

ORDINANCE NO. 653-10

AN ORDINANCE MODIFYING CHAPTERS 17.16, 17.20 AND 17.24 OF THE TOWN OF FOWLER ZONING CODE ESTABLISHING USES BY REVIEW FOR RESIDENTIAL DISTRICTS “A”, “B” and “C”

WHEREAS, there are numerous uses for Residential Districts “A”, “B” and “C” which may be acceptable upon review by the Planning Commission but are not acceptable in all cases; and

WHEREAS, a use by right allows a specified use in all cases while a use by review requires approval by the Planning Commission; and

WHEREAS, it is in the best interest of the Town of Fowler to provide for some flexibility in the uses of Residential Districts “A”, “B” and “C” while assuring that the uses do not conflict with the character of the neighborhoods

NOW THEREFORE BE IT ORDAINED by the **Town of Fowler Board of Trustees** that Fowler Municipal Code section 17.16.010 is hereby amended in its entirety, section 17.16.012, 17.16.013 and 17.16.014 are hereby added to Chapter 17.16; and that Fowler Municipal Code section 17.20.010 is hereby amended in its entirety, section 17.20.012, 17.20.013 and 17.20.014 are hereby added to Chapter 17.20; and that Fowler Municipal Code section 17.24.010 is hereby amended in its entirety, section 17.24.012, 17.24.013 and 17.24.014 are hereby added to Chapter 17.24.

“A” Residential District

17.16.010 **PURPOSE.** The standards of the “A” Residential District are designed to retain and provide areas of low to medium density development characteristically used for single family dwelling units.

17.16.012 **USES BY RIGHT.** A use by right is any of the following uses:

1. Single family dwellings
2. Accessory buildings or structures
3. Schools
4. Libraries
5. Parks

17.16.013 **USES BY REVIEW.** A use by review is any of the following uses, which are permitted only upon issuance of a Special Use Permit by the Planning Commission.

1. Bed and Breakfast;
2. Church;
3. Condominium;

4. Day Care;
5. Home for the developmentally disabled;
6. Home occupations;
7. Hospital;
8. Medical Clinic;
9. Multi-family dwelling;
10. Planned Unit Development.

17.16.014 ACCESSORY BUILDINGS. An accessory building shall not be larger than two-thirds of the size of principal building or structure. The setback requirements for an accessory building shall be the same as for the principal building except that an accessory building shall not extend in front of the principal building.

“B” Residential District

17.20.010 PURPOSE. The standards of the “B” Residential District are designed to retain and provide areas with co-mingling of single family dwelling units and multiple family dwelling units.

17.20.015 USES BY RIGHT. A use by right is any of the following uses:

- A. Single family dwellings;
- B. Multiple family dwellings;
- C. Accessory buildings or structures;
- D. Schools;
- E. Libraries;
- F. Parks;
- G. Churches.

17.20.013 USES BY REVIEW. A use by review is any of the following uses, which are permitted only upon issuance of a Special Use Permit by the Planning Commission.

- A. Bed and Breakfast;
- B. Church;
- C. Condominium;
- D. Day Care;
- E. Home for the developmentally disabled;
- F. Home occupations;
- G. Hospital;
- H. Medical Clinic;
- I. Planned Unit Development.

17.20.014 ACCESSORY BUILDINGS. An accessory building shall not be larger than two-thirds of the size of principal building or structure. The setback requirements for an accessory building shall be the same as for the principal building except that an accessory building shall not extend in front of the principal building.

“C” Residential District

17.24.010 **PURPOSE.** The standards of the “C” Residential District are designed to retain and provide areas with co-mingling of single family dwelling units and multiple family dwelling units with high occupancy units.

17.24.015 **USES BY RIGHT.** A use by right is any of the following uses:

- A. Single family dwellings;
- B. Multiple family dwellings;
- C. Bed and Breakfasts;
- D. Accessory buildings or structures;
- E. Schools;
- F. Libraries;
- G. Parks;
- H. Churches;
- I. Apartment houses;
- J. Boardinghouses and rooming houses;
- K. Cottage camps, tourist homes, bungalow courts;
- L. Accessory buildings and uses incident to any of the uses when located on the same lot and not involving the conduct of a business.

17.24.013 **USES BY REVIEW.** A use by review is any of the following uses, which are permitted only upon issuance of a Special Use Permit by the Planning Commission.

- A. Hotels;
- B. Hospitals and clinics;
- C. Institutions of an educational, philanthropic or eleemosynary nature;
- D. Private clubs, fraternities, lodges, excepting those of which the chief activity is a service customarily carried on as a business;
- E. Condominium
- F. Day Care
- G. Home for the developmentally disabled
- H. Home occupations
- I. Hospital
- J. Medical Clinic
- K. Planned Unit Development

17.24.014 **ACCESSORY BUILDINGS.** An accessory building shall not be larger than two-thirds of the size of principal building or structure. The setback requirements for an accessory building shall be the same as for the principal building except that an accessory building shall not extend in front of the principal building.

REPEAL AND AMENDMENT. Existing ordinances are hereby amended or repealed to the extent necessary in order to conform with this ordinance.

SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

EMERGENCY DECLARATION. The Board of Trustees finds and determines that this ordinance is necessary for the immediate preservation of public property, health, peace, or safety. Accordingly, this ordinance shall take effect immediately upon publication.

**INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED THIS 26th
DAY OF JULY, 2010.**

TOWN OF FOWER

Patrick Christensen, Jr.
Mayor

ATTEST:

Shawn Pagnotta
Town Clerk