A.
Multiple family dwelling								P	P				P	P	P	P							U	
Row house								P	P				P	P	P	P							U	
Group Living																								
Assisted Living, Large		C	C	C	C	C	C	P	P				C		C	C	C	C					U	
Assisted Living, Small		P	P	P	P	P	P	P	P				P		P	P							U	
Boarding or rooming house									P				P		P	P							U	
Continuing Care Community					C	C		P	P															
Emergency residential shelter		C	C	C	C	C	C	C	P				C	C	C	C				P			U	32.04.030.A.
Family home	P	P	P	P	P	P	P	P	P			P	P	P	P	P							U	32.04.030.A.
Fraternity or sorority house									P				C										U	
Group home	C	C	C	C	C	C	C	P	P			P	P	P	P	P							U	32.04.030.A.
Rehabilitation (halfway) house									C				C		C	C	C	C	P				U	32.04.030.A.
Civic and Institutional Uses																								
Educational Uses																							U	
Boarding school, private	C	C	C	C	C	C		C	P	P			C	P	P	P							U	
College	C	C	C	C	C	C		C	P	P			C		P	P							U	
Day care center		C	C	C	C	C	C	C	C	P	P	P	P	P	P	C	C	P				U		
Elementary, middle, or high school	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				P			U		
School, Music or Dance										P	P	P	P	P	P								U	
Vocational or trade school										P			P	P	P	P	P	P					U	32.04.030.A.
Institutional and Assembly Uses																								
Athletic facility, public or nonprofit	P	P	P	P	P	P	P	P	P				P	P	P	P				P			U	P
Clubs or lodge										P			P	P	P	P							U	
Community center, other	C	C	C	C	C	C	C	C	C	P			P	P	P	P							U	32.04.030.A.

TABLE 32.04-1: PERMITTED USES

USES	Residential Districts								Commercial & Industrial Districts								Special Purpose Districts					Use Specific Standards
	A	R T	R 1	R 2	R 3	R 3 D	R T N	R M F 1	R M F 2	O S	C I	C M U	C 2	C 3	C 4	I 1	I 2	P U B	A R	S H W F O	P U D O	
Convention or exhibition hall													P	P	P	P		P			U	
Crisis counseling center								C	C	P	P	C	P	P	P						U	
Fairground																		P			U	
Game or forest preserve	P																	P			U	
Group day care home		C	C	C	C	C	C	C	C	P	P	P	P	P	P						U	C
Health care facility		C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P				U	
Hospital or sanitarium									C	P		C		P	P	P	P				U	
Library, museum, or art gallery										P		P	P	P	P			P			U	
Neighborhood Association Community Center	P	P	P	P	P	P	P	P	P													
Post office or postal substation								C	C	P	P	P	P	P	P	P	P	P			U	
Religious facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			U	P
Retirement home												P		P	P						U	
Stadium, auditorium, or arena															P	P					P	
Other Public Uses																						
Cemetery	C	C	C	C	C													P			U	
Correctional facility																	C	C	P		U	
Public safety facility																		P	P		U	
Commercial Uses																						
Animal and Pet Sales or Services																						
Animal hospital/ Veterinary clinic										C	C	C	P	P	P	P	P				U	
Kennel	P											C	C	C	P	P					U	
Pet grooming & pet shop										C	P	P	P	P	P	P	P				U	
Stable	C																				U	
Business & Professional Offices																						
Computer or data processing service										P		P	P	P	P	P					U	
Financial institution										P	P	P	P	P	P						U	
Medical, dental, optical, or therapy clinic										P		C	P	P	P						U	

TABLE 32.04-1: PERMITTED USES

USES	Residential Districts								Commercial & Industrial Districts								Special Purpose Districts					Use Specific Standards		
	A	R T	R 1	R 2	R 3	R 3 D	R T N	R M F 1	R M F 2	O S	C 1	C M U	C 2	C 3	C 4	I 1	I 2	P U B	A R	S H W F O	P U D O		R M H O	
Medical, dental, or optical laboratory									P		C	P	P	P	P							U		32.04.030.A.
Office; business, professional, or governmental – not listed separately									P	P	P	P	P	P			P					U		
Radio, television, recording, telecommunication studio, audio or visual material production or sale											C	P	P	P	P	P	P					U		32.04.030.A.
Telemarketer									P				P	P								U		
Retail Sales or Services (Not Otherwise Classified)																								
Neighborhood retail, not listed separately – no drive-through facilities										P	P	P	P	P								U		32.04.030.A.
General retail, not listed separately										C	P	P	P	P								U		32.04.030.A.
Art, sculptor and composer studio									P		P	P	P	P								U		
Auction house											P		P	P	P							U		
Furniture store											C	C	P	P								U		32.04.030.A.
Garden supply, tool, or seed store										P	P	P	P	P	P							U		
Grave marker or monuments display and sales													P	P	P	P						U		
Machinery sales – farm, industrial, business, and construction															P							U		
Photography studio									P		P	P	P	P	P							U		32.04.030.A.
Secondhand store or rummage shop											C	P	P	P								U		32.04.030.A.
Taxidermist													P	P								U		
Rental or Leasing Establishment																								
Rental establishment, general									P		P	P	P	P	P	P		P				U		32.04.030.A.
Rental establishment, heavy equipment															P	P						U		32.04.030.A.

TABLE 32.04-1: PERMITTED USES

USES	Residential Districts								Commercial & Industrial Districts								Special Purpose Districts					Use Specific Standards		
	A	R T	R 1	R 2	R 3	R 3 D	R T N	R M F 1	R M F 2	O S	C 1	C M U	C 2	C 3	C 4	I 1	I 2	P U B	A R	S H W F O	P U D O		R M H O	
Personal Services—No Drive-Through Facilities																								
General personal service, not listed separately										P		P	P	P	P	P	P					U		32.04.030.A.
Barber or beauty shop										P	P	P	P	P	P								U	
Copying or reproduction store												P	P	P	P	P	P						U	
Funeral home										P		P	P	P	P								U	
Laundromat											P	P	P	P	P								U	
Receiving station for dry cleaning or laundry											P	P	P	P	P	P							U	
Eating and/or Drinking Establishment																								
Bar or brewpub												C	C	C	P	P							U	32.04.030.A.
Outdoor eating establishment												C	P	P	P	P							U	32.04.030.A.
Restaurant, with alcohol												C	P	P	P	P							U	32.04.030.A.
Restaurant, without alcohol												P	P	P	P	P							U	
Entertainment and Recreation Uses																								
Amusement, indoor, not listed separately (new use)										P	P	P	P	P	P								U	
Amusement, outdoor, not listed separately (new use)															C	C							U	32.04.030.A.
Adult entertainment establishment															C		P						U	32.04.030.A.
Campground or recreational vehicle park	C																						U	32.04.030.A.
Golf course, driving range, pitch and putt, or miniature golf course		P												P	P	P						P	U	
Visitor Accommodations																							U	
Bed and breakfast home	C	C	C	C	C	C	C	P	P				P										U	32.04.030.A.

TABLE 32.04-1: PERMITTED USES

USES	Residential Districts								Commercial & Industrial Districts								Special Purpose Districts					Use Specific Standards	
	A	R T	R 1	R 2	R 3	R 3 D	R T N	R M F 1	R M F 2	O S	C 1	C M U	C 2	C 3	C 4	I 1	I 2	P U B	A R	S H W F O	P U D O		R M H O
Hotel or motel												P	P	P	P							U	
Vehicle Sales or Service Establishment																						U	
Automobile repair garage														P	C	P						U	32.04.030.A.
Automobile service station												P	P	P	P							U	
Car wash												P	P	P	P							U	
Heavy equipment sales (and servicing)																C	P						32.04.030.A.
Truck wash																P	P					U	
Vehicle sales (and servicing)													C	P	P							U	32.04.030.A.
Communications and Information Service Uses																						U	
Antenna	P/C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P/A	P/A	U	P		32.04.030.A.
Communication tower	P/C	C	C	C	C	C	C	C	C	C	P/C	P/C	P/C	P/C	P/C	P	P	P/A	P/A	U			32.04.030.A.
Industrial, Wholesale, and Storage Uses																							
Manufacturing, Assembly, or Processing Uses																							
General manufacturing, light																P	P					U	
General manufacturing, heavy																	P					U	
Assembly																P	P					U	
Bottling works																P	P					U	
Concrete or asphalt manufacture or mixing																C	P					U	
Dry cleaning or laundry plant														P	P	P	P					U	
Exterminating shop														P	P	P	P					U	
Electronic or precision instrument manufacturing																P	P					U	
Heavy equipment repair																C	P					U	
Laboratory, research, development, or testing										P				P	P	P	P					U	

TABLE 32.04-1: PERMITTED USES

USES	Residential Districts								Commercial & Industrial Districts								Special Purpose Districts					Use Specific Standards	
	A	R T	R 1	R 2	R 3	R 3 D	R T N	R M F 1	R M F 2	O S	C 1	C M U	C 2	C 3	C 4	I 1	I 2	P U B	A R	S H W F O	P U D O		R M H O
Machine shop																P	P					U	
Printing or publishing, newspaper or magazine distribution agency													P	P	P	P	P					U	
Building and Contracting Uses																						U	
Building materials or product sales or storage														C	C	P	P					U	
Contractor shop or yard														C	C	P	P					U	
Wholesale Trade Uses																							
Bakery, wholesale																P	P					U	
Manufacturers supply establishment																P	P					U	
Warehouse and Storage Services																							
Self-service storage facility										C					P		P	P				U	32.04.030./a. Dev Standards - Res. No 0855-06-06
Outdoor storage																P	P		P			U	32.04.030.A.
Warehousing, wholesaling, distribution, cartage, or express facility														P/C	P	P	P					U	32.04.030.A.
Waste and Salvage Uses																							
Hazardous waste facility																				P	U		32.04.030.A.
Recycling collection facility										P			P	P	P	P	P	P		P	U		
Refuse hauling facility																C	P	P		P	U		32.04.030.A.
Salvage yard																	C					U	32.04.030.A.
Solid waste facility																				P	U		32.04.030.A.
Transportation, Parking and Utility Uses																							
Essential services, not listed separately	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		U	P	32.04.030.A.
Airport/Heliport																		P	P			U	

TABLE 32.04-1: PERMITTED USES

USES	Residential Districts								Commercial & Industrial Districts								Special Purpose Districts					Use Specific Standards	
	A	R T	R 1	R 2	R 3	R 3 D	R T N	R M F 1	R M F 2	O S	C 1	C M U	C 2	C 3	C 4	I 1	I 2	P U B	A R	S H W F O	P U D O		R M H O
Bus station, terminal or passenger railroad	C	C	C	C	C	C	C	C	C		C	C	C	P	P	P	P	P			U		
Parking lot or structure		C	C	C	C	C	C	C	C	P		C	P	P	P	P	P	P			U		
Taxicab business												P	P	P	P	P					U		
Utility, major																P	P	P			U		
Utility office, shop, or yard															P	P	P				U		
Utility substation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P			U	C	
Agricultural and Resource Uses																							
Agriculture	P	C	C	C														P			U	32.04.030.A.	
Aquaculture	C														P	P/C					U	32.04.030.A.	
Dairy products processing															P	P					U		
Farm implement store															P						U		
Feed or seed processing or sale															P	P					U		
Grain processing and storage																P					U		
Greenhouse, nursery, orchard or truck farm	P												P	P	P	P					U	32.04.030.A.	
Mining	C															P					U		
Quarrying or rock, sand, or gravel production or preparation	C															P					U		
Raising of Urban Chickens	P	P	P	P	P	P	P	P	P														
Temporary Uses																							
Model homes or garage display	P	P	P	P	P	P	P	P	P			P		P	P	P					U		
Temporary commercial storage container												C	C	C	C	C		P	P		U	32.04.030.B.	
Temporary construction building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		U	P	32.04.030.B.
Accessory Uses																							
Accessory day care	P	P	P	P	P	P	P	P	P	P	P	P	P	P				P			U	32.04.030.C.	
Accessory commercial service								P	P	P	P	P	P	P				P			U	32.04.030.C.	
Antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			U	P	32.04.030.A.
Communication tower	P	P/C	P/C	P/C	P/C		P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P	P	P	P			U	P/C	32.04.030.A.
Drive-in and drive-through facility										C		C	P	P	P						U		32.04.030.C.

TABLE 32.04-1: PERMITTED USES

USES	Residential Districts								Commercial & Industrial Districts								Special Purpose Districts					Use Specific Standards	
	A	R T	R 1	R 2	R 3	R 3 D	R T N	R M F 1	R M F 2	O S	C 1	C M U	C 2	C 3	C 4	I 1	I 2	P U B	A R	S H W F O	P U D O		R M H O
Drugstore or pharmacy									P		P							P			U		32.04.030.C.
General offices related directly to Family Homes								C	C		P										U		32.04.030.C.
Heliport	C	C	C						C					C	C	C	P	P			U		
Home occupation	P	P	P	P	P	P	P	P		P	P	P	P	P						U	P		32.04.030.C.
Living quarters for watchmen															P	P					U		32.04.030.C.
Outdoor activities, non-profit			P	P	P	P	P	P	P	P	P	P	P	P	P			P			U		
Outdoor display and sales										C	C	C	C	C	C						U		32.04.030.C.
Pad mounted transformer	C	C	C	C	C	C	C	C	C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P					32.04.030.C.
Parking lots and structures	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	U	C	32.04.030.C.
Vehicle service, repair, or maintenance	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P			U	P	32.04.030.C.
Warehousing, wholesaling, distribution, cartage, or express facility (new use)																		P			U		
Wind Energy Conversion Systems	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	

Section 2. That Chapter 32 is hereby amended by deleting Section 32.09.020.17A through 17T there from and enacting the following new Section 32.09.020.17A through 17T in lieu thereof:

“32.09.020 DEFINITIONS

17A. Trailer

A structure standing on wheels, designed to be towed or hauled by a private passenger motor vehicle or truck or other vehicle, and used for short-term human occupancy, carrying of materials, goods, or objects, or as a temporary office.

17B. Trap or Skeet Shooting Range

An establishment where patrons engage in the shooting of guns or archery devices towards movable targets, and including the areas and equipment used to launch the movable targets.

17C. “Urban Chicken”

Shall mean a chicken kept on a permitted tract of land pursuant to a permit issued under Chapter 23A of the City of Cedar Rapids Municipal Code.

17D. Use

The purpose or purposes 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.

17E. Use, Accessory

See definition of "Accessory Use."

17F. Use, Conditional

Uses permitted in this Ordinance as a "Conditional Use" within the applicable district regulations and when authorized according to Sec. 32.02.030.D of this Ordinance.

17G. Use, Permitted

Any use that complies with the applicable regulations of this Ordinance governing Permitted Uses in the zoning district in which such use is located.

17H. Use, Principal

The main or primary purpose 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.

17I. Utility Office, Shop or Yard

A facility for the maintenance, operation, or administration of equipment, vehicles, or other items related to the operation of a private or public utility.

17J. Utility Substation

A facility used to convert electric power, natural gas, telephone signals, water from a form appropriate for transmission over long distances to a form appropriate for residential household or commercial use, or vice versa. This use includes but is not limited to: Electric substations, natural gas regulator stations, telephone switching stations, water pressure control facilities, and sewage lift stations.

17K. Variance

See Sec. 32.02.030.F of this Ordinance.

17L. Vehicle Sales

Retail sales of new or used motor vehicles, boats motorcycles, trailers, recreational vehicles, and associated sales and service.

17M. Veterinary Clinic

See definition of "Animal Hospital."

17N. Volleyball Facility

An indoor or outdoor facility designed with courts specifically for the recreational use of volleyball games.

17O. Warehousing

An establishment whose primary activity is the storage of residential, commercial, industrial, or other goods, including inventory and/or finished products, and where no such goods are sold either at wholesale or at retail. This use does not include the storage of goods incidental to a different primary use on the same lot, which is considered an accessory use.

17P. Watchman's Quarters

A residential unit designed to be occupied only by a person engaged to provide security services on the property where the unit is located, and/or by that person's immediate family members, and generally containing no more than one thousand (1,000) square feet of gross floor area.

17Q. Wind Energy Conversion Systems

- A. Wind Energy Conversion System Height: The measurement between the bottoms of the base to the highest point of the rotor swath.
- B. Small Wind Energy Conversion System: A Wind Energy Conversion System of less than or equal to 100 kW in generating capacity.
- C. Large Wind Energy Conversion System: A Wind Energy Conversion System with generating capacity greater than 100 kW.

17R. Yard, Buffer

A unit of land, together with a specified type and amount of planting thereon, and any structures which may be required between land uses to eliminate or minimize conflicts between them.

17S. Yard, Required

A required open space on a lot between a lot line and a building or structure located on the lot, unoccupied and unobstructed from ground to sky, except as otherwise provided in this Ordinance. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used. Required Yard Area shall not be included in calculated minimum usable open space regulations in the RMF-1 and RMF-2 zone districts.

17T. Yard, Front

A yard extending across the full width of the lot, between (a) the front lot line or the proposed street right-of-way line of a street as identified in the City's adopted Major Street Plan, and (b) the main building or structure."

Section 3. It is the intention of the Council that each section, paragraph, sentence, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof other than that affected by such decision.

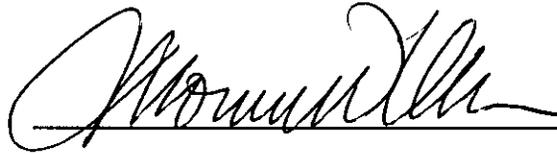
Section 4. The changes as provided in this Ordinance shall be made a part of the replacement pages of the Municipal Code, City of Cedar Rapids, Iowa, and made a part of said Code as provided by law.

Section 5. This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Section 6. All ordinances or parts of ordinances in conflict with any provision of this Ordinance are hereby repealed.

Introduced this 22nd day of March, 2011.

Passed this 22nd day of March, 2011.


_____, Mayor Pro Tempore

Attest:


_____, City Clerk