

TITLE 5

ZONING AND SUBDIVISION REGULATIONS

CHAPTER 1

ZONING REGULATIONS

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5-1-1: SHORT TITLE:

This title shall be known as the *ZONING ORDINANCE OF THE CITY OF MIDDLETON*. (Ord. 567, 12-21-2015)

5-1-2: GENERAL REQUIREMENTS:

A. Lots shall be used only in conformity with the regulations herein set forth for the use districts in which such lots are located.

B. Lots shall abut a publicly maintained road unless otherwise approved by the City. (Ord. 588, 3-1-2017)

5-1-3: NONCONFORMING USES:

A. Continuation Allowed: Any lawful use of a building or land that becomes a use that does not conform to the regulations for the district in which it is located shall be deemed to be a nonconforming use and may be continued.

B. Space/Building: No space or building wholly or partially occupied by a nonconforming use shall be altered in such a way to permit the enlargement or expansion of the space or building occupied by such nonconforming use. Maintenance and minor repairs necessary to keep a nonconforming use are allowed. Nonconforming uses may not be expanded or enlarged, but may be intensified.

C. Parking: No use in a lawfully existing building shall be deemed to be a nonconforming use solely because of the lack of required parking spaces. Provided, that spaces being used for off street parking or loading shall not be reduced in area or capacity.

D. Destruction/Restoration: Except for residential real property, which may be rebuilt using the same foundation/footprint regardless of the amount of damage or decreased property value; any nonconforming building destroyed by fire or other calamity to an extent of fifty percent (50%) or more of the value immediately prior to such destruction may not be restored unless such restoration shall make the building a conforming building and any intended use shall be a conforming use; provided however, that nothing in this title shall be construed to prevent the restoration and the resumption of former lawful use of any building that is damaged or partially destroyed by fire, or other calamity, to the extent of less than fifty percent (50%); provided, that such restoration is started within one calendar year and diligently pursued to completion.

E. Discontinuance Of Use: Whenever a nonconforming use of land or building has been discontinued for a period of at least one year, or whenever there is evidence of a clear intent to abandon a nonconforming use, such use shall not thereafter be reestablished, and the uses thereafter shall conform with the regulations of the use district.

(Ord. 567, 12-21-2015; amd. Ord. 621, 6-19-2019)

5-1-4: ZONING DISTRICTS ESTABLISHED:

A. Districts Established: For the purpose of promoting health, safety, and general welfare, the City hereby adopts the following zoning districts:

A-R	Agricultural Residential
C-1	Neighborhood Commercial
C-2	Light Commercial
C-3	Heavy Commercial
M-1	Light Industrial
M-2	Heavy Industrial
R-1	Estate Residential
R-2	Large Lot Residential
R-3	Single-Family Residential
RRR	Restaurant, Retail and Recreation
TOD	Transit-Oriented Development
M-F	Multiple-Family Residential

B. Boundaries Established: The boundaries of the use districts shall be established and clearly indicated upon the zoning map adopted and amended by the City Council.

C. Boundary Interpretation: Whenever any uncertainty exists as to the boundary of any district shown on the zoning map, the following rules shall apply:

1. Where any such boundary line is indicated as following a road, alley or public way, it shall be construed as following the centerline thereof.

2. Where a boundary line is indicated as approximately following a lot line, such lot line shall be construed to be such boundary line. (Ord. 600, 12-20-2017; amd. Ord. 609, 7-3-2018)

5-1-5: ZONING DISTRICTS:

The following zoning districts and related purpose statements are hereby established:

A-R (Agricultural Residential): The purpose of the A-R (Agricultural Residential) Zone is to accommodate land areas that are being used predominantly for agricultural uses, i.e., crops, livestock and related uses.

C-1 (Neighborhood Commercial): The purpose of the C-1 (Neighborhood Commercial) Zone is to accommodate local commercial service needs and to restrict incompatible uses which are better located in the community or service oriented shopping areas due to traffic, the size of the shopping center, location within the community, residential neighborhood areas being served and other factors.

C-2 (Light Commercial): The purpose of the C-2 (Light Commercial) Zone is to accommodate general shopping retail needs.

C-3 (Heavy Commercial): The purpose of the C-3 (Heavy Commercial) Zone is to accommodate commerce which is more intensive in character (noise, odor, light, vibration, dust, traffic, etc.) than in other commercial zones and which may be semi-industrial in character.

M-1 (Light Industrial): The purpose of the M-1 (Light Industrial) Zone is to accommodate less intense industrial and manufacturing uses.

M-2 (Heavy Industrial): The purpose of the M-2 (Heavy Industrial) Zone is to accommodate more intense industrial and manufacturing uses, mini-warehouse storage and recreational vehicle (RV) parks.

R-1 (Estate Residential): The purpose of the R-1 (Estate Residential) Zone is to accommodate larger, estate type lots.

R-2 (Large Lot Residential): The purpose of the R-2 (Large Lot Residential) Zone is to accommodate larger lots and big yards.

R-3 (Single-Family Residential): The purpose of the R-3 (Single-Family Residential) Zone is to accommodate single-family lots.

RRR (Restaurant, Retail and Recreation): The purpose of the RRR (Restaurant, Retail and Recreation) Zone is to consolidate land uses most likely used by pedestrians. The intent is to encourage development that increases walkability, reduces vehicular congestion and allows consumers to visit multiple use types without having to use their vehicles.

TOD (Transit-Oriented Development): The purpose of the TOD (Transit-Oriented Development) Zone is to encourage higher density residential and light commercial uses in close proximity to a high capacity public transportation network, system or stop/station.

M-F (Multiple-Family Residential): The purpose of the M-F (Multiple-Family Residential) Zone is to accommodate multi-family residential (apartment) development. This type of zoning pattern is intended to provide transition or buffer areas between residential zones and commercial/industrial uses.

M-U (Mixed Use): The purpose of the M-U (Mixed Use) Zone is to accommodate areas for a variety and mixture of medium and high density residential and commercial uses. (Ord. 600, 12-20-2017; amd. Ord. 609, 7-3-2018; Ord. 633, 9-16-2020; Ord. 644, 1-6-2021)